



Appeal Decision

Site visit made on 25 July 2023

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th September 2023

Appeal Ref: APP/E2734/W/23/3316109

Croft Farm, Long Lane, Felliscliffe, Harrogate, North Yorkshire HG3 2LU

- 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 Mrs J Atkinson against the decision of Harrogate Borough Council.
 - The application Ref 22/03749/FUL, dated 25 October 2021, was refused by notice dated 18 November 2022.
 - The development proposed is conversion of existing barn to form dwelling including live/work space including rescinding planning permission - 15/03433/FUL.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. Policies GS2 and GS3 of the Harrogate District Local Plan (2020) (HDLP) set out the Council's growth strategy to 2035, directing development to settlements within the defined settlement limits. It is not disputed that the proposal would be outside of any development limit of a settlement and would be classed as being in the countryside.
3. Policy GS3 also permits new development outside of the defined development limits where it is expressly supported by other policies of the plan. Of relevance to this case is Policy HS6, which provides a series of criteria that must all be met for the conversion and/or reuse of existing buildings to residential use to be acceptable outside the defined settlement development limits. Amongst other things, Policy HS6 requires an assessment to be made of the structural integrity of the existing building and the extent of extensions, alterations or reconstruction proposed. It also includes a requirement for consideration of matters of design and the effect on the landscape.
4. With this policy context in mind, the main issues are:
 - whether the appeal building is capable of conversion without the need for substantial extension, alteration or reconstruction;
 - the effect of the proposal on the character and appearance of the area, including the Nidderdale Area of Outstanding Natural Beauty (ANOB); and
 - whether the proposal constitutes an acceptable form of development outside the development limits.

Reasons

Conversion

5. The appeal scheme proposes to convert the large northern barn at the site into a dwelling. For the proposal to satisfy Criterion A of Policy HS6, the northern barn must be of permanent and substantial construction, structurally sound and capable of conversion without the need for substantial extension, alteration, or reconstruction.
6. It is not disputed that the northern barn is of permanent and substantial construction and is structurally sound. This has been demonstrated by two structural inspection reports which have been undertaken by suitably qualified professionals and I have no reason to disagree with their conclusions. The proposal does not involve substantial extension, however the Council suggest that it would involve substantial alterations and reconstruction and in doing so, would not meet the requirements of Criterion A of Policy HS6.
7. Both parties have drawn my attention to the Hibbitt Judgement¹ with regards to understanding the distinction between conversion and rebuilding in relation to the conversion of a building under Use Class Q and permitted development. However, while there may be similarities between that case law and the appeal scheme, the appeal site is not subject to Class Q Permitted development rights owing to its location within an AONB. Moreover, the policy test for this case is clearly set out at Criterion A of Policy HS6 in the HDLP and the starting point for the determination of this appeal must be the development plan.
8. The appellant has also drawn my attention to an appeal decision² where works were deemed to represent conversion. This was in a different local authority area and related to a Class Q prior approval scheme. Although there may be some parallels with the current appeal it has limited relevance in determining the current case which I have assessed on its own merits having regard to the specific evidence before me.
9. While the main structural elements of the northern barn would be retained, the building requires significant redesign and remodelling to convert it to residential use, notwithstanding any internal works which are said to be non-load bearing. To facilitate the conversion, the barn would be reduced in size through the removal of the western wall and a new western elevation created. A large section of the remaining northern wall would be demolished and rebuilt to enable this elevation to have a set in. The lean-to of the original barn would also be demolished to the south, with a modest carport remaining at the south-eastern corner.
10. The building would also be largely reconstructed to the existing frame and refaced with vertical timber cladding and sandstone, reroofed with zinc and several window and door openings created. The traditional stone barns at the appeal site would remain and I acknowledge that Policy HS6 does not define what is meant by substantial. Nevertheless, overall, the extent of the proposed changes demonstrate that the proposed dwelling would appear very different and would therefore amount to substantial alterations and reconstruction which Policy HS6 seeks to resist.

¹ Hibbitt and another v Secretary of State for Communities and Local Government (1) and Rushcliffe Borough Council (2) [2016] EWHC 2853 (Admin).

