



Appeal Decision

Hearing held on 12 March 2024

Site visit made on 12 March 2024

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 April 2024

Appeal Ref: APP/C9499/W/23/3331147

Hazel Brow Farm Visitor Centre, Ivy Cottage Road, Low Row DL11 6NE

- 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 Hazel Brow Farm Holidays against the decision of Yorkshire Dales National Park Authority.
 - The application is Ref R/05/145G.
 - The development proposed is the removal of a small timber outbuilding and erection of building to provide staff accommodation and reception area to Hazel Brow Farm Visitor Centre.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published a revised National Planning Policy Framework (the Framework) in December 2023. This does not materially change the planning policy context in respect of the main issues, and I have determined the appeal accordingly.
3. Notwithstanding the description of development in the banner heading above, I have determined this appeal based on the description of development from the refusal notice and the appellant's appeal form as that refers to staff accommodation for the 'site manager'. It is clear from the evidence that the planning application was made on that basis and was how it was determined by the National Park Authority (NPA).
4. At the beginning of the hearing the appellant sought to introduce further evidence relating to the costs and benefits of the proposed development. The NPA also sought to submit a Design and Access Statement which accompanied a planning application for the conversion of a building known as The Joiners Shop and alterations to the visitor centre and play barn. Prior to accepting the late evidence, I asked for views of the parties and considered whether an adjournment would be required to enable the evidence to be fully evaluated. Parties agreed that the Design and Access Statement was familiar to them both. The NPA considered that as financial matters were not in dispute there was no need for an adjournment to consider the Cost Benefit Analysis. Parties were content to proceed on that basis and I had no reason to disagree.
5. It was confirmed at the hearing, that contrary to the plans submitted for the planning application, the appellant has use of the two fields on the slope between the visitor centre and Hazel Brow House, although is not the legal

owner of them. The fields are used for the keeping of livestock and camping pitches.

6. The NPA confirmed at the hearing that the reference to the Framework in the reason for refusal was directed towards paragraph 182 concerning the great weight which should be attached to conserving and enhancing the landscape and scenic beauty in National Parks. It also confirmed that the design of the proposed dwelling was acceptable. I have no reason to disagree with the NPA's views on these matters and I have determined the appeal accordingly.

Background and Main Issue

7. The appellant has owned Hazel Brow House and Hazel Brow Farm Visitor Centre for a considerable length of time, from where she has run various enterprises. From information provided at the hearing, the appellant's business currently encompasses a large self-catering property at Hazel Brow House, which is let mainly for short breaks for celebrations, an events business organising small weddings and corporate events, a visitor centre providing rural activities including lambing experiences involving sheep on the neighbouring farm, a nature trail, and workshops for rural crafts including willow weaving, butter and cheese making and woolcraft.
8. The appeal site accommodates camping facilities including pitches for tents and campervans. The number of animals on the appellant's holding varies between seasons but includes between 6 and 9 breeding ewes, several goats, around 6 geese and between 2 and 5 alpacas. Additional camping pitches on neighbouring land, not in the appellant's ownership, are able to make use of the facilities at the visitor centre. The hearing also heard that the business has some charitable aims working with schools and neuro-diverse groups. The appellant is a sole trader, but employs helpers for tasks such as cleaning, gardening and catering.
9. The proposal is for the erection of a single storey building which would provide living accommodation and a reception facility for the visitor centre and would be occupied by a person employed by Hazel Brow Farm Holidays.
10. The main issue is, therefore, whether the appeal site represents an appropriate location for a dwelling having regard to the NPA's development plan policies and spatial strategy including whether there is a functional and essential need for a permanent dwelling to accommodate a rural worker.

Reasons

11. The appeal site is located within Swaledale in the Yorkshire Dales National Park, to the south of the village of Low Row and is accessed via a narrow lane off the B6270, which serves several other properties.
12. Policy SP3 of the Yorkshire Dales National Park Local Plan 2016 (YDLP) sets out the NPA's spatial strategy and hierarchy of settlements. Low Row is identified as a service village where new development may be located within or adjacent to the settlement. This approach is consistent with the aims of the Framework to deliver sustainable development in rural areas.
13. Settlement boundaries are not defined within the YDLP. However, housing development boundaries have been saved from the NPA's Housing Development Plan 2012. These were described at the hearing as being tightly

drawn around the existing built development of settlements. It is not disputed by the appellant that the appeal site lies beyond the housing development limit of Low Row and is not adjacent to it. I have no reason to disagree with this position.

