



Appeal Decision

Site visit made on 10 January 2024

by L N Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd January 2024

Appeal Ref: APP/C2708/W/23/3324369

Woodlands, West Thornber, Wigglesworth, Skipton BD23 4RS

- 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 J Moon and Ms P Nelson against the decision of Craven District Council.
 - The application Ref 2022/24323/FUL, dated 16 August 2022, was refused by notice dated 21 December 2022.
 - The development proposed is to change the use from holiday cottage to dwelling (Use Class C3A).
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Decision

1. The appeal is allowed and planning permission is granted to change the use from holiday cottage to dwelling (Use Class C3A), at Woodlands, West Thornber, Wigglesworth, Skipton, BD23 4RS, in accordance with the terms of the application, Ref 2022/24323/FUL, dated 16 August 2022, and the plans submitted with it, subject to the following 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 following approved plans:
 - RR22-02_P100 – Site Location Plan
 - RR22-02_P105 – Existing and Proposed Site Plan
 - RR22-02-P200 – Existing Ground and First Floor Plans
 - RR22-02_P201 – Proposed Ground and First Floor Plans
 - RR22-02_P206 – Proposed Elevations
 - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other order revoking and re-enacting that order), no development permitted by virtue of Schedule 2 Part 1 Classes A, AA, B, D and E shall be undertaken.

Preliminary Matters

2. The Council has not sought to defend its second reason for refusal that the loss of holiday accommodation would have a negative impact on the rural economy, on the basis that this is not the dominant issue. I have therefore made my determination on this basis.

3. The National Planning Policy Framework ('the Framework') was revised in December 2023. The content of the Framework has not been materially altered in respect of the main issues before me, and therefore it has not been necessary to go back to the parties in this regard.

Main Issue

4. The main issue is whether the proposed development is in a suitable location for housing, having regard to the settlement strategy for the District.

Reasons

5. The appeal site comprises a semi-detached dwelling, the pair of which were created through a barn conversion and subject to an occupancy condition restricting use to holiday lettings only. The adjoining dwelling is now instead subject to an agricultural worker's occupancy restriction. The site is accessed via a private unmade track, off a long single lane access, also serving a few other dwellings and farm buildings.
6. Policy SP4 of the Craven Local Plan 2012 to 2032 (LP) (2019) sets out the District's settlement hierarchy, which defines the appeal site as being within open countryside. Although LP Policy SP1(d) makes provision for an amount of small unallocated sites to contribute towards the identified housing need in the countryside, this is only where such sites are in accordance with the distribution strategy set out in Policy SP4. Under SP4(K), residential development in the countryside is supported where it meets various criteria, which also broadly align with those in the Framework paragraph 84. Policy INF7(b), amongst other matters, also supports maintaining a pattern of growth which reflects the Policy SP4 spatial strategy and settlement hierarchy.
7. In dispute is whether SP4(K) criteria (b) and (c) are relevant to the appeal proposal. SP4(K)(b) is permissive if a proposal secures significant improvements to the environment or conservation of a designated heritage asset, and would represent its optimal viable use or would be appropriate enabling development. The LP Policy ENV2 also provides support for conserving the historic environment, including the farming industry's legacy of traditional barns. However, this does not infer that all such barns are heritage assets. The Framework definition requires a building to have a degree of significance meriting consideration in planning decisions, because of its heritage interest. The Council has not identified the appeal site as a heritage asset, there is no local list, and it is not on the Historic Environment Record.
8. The Council sought a heritage professional's opinion, which notes the barn originates from at least 1885, with its segmental arch cart entrance being a surviving feature of some architectural interest. However, they also consider that its conversion into dwellings and the extent of alterations has lost much original authenticity, and so it would not meet recommended criteria for a heritage asset. Furthermore, with no physical alterations, no conservation improvements would be secured. While residential use would secure its future, the continuation of a holiday lettings use would similarly achieve this. Therefore, I find the proposal would not comply with Policy SP4(K)(b).
9. Although the building was disused in 1989 prior to its conversion, the current situation is that it is in good physical condition and still operating as, and being advertised as, a holiday let. As such, the proposal would therefore conflict with

the LP Policy SP4(K)(c). Thus it would conflict overall with Policy SP4, and with paragraph 84 of the Framework.

