



## Appeal Decision

Site visit made on 13 October 2020

**by John Dowsett MA DipURP DipUD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 5 March 2021**

---

### **Appeal Ref: APP/Y2736/W/20/3255616**

#### **1 Valley View Lodges, Station Road, Nawton, York YO62 7RG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Mrs Andrea Wood against the decision of Ryedale District Council.
  - The application Ref: 20/00036/73, dated 26 October 2019, was refused by notice dated 2 March 2020.
  - The application sought planning permission for the erection of 8 holiday chalets with ancillary road, parking areas and landscaping at Nawton Station without complying with a condition attached to planning permission Ref: 3/90/9C/PA, dated 6 February 1984.
  - The condition in dispute is No. 3 which states that: The chalets, the subject of this permission, shall only be used as units of holiday accommodation and occupied only between 1 March and 31 October in any calendar year.
  - The reason given for the condition is: The application site is not considered appropriate for permanent residential accommodation as it is located outside the village of Nawton.
- 

### **Decision**

1. The appeal is dismissed.

### **Procedural matters**

2. The declaration on the planning application form is not signed. The only date on the application form is on the certificate of ownership and this is given as 26 October 2019. The Appeal form gives the date of the application as approximately 6 January 2020. I have therefore used the date from the ownership certificate as the date of the application.
3. The planning application seeks to use only one of the chalets permitted by planning permission reference 3/90/9C/PA as a permanent dwelling. The proposal does not seek to remove or vary the condition in respect of the other permitted chalets, which would remain subject to this condition. I have determined the appeal on this basis.

### **Main Issues**

4. The main issues in this appeal are:
  - Whether the appeal site is in a suitable location for new, permanent residential accommodation, having regard to the policies in the development plan;

- Whether the proposal would provide suitable living conditions for the future occupiers with regard to internal living space, external amenity space, and parking provision; and
- The effect of the proposed development on the character and appearance of the surrounding landscape

## **Reasons**

### *Suitability of the appeal site*

5. The appeal building is a small, timber clad, chalet style building located to the south of the village of Nawton. It is one of several similar chalets sited on land that was formerly occupied by a railway station. The appeal building is located at the furthest end of the site from Station Road and is accessed via a private track that runs past the former station buildings and the other lodges. It is currently let out as holiday accommodation in accordance with the terms of a planning permission granted in 1984.
6. Policy SP1 of the Ryedale Plan – Local Plan Strategy 2013 (the Local Plan) sets out a settlement hierarchy for the district with the primary focus of growth being the principal towns of Malton and Norton, with the secondary focus being the market towns of Pickering, Kirkbymoorside and Helmsley. Within the settlement hierarchy, Nawton is classified as a local service centre, or service village, and sits below the market towns in the hierarchy. Policy SP1 also defines development limits for the towns and villages in the district. It is not in dispute that the appeal building is located outside the development limit for Nawton. As the appeal site is outside of the settlement limit, for policy purposes, it lies within the wider open countryside. This is the lowest tier of the settlement hierarchy where development is restricted to that which is necessary to support the rural economy and communities; development which can be justified in order to secure environmental improvements or the conservation of heritage assets; or development justified through a neighbourhood plan. There is no evidence before me that the appeal scheme would meet any of these criteria.
7. Policy SP2 of the Local Plan sets out that over the plan period to 2027, the Council seeks to deliver at least 3000 new homes and sets out the potential sources that may contribute to the supply of new homes in the district. Although Policy SP2 identifies the conversion of tourist accommodation to permanent residential use as a potential source of new homes, it specifically excludes caravans, cabins and, chalets from this. Although these terms are not defined in the policy, the appeal building is indisputably a chalet or cabin and, consequently, would not fall within the potential sources of new homes defined in the Policy.
8. The appellant has stated that the proposed dwelling could be made subject of a local occupancy condition. Policy SP2 seeks local occupancy conditions for new homes in settlements that are not identified as focuses for growth in the settlement hierarchy, or which would be within the countryside. However, this is only applicable to sites or buildings that meet the criteria to be a source of new homes, which the appeal proposal does not. In addition, I have no substantiated evidence that there is a need in the local area for accommodation of the type or size that would be provided by the appeal building.

