



Appeal Decision

Site visit made on 19 January 2026

by N Duff BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 March 2026

Appeal Ref: APP/U2750/W/25/3375041

15 Appletree Cattery, West Bank, Carlton, North Yorkshire DN14 9PZ

- 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 Mr David Pinchin against the decision of North Yorkshire Council.
 - The application Ref is ZG2025/0624/FUL.
 - The development proposed is change of use of existing cattery building to self build residential dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue of the appeal is:
 - Whether the proposed development would be in a suitable location, having regard to relevant planning policies relating to the re-use of existing buildings in the countryside.

Reasons

3. The appeal site is a cattery building located off a private driveway which serves the cattery and a dwelling, some large outbuildings. The site is located within the open countryside.
4. The proposal is for the conversion of the cattery building. It comprises of several parts, the main reception and indoor area which is of solid construction. The cat accommodation has a mesh and timber frame area which comprises the indoor and outdoor area for cats and includes a corridor to access the area with multiple doors within it. The proposal is for the conversion of the whole building to a dwellinghouse.
5. Policy H12 of the Selby District Local Plan 2005 (SDLP), which relates to the conversion to residential use in the countryside, requires that the building is structurally sound and capable of re-use without substantial rebuilding. Furthermore, it requires that the re-use will generally take place within the fabric of the building and will not require extensive alteration, rebuilding and/or extension, among other criteria which are not raised in the Council's reasons for refusal.
6. Based on the information before me and my observations on site I have limited substantive evidence before me to demonstrate that the building is not structurally sound.

7. There is a solid section of the building which the Council consider to be acceptable to convert, and I have no reason to disagree. The wooden structure on the rear of the building is lightweight in appearance, although it is substantial and it forms a large part of the building.
8. The proposed works as described by the appellant, would include the replacement of the timber panels, internal fit-out and roof adjustment which would be necessary to convert the building. Therefore, the form of the building would not require extensive alteration or extension. However, whilst the size of the building would be similar to what exists on the site, due to the amount of timber framing, a significant proportion of the building that would need to be replaced, which I consider would result in substantial rebuilding. Notwithstanding the amount of rebuilding required, the proposal would be for the re-use of a building and therefore I go on to assess its locational suitability below.
9. Having regard to the countryside location of the proposed dwelling, Policy SP2 of the Selby District Core Strategy Local Plan (SDCLP) sets out where future development within the area will be based, this includes the re-use of buildings, which is proposed in this case.
10. Policy SP2 of the SDCLP lists exceptions where development would be acceptable in the countryside (outside defined Development Limits) which includes the re-use of buildings preferably for employment purposes. Paragraph 4.31 of the supporting text of Policy SP2 of the SDCLP assists in the interpretation of the policy. This states that the Council will resist new isolated homes in the countryside unless there are special circumstances, or where the development would re-use redundant or disused buildings and lead to an enhancement of immediate setting which aligns with the National Planning Policy Framework (the Framework) at paragraph 84 c).
11. However, the wording of Policy SP2 policy itself refers to the re-use of buildings preferably for employment use and does not specify that they would need to be redundant or disused and enhance the immediate setting. Therefore, there is clearly an inconsistency between Policy SP2 and Paragraph 84 c) of the Framework which sets out additional requirements and is therefore a material consideration in this case.
12. The proposed development would be near to some other dwellings, and commercial buildings. However, these are located sporadically and are located off rural roads leading to the site and the site has a very rural feel. I did not observe any services or amenities within the immediate vicinity. Therefore, I do not consider the building to be located within a cluster of dwellings or a settlement. The Council's officer report states that site is located 1km from Hirst Courtney and 2km from Carlton and for the purposes of the Policy SP2 is outside of any defined settlement. Based on my observations the main routes to the nearby settlements did not have footpaths and were not well lit, accordingly I do not consider walking to amenities to be a realistic option for pedestrians. Therefore, due to the poor connections to nearby settlements for amenities, and even though many trips could be relatively short by car, there would be heavy reliance on the private car for future occupiers.
13. The appellant has raised the existing use of the cattery which results in reasonable levels of traffic generation. However, I have limited substantive evidence before

me to indicate how much traffic the cattery produces compared to a single dwellinghouse. Notwithstanding this, the proposal would result in a dwellinghouse which would have different needs to the business use, such as for the use of services and amenities. I am mindful of relevant caselaw¹ in relation to isolated dwellings in the countryside and I consider that the appeal proposal would result in an isolated dwelling in the countryside.

