



Appeal Decision

Site visit made on 22 March 2023

by N Duff BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2023

Appeal Ref: APP/C2708/W/22/3309658

Little Slack Farm, New Lane, Silsden, Keighley BD20 9HL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Simon Bennett against the decision of Craven District Council.
 - The application Ref 2022/24026/FUL, dated 6 May 2022, was refused by notice dated 1 July 2022.
 - The development proposed is Re-use of barn as one holiday let.
-

Decision

1. The appeal is allowed and planning permission is granted for re-use of barn as one holiday let at Little Slack Farm, Keighley, BD20 9HL in accordance with the terms of the application, Ref 2022/24026/FUL, dated 6 May 2022, and the plans submitted with it, subject to the conditions contained in the attached schedule.

Main Issue

2. Whether the proposed development would be in a suitable location in terms of access to services and facilities by a range of modes of travel.

Reasons

Background

3. The barn forms part of Little Slack Farm which is in the open countryside outside of the settlement of Silsden. The barn has a dedicated gated access and its own curtilage. The building is physically separated from the main farm complex by fields and is constructed from stone with a metal roof. The site has a public footpath running through it which bypasses the barn. The area is very rural and open in character with undulating topography and evidence of agriculture with isolated farms and dry-stone walls and with a scattering of trees and hedgerows.
4. The proposal is for a holiday accommodation and would result in a building that has the facilities required for day-to-day private existence, therefore my assessment of the proposal against the development plan is primarily as a dwellinghouse.

Location of development

5. The site is located some distance from the main local settlement of Silsden although the settlement can be seen from the site. There are dwellings and farmsteads in the vicinity along New Lane and other nearby lanes. Silsden is a reasonably sized settlement with hospitality and retail facilities such as

restaurants and supermarkets located approximately 5km from the site. The nearest settlements are Farnhill and Kildwich which are approximately 1.7km away from the site with a bus stop, a church, village hall, pub and café kiosk and are accessible on foot. Having regard to cycling it is reasonable to expect greater distances to be travelled and Silsden railway station is located approximately 5km from the site. Whilst the distances involved are not extreme, the appeal site is in an isolated location.

6. Paragraph 80 of the National Planning Framework (the Framework) states that decisions should avoid the development of isolated homes in the countryside unless one or more of certain circumstances apply. At paragraph (c) an exception is that the development would re-use redundant or disused buildings and enhance its immediate setting. This development would see the re-use of a redundant rural building and through its renovation, and proposed landscaping would enhance its immediate setting, which is a material consideration that weighs in favour of the proposal.
7. Due to the location of the appeal site, access to the site would most likely be by private car. The site is on a public footpath and the wider road network so there are opportunities for walking and cycling for leisure purposes locally, although unlikely for commuting purposes to workplaces or schools due to the topography and distances involved. For these reasons, journeys to amenities would likely be by private car. Whilst the appeal site is isolated but falls under an exception under the Framework, overall the isolated nature would not lend itself well to being a permanent dwelling, due to the lack of options outside of using the private car.
8. However, this proposal is for a holiday let and not a private permanent dwelling. Conditions have been recommended by the Council that could reasonably secure the property as a holiday let and I agree that this would mitigate the harm identified. Having regard to using the building as a holiday let, any particulars for the accommodation would usually provide details of the location of the property which should make it clear that it is isolated and would most likely require access by car, especially when arriving at the property with belongings. Therefore, those wishing to hire the building as holiday accommodation would do so if the location was suitable and appealed to them, with the knowledge that it could not be accessed by public transport. Due to the specific circumstances, a holiday let would not attract the same issues as an isolated dwellinghouse, due to the differing requirements of the accommodation and would be unlikely to generate trips during peak hours as with a permanent dwelling, when commuting, for example to workplaces or schools.
9. Nevertheless, the proposal is in an isolated location away from services and facilities and not readily accessible by a range of modes of travel. Policies EC4 and INF7 of the Craven Local Plan 2012 to 2032 – Adopted 12th November 2019 (LP) seek to ensure that developments provide easy access to the network of public transport and maximise opportunities to travel by non-car modes. The proposal does not comply in this regard, however due to the scale of the proposed development it would not likely contribute to congestion which policy INF7 seeks to reduce. Whilst there is access to a public footpath at the site, the proposal does not fully comply with policy EC4 which seeks to provide access to development by means of walking and cycling.