9. Although the Local Plan pre-dates the current version of the National Planning Policy Framework (the Framework), it was adopted after the publication of the original Framework in 2012 and Policies SP1 and SP2 are still consistent with the policies in the current version. As such they can be given significant weight.
10. I therefore find that the appeal site is not a suitable location for new, permanent residential accommodation having regard to the policies in the development plan. It would not comply with the relevant requirements of Local Plan Policies SP1 and SP2.

*Living conditions*

11. The appeal building is a small, chalet style, structure. There is no information in the application or appeal in respect of the intended or proposed future occupancy levels of the building. There is a difference of opinion between the parties in respect of the size of the building with the Council stating 35m<sup>2</sup> and the appellant's measurements giving the size as 50m<sup>2</sup>. It is not clear from the evidence whether either figure includes or excludes the veranda area at the front of the building as this may account for the discrepancy between the dimensions provided.
12. I was, however, able to undertake an internal inspection of the building when I visited the site. I observed that internally, it comprised a combined kitchen and living space, two bedrooms and a bathroom fitted with a w.c., wash hand basin, and shower cubicle. One of the bedrooms was furnished with a double bed and the other with two single beds.
13. Neither of the Policies cited by the Council refer to internal space standards for dwellings and I have no evidence that the Council have adopted the Technical housing standards – nationally described space standard. However, the Framework expects new development to provide a high standard of amenity for existing and future users and this is echoed in Policy SP20 of the Local Plan.
14. Consequently, the principal question is whether the appeal building would provide practical and useable internal space for permanent residential occupation. Whilst the accommodation may be suitable for short term holiday occupation, this does not directly translate into the building being suitable for full time, permanent, occupation as a dwelling house. The open plan living area occupies approximately half of the internal space of the building, and although modest in size, would be capable of configuration in a number of ways. This notwithstanding, within the building, other than the kitchen units, there is limited storage space and little scope for accommodating anything other than small domestic appliances. In addition, both bedrooms are very small and even with the minimal furniture commensurate with the present temporary holiday letting use, these were very constrained in terms of floorspace and circulation space. This, in combination with the modest size of the main living space and the lack of storage space for domestic items, would result in very cramped and impractical internal accommodation for a permanent residential use.
15. There is no indication of the proposed occupancy levels of the dwelling and no mechanism is proposed that would restrict the number of residents. Whilst a condition could be imposed seeking to limit the number of persons who could live at the dwelling, in practical terms, such a condition would be very difficult,

if not impossible, to monitor in order to determine whether there had been a breach. Consequently, I do not consider that a condition to this effect would be enforceable and it would not meet the relevant tests set out in the Framework. This adds to my concerns in respect of the very small size of the internal living space. Given the above, I find that the appeal building would not provide suitable, adequate, or practical internal space for a permanent residential use. As a result, the proposal would conflict with the requirements of Local Plan Policy SP20 and the Framework

