
Appeal Decision

Site visit made on 30 January 2018

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th March 2018

Appeal Ref: APP/Y2736/W/17/3184405

Land East of The Forge, Mill Lane, Ampleforth YO62 4EJ

- 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 John Seeger against the decision of Ryedale District Council.
 - The application Ref: 16/01875/FUL, dated 18 November 2016, was refused by notice dated 17 March 2017.
 - The development proposed is a change of use of greenhouse from horticultural use to a single 3 bedroom dwelling together with establishment of a residential curtilage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is whether the appeal site is a suitable location for a new dwelling having regard to the development plan and access to shops, services and other facilities.

Reasons

3. The appeal building is a relatively large, timber framed, glasshouse set amongst a group of traditionally constructed buildings that previously formed a farm steading but have now largely been converted to residential use. The building sits on an irregularly shaped site of approximately 0.14 hectares.
4. Policy SP1 of the Ryedale Local Plan – Local Plan Strategy 2013 (the Local Plan) sets out a locational strategy for new development based on a hierarchy of settlements and seeks to direct new development to the identified Principal Towns, Market Towns and Service Villages. Although Ampleforth is identified as a Service Village, it is common ground that the appeal site is outwith the development limit of the village and, consequently, it falls within the area classed as the open countryside for the purposes of the policies in the Local Plan. Policy SP1 restricts development in such areas to that which is necessary to support the rural economy and communities, secures significant improvements to the environment; or which is justified through the neighbourhood planning process. I have not been advised whether there is a neighbourhood plan in place and it is not argued by the appellant that a dwelling at the appeal site is required to support the rural economy or maintain the local community. Nor is it suggested that significant environmental improvements would be achieved as a result of the development.

5. Local Plan Policy SP2 refines this locational strategy and, in the open countryside areas, is permissive of new build dwellings where there is an essential need to support the land based economy, and of conversions of redundant or disused traditional rural buildings where this would lead to an enhancement of the local setting or provide for local needs occupancy. The proposal is for the creation of a new dwelling, however, whilst it is stated that the adjoining land is in horticultural, agricultural and forestry use, I have no substantive evidence before me that a dwelling is required in connection with these uses.
6. Although it is suggested that the building is becoming redundant, it is not argued that it is in fact redundant or disused. I saw when I visited the site that, whilst the building was not being used to its full potential, there were a large number of cacti and other plants present within it and it was neither redundant nor disused. On the basis of the evidence and from what I saw when I visited the site, the appeal proposal does not meet the relevant criteria in Local Plan Policy SP2 and would consequently conflict with and undermine the Council's adopted spatial strategy.
7. Policy SP9 of the Local Plan allows for the conversion of traditional agricultural buildings to residential use in order to sustain and diversify the land based economy in the district. There is some dispute between the parties over whether the appeal building is a traditional building and whether the works proposed constitute conversion or re-building. The Council state that the policy was intended to refer to older stone or brick built agricultural buildings that are no longer suited to modern agricultural practices and methods. However, neither the Policy itself, nor its supporting text, explicitly set this out. It is also suggested that glasshouses such as the appeal building are not a prevalent building form in the area. Nevertheless, there is merit in the appellant's argument that constructing buildings on timber frames is a centuries old building tradition.
8. In respect of whether the proposal amounts to conversion or rebuilding, this is a matter of fact and degree. Although it was clearly designed as a purpose built glasshouse, the appeal building is constructed on a substantial and robust timber frame with double glazed units between the framing elements. A structural report was submitted with the application which concludes that the timber framing and foundations of the building are adequate and suitable for conversion to a residential use. The basic findings of this are not challenged by the Council although it is noted that there would need to be some alterations to the timber framing to accommodate proposed window openings that are wider than the gaps between the uprights of the frame. From the submitted drawings this is undoubtedly the case, however, there is no evidence that this would undermine the structural integrity of the timber frame or require substantial remedial works as a consequence.
9. The appellant also states that the existing frame and double glazing units would be overclad with timber cladding and stone and a pantile roof would be laid on the existing rafters and purlins. I saw when I visited the site that parts of the north elevation of the building are currently overclad with horizontal timber boarding with the gaps between the framing infilled internally with timber panels. This overcladding would significantly alter the appearance of the building but the existing structure of the building would remain below. The works required to create a dwelling house would be quite extensive,

nevertheless, as these would not require any substantive demolition of, or reinforcement to, the existing structure to create the proposed dwelling, I find that this would not amount to rebuilding.

