



Appeal Decisions

Site visit made on 14 July 2026

by **R Hitchcock BSc DipCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 July 2026

Appeal A Ref: APP/U2750/C/26/3377255

Appeal B Ref: APP/U2750/C/26/3377256

Ghyll Syke Barn, Bell Busk, Skipton, North Yorkshire, BD23 4DU

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
- Appeal A is made by Mr Robert Paul Sterling against an enforcement notice issued by North Yorkshire Council. Appeal B is made by Helen Sterling.
- The notice was issued on 26 November 2025.
- The breach of planning control as alleged in the notice is 'without planning permission, the carrying out of building and operational development, specifically the erection of a new dwelling on the land.'
- The requirements of the notice are to 1. Demolish the unauthorised dwelling shown on the attached plan. 2. Remove from the land all materials and debris arising from compliance with the above requirement.
- The periods for compliance with the requirements are: Step 1 – 3 months; Step 2 – 6 months.
- Appeal A is proceeding on the grounds set out in section 174(2)(a), (b), (c), (f) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act. Appeal B is proceeding on the grounds set out in section 174(2) (b), (c), (f) and (g).

Decisions

Appeal A

1. Appeal A is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the development already carried out, namely the erection of a new dwelling on the land as shown on the plan attached to the notice and subject to the conditions set out in a schedule attached to this decision.

Appeal B

2. Since Appeal A has been allowed and the enforcement notice is to be quashed, no further action will be taken in connection with Appeal B.

Procedural Matters

3. Part of the appellants' ground (b) submissions relate to the interpretation of planning permissions granted at the site, and whether the development carried out could be construed as previously consented development. This is a ground (c) claim – that the matters referred to in the enforcement notice (the Notice) do not require planning permission. Accordingly, I have considered those matters together as ground (b) and (c) appeals.
4. As the Council has had the opportunity to respond to the appellants' cases in that regard, no further views were sought, and I do not consider the Council to be prejudiced by that approach.

Background

5. On 6 January 2023, application ref. 2022/24548/AGRRES for prior approval for the material change of use of a former agricultural building to a dwellinghouse and associated works reasonably necessary for the conversion was granted by the Council.
6. On 31 May 2024, planning permission ZA24/25924/VAR was granted to vary the plans approved under the 2023 prior approval. This included design changes to the internal layout and fenestration.

Grounds (b) and (c)

7. The grounds of appeal are (b) that the matter alleged in the notice has not occurred and (c) that those matters (if they occurred) do not constitute a breach of planning control. The burden of providing relevant facts on grounds (b) and (c) rests with the appellants, and the test of the evidence is the balance of probability.
8. The appellants' assert that the building located on the site utilises parts of the former structure and has recycled concrete elements of the previous agricultural building such that it does not constitute a new building, and that it accords with development previously approved on the site. However, their evidence points to the fact that the supporting steel framework was removed from the site to undergo structural enhancements, reinforcement and painting. This is confirmed by an invoice from a company undertaking the works.
9. The Council's evidence includes photographs of the site taken on 24 April 2025. It shows the appeal site devoid of the former building and an area of hardcore spread across much of the area and beyond the footprint of the building. Although the hardcore may have been derived from the floor or concrete panel elements of the former building, they formed no part of a building on that date.
10. In essence, the photographs show the complete demolition of the former structure, elevations and floor slab. These were all referred to as capable of conversion in a basic structural assessment accompanying an earlier refused prior approval application Ref. 2022/24317/AGGRES. If later structural assessments demonstrated otherwise, or a requirement for remedial works to meet Building Regulations standards, these have not been provided in the evidence before me.
11. Accordingly, in the absence of a building to 'convert', the benefits of the Class Q and the following amendment permission cannot have applied to the building now constructed over the new hardstanding on the site.
12. The appellant explains that comparison between the as built and as approved scheme (ZA24/25924/VAR) demonstrate that it was never intended to utilise the whole of the existing structure. Notwithstanding, the documents associated with those permissions explicitly refer to the re-use and **conversion** of the former building. They show the building in its original location and with a different arrangement of accommodation within. Although similar, there are additional and different opening positions. Moreover, the different position and extent of new development - including a new foundation/floor slab, entirely new elevations and a new roof covering and structure, lead me to the conclusion that there is little, if any, of the original building incorporated within the construction of the building.

