



Appeal Decision

Site visit made on 25 July 2023

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2023

Appeal Ref: APP/X1355/W/23/3322779

Mill Granary, Road Leading to The Mill, Ingleton, County Durham DL2 3HH

- 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 Richard and Mrs Kate Hodgson against the decision of Durham County Council.
- The application Ref DM/22/03252/FPA, dated 2 November 2022, was refused by notice dated 17 February 2023.
- The development proposed is described as "change of use of an existing holiday to residential dwelling".

Decision

1. The appeal is allowed and planning permission is granted for the change of use of an existing holiday let to a residential dwelling at Mill Granary, Road Leading to The Mill, Ingleton, County Durham DL2 3HH in accordance with the terms of the application, Ref DM/22/03252/FPA, dated 2 November 2022, and the plans submitted with it, subject to the following condition:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

Preliminary Matters

2. In the banner heading above I have used the description of development provided on the application form. However, I have amended the description used in the decision to include the word let after holiday. This revised description has also been used by the appellants on the appeal form and by the Council on the decision notice.

Main Issues

3. The main issues are:
 - Whether the appeal site is a suitable location for a permanent dwelling having regard to local and national policy; and
 - Whether the proposed development would result in an unacceptable loss of tourism accommodation.

Reasons

4. The appeal site, Mill Granary is a traditional stone building which has been converted to provide a dwelling, and which is currently in use as holiday accommodation. The property has 4-bedrooms and parking for up to 3 vehicles. The property is situated in open countryside, within a small cluster of four properties accessed from a private track which meets the B6279. The

appellants own a further two holiday lets, Mill Byre and a Shepherds Hut at the site and there are two further residential dwellings, known as Mill Farm and Mill Cottage, which are not in the appellants' ownership.

5. In 2003, planning permission¹ was granted at the appeal site for the conversion of a redundant farm building to form a holiday let. This application was subject to planning conditions which restrict the occupancy of the property to holiday use only. The proposed development seeks to change the use of the property from its existing use as holiday accommodation to a permanent residential dwelling, with no internal or external changes proposed.

Suitable Location

6. The Council's reason for refusal states that the proposed development would result in the formation of an isolated dwelling in an unsuitable countryside location. Paragraph 80 of the National Planning Policy Framework (the Framework) advises that decisions should avoid the development of isolated homes in the countryside unless certain circumstances apply. 'Isolated' is not defined in the Framework but in the Braintree judgement² the objective meaning attributed to it is 'far away from other places, buildings or people; remote'. Given the proximity of other dwellings, I do not consider that the appeal site would be 'isolated' for the purposes of the Framework, since it cannot be said that it would be far away from other places, buildings, or people.
7. However, it is not disputed that the appeal site is located in the open countryside, outside of a recognised settlement. Policy 10 of the County Durham Plan 2020 (CDP) restricts new development in the countryside unless it meets one of the identified exceptions found under this policy, or that the development would be permitted by other policies within the CDP.
8. My attention is drawn to Policy 10(h) which supports the conversion of existing buildings to alternative uses including housing. The wording of this policy differs from the wording found in Paragraph 80 of the Framework in that it relates to any existing building, not just to redundant or disused buildings. Policy 10(h) provides a set of criteria which development proposals will be assessed against.
9. The Council have only cited conflict with the third requirement of this policy which relates to the loss of a community service or facility. The Council considers that due to its the present use, as visitor accommodation, it generates economic and employment benefits to the rural area and is therefore an existing facility. However, the appellants strongly dispute the Council's suggestion that the existing holiday accommodation should be considered as a either a community service or facility.
10. Paragraph 5.77 of the supporting text to Policy 10 refers to buildings in the countryside which are under the threat of closure or likely to become disused, including agricultural buildings and provides examples of community facilities such as places of worship, schools, or public houses. This list, whilst not exhaustive, broadly reflects Paragraph 84(d) of the National Planning Policy Framework, which also provides examples of community facilities, which includes local shops, meeting places, sports venues, open space, cultural

¹ Planning Application Ref: 6/2003/0049/DM

² Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610

buildings, public houses, and places of worship. Neither Policy 10 of the CDP or Paragraph 84 of the Framework include tourism accommodation or uses within their examples of community facilities.