10. The conversion of buildings is allowed under Policy SP9 subject to occupancy conditions set out in Local Plan Policy SP21. The Council suggest that the appellant would not meet the local occupancy requirements of Policy SP21 part a). This section of the Policy refers specifically to new housing in those villages which are classified by the Local Plan as non-service villages. The wording of the Policy does not extend to new dwellings in those parts of the district classified as open countryside. Part c) of Policy SP21 addresses new residential development in the countryside, outside of the development limits, to support land based activity, such as that permissible under Policy SP9. Part c) states that in these circumstances conditions would be applied restricting occupancy to a person employed full time in agriculture, forestry or other enterprise for which a dwelling is considered essential. It is not argued that the dwelling is essential in connection with a land based activity on the site or that it is necessary for someone to be resident at the site on a full time basis in connection with the existing use of the appeal site or the adjoining land.
11. On the basis of the evidence, the proposal is for an open market dwelling house. Within this context, whilst the appeal proposal would represent a conversion of a building, it is not for the purposes of supporting the land based economy as envisaged by Policy SP9 and the proposal would, therefore, conflict with this policy.
12. The appeal proposal would be contrary to Policies SP2 and SP9 of the Local Plan. Section 38(6) of the of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications and appeals must be made in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (the Framework) is a material consideration and Paragraph 49 of the Framework requires that the proposals for new housing be considered in the context of the presumption in favour of sustainable development.
13. The presumption in favour of sustainable development set out in Paragraph 14 of the Framework requires that planning applications be determined in accordance with the development plan, unless this is silent, absent or relevant policies are out of date.
14. The appellant suggests that the Local Plan is not consistent with current policy in the Framework and, more specifically, that it is not consistent with the permitted development rights for the conversion of agricultural buildings to a residential use as set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO). The Framework does not change the statutory status of the development plan as the starting point for decision making. In any event, the Local Plan was adopted after the publication of the Framework and, consequently, sets out what constitutes sustainable development within the district. Although the provisions of the GPDO may indicate a more relaxed approach to conversion of farm buildings than has historically been the case, the appeal site is located within the Howardian Hills Area of Outstanding Natural Beauty. The permitted development rights under Part Q of the GPDO do not operate in Areas of Outstanding Natural Beauty and, as a result, I do not consider that this renders

the Policies in the Local Plan out of date. Policies SP2, SP9 and SP21 therefore still seek to control new rural housing on a basis that is consistent with the Framework.

15. It is not argued that the Council cannot demonstrate that it has a deliverable five year supply of housing land and, whilst it is suggested that the development will support the on-going sustainability of Ampleforth, there is no evidence before me that would indicate that the existing services and facilities in the village would be under threat if the development did not proceed.
16. Whilst Ampleforth has a reasonable range of services and facilities, these are located approximately one kilometre from the appeal site. Whilst I accept that this is within walking or cycling distance, I saw when I visited the site that the road to the village is narrow and unlit, and there is no continuous footway from the appeal site to the village. This would, in my view, be likely to deter regular use by pedestrians and cyclists particularly during the winter months when daylight hours are restricted. The future residents of the dwelling would therefore be likely to be mainly dependent on the use of private motor vehicles to meet their day to day needs. Although Ampleforth is identified in the Local Plan as a service village that is capable of accommodating some extra growth, the local plan expects this to be within the defined settlement limits and not beyond them.
17. I have noted that the Council have not raised concerns in respect of the effect of the proposed development on the landscape and scenic beauty of the Area of Outstanding Natural Beauty or on the setting of the nearby Listed Building. I also note that there have been no concerns raised by the Council in respect of the living conditions of the occupiers of nearby residential properties, ecology, drainage, highways and flood risk. From what I have read and from what I saw when I visited the appeal site, I have no reason to reach a different conclusion on these matters. Nonetheless, none of these matters, either singly or collectively, is sufficient to outweigh the conflict with the development plan.
18. I conclude that the appeal site is not a suitable location for a new dwelling having regard to the development plan and access to shops, services and other facilities. It would not comply with the relevant requirements of Policies SP2 and SP9 of the Local Plan.

Conclusion

19. I have found that the proposal does not comply with the development plan and no material considerations have been identified which would indicate that the requirements of the development plan should be set aside. In these circumstances the presumption in favour of sustainable development requires that the application be determined in accordance with the development plan and therefore the appeal must fail.
20. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR

