



Appeal Decision

Site visit made on 11 December 2023

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2023

Appeal Ref: APP/U2750/W/23/3329573

Sycamores Cottage, Barnoldswick Lane, Burton-in-Lonsdale, Carnforth, LA6 3LZ

- 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 Anita Coates against the decision of North Yorkshire Council.
 - The application Ref 2022/24077/FUL, dated 23 May 2022, was refused by notice dated 24 May 2023.
 - The development proposed is the change of use from holiday accommodation to residential use.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from holiday accommodation to residential use at Sycamores Cottage, Barnoldswick Lane, Carnforth, LA6 3LZ in accordance with the terms of the application, Ref 2022/24077/FUL, dated 23 May 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Beeches and Sycamore Site Plan; Beeches and Sycamore Floor Plans; and Beeches and Sycamore Elevations.

Main Issue

2. The main issue in the case is whether or not the site represents a suitable site for housing given its location in the open countryside.

Reasons

3. Policy SP4 of the *Craven Local Plan 2012 – 2032 (adopted November 2019)* (CLP) sets out the spatial strategy and seeks to direct the majority of growth towards Skipton, with proportionally smaller amounts of growth in Tier 2 - 5 settlements and the open countryside. Burton-in-Lonsdale is identified as a Tier 4a village where limited growth to sustain its vitality and function is supported subject to being in accordance with other policies in the plan. Within the open countryside the policy indicates that residential development will be supported if it meets one of 4 specific criteria. One of these is where the proposal is for the re-use of one or more redundant or disused buildings and would enhance the immediate setting.

4. Paragraph 79 of the *National Planning Policy Framework* (the Framework) indicates that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities and paragraph 80 seeks to avoid isolated new homes in the countryside unless they meet one of a number of special circumstances. One of these is where the development would re-use redundant or disused buildings and enhance the immediate setting.
5. Although the appeal site is located in a small cluster of dwellings on Barnoldswick Lane, it is not disputed that it lies in the open countryside, approximately 1.5 km from Burton-in-Lonsdale.
6. The appellant's evidence indicates that the two holiday cottages have been marketed as such since 2007 and have not been used for this purpose since 2013 as they were no longer profitable. Marketing of the properties has been undertaken by professional agents and has included the use of a board on the site, advertising in various local publications and the properties being on various property websites. Whilst this has attracted significant interest and viewings, the evidence shows that much of the interest shown was for people wanting to live permanently in the accommodation rather than for using them as a holiday cottage business. Despite the lengthy marketing period, no offers for the properties have been received.
7. The appellant has stated that the properties are still being marketed and the evidence indicates that 4 requests for details were received in 2021, the last full year before the application was submitted. Whilst I note the Council's comments that the properties do not currently feature on various property websites, I have no reason to doubt the appellant's assertion that some marketing of the properties is still taking place.
8. During the marketing period the evidence shows that the price being asked for the properties was reduced quite significantly. The Council have highlighted that the most recently marketed price was still £15,000 more than their Valuer considered was realistic. However, as argued by the appellant, it is common in property negotiations to offer under the asking price, and I am satisfied that the asking price was not so unrealistic that it would have deterred potential buyers from making an offer.
9. In addition, the appellant has indicated that as it is over 20 years since the properties were created, investment would be required to modernise them so that they meet current market standards and expectations. A financial viability assessment has been provided which assesses the cost of the refurbishment and the potential return, using two different scenarios for the management of the cottages. This concluded that use of the properties as holiday cottages is not viable.
10. Whilst there may be a considerable amount of other holiday accommodation in the area, this does not indicate that utilising these cottages in this way would be viable. The absence of any offers for the properties as holiday cottages over the extensive period they have been marketed, supports the conclusion that this use is not viable, despite the fact that this is a popular area for tourism.
11. In the light of this evidence, I am satisfied that the current use as holiday cottages is not viable, and so the proposed development would represent the re-use of a redundant and disused building. However, to accord with Policy SP4

of the CLP and the Framework, there needs to be an enhancement to the immediate setting.

12. The proposal is for the change of use of the building and would not involve any external changes to the site. As such, whilst the development might preserve the immediate setting, it would not bring about any enhancements. However, in the absence of any evidence to show that there is any other viable use for the building, there is a high probability the condition of the building and its grounds will decline which would result in it causing significant harm to the character and appearance of the area. The proposal would prevent this from happening.
13. Thus, whilst the proposal is not strictly in accordance with Policy SP4 of the CLP and paragraph 80 of the Framework, it is broadly in line with its aims, and would provide a viable use for the building that could otherwise fall into disrepair.
14. Support for the development of under-utilised buildings, especially where it would help meet the identified needs for housing, is also provided by paragraph 120 of the Framework. Although I have not been provided with any specific local housing need assessment, the potential for these 2-bedroomed dwellings to provide much needed accommodation for local people was raised in many of the letters of support for the proposal from local people. Overall, I consider the proposal would broadly accord with this paragraph as well as the wider aims of section 11 of the Framework which seeks to make efficient use of land and buildings.
15. The nearest shops and public transport links are in Burton-in Lonsdale. I accept that neither Barnoldswick Lane nor the public footpath would be attractive walking routes in the dark and the distance is such that in inclement weather people would be unlikely to walk. Nonetheless, I saw at my site visit that even in winter the public footpath would provide a reasonable alternative walking route to the village during daylight hours.
16. The Framework recognises the opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Whilst future occupiers are likely to be largely reliant on the private car to meet their day to day needs, some limited alternatives do exist. Moreover, the use of the properties as holiday cottages would also generate traffic movements both from those staying there and those servicing them.
17. All in all, the proposal would not strictly be in accordance with the requirements in CLP Policy SP4 and the Framework for the re-use of redundant and disused buildings in the open countryside. However, in the absence of any evidence of there being any other viable use for the building, I consider that the proposal would prevent the potential deterioration of the building and the detrimental impact this would have on the character and appearance of the area. It would also make efficient use of the buildings. In addition, future residents would not have to be solely reliant on the private car during the daytime at least. I consider that, in this instance, these material considerations outweigh the fact that the proposal is not fully in accordance with the policies. Consequently, I consider the site would represent a suitable location for housing.

Other Matters

18. The Council have highlighted that since 2007 the appeal site has been subject to several previous applications to enable it to be used for residential purposes rather than holiday accommodation, and that three of these have been subject of appeals that have all been dismissed.
19. The planning history is set out in the delegated report, which apart from one of the applications/appeals sets out the reason why they were refused. I have not been provided with any of the relevant appeal decisions, and so do not know the detailed reasoning they contain, nor do I know what evidence was before the Inspector. In addition, for one of the appeals the reason for refusal is not provided. However, the reason for refusal given in the other two appeal cases was that insufficient evidence had been provided to demonstrate the holiday use was either unviable or unsuitable. As I have concluded above that sufficient evidence has now been provided in this regard, the material circumstances for this appeal are different.
20. Moreover, all but one of the applications were made before the adoption of the CLP in 2019, and two of the appeals pre-date the publication of the Framework in 2012. As a result, the policy position for this appeal is different to the previous ones.

Conclusion and Conditions

21. For the reasons set out above, I conclude the appeal should be allowed.
22. As well as the standard implementation condition, to provide certainty it is necessary to define the plans with which the scheme should accord.

Alison Partington

INSPECTOR