14. Having regard to Paragraph 84 c) of the Framework. At the time the planning application was made to the Council the cattery was in use and the planning application was assessed by the Council on this basis. Therefore, was not a redundant or disused building. The appellant's statement provides information stating that the animal welfare license for the site expired in February and that the owner intends to retire, however, this could be renewed. At the time of my site visit, I did not observe any cats within the building. Nevertheless, the facilities appeared to be intact and in good condition. Therefore, based on the limited evidence before me, I cannot be certain that the building is redundant or disused.
15. I consider that the existing building, although functional in appearance as a cattery, is not an unattractive building, it is in a pleasant rural setting and it is relatively self-contained. The proposals would be sympathetic to the setting of the building and the use of materials would be acceptable. The grounds of the building would remain as existing. I find however, that the proposals would have a neutral effect on its immediate setting and would not enhance it. Therefore, it would not meet the requirements of the paragraph 84 of the Framework in this regard.
16. For the above reasons, in conclusion, the proposed development would not be in a suitable location having regard to the re-use of existing buildings in the countryside and would be contrary to criteria 3 and 4 Policy H12 of the SDLP which seeks to ensure that the re-use of buildings does not require extensive rebuilding. Due to the conflict with Policy H12 of the SDLP, the proposal would be contrary to Policy SP1 of the SDCLP which sets out the presumption in favour of sustainable development. Furthermore, the proposal would not accord with Paragraph 84 c) of the Framework relating to isolated dwellings in the countryside, which is a material consideration in this case.
17. Notwithstanding the above conflict, the proposal would not conflict with Policy SP2 of the SDCLP as it allows for the re-use of buildings in the countryside (outside development limits) and although the preference is for employment use this not an absolute requirement of the policy.

Other Matters

18. I have had regard to an appeal decision provided by the appellant², I note that the proposal was considered under the same development plan as the case before me, and refers to the re-use of a redundant building. The Inspector concluded in this case that the proposal would not require significant rebuilding, and the existing building had blockwork walls, furthermore that the proposals would enhance its immediate setting. I have limited detail as to the location and context of the development. Therefore, based on the limited information before me I consider

¹ Braintree District Council v SSCLG & Ors [2017] EWHC 2743 (Admin)
Corbett v Cornwall Council [2022] EWCA Civ 1069

² Appeal Ref: APP/N2739/W/17/3171586

that this case differs from the case before me and therefore does not affect the conclusion I have reached on the main issue.

19. A second appeal decision has been referred to by the appellant³ which states that future occupiers would rely on the private car to reach services and facilities, which would be short trips. However, I do not have the full details of the circumstances of the appeal, so cannot be sure that the example is directly comparable regarding the existing or proposed development, size or site context to the scheme before me. I have accordingly determined the appeal on its own merits.

Planning Balance

20. The appellant's evidence indicates that the Council cannot demonstrate a 5 year housing land supply which is at 2.4 years, therefore there is a significant shortfall. The Council has not disputed that it does not have a 5 year housing land supply in the evidence before me. Due to this, Paragraph 11 d) of the Framework sets out that the policies which are most important for determining the application are out-of-date. Due to footnote 7 paragraph 11 d) ii of the Framework should be applied. Which requires that permission should be granted unless ii) any adverse impacts of doing so would significantly or demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
21. The Framework requires that planning decisions should avoid the development of isolated homes in the countryside are only acceptable in certain circumstances, which includes, the development would re-use redundant or disused buildings and enhance its immediate setting. The proposal would fail to accord with the Framework in this regard and this is a material consideration to which I attach significant weight.
22. In addition to the harm identified, I attach limited weight to the conflict with Policy H12 of the SDLP and Policy SP1 of the SDCLP which seek to require that the re-use of buildings does not require significant rebuilding, and that planning applications that accord with the policies in the Local plan will be approved without delay.
23. The proposed financial benefits of the development have been put forward by the appellant. Which includes the spend within the construction industry and the employment of staff throughout the construction period. These benefits whilst involving significant spend during the construction process are temporary in nature so attract limited weight in the overall planning balance. The contribution to Council Tax and local spend adding to the vitality of Carlton through the use of services by future occupants has been raised and is beneficial, however due to the small scale of the development would not be significant, therefore this carries limited weight in the overall planning balance.
24. A further benefit put forward is that the development would allow the owners of the cattery to downsize which would release their dwelling for their daughter. Whilst this would be a benefit to release their daughter's dwelling onto the open market.

³ APP/J1915/W/21/3273513

Due to the small scale of the proposals, this would be of limited weight in the overall planning balance.

25. Due to the small scale of the proposed development together with its siting and design, the proposal would not have a detrimental impact on the local highway network, the living conditions of neighbouring occupiers, on pollution or drainage, or on the character and appearance of the area and there would be an absence of sprawl from the proposed development. Based on the information provided the proposals would not conflict with Policies SP15, SP18 and SP19 of the SDCLP and Policies ENV1, T1 and T2 of the SDLP. The Council has not raised objections relating to these matters and I have no reason to disagree, however, these are neutral matters in the overall planning balance.
26. The appellant has stated that the potential fallback position could be the cattery continuing to operate should the appeal not succeed, which would result in higher levels of traffic than the proposed single dwelling use. Due to the limited substantive evidence provided to demonstrate that the cattery produces significantly higher levels of traffic movements than the proposed dwelling, together with the economic benefits of the rural business this is a material consideration of only limited weight in the planning balance.
27. The site is previously developed land and the proposal would recycle some of the built form of the building. However, due to the isolated location of the proposed development this matter attracts only limited weight in the planning balance.
28. Set against the harm identified there would be social and economic benefits associated with the proposal. The proposal would provide one net dwelling which would make a very modest contribution to the Council's five year housing land supply. The site would utilise previously developed land and would recycle some of the built form of the building. However, the support an additional household would provide to the local economy through the use of services and facilities would be less than significant. I consider that the harm arising from the isolated countryside location of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Therefore, the presumption in favour of sustainable development does not apply.

Conclusion

29. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

N Duff

INSPECTOR