



Appeal Decision

Site visit made on 17 January 2022

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 January 2022

Appeal Ref: APP/Y2736/W/21/3283047

Home Farm, Braygate Street, Swinton, Malton, North Yorkshire YO17 6QT

- 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 Commercial Development Projects Ltd against the decision of Ryedale District Council.
 - The application Ref 21/00231/FUL, dated 17 February 2021, was refused by notice dated 6 August 2021.
 - The development proposed is change of use and conversion of 8no. grain silos to form 1no. two bedroom detached dwelling to include the erection of a single storey extension between silos as link structure and change of use of land within red line to form domestic boundary with associated parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for Change of use and conversion of 8no. grain silos to form 1no. two bedroom detached dwelling to include the erection of a single storey extension between silos as link structure and change of use of land within red line to form domestic boundary with associated parking and landscaping at Home Farm, Swinton, Malton YO17 6QT in accordance with the terms of the application, Ref 21/00231/FUL, dated 17 February 2021, subject to the conditions in the attached schedule.

Preliminary Matter

2. In Part E of the appeal form it is stated that the description of the development has not changed. However, the wording from the Council's decision notice has been entered rather than that from the application form. I have also used the description given on the Council's decision as this more accurately describes the proposal.

Main Issues

3. The main issues are whether the proposal would conflict with the Council's plan led strategy for housing and growth; and if it does, whether this is outweighed by other material considerations.

Reasons

Housing strategy

4. Policies SP1, SP2 and SP21A of the Ryedale Local Plan Strategy (LP) collectively, amongst other things, accepts the conversion of redundant rural buildings to dwellings for local needs occupancy.
5. The eight silos would constitute rural buildings. However, as the proposals are for an 'open market' dwelling and not for local occupancy the proposals would

conflict with the requirements of Policies SP1, SP2 and SP21A of the LP. These policies are consistent with the National Planning Policy Framework (the Framework), to the extent that they seek to promote sustainable rural development.

Other considerations

6. The silos form part of a model dairy farm complex in which the Council has identified farm buildings as a Non-Designated Heritage Asset (NDHA) due to their age, significance and quality. Moreover, the appeal site lies within the Howardian Hills Area of Outstanding Natural Beauty (AONB). The silos, although no longer functioning, remain largely intact, are prominent features, and make a positive contribution in this part of the AONB landscape and to the historical interest of the model farm.
7. A previous planning permission approved the conversion of barns at the farm to several dwellings, none of which contain a local occupancy condition. The planning officer report at that time considered that an unrestricted occupancy of the resulting dwellings was the only way to secure the long-term future of the NDHA. I have no firm details as to any change in circumstances that led to a different approach in the determination of the proposal before me.
8. Although they were originally approved to be removed from the site as part of this previous planning permission, the loss of the silos would erode the historical context of the wider farm site. In contrast, the proposed conversion would be undertaken sympathetically in a contemporary design that would preserve the distinctive shape of the silos and detailing such as the conveyor system. The extent of alterations proposed, particularly on the more prominent south elevation have been kept to a minimum. In this regard, the proposal would preserve the overall appearance of the silos within the complex from views in the AONB.
9. Moreover, the design of the proposal would minimise energy consumption, incorporate several energy saving features and have the potential to enhance ecological habitats within the site. Overall, the design is of high quality and would be of an interesting composition, which would enhance the character and appearance of the site.
10. As such, the proposal would accord with Policies LP12, LP13 and LP20 of the LP which, amongst other things, says that the distinctive elements of Ryedale's historic environment will be conserved and where appropriate enhanced. The proposal would also accord with the provisions of paragraph 80 (c) of the Framework which, amongst other things, accepts new homes in isolated locations where the development would re-use redundant or disused buildings and enhance its immediate setting. Moreover, it would accord with the Framework's objectives for conserving and enhancing the historic and natural environment.
11. The appellant has provided a viability assessment in relation to the conversion of the silos and the Council do not dispute its findings. Assuming a 15% reduction in the value with a local occupancy condition, the development would result in a negative difference between the Residual Land Value and Benchmark Land Value, such that the scheme would not be viable. In contrast, an open market value would enable the scheme to reach a profit and would thus viably secure the long-term future of the silos.

12. I therefore find there to be a strong likelihood that the conversion of the silos to residential use would not take place unless it was available to the general market with an unrestricted occupancy. As such, the benefits to the character and appearance of this part of the AONB and the historical interest associated with the model farm would not be realised if the proposed dwelling were not available with an unrestricted occupancy. Moreover, I have no substantive evidence that any alternative proposal would secure the future of the silos. The viability of the scheme is therefore a matter that attracts significant weight.
13. Notwithstanding the Council's current housing supply position, the proposal would deliver an additional dwelling, boosting the supply of market housing and make an effective use of the site, as supported by the Framework. As a single dwelling, the overall social and economic benefits would be limited. Nonetheless, these benefits weigh in favour of the scheme, in addition to the benefits I have previously identified.
14. Drawing the above together, there are significant benefits which lead me to conclude that there are material considerations that warrant taking a decision that would not comply with the Council's spatial approach to housing in the District, as established through Policies SP1, SP2 and SP21A of the LP.