Those matters only add force to my finding that the development cannot be said to be the conversion subject of those permissions.

13. The parties refer to the case of *Hibbitt*¹¹. In that case it was deemed that for the change of use provided for under Class Q(b), the building must be capable of conversion without substantial re-building or, as here, the effective creation of a new building, as a matter of fact and degree. I find that caselaw strongly supports the Council's position that those permissions can no longer be relied upon.
14. For those reasons, I find that the building on site cannot be considered a conversion and what is alleged in the Notice has occurred. Moreover, as 'development' as defined by s55 of the Act, the new building did not benefit from the earlier permissions, and planning permission was required for the development pursuant to s57 of the Act. The appeals on grounds (b) and (c) therefore fail.

The Ground (a) Appeal and Deemed Application for Planning Permission

Main Issues

15. The main issues are:
 - whether or not the development meets the Council's adopted strategy for the sustainable distribution of development,
 - the effect on the character and appearance of the locality, and
 - the effect on biodiversity.

Reasons

Locations for development

16. The Council's policies for the distribution of housing seek to impose a spatial strategy to achieve sustainable distributions of development. It directs new development to the larger towns and villages. Policy SP4 of Craven Local Plan [2019] (the CLP) identifies Bell Busk and Coniston Cold as tier 5 – 'Small villages and hamlets' in the district's settlement hierarchy. Those settlements are described as of 15 or more residential properties closely grouped. As part of a former farmstead, the site is isolated from both the cluster of residential properties some distance to the north (Bell Busk) and on the A65 to the south (Coniston Cold). It lies in the open countryside.
17. Policy SP4 directs limited housing growth to the open countryside to support a sustainable, vibrant and healthy rural economy and communities. However, that growth is subject to meeting one of a number of specified exceptions including accommodation based on need, the preservation of heritage assets, that re-using existing buildings, or which achieve exceptional design standards. Pursuant to the finding that the construction of the dwelling did not re-use one or more redundant or disused buildings, the development falls outside of the list of exceptions.
18. The spatial strategy in Policy SP4 is underpinned by the national aim to maximise opportunities to travel by non-car modes of transport and secure a safe and efficient transport network.

¹¹ *Hibbitt v SSCLG & Rushcliffe BC* [2016] EWHC 2853 (Admin)

19. There are limited services within direct walking distance of the site. In support of the development, the appellant highlights that bus stops are available on the A65. These are estimated by the appellant to be about 10 minutes' walk from the site. However, the road between is a winding and undulating national speed limit road which is substantially unlit and devoid of footways. It would be largely impractical and unsafe to rely on it – particularly for elderly pedestrians, or those with young children.
20. Cycling to the nearest service centres, which are at some distance, would involve use of busy roads and would be suitable only for the most experienced of riders. Those travel concerns would be exacerbated during hours of darkness or during inclement weather. In practice, occupiers of the dwelling would likely be substantially reliant on private motor vehicles to access services and facilities to meet day-to-day living needs.
21. In support of the development the appellant refers me to a planning permission (ZA25/27216/FUL) that was granted by the Council elsewhere. However, according to the Council, that provided easy access to public transport along a safe route and utilised a partially completed consented development. It was therefore distinct from the case before me. Permissions for large housing developments cited by the appellant are not comparable by virtue of the significant differences in their scale. Those decisions turn on housing delivery rates. This is a matter I consider below.
22. A permission for an agricultural slurry store nearby is necessarily located where the associated agricultural operations take place. Unlike that development, there is no specific demonstrated functional need for a new dwelling in the specific location. That example adds little weight in favour of the alleged development.
23. For the above reasons, the development conflicts with the Policies SP4 and INF7 of the CLP as they seek to achieve sustainable distributions of new housing that minimise the need for non-sustainable transport modes.