10. In promoting the settlement hierarchy, the LP Policy INF7 also aims that all developments maximise opportunities to travel by non-car modes of transport through the location and of new developments, and similarly the Framework paragraphs 108(c) and 114(a) require that developments should promote the use of sustainable transport modes including walking, cycling, and public transport. This also reflects the LP Policy SD2 commitment to mitigate climate change by promoting the reduction of the need to travel through directing the location of development. Notwithstanding that the sustainability of rural areas is different to urban areas, the site is distant from services and facilities, and is only readily accessible by private vehicles. Although only a small-scale development, and so causing an associated limited level of harm, it would not comply with these policies.
11. Overall therefore, the proposal would not be in a suitable location for housing having regard to the settlement strategy for the District, and as outlined above would conflict with the LP Policies INF7, SP4, and SD2, and paragraphs 84, 108, and 114 of the Framework.

Other Matters

12. The parties dispute which dwelling type would generate more unsustainable patterns of vehicle trips. A permanent dwelling would generate additional trips to workplaces or schools, but a holiday let would often involve visitors driving a long distance from their home. Visitors may drive to local attractions, or could remain around the site to enjoy its isolated location. The appellants identify the TRICs database shows an unrestricted dwelling typically attracts 2-3 trips a day compared to 1-2 for a permanent holiday unit, albeit the dwelling size or location of example units is not clarified. Overall, and in the absence of detailed evidence, I find that vehicle use associated with the appeal proposal would in this instance be relatively balanced compared to the holiday let.
13. Another material consideration is that pragmatically, the holiday let business could imminently cease to take bookings and become redundant. At that point, the proposal would comply with Policy SP4(K)(c) through being a re-use of a redundant building, whereby permanent residential occupation would slightly enhance its immediate setting. Although the property has not been marketed to other potential operators, with no clarity of lettings availability provided, there is no policy requirement for a marketing period to be demonstrated before declaring it redundant. Furthermore, requiring parties who do not live adjacent to the site to take over the physical work required, would then introduce more vehicle trips and reduce the sustainability of its location.
14. The appellants have continued to run the business because they are restricted from doing anything else with the property. They identify viability difficulties with maintaining the business for the past few years, running at no profit, and that this is likely to continue or worsen going forwards. I also note that the building was converted to holiday let use in 1993, a length of time which indicates to me that the original permission was not intended to circumvent the policy requirements for a permanent dwelling in this location, and that circumstances have changed.

15. In considering the purpose of retaining the holiday let, its loss may have a small-scale negative impact on the local economy. However, there is no specific evidence in this regard, and the Council acknowledges that this would not be contrary to any specific policy requirement. Furthermore, the creation of a new dwelling would be a small-scale economic benefit, and the Framework seeks to significantly boost the supply of homes, albeit the Council can demonstrate in excess of 5 years housing supply. Overall, I give these aspects equal weight, such that they are neutral to my decision.

Planning Balance

16. I have found above that the proposal's location would result in conflict with the LP and the Framework, in relation to its reliance on travel by private vehicle. For a single new dwelling this conflict would be limited, and I give it moderate weight. However, this conflict is further limited by the material similarities in this instance between the dwelling with a holiday let restriction, and one which is unrestricted, including their effectively equal reliance on travel by private vehicle. As such, I also give moderate weight to this comparison as a material consideration.
17. I give moderate weight to the material consideration that the existing holiday let use could, or is likely to, imminently cease, following which the proposal would comply with the development plan.
18. I find the loss of the unit of holiday accommodation and the benefit of the provision of a dwelling in this location, to be of neutral balance.
19. Overall, while a finely balanced judgement, I find the material considerations of the proposal to outweigh the limited policy conflict in this instance.

Conditions

20. I have imposed conditions which align with paragraph 56 of the Framework and the Planning Practice Guidance. I have attached the statutory condition to limit the lifespan of the planning permission, and one to specify the approved plans to provide clarity for the terms of the permission.
21. The Council suggests the restriction of all works which would normally be permitted under Schedule 2 Part 1 Classes A, AA, B, D, and E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). I agree that in order to protect the open rural character of the countryside, conserve the character of the former barn, and to protect the living conditions of adjacent occupiers, it is reasonable and necessary to restrict the development to its current form in this manner. The appellants have agreed to this condition.

Conclusion

22. I conclude that while the proposed development would be in some conflict with the development plan and the Framework taken as a whole, I find the material considerations weigh in its favour to the extent to outweigh this conflict and the harm. I therefore allow the appeal.

L N Hughes

INSPECTOR