10. Having regard to the Framework, paragraph 104 seeks to ensure that opportunities to promote walking, cycling and public transport use are pursued and paragraph 105 states that significant development should be focussed in locations which are or can be made sustainable. Although the emphasis of these paragraphs is on significant development, the proposal would not comply with this requirement.
11. In determining the weight to be given to any conflict with these policies, I shall have regard to the scale of development and the characteristics of its intended use as holiday accommodation.

Other Matters and Planning Balance

12. Having regard to the economic benefits of the proposal, the proposed development as holiday accommodation would make a contribution to the tourist accommodation offering in the area and although only a single unit, it would contribute to the economic activity in the local area, through guests using local services and facilities which is necessary due to the location of the proposal.
13. The proposal therefore accords with Policies SP2 and some aspects of EC3 of the LP which seek to grow the local economy by increasing economic activity in rural areas. The policies seek to support Craven's rural economy by recognising opportunities of reusing buildings in new ways to support individual businesses, diversify the wider rural economy and help tourism related businesses to succeed, grow and expand. Notwithstanding this, I note that Policy EC3 requires compliance with all other policies of the LP. As such, the conflict with policies EC4 and INF7 identified above means that there is also conflict with Policy EC3 as a whole. Nevertheless, the benefits associated with reusing buildings and the tourist economy are recognised by the LP and they still weigh in favour of the development.
14. The proposal also accords with paragraph 84 of the Framework which seeks to support a prosperous rural economy where decisions should enable diversification of agricultural businesses and rural tourism which respects the character of the countryside. This matter also attracts moderate weight in favour of the proposal.
15. As noted above, the development would also meet one of the exceptions for isolated dwellings in the countryside as set out in paragraph 80 of the Framework. The benefits of reusing a redundant or disused building which would enhance its immediate setting also add weight in favour of the proposal.
16. The building is in a reasonable state of repair and is suitable for conversion and would achieve both Code 6 for Sustainable Homes and Passive House Standards which improves the wider climate resistant credentials of the proposal. As this only relates to one unit this matter attracts limited weight in favour of the proposal.
17. I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I have no evidence to suggest that the development would prevent a person with a protected characteristic

from using the holiday let as it is accessible by private car and therefore it does not follow from the PSED that the appeal should fail on this basis.

18. I note that the Council considered that the proposal did not affect the character and appearance of the area, flood risk, heritage assets, biodiversity or living conditions of neighbouring occupiers, I have no reason to disagree with these conclusions based on the information provided, therefore these matters attract neutral weight in the overall planning balance.
19. The proposal does not have reasonable access to public transport options and there is a conflict with the development plan in this regard. As set out above, the specific characteristics of the proposal means that it would not result in the same pattern of trips as a 'normal' dwelling. The harm associated with the conflict with policy is therefore limited by both this and the small scale of development.
20. The proposal complies with the aims of economic policies of the development plan and the Framework that support tourism and farm diversification and would be completed to a high environmental standard which weigh in favour of the development. Due to the small scale of the development, the level of harm by way of the conflict with local plan policies relating to accessibility is not significant, and I conclude that subject to a condition restricting the use to holiday accommodation, there are material considerations in this case that would lead me to a decision other than in accordance with the development plan.

Conditions

21. To meet legislative requirements, a condition shall be imposed to address the period for commencement. I shall also impose conditions for the following reasons.
22. I have imposed a condition setting out the approved plans for the avoidance of doubt, I have not used the Council's condition wording as the development should be carried out in accordance with the plans.
23. Conditions are necessary for facing materials and materials to be used in hard landscaping to be submitted to the Council for approval to maintain the character and appearance of the area.
24. A condition is necessary for the restriction on the use of the property, to ensure that it is used as holiday accommodation only, as the location of services and facilities in relation to permanent residence would not be suitable. A record of guests and duration of stay at the property is to be maintained to ensure that the condition is enforceable. I have modified the Council's version of the condition for conciseness.
25. A condition is necessary to restrict a selection of permitted development rights at the property, including, outbuildings, extensions, dormer windows, additional storeys, fences, walls and gates, this is to maintain the character and appearance of the area and the property itself and to ensure that any future significant alterations at the site are assessed by the Local Planning Authority. The Council suggested a wider selection of permitted development removal, however these did not meet the tests of necessity.