Character and appearance

24. The site is located in an open rural landscape of undulating fields bordered by stone walls and served by a network of narrow lanes. Traditional buildings are stone-built with stone or slate roofs. Modern utilitarian buildings of metal or timber clad construction also feature within the area.
25. The building as constructed is of a similar scale, form and siting to the previous building. The appellant proposes to complete the external finishes in accordance with the approved conversion scheme. This would reflect the Yorkshire board cladding of the former building to retain a design reference to the local character of development.
26. Furthermore, the area of associated land as defined by the red line in the Notice, coincides with that of the recent site permissions such that any domesticating appearance would be limited to the area immediately surrounding the building. It would not unduly undermine the character of development in the locality. Subject to securing appropriate external finishes and restrictions on outside lighting, there would be little demonstrable visual harm associated with the development.

27. I find the external appearance would not be materially different to the previously consented schemes and would not cause harm to the character and appearance of the locality. It would be consistent with the requirements of Policies ENV1 and ENV3 of the CLP and the Framework as they seek to achieve high standards of design that responds to and preserves the local character of development and the wider landscape character.

Biodiversity

28. There is no dispute that Biodiversity Net Gain assessments are not currently required in conjunction with retrospective planning applications made under s73A of the Act or deemed applications made under s177(5). Nevertheless, policy ENV4 of the CLP seeks to secure gains in association with new development.
29. There is little before me to demonstrate that the development has resulted in any loss or harm to biodiversity interests on the site. However, as the previously approved landscaping schemes demonstrate, there are opportunities for tree and/or native planting on the site. In addition to landscaping, the appellant proposes bird nesting boxes. Accordingly, subject to those requirements, which could be secured by condition, I find the development could be made acceptable in terms of protecting or enhancing biodiversity on the site.

Other Matters

30. In support of the development, the appellant highlights that the building would be highly insulated to achieve a high energy efficient performance. The installation of solar panels to generate more electricity than required for residential occupation of the building would provide benefits in renewable energy generation. The development would provide an electric vehicle charging point. Rainwater harvesting, use of air source heat pumps for heating, heat recovery systems and use of domestically supplied external cladding would also limit the environmental footprint of the building. The re-use of materials reclaimed from the previous building would recycle parts of that building. As sustainability measures encouraged through policy aims in the CLP these are somewhat offset by the demolition of the previous building, nevertheless, they are a benefit in support of the development.
31. The appellant highlights that the building would be fully compliant with Part M of the Building Regulations. This could support prospective residents of the development and assist some members of the appellant's family. As an obligation of that statutory regime, the Part M standard of development is a requirement not a benefit. In the absence of demonstration that specific individual needs of prospective occupiers could not be met in accordance with the local plan, personal circumstances do not provide a benefit in favour of a development designed to outlast those circumstances.
32. The completion and active use of the dwelling would result in enhancements to the local economy. However, at the District scale, this would be a minor contribution of limited weight.
33. A claim that the development would provide flood risk benefits to land within and beyond the site is not supported by a detailed assessment. There is little to demonstrate the extent of any benefit or that it might address an existing surface

water problem in the locality. It is therefore also a matter of limited weight in the appeal.

34. Whether or not the Council's considered expediency to pursue further action by way of service of the Notice accords with its adopted Enforcement Plan is not a matter material to my consideration of the planning merits of the development. I also note the appellants' frustrations with the levels of communication by the Council in the run-up to the service of the Notice; however, that is not a matter of weight in the appeals.
35. I have considered the representations and matters raised by third parties in support of the development. Where relevant to policy considerations in the local development plan and other material considerations, I have taken them into account.
36. Notwithstanding that I have found in favour of the appellant with regard to the effect on the character and appearance of the locality and wider landscape, or in relation to BNG, I do not find those matters, or the other considerations presented by the appellant, outweigh the conflict with the Council's policies for directing development to the most sustainable locations. The development therefore conflicts with the CLP read as a whole.