² APP/W3330/W/21/3268761

11. It may be that agricultural buildings generally require some significant alteration to allow their conversion to residential use, and even if the appeal scheme retains more of the building walls than previously proposed in another scheme, I must determine this appeal based on the evidence before me and on its own planning merits.
12. As such, the appeal building is not capable of conversion without the need for substantial extension, alteration or reconstruction, in conflict with Criterion A of Policy HS6 of the HDLP.

Character and appearance

13. The appeal site accommodates two connected 'L' shape barns surrounded by modern extensions and a large barn to the north, within an extensive area of hardstanding, accessed from Long Lane. The L shape barns have a traditional appearance, being constructed from sandstone with a slate roof and the extensions are constructed of concrete blocks, timber and metal sheeting with corrugated roofs. The large barn to the north is constructed of similar materials to the extensions and comprises a steel framed structure with a pitched roof.
14. Adjacent to the site on the opposite side of Long Lane is a two-storey dwelling currently under construction and there are a number of other properties nearby served by Long Lane. The surrounding open countryside is rural in character and the site falls within the Nidderdale AONB, characterised by its rolling pastoral landscape, sporadic farmsteads and traditional dwellings. The site also lies within the Lower Nidderdale Valley north west of Harrogate Landscape Character Area, which is a large-scale, broad valley with a flat floor that channels extensive views.
15. In considering the proposal, I have had regard to the purpose of conserving and enhancing the natural beauty of the AONB as set out in Section 85 of the Countryside and Rights of Way Act 2000 and paragraph 176 of the National Planning Policy Framework (the Framework) which requires that great weight is given to conserving and enhancing the landscape and scenic beauty of the AONB.
16. It is not in dispute that the demolition of the modern extensions at the appeal site would result in a visual improvement. The proposed dwelling would benefit from its own curtilage and amenity space and sufficient parking can be provided. The proposed cladding materials and the general appearance of the conversion has been designed to maintain an agricultural style and follows a number of the principles from the Farm Buildings Design Guide (2020).
17. However, while the northern barn is to be reduced in size, in my view, the proposal would be visually prominent as an overly domestic feature that would not relate well to the surrounding countryside. Moreover, the area is particularly sensitive to change, as identified in the Harrogate District Landscape Character Assessment (2004) which advises that the landscape's ability to accept change without harm to its character is limited, especially where development would be visible.
18. While the width of the proposed conversion is similar to the previously approved scheme to convert the L shape barns, owing to its height and depth the proposed dwelling in the northern barn would appear as a more substantial and urbanised form at odds with the modest rural character of the existing

surrounding dwellings. Six door height windows are proposed to the north and south elevations, a large glazed opening on the south elevation, and the introduction of glazing above the barn style timber doors on the east and west elevations. As such the dwelling's impact would also be exacerbated by the large amount of glazing, not typical of an agricultural building.

19. I acknowledge that the amount of glazing has been reduced from a previous scheme and that the proposal has been designed with the need to minimise light spillage as an important component of the overall design. The recessing of some windows and the roof overhang would reduce the likely light glow and spillage from the site after dusk and thereby, would assist with maintaining a dark night sky within this part of the AONB. Even if light from the windows would be seen from the surrounding road and paths, the light spillage would be reduced compared with the present arrangements, owing to the translucent sheets in the northern elevation and the open barn door to the east.
20. My attention has been drawn to the neighbouring development on the opposite side of Long Lane currently under construction with modern materials and a number of large windows. However, the context of that development differs in overall appearance and relationship with the open countryside and landscape setting. Located on the opposite side of Long Lane it is not in such a prominent location, moreover the development is of a smaller scale. This example does not, therefore, lead me away from the above findings.
21. The use of traditional and sympathetic high-quality materials would harmonise the proposal with other dwellings in the area. However, it's domestic character and appearance would have a notable presence in the wider landscape due to its location and the topography in the locality, with the site occupying an elevated position within a wider area of rolling, largely undeveloped countryside in the AONB. Despite the hedging that has been planted, which when established, would make a positive contribution to mitigating some of the visual harm of the dwelling, the built form of the proposed dwelling would be readily perceived in public views. In particular, the west, north and east elevations would be visible in the wider landscape with views across the open fields from numerous Public Rights of Way (PROW) and bridleways.
22. While the reduced footprint at the western elevation would move the building further away from the PROW, the bulky scale of the dwelling would still appear conspicuous, appearing as a discordant feature, detracting from the landscape and scenic beauty of the AONB. Moreover, in longer distance views from the north the proposal would not appear as a traditional farmstead given that the proposed dwelling would largely conceal the L shape barns at the site.
23. I acknowledge that the proposed alterations would soften the utilitarian appearance of the northern barn, would result in a more interesting western elevation and would ensure the long-term use of the buildings at the site. It is also put to me that if the previous permission at the site to convert the L shape barns is pursued by the appellant, there is no requirement to remove the northern barn which could remain in the landscape. However, while the northern barn has a simple appearance with limited merit and certainly not a vernacular building contributing to the character of the AONB landscape, it is not visually inappropriate for an agricultural building in a rural setting. Therefore, even if the northern barn remained at the site, there would be no harm from its retention and any visual enhancement of the proposal would not