26. A condition is necessary to ensure that there is a suitable vehicular access. I have combined the three conditions suggested by the Council into two, requiring details to be submitted of access for approval by the Local Planning Authority in the interests of clarity.
27. A condition requiring the existing Public Right(s) of Way to be protected and kept clear of any obstruction is necessary to ensure that it is still made available to the public.
28. A condition requiring the implementation of the landscaping scheme is required to ensure that the landscaping can be established and make a positive contribution to the character and appearance of the area and to contribute to achieving a net gain in biodiversity.
29. A condition requiring the installation of bird boxes is necessary to ensure that the development achieves a net gain in biodiversity.
30. A condition is required regarding unexpected contamination. The historical use of the agricultural building could have led to some potential contaminated land issues, namely fuel or agricultural chemical storage. The proposal is to introduce a sensitive receptor to the site therefore this condition is necessary.
31. A condition requiring details to be submitted showing a drainage scheme with separate foul and surface water systems, is considered to be necessary to ensure that the property has a sustainable means of drainage.
32. A condition suggested by the Council in relation to The Private Water Supplies (England) Regulations 2016 requires compliance with another regulatory regime and does not meet the test of necessity.
33. A condition relating to sustainable construction and certification from the Passive House Institute or an Institute accredited Building Certifier has been suggested by the Council, this condition does not meet the test of necessity, as this would require the development to be carried out in its entirety therefore may be difficult to enforce, and whilst it is beneficial, is not necessary to make the development acceptable.

Conclusion

34. For the reasons set out above, I conclude that there are sufficient material considerations in this case to justify a decision other than in accordance with the development plan, and the appeal should be allowed.

N Duff

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved drawings P1846HL/001; P1846HL/002; P1846HL/003; P1845HL/004; P1846HL/005; P1846HL/006; P1846HL/007; DS0968B – E6, E9 & E12 Gravity Treatment Plant and Sustainable Design and Construction Statement.
- 3) Prior to the installation of any external wall or roof materials, details of the proposed external wall or roof materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4) The holiday accommodation hereby approved shall not be occupied as a person's sole or main place of residence (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). The owners shall maintain an up-to-date register of the names of all occupiers of the holiday let. The register shall include the names, main home addresses and periods of stay of all guests. Within three months at the end of each calendar year, a statutory declaration made under the Statutory Declaration 1835 shall be submitted to the Local Planning Authority to confirm the details and duration of occupancy for the previous year.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no outbuildings, extensions, dormer windows, construction of additional stories, fences, walls or gates shall be erected within the curtilage of the premises hereby approved.
- 6) Prior to the installation of any hard surfacing, details of the vehicular access from the highway, parking, manoeuvring and turning areas shall be submitted to and approved in writing by the local planning authority; and the development shall not be occupied until the access been constructed in accordance with the approved details. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.
- 7) There must be no access or egress by any vehicles between the highway and the application site until splays are provided giving clear visibility of splays of 2m x 53.2m to the south west and 2m x 48.1m to the north east metres measured along both channel lines of the major road from a point measured 2 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

- 8) The existing Public Right of Way that passes through the site as shown on the approved plans, must be protected, and kept clear of any obstruction, unless an alternative route is provided by either a temporary or permanent Order.
- 9) All planting, seeding or turfing comprised in the approved details of landscaping plan P1845HL/004 shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 10) Prior to the installation of any hard surfacing, ground cover materials or boundary treatments, details of the proposed hard landscaping soft landscaping or boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. Only the approved materials shall be utilised and will be retained as such thereafter.
- 11) Prior to first use of the approved development, bird boxes shall be installed in accordance with Section 9.0 of the Sustainable Design and Construction Statement. The bird boxes shall be retained and maintained as such thereafter.
- 12) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 13) The property hereby permitted shall not be occupied until works for separate foul and surface water drainage systems have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.