



Appeal Decision

Site visit made on 5 December 2023

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th January 2024

Appeal Ref: APP/C2708/W/23/3321408

62 Newmarket Street, Skipton, North Yorkshire BD23 2JB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Chartford Housing against the decision of Craven District Council.
 - The application Ref 2022/24165/FUL, dated 22 June 2022, was approved on 8 November 2022 and planning permission was granted subject to conditions.
 - The development permitted is the change of use of disused office building (Use Class E(g)(i)) to 6 flats, for use as temporary residential accommodation as part of a supported housing scheme (sui generis), minor external alterations and reconfiguration of parking spaces.
 - The condition in dispute is No 6, which states that: No unit of accommodation shall be occupied continuously for a period exceeding twelve calendar months, unless otherwise agreed in writing with the local planning authority in exceptional circumstances. Furthermore, a register of the length of stays shall be retained covering a three-year rolling period and shall be made available to the local planning authority for inspection at reasonable notice.
 - The reason given for the condition is: To ensure that the development continues to provide specialist accommodation to cater for the specific needs, and in order to reduce the conflict with Local Plan Policy ENV3 criteria e) and f), and the National Planning Policy Framework.
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Decision

1. The appeal is allowed and the planning permission Ref 2022/24165/FUL for the change of use of disused office building (Use Class E(g)(i)) to 6 flats for use as temporary residential accommodation as part of a supported housing scheme (sui generis), minor external alterations and reconfiguration of parking spaces at 62 Newmarket Street, Skipton, North Yorkshire BD23 2JB, granted on 8 November 2022 by Craven District Council, is varied by deleting condition 6.

Procedural and preliminary matters

2. Since the appeal was lodged, a revised National Planning Policy Framework (the Framework) has been published. The Framework does not raise any new matters that are determinative to the outcome of this appeal.
3. The original planning application was determined by Craven District Council. Since that time, the Council has merged with other authorities to become North Yorkshire Council. The development plans for the merged local planning authorities remain in place for the area within the new authority until such time as they are revoked or replaced. For the purposes of this appeal, the development plan is the Craven Local Plan 2012 to 2032 (LP).

Background and main issue

4. Planning permission has been granted to alter and convert the appeal property to six, 1-bedroom flats for use as temporary residential accommodation as part of a supported housing scheme. The approved scheme is in place. It provides accommodation and support to help people live as independently as possible within the local community.
5. The appellant seeks to delete condition 6, the effect of which would be to:
 - enable any of the flats to be continuously occupied for more than 12-months without the need to seek the Council's written agreement to do so; and
 - remove the requirement to keep a register of the length of stays covering a 3-year rolling period.
6. Against that background, the main issue is whether condition 6 is necessary and reasonable having particular regard to the residential accommodation provided and the policies of the development plan and the Framework.

Reasons

7. The reason given for condition 6 has 2 parts. Firstly, the decision notice states that it is to ensure that the development continues to provide specialist accommodation to cater for the specific needs of its occupiers. However, condition 5, which restricts the occupation of the approved units solely to supported housing, essentially achieves the same purpose. That restriction applies on an ongoing basis whoever operates the approved scheme.
8. Secondly, the reason given for imposing condition 6 is to reduce the conflict with LP Policy ENV3 and the Framework. LP Policy ENV3 promotes good design. Criteria e and f of this policy broadly aim to safeguard residential amenity. The Framework similarly notes that developments should create places that promote health and well-being with a high standard of amenity for existing and future users.
9. The Council's main concern stems from the modest size and layout of the flats, which it considers to be unsuited for long term residential accommodation. However, the accommodation provided is tailored specifically to meet the needs of its occupiers for which size and layout are but 2 considerations. From what I saw, each flat includes a bedroom, a lounge, kitchen and dining area with sufficient space for some furniture and an ensuite bathroom. To my mind, each flat has good-sized windows that in my opinion allow a reasonable outlook, natural light, and ventilation. While storage options within each flat are limited, I recognise that most residents have few, if any, belongings, and that larger rooms could feel daunting.
10. In my experience, these characteristics are consistent with supported housing, which differs to more conventional self-contained residential accommodation, to which the Council's policies are mainly directed. Although compact, the size and layout of the flats and the quality of the accommodation within them reflects their particular use as supported housing and the specific needs of occupiers. The minimum space standards to which the Council refers in the Officer's report relate to types of flats that are not provided here. That the description of development refers to the approved use as sui generis also clearly differentiates it from more conventional housing.

11. Condition 6 allows for continuous occupation of any flat beyond 12 months with the Council's written agreement. It is unclear from the submitted evidence on what basis that decision would be made and how long the process might take from the initial request through to a decision. Consequently, there would be some uncertainty associated with both the procedure and the outcome even with the best intentions of all those involved to secure a timely decision.
12. Condition 6 anticipates that requests to occupy the accommodation for longer than 12-months will be exceptional. It may also be that most residents would occupy the flats on a short-term basis that does not exceed this timeframe. Even so, each flat not only provides shelter that is safe and comfortable, but it also offers a place for people, many of whom are vulnerable, to learn valuable life skills. The uncertainty that an individual may have to relocate from No 62 could have a profound effect on their health and well-being even if their need to do so ultimately does not come to pass.
13. These circumstances might be a rare occurrence, and the potential effects are clearly unintended. However, if a request to extend the occupancy of a flat beyond 12-months was delayed or even denied, one effect of condition 6 could be to potentially harm rather than protect the living conditions of the individual concerned, in conflict with LP Policy ENV3 and the Framework. By deleting the disputed condition, as proposed, this prospect would be removed.
14. Condition 5 requires all occupants to be vetted and placed by the local authority or a provider registered with the Regulator of Social Housing. Having done so, the relevant organisation would be well placed to identify the specific needs of the occupiers and ensure that the accommodation provided is best suited to meet those needs. To my mind, an arrangement, in which the local authority or a registered provider can gauge the extent to which the accommodation caters for the individual involved, provides a more appropriate way to manage the length of stay than an arbitrary time period that applies irrespective of the circumstances of the individual. On that basis, an obligation to keep an up-to-date register of the length of stays at each of the flats for inspection by the local authority is unnecessary.
15. The Council says that the 12-month time restriction followed discussion and was agreed with the appellant and points out that there was an opportunity to vary this condition in a subsequent application made under Section 73 of the Act. Even so, I have assessed the proposal on its own merits and find it to be acceptable for the reasons given.
16. The Council raises no objection to the proposal insofar as its effect on the character and appearance of the Skipton Conservation Area (CA), within which the site falls. From the submitted evidence, I have no reason to reach a different conclusion on this matter. For the avoidance of doubt, the proposal would preserve the character and appearance of the CA.
17. Overall, I conclude that condition 6 is not necessary or reasonable having regard to the living accommodation provided within the flats and the policies of the development plan and those of the Framework. Therefore, for the reasons set out above, the appeal is allowed, and the planning permission Ref 2022/24165/FUL is varied by the deletion of Condition 6.

Gary Deane

INSPECTOR