



Appeal Decision

Site visit made on 3 December 2024 by J Reed MPlan

Decision by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th April 2025

Appeal Ref: APP/U2750/W/24/3349895

Gardale House, Deepdale Head, Wigglesworth, Skipton BD23 4RH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs Julia Dinsdale against the decision of North Yorkshire Council.
 - The application Ref is ZA23/25470/FUL.
 - The development proposed is change of use from holiday cottage to residential dwellinghouse.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The revised National Planning Policy Framework (the Framework) was published on 12 December 2024. I have considered the changes and as they are not material to the proposal, further comments were not sought by the parties. I have, however, determined the appeal having regard to the revised Framework.

Main Issue

4. The main issue is whether the proposed development is in a suitable location for housing, having regard to the Craven Local Plan.

Reasons for the Recommendation

5. The appeal site is a detached stone former farm building which has been converted into a holiday cottage. The site is accessed by a single-track road that also serves various other dwellings and farm buildings. The appeal site was initially granted planning permission to be used as offices with ancillary living accommodation and has subsequently been subject to a further planning permission for the building to be used as a holiday-let. The evidence shows that the planning permission¹ to use the property as a holiday cottage is subject to conditions requiring that it be only used as holiday-let accommodation and shall not be used as a principal residence or as a second home.

¹ Planning Application Ref 72/2016/16711

6. Policy SP4 of the Craven Local Plan (2019) (LP) outlines 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 aligns with the criteria of paragraph 84 of the Framework. The Council refused the proposal on the grounds that it failed to comply with SP4(K), with particular regard to criterion c). This states that proposals will be supported if they are for the re-use of one or more redundant or disused buildings and would enhance the immediate setting.
7. The appellant has stated that the property has not been used as a holiday-let since 2020. Having regard to exception c) outlined above, the appellant considers that this represents a redundant or disused building. To my mind, redundant or disused implies that it is superfluous, not needed, or is more than is needed. Whilst the appellant may be of the view that it is beyond their own needs, or no longer wishes to operate the property as a holiday-let, I am not convinced that this has been successfully demonstrated in land use planning terms. There is no evidence of marketing or financial statements to support this, despite there not being a specific policy requirement for such evidence.
8. As such, the proposal would therefore conflict with the LP Policy SP4(K)(c) with the building not being redundant or disused nor would a change of use enhance its immediate setting. Thus, it would conflict overall with Policy SP4. As the property is in an isolated location through virtue of its location away from services, it would also conflict with paragraph 84 of the Framework in this respect.
9. In promoting the settlement hierarchy, LP Policy INF7 also aims that all developments maximise opportunities to travel by non-car modes of transport through the location of new developments, and similarly paragraphs 108(c) and 114(a) of the Framework require that developments should promote the use of sustainable transport modes including walking, cycling, and public transport. This also reflects the LP Policy SP4 which outlines that development should maximise opportunities to travel by non-car modes of transport. 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.
10. Although the original decision, or the merits of the imposed restrictions, are not before me in this appeal, it is clear that the reasoning is to ensure that inappropriate uses, such as permanent residences, do not occur in isolated locations such as this. This is generally due to the importance of delivering sustainable housing development in locations which are accessible, close to shops and services and thereby reducing the need to travel, particularly by car. Although the proposed development would generate its own level of journeys, these would not be similar in nature to those of a permanent residence, such as those for commuting, education or healthcare. These are in addition to visitors and deliveries.

11. It is reasonable in land use planning terms, in the interests of delivering sustainable development, that in some circumstances a building can be deemed to be acceptable for use as a holiday-let but not as a permanent dwelling.
12. 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 SP1, and the Framework.

Other Matters

13. The development would deliver an additional dwelling, which would make a small contribution to the Council's housing number. However, the development would also result in the loss of a holiday-let which can contribute to the local economy. The Council can nonetheless demonstrate a housing land supply in excess of five years. Overall, these aspects weigh neutral in my decision.
14. I have been referred to an appeal decision² where, like I have done, an Inspector found that a proposed change of use of a holiday cottage to a dwelling was not in a suitable location for housing. In that appeal, however, the Inspector allowed the appeal based on other material considerations, one such being the fallback. Although I have reached a somewhat different view in terms of what would constitute a 'redundant' building, I have given reasons for coming to this view. It is also clear that the Inspector was presented with additional evidence specific to that case, which is not before me in this appeal. Therefore, whilst I have had regard to the decision, it does not lead me to conclude in favour of the appeal, which I have, in any event, determined on its own individual planning merits based on the evidence before me.
15. I note that the appellant has highlighted the possibility of attaching a covenant to any sale of the property securing the Dinsdale family first refusal if the property was ever sold again. However, this is a civil matter outside of the planning process, furthermore it would also not outweigh the harm I have identified in regard to the main issue.
16. It is also acknowledged that the appellant previously lived at the appeal site under the previous consent. This consent was however for offices with ancillary residential use. This differs to the current proposal which would be for a permanent sole residential occupation. In addition, the previous use of the site pre-dates both the current local plan and Framework.
17. I also note the appellant's comments that there is a buyer seeking to purchase the property as an unrestricted dwelling. This would not, however, be a reason to allow the appeal due to the harm I have identified.

Planning Balance

18. Section 38(6) of the Planning and Compulsory Purchase Act, 2004 outlines that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the proposed development is contrary to Policy SP4 of the development plan. Based on the submitted evidence, the other material planning considerations, including the extant use as a holiday-let with its own element of journeys by private

² APP/C2708/W/23/3324369

car, do not outweigh the harm that would be caused in relation to the delivery of sustainable development.

19. The proposed development would therefore conflict with the development plan and there are no identified other considerations, including the Framework, that outweigh this conflict.

Conclusion and Recommendation

20. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

J Reed

APPEAL PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

A M Nilsson

INSPECTOR