Other Matters

15. Having regard to my duties under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the distance to nearby listed buildings and the nature of the proposal as a sensitively designed conversion of existing structures is such that there would be no harm to the setting of any nearby listed building.

Conditions

16. In addition to the standard commencement condition, it is necessary in the interests of precision, to define the plans with which the scheme should accord. Conditions concerning construction phasing, external materials, details of extraction, preservation of features of interest, lighting, works to trees, landscaping and boundary treatments are required in the interests of the visual amenity of the site within the AONB.
17. A condition requiring works to be undertaken in accordance with the submitted Bat Roost Assessment is necessary in the interests of biodiversity. A condition relating to an electric vehicle charging point is necessary in the interests of the environment.
18. Given the unusual shape and form of the structure as a dwelling, the high-quality design and sensitive location, it is reasonable and necessary to restrict permitted development rights in the interests of the character of the historical model farm complex and the appearance of the site within the AONB. As such, there is clear justification to impose conditions 13-15 in this instance.

Conclusion

19. For the reasons given above, the appeal is allowed.

Mr R Walker

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan ref. EX10 01 Rev B; Proposed Plans ref. AR50 01 Rev A; Proposed Elevations ref. AR50 02; and Landscape Masterplan ref. 163.3.
- 3) Unless otherwise approved in writing by the Local Planning Authority all external constructional materials and colour finishes to be used for the buildings shall be in accordance with those identified in the application as shown on the approved elevation drawings. Any external materials due to be temporarily removed for refurbishment or to allow the installation of the internal frames shall be carefully dismantled and set aside for re-use in the construction work for the development hereby permitted. Details and samples of any new replacement materials to be used on the exterior of the building the subject of this permission shall be submitted to and approved in writing by the Local Planning Authority prior to installation.
- 4) The landscape planting scheme as shown on the approved Landscape Masterplan ref. 163.3, dated 04.02.2021 shall be carried out during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of five years from being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species, unless the Local Planning Authority gives written consent to any variation.
- 5) No trees, shrubs, or hedges within the site that are shown to be retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without prior written agreement with the Local Planning Authority. Any trees which require removal in accordance with prudent arboricultural management shall be replaced within the next planting season by trees of suitable species and in appropriate numbers in mitigation of any losses.
- 6) Prior to the installation of boundary fences and means of enclosure full details of the location; materials; design; and height shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these shall be erected prior to the occupation of the dwelling.
- 7) No external mechanical extraction and ventilation units, other than those shown on the plans hereby approved, shall be installed without the prior submission of details for approval in writing by the Local Planning Authority.
- 8) The overhead roof mounted conveyor; external ladders and horizontal louvres to windows as shown on the approved elevation drawings shall be retained and maintained throughout the lifetime of the development.

- 9) Unless otherwise agreed in writing with the Local Planning Authority the construction phase shall proceed in accordance with that outlined in Section 3 of the Design and Access Statement dated 18.01.2021.
- 10) The development hereby approved shall proceed in accordance with the recommendations contained within Section 8.5 of the Preliminary Bat Roost Assessment produced by Wold Ecology Ltd, dated 01.03.2021.
- 11) Full details of any new or additional external lighting at the site, including lighting for site security purposes, shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The details shall include the position, height, angle of lighting, illuminance level and hours of operation. All lighting shall be installed and maintained in accordance with the approved details.
- 12) Prior to the occupation of the dwelling one of the garages shall be fitted with an electric vehicle charging point.
- 13) Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 2015 or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.
- 14) Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015, (or any Order revoking, re-enacting or amending that Order), no windows, other than those shown on the plans hereby approved, shall be formed in the walls, doors or roof of the dwelling hereby permitted without the prior written consent of the Local Planning Authority following a specific application in that respect.
- 15) Notwithstanding the provisions of Schedule 2, Part 1 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or amending that Order) development of the following classes shall not be undertaken other than as may be approved in writing by the Local Planning Authority following a specific application in that respect:
 - Class A: Enlargement, improvement or other alteration of a dwellinghouse;
 - Class B: Additions etc to the roof of a dwellinghouse;
 - Class C: Other alterations to the roof of a dwellinghouse;
 - Class D: The erection or construction of a porch outside any external door of a dwellinghouse;
 - Class E: Buildings etc incidental to the enjoyment of a dwellinghouse;
 - Class F: Hard surfaces incidental to the enjoyment of a dwellinghouse;
 - Class G: Chimneys, flues etc on a dwellinghouse; and
 - Class H: Microwave antenna on a dwellinghouse.

End of Schedule