be sufficient to outweigh the harm to the landscape from the appeal scheme that I have identified.

24. It may well be common to find conversions of a similar scale to the northern barn in the countryside. However, in this location, the proposal would not enhance the sites immediate setting and would detract from the prevailing character and appearance of the area. The Framework is clear that great weight should be afforded to conserving and enhancing the landscape and scenic beauty of the AONB.
25. I have carefully considered the appellants' attempts to replicate the appearance of an agricultural building in the new dwelling and the amendments made to take into account a previous appeal decision on the site. I also note that the scheme includes the provision of renewable energy and rainwater harvesting which are a clear benefit of the scheme in tackling climate change. However, this does not outweigh the harm that I have found to the character and appearance of the AONB and the rural setting of the appeal site overall.
26. For the reasons given, the proposal would unacceptably harm the character and appearance of the area, including the Nidderdale AONB, in conflict with policies HS6, GS6 and NE4 of the HDLP. Amongst other things, these policies require proposals to not detract from the natural beauty and special qualities of the AONB and to protect and/or enhance the character, appearance, and local distinctiveness of the district's landscape character. The scale, form and general design of conversions must also be in keeping with its surroundings and not adversely affect the character of the local landscape. The proposal would also be contrary to the provisions of the Framework with regard to achieving well designed places and conserving and enhancing the natural environment.

Development outside the settlement limits

27. In light of my assessment above, the appeal proposal does not accord with criteria A, B, C and D of Policy HS6 of the HDLP. While the proposal would meet criteria E and F which relate to biodiversity and issues such as traffic, parking and pollution, the conformity with the remaining relevant criteria does not negate the conflict with the other criteria.
28. Therefore, overall, the appeal proposal conflicts with Policy HS6 of the HDLP and the appeal scheme, located outside of the defined development limits, is not expressly supported by other policies in the plan. Consequently, the proposal would not constitute an acceptable form of development outside the development limits in conflict with policies GS2 and GS3 of the HDLP.

Other Matters

29. The appeal site benefits from permitted development rights under Schedule 2, Part 3, Class R of The Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) for the change of use of a building and any land within its curtilage from agriculture to a flexible commercial use. Permitted development under the GPDO Class R is subject to a number of conditions and limitations but only permits the change of use. Any associated operational development requires its own planning approval. Notwithstanding this, I have considered the appellant's suggestion that the site

could be used for storage and distribution uses or any of the uses within Class E including a gym, day nursery or a hotel, and this is a fallback position.

30. However, no further details of such proposals are before me and without such information a full and detailed comparison with the appeal scheme cannot be made nor is it possible to ascertain if prior approval would be given. Even if a change of use were to occur, the subsequent change to the character of the site would relate to a smaller site area and thus would be likely to be less harmful than the appeal scheme.
31. Moreover, no external changes could be made to the agricultural building to facilitate the change of use and I note that the northern barn currently has limited natural light and ventilation. As such, it appears that changes to the external appearance would likely be required to use the barn as a hotel for example. Consequently, I find the suggested fallback position to have limited weight in the determination of the appeal.
32. The proposal would protect the living conditions of the future occupiers and the neighbouring occupiers. However, policy compliance on this matter would be a neutral factor and would weigh neither for nor against the development. While the appellant has expressed frustrations with the Council's handling of the case, this has little to do with the planning merits of the case.

Conclusion

33. My above findings bring the proposal into conflict with the development plan, read as a whole. There are no material considerations that have been shown to have sufficient weight to warrant a decision otherwise than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

F Harrison

INSPECTOR