14. Therefore, without justification for being 'necessary for a land-based function' the appeal site, being neither within nor adjacent to a settlement listed in YDLP Policy SP3, would not be a suitable location for the development proposed, and consequently, would be in breach of Policy SP3 which seeks to direct development to the most sustainable locations. However, YDLP Policy C3 sets out the circumstances which would lead a rural workers' dwelling to be permissible outside of the housing development boundaries of Service Villages including Low Row. The policy lists five criteria, all of which must be satisfied for development to be acceptable.
15. It is common ground between the parties that the appellant's business constitutes a rural enterprise, and the proposed dwelling would be located adjoining an existing group of buildings. The financial viability of the enterprise is not a matter in dispute. Furthermore, the scale of the proposal would be commensurate with the needs of the rural enterprise in question. However, the essential functional need for a rural worker to permanently reside at the enterprise is a disputed matter between the parties.
16. At the hearing, the appellant confirmed that the operation of the business involves the management of the holiday let at Hazel Brow House, the running of a visitor centre including the hosting of school and group visits and the management of camping pitches on the site on a seasonal basis. It is accepted by the appellant that it would not be essential to reside at the site for the purposes of animal husbandry.
17. The visitor centre is permitted to operate between 0900 and 1800 daily for six months of the year between March and September and involves the hosting of organised visits and the hosting of special events and occasional open days. It would therefore not be necessary for a rural worker to permanently reside at the premises for the purposes of running the visitor centre alone.
18. The holiday let is available for rent all year round. I have not been provided with occupancy data, although at the hearing the appellant indicated that she aims for around 52 bookings per year. It was stated at the hearing that the majority of bookings were for between one and three nights. The appellant has stated that check-in is encouraged to be no later than 1800 but can occasionally be up to 2100. The appellant has not indicated that check-ins after 1800 are a fundamental part of the business's viability.
19. The campsite is currently made up of approximately 21 pitches including up to 5 campervan pitches in the car parking area, although the appellant stated at the hearing that her intention is to reduce the number of camping pitches in the future.
20. I was provided with anecdotal evidence, of incidences during the late evening from guests staying at Hazel Brow House which included the misuse of a fire pit by a group of young males and other raucous behaviour associated with celebrations being held. The appellant also indicated that on occasion there was conflict between campers and animals on the site. However, no substantive

evidence has been presented to me which would indicate that these types of issues were anything other than infrequent.

21. The evidence indicates that much of the work is focussed on standard daytime working hours or early evening hours, which could be accommodated by the appellant or employees travelling to and from the site. I accept that at certain times activities can occur during night-time hours for which a residential presence may be more convenient for the appellant. However, from the information before me, these incidences are infrequent and could be managed in ways which would not require a permanent onsite presence. I am therefore not persuaded, that an essential need for a worker to permanently reside at the location proposed for the operation of the existing business has been adequately demonstrated. For example, this may include exploring the option of use of staff on a shift basis, restricting the types of groups either camping or hiring the house, the use of signage/instructions for users of the site, and/or the use of emergency telephone contact numbers for what appears to be infrequent customer issues or problems.
22. In addition to the above, the appellant previously lived close to the appeal site in both Low Row and near Reeth, and she now lives adjacent to the appeal site. This indicates to me that she has been and is, close enough to the site to quickly deal with any possible emergency. While it remains possible that the appellant may not always live at her current residence, there is no evidence before me to suggest that other existing residential properties would not be available in close proximity to the site which would equally enable the appellant or other site manager to attend to infrequent on-site 'out of hours' issues.
23. The appellant indicated that she may, at some time in the future, wish to retire and sell the business on to a third party. However, I have not been provided with any firm plans in this regard. Furthermore, no evidence is before me to suggest that the business could not be sold as a going concern without residential accommodation attached. Given the above, I am not, therefore persuaded that an essential need for a worker to permanently reside at the appeal site for the functional operation of the existing business has been adequately demonstrated.
24. In terms of alternatives to the provision of a new build dwelling, although I heard evidence that it would not be practical to bring a static caravan on to the site, as outlined above no robust evidence has been provided of a search of suitable and available alternative properties within a reasonable distance of the enterprise, or that the subdivision of Hazel Brow House is unviable rather than undesirable. As I have concluded that an essential need has not been demonstrated it is not necessary for me to consider whether the enterprise has been instrumental in disposing of a suitable alternative property within the preceding three years.
25. Drawing the above considerations together and even though the provision of accommodation on site would obviate the need to travel to work, I conclude that an essential functional need for a worker to be resident on the site at the present time has not been demonstrated. The proposal would therefore be in conflict with YDLP Policy C3 insofar as it seeks to resist the development of dwellings in the countryside where such development cannot be justified in terms of the need for a rural worker to live permanently at or near their place of work.

26. Therefore, I conclude that in the absence of a land-based functional justification the appeal site, being neither within nor adjacent to a settlement listed in the policy, is not a suitable location for the development proposed. The principle of the proposed development would therefore conflict with YDLP Policy SP3 which seeks to direct development to the most sustainable locations unless there is special justification for it to be located elsewhere. Furthermore, no functional and essential need for a permanent rural workers' dwelling exists. There would therefore be conflict with YDLP Policy C3 which requires demonstration that the functional need of an essential rural-based enterprise requires a full-time worker to live at the location proposed.
27. There is no dispute between the main parties that the proposal would not adversely affect the character and appearance of the appeal site or its surroundings, and therefore that there would be conflict with the aims of paragraph 182 of the Framework which gives great weight to conserving and enhancing landscape and scenic beauty of National Parks. However, this does not alter or outweigh my conclusion on the main issue above which is a matter of overriding concern.

Other Matters

28. I acknowledge the appellant's frustration and concern over the NPA's handling of the planning application. However, this is not a matter that I can consider under a Section 78 planning appeal and does not alter my conclusion on the main issue, in which I have had regard solely to the planning merits of the proposal.

Conclusion

29. For the reasons set out, the proposed development would conflict with the development plan when read as a whole. There are no material considerations of sufficient weight to indicate the decision should be taken otherwise. The appeal should therefore be dismissed.

K L Robbie

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Ms Catherine Calvert	Appellant
Ms Ruth Batty	Appellant's daughter
Mr Andrew Calvert	Appellant's son

FOR THE LOCAL PLANNING AUTHORITY:

Mr Mark Williams MRTPI	Senior Planning Officer - Yorkshire Dales NPA
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ADDITIONAL DOCUMENTS SUBMITTED AT THE HEARING:

Brief Cost Benefit Analysis over three years

Design and Access Statement for Conversion of Joiners Shop to provide Accommodation dated 23/10/2019

Updated Statement of Common Ground signed by both parties 12/3/2024