Planning Balance and Conclusion on Ground (a)

37. The development conflicts with the Council's spatial strategy for new development and the aim to promote sustainable forms of travel. However, the appellant highlights that the Council is currently unable to demonstrate a five-year housing land supply such that the presumption in favour of sustainable development in Paragraph 11d) of the Framework should be engaged. The lack of housing land supply is not disputed by the Council who estimate an approximate 2.2 years supply. This is a significant shortfall.
38. The site is not within a sensitive location as defined by Footnote 7 of the Framework. The delivery of a single family-sized dwelling would contribute to the supply of housing in the District. This is a benefit in favour of the development.
39. I am mindful that, compared to the previously consented schemes, the Council has not identified additional planning harm. Through the Government's provisions under Class Q of the GPDO, the re-use of rural buildings is permitted in the interests of sustainable development. This includes benefits such as boosting the supply of rural housing, contributing to rural communities and economies, and providing additional farm income, for example. Although the full benefits of recycling an existing building would not accrue, the development would contribute positively to some of those other planning aims.
40. While the previous permissions do not provide a fallback position, they are material elements of the site planning history. To that end, the appellant has directed me to a decision where the Council allowed the replacement of a building benefitting from a Class Q prior notification. In that context, and given that the development plan includes allowances for rural housing and that the Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, I find there are no strong reasons for refusing a development which substantially replicates the earlier permissions. Accordingly, in the particular case circumstances, I find the adverse impacts of granting

permission would not outweigh the benefits such that the presumption in Paragraph 11d) of the Framework applies and planning permission should be granted. The appeal on ground (a) therefore succeeds and the deemed application for planning permission is granted.

Conditions

41. The Council have suggested several conditions which I have considered alongside the advice in the Framework and Planning Practice Guidance.
42. Conditions requiring completion of the development in accordance with the plans and landscaping scheme submitted, and a restriction on external lighting, are necessary in the interests of protecting the character of the locality and enhancing biodiversity.
43. Requirements for visibility splays, parking provision, turning provision and a vehicular crossing are reasonable in the interests of highway safety. However, with the agreement of the main parties, I have re-worded and combined those conditions and there is a strict timetable for compliance because permission is being granted retrospectively, and it is not possible to use a negatively worded condition to secure the approval and implementation of those matters before the development takes place. The condition will ensure that the development can be enforced against if the requirements are not met.
44. A site contamination condition is not required because the evidence shows the removal of the previous building and ground surface, and that a substantial concrete slab has been installed.

Conclusion

45. For the reasons given above, I conclude that Appeal A succeeds on ground (a). I shall grant planning permission for the development as described in the notice. The enforcement notice will be quashed.
46. In these circumstances the appeals on grounds (f) and (g) do not fall to be considered.

R Hitchcock

INSPECTOR

Schedule of Conditions to Appeal Ref. APP/U2750/C/26/3377255

Ghyll Syke Barn, Bell Busk, Skipton, North Yorkshire, BD23 4DU

1. The development hereby permitted shall be completed in accordance with the plans listed below, including the definition and extent of the domestic curtilage area associated with the development.
 - Floor Plans & Elevations - Drawing no. 1619 - 200
 - Landscaping Plan Drawing no. 1619-201 and
 - Landscaping Schedule.
2. The building hereby permitted shall be demolished to ground level and all materials resulting from the demolition shall be removed within 90 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 3 months of the date of this decision a scheme for the highway access – including details of visibility splays, surfacing and associated drainage, cross-over construction and gates; details of vehicle turning provision; and, on-site parking provision, shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
 - ii) If within 6 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained and maintained for the duration of the development.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.
3. Prior to the installation of any external lighting, full details including height, design, location and intensity shall be submitted to and approved in writing by the local planning authority. The lighting installation shall then be carried out in accordance with the approved details.

END.