11. Whilst I acknowledge that the current use of the building contributes to the local economy through tourism and associated spending, it is not a type of use which is accessible to the public, except to guests staying at the property. In this respect, it provides no services to the local community. Therefore, I find that the appeal site is not a community facility or service for the purposes of Policy 10 of the CDP.
12. In terms of the appeal site's location and access to local services and facilities, the appeal site is located outside of the settlement of Ingleton, by an approximate distance of 700 metres. The location, although detached from the settlement lies within a small cluster of existing residential properties. Ingleton contains some local services including a Public House, Primary School, Village Hall, and Church. It is recognised that any future occupants of the dwelling would need to travel to Ingleton or to a larger service centre to access a range of essential services required to support permanent occupation of the dwelling.
13. Whilst a distance of 700 metres would be within reasonable walking distance parameters, due to the site's rural location, the walk would be along the side of a rural road (B6279), on a narrow footpath and without streetlighting. I recognise that this would be a less desirable option for future occupants, particularly in winter months. However, whilst the location of the site is not in an optimum location with regards to access to local services, it would not be so remote that the access to services via alternative transport modes such as walking or cycling would be entirely impractical. Furthermore, the existence of a bus service, located on the B6279 at the end of the access track, albeit on a two-hourly basis, would also provide an alternative option to the private car for some purposes.
14. Paragraph 105 of the Framework also recognises that opportunities to maximise sustainable travel will vary between urban and rural areas.
15. Having regard to the existing use of the site, I find that whilst the proposed development would result in a change to the nature and type of journeys to and from the site, recognising the need of future occupiers to access day-to-day services such as employment, education, and health services. Therefore, bearing in mind that the users of the holiday accommodation are likely to be entirely dependent on car use I do not find that this would lead to a significant intensification of accessibility by unsustainable modes of transport. Consequently, there would be no conflict with Policy 10(p) of the CDP in this regard.
16. For the above reasons, I therefore conclude that the proposed development would not lead to the development of an isolated dwelling in an unsuitable location having regard to the spatial strategy and in particular Policy 10 of the CDP which relates to development in the countryside and the re-use of existing buildings. The appeal site is not an existing community service or facility; therefore, the proposed development would not be in conflict with Policy 10, in so far as it seeks to prevent the unjustified loss of community services or facilities.

17. Furthermore, the proposed development would not conflict with the requirements of Policy 10(P) of the CDP in that the proposed development would not lead to a significant intensification in the number of private vehicle journeys. The proposed development would also not significantly undermine the aims of Policy 21 of the CDP, in so far as it seeks ensure that new development provides appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities.

Loss of Tourism Accommodation

18. It is not disputed that Mill Granary, is an existing tourism use which offers a high-quality accommodation offering. The anecdotal evidence provided also suggests that the current accommodation is well-established and successful, with existing future bookings, which is not disputed. Visit County Durham, which is a tourism management agency, commented on the application and identified that there is a shortage of visitor accommodation in the local area.
19. My attention is drawn to the CDP which highlights the role of tourism accommodation in delivering positive benefits to the local economy. In particular, Policy 8 of the CDP which provides support for new visitor accommodation, including extensions to existing provision. Policy 8 doesn't actually seek to retain holiday accommodation or ask for evidence, nor have any other specific policies that do so been brought to your attention.
20. It is not disputed that the appeal site is in a tourism use and that it contributes to the local economy. The Council has also drawn my attention to the absence of any marketing evidence which would justify the loss of the tourism accommodation. However, I have not been directed to any specific policy which seeks to resist the loss of existing tourism accommodation, or which sets out a requirement for a marketing exercise to be carried out in respect of proposals involving the loss of existing tourism accommodation.
21. Consequently, I therefore find that whilst the proposed development would result in the loss of a unit of accommodation which is currently in use for holiday letting purposes, I find that the proposed development would not significantly undermine the aims of Policy 8 of the CDP which seeks supports new tourism development in the area.

Conditions

22. I have had regard to the Council's suggested conditions and considered them against the statutory tests outlined in the National Planning Policy Framework and the advice in the Planning Practice Guidance. I have included the standard time limit for development to commence. However, the approved plans condition is not necessary as the development relates to the change of use of an existing building.

Conclusion

23. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be allowed.

K Lancaster

INSPECTOR