16. Externally, there is an area of land around the appeal building amounting to approximately 433m<sup>2</sup>. Much of this was laid with hardcore although there was a small grassed area at the west end of the site, adjacent to the common boundary with a dwelling on Gale Lane. To the rear of the building there is a small area of timber decking. The boundary of the site to the east is undefined and the hardcore surface continues that of the access track and the hard surfaced area around the neighbouring chalet.
17. Although not extensive, the area around the appeal building would provide private outdoor amenity space of a comparable size to other dwellings that I saw within the village, and would provide suitable space for normal domestic activities such as sitting out, drying washing or children playing. The appellant has provided photographs showing a number of vehicles within the site and I also saw when I visited that it is possible, with care, to drive around the building and re-join the access track in a forward gear. Due to the small size of the appeal building, I am satisfied that the appeal site would be capable of accommodating suitable and appropriate parking provision for future residents and visitors. I have had regard to the Council's concern that a permanent residential use would cause disturbance to the occupiers of other chalets nearby. However, there is no substantiated evidence before me that would indicate that full time occupation of the building would generate more noise or disturbance than the present lawful use.
18. In these latter respects, I do not find any conflict with the relevant provisions of Local Plan Policies SP4 and SP20 which expect, among other matters, that new residential development makes appropriate provision for private amenity space and parking provision, and does not have an adverse effect on the users or occupiers of neighbouring land or buildings.
19. Whilst the proposal would meet the requirements of the Local Plan with regard to amenity space and parking provision, neither of these points, either in isolation or together, would compensate for the inadequate level of internal living space that would be provided and the resulting poor living conditions.
20. I therefore conclude that the proposed development would not provide suitable living conditions for the future occupiers with regard to internal living space. It would not comply with the relevant requirements of Policy SP20 of the Local Plan or the Framework

#### *Character and appearance*

21. The appeal site is within a location designated as an Area of High Landscape Value (AHLV). Local Plan Policy SP13 seeks to ensure that the character, quality, and value of the districts landscapes are protected and enhanced. The policy sets out that the AHLV is of significant historic landscape value and seeks

- to prevent loss or degradation of elements that are integral to the historic landscape character.
22. From the evidence, the appeal site forms part of a wider site that comprises a former railway line and station which previously served the village. The former station buildings and parts of the platform remain, adjacent to the entrance to the wider site from Station Road.
  23. To the south of the appeal site is open countryside, comprising large fields with hedgerow boundaries. There is a gappy, remnant hedgerow on the common boundary between the appeal site and the adjacent field. To the north several small fields separate the appeal site from the main part of the village. To the west is a dwelling house and its domestic curtilage and to the east are further chalets that are part of the same, wider, development.
  24. The Council have not identified any elements of the historic landscape character that would be directly affected by the proposed development. Although the use of the area around the appeal building as a domestic curtilage may result in the presence of some domestic paraphernalia such as washing lines or waste bins, these would be largely non-permanent additions and, due to the small size of the site, any visual effect would be extremely localised. The appeal site is directly adjacent to the garden area of a dwelling house on Gale Lane and the presence of the appeal building itself and the other chalet buildings to the east has a greater visual and physical effect on the landscape than would result from normal domestic activities around a dwelling house. Parking of vehicles at the building will already occur in connection with its current, lawful use and the erection of ancillary buildings could be controlled through the use of a planning condition removing the permitted development rights to erect small buildings within the curtilage of a dwelling house. Within this context, whilst the proposal would result in a slight alteration to the visual appearance and character of the appeal site, there is no substantive or compelling evidence that this would be harmful to the special characteristics of the AHLV.
  25. I conclude that the proposed development would not cause harm to the character and appearance of the surrounding landscape. It would not conflict with the relevant requirements of Policy SP13 of the Local Plan.

### **Other matters**

26. My attention has been drawn to several other premises nearby which it is stated have been allowed to be used permanent residential occupation. I do not have the full details of these cases or the circumstances that lead to them being accepted. However, I was able to see these properties during the site visit and observed that they were all of substantial and permanent construction and of a type which would comply with the Council's policy requirements for sources of new homes. In this respect they are not the same as the appeal building, which is of a type specifically excluded by the Council's policies.
27. I have also had regard to the appellant's personal circumstances as set out in the evidence. Whilst I accept that it would be advantageous to the appellant to no longer have to service the chalet as a holiday let, this is not sufficient reason, either of itself, or in combination with the other factors I have identified, to justify granting planning permission for the use as a permanent residence of a building which would provide poor living conditions for the future

occupiers. Nor would it overcome the conflict with the Council's policies in relation to housing supply.

**Conclusion**

28. For the above reasons, I conclude that the appeal should be dismissed.

*John Dowsett*

INSPECTOR