



Appeal Decision

Site visit made on 19 December 2023

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 January 2024

Appeal Ref: APP/U2370/W/23/3321048

Weavers Farm, Weavers Lane, Cabus, Lancashire, PR3 1AJ

- 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 J Davis against the decision of Wyre Borough Council.
 - The application Ref 22/00708/FUL, dated 11 July 2022, was refused by notice dated 11 April 2023.
 - The development proposed is described as the change of use of an agricultural building to one dwelling house (Use Class C3), restriction of use of an agricultural building to agricultural storage only, the erection of separating boundary treatments and retention of the access road to serve residential properties only.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed change of use on the open and rural character of the surrounding countryside.

Reasons

3. The appeal building is a detached barn that is part of a group of farm buildings, known collectively as Weavers Farm, lying within a largely open area of countryside to the north of the small settlement of Cabus. The group includes several large modern agricultural buildings, extensive hardstanding yard areas and a dwelling. The barn is a traditional detached stone structure with large, sliding doors in the main north elevation, and a slate roof. There is an attached single-storey building on its eastern side, constructed in a mix of materials. There is also an additional, 'lean-to' extension to the rear of the barn, which would be demolished as part of the proposal. Access to the barn can be gained via the access to the existing dwelling off Weavers Lane. The proposed development would involve the conversion of the main barn and attached single-storey building into a three-bedroomed dwelling.
4. Policy SP4 of the Council's recently adopted Local Plan (2011-2031) (LP), which relates to protecting the open and rural character of the countryside, indicates that the conversion of existing buildings will be permitted where it is demonstrated that a specific order of priority of uses has been considered. In order and in summary, these are: employment uses appropriate to the rural area; tourism destination uses; live/work units; tourism accommodation; and, finally, residential.

5. Policy SP6 of the LP indicates that the Council's overarching objective is to ensure that development is viable. Where a developer proposes a form of development that would not normally be acceptable on a particular site, on grounds of financial viability, the Council will require the developer to supply evidence as to the financial viability of the development. Evidence of marketing may also be required.
6. The Council contends that Policy SP4 of the LP sets out a list of priorities for conversions in the countryside and requires applicants to demonstrate that a reasonable effort has been made to secure a use higher in the order of the list. In this case, it submits that satisfactory justification has been provided for why three of the uses would not be suitable, but that the barn could be converted to holiday accommodation, which would also provide a long-term use for what is a non-designated heritage asset. No marketing evidence has been provided to suggest that this would not be viable.
7. The appellant contends that the potential occupancy of the building as a unit of holiday accommodation would be significantly greater than its use as a permanent residence, and that this could potentially result in harm to the living conditions of the current occupiers. On this basis, he considers that use of the barn as a residence would offer an optimum reuse that would also secure the longevity and security of the non-designated heritage asset.
8. The council accepts that a conversion of the barn to residential use would secure a long-term future for the non-designated heritage asset. The Council also accepts that the conversion of the barn would not be desirable or feasible for employment uses appropriate to the rural area; tourism destination uses; or live/work units. I concur with those views. However, Policy SP4 indicates that where the proposal involves a use other than for employment uses, applicants will be expected to demonstrate that they have made every reasonable effort to secure a use higher in the order of priority including appropriate marketing in accordance with policy SP6 (Viability). In this case, the Council contends that the appellant has not provided any evidence of having made a reasonable effort to secure a use as tourist accommodation.
9. The appellant has referred to a recent appeal (ref: APP/C2741/W/22/3293998) in which a change of use from a dwelling to use as a holiday let for up to 14 people was refused by the inspector, on the grounds that the proposed use would give rise to a general level of noise and disturbance at an intensity that would be disruptive, particularly to the occupiers of the neighbouring properties. The appellant contends that the use of the barn at the appeal property for a similar purpose could result in an occupancy of up to 10 people and thereby lead to undesirable harm to the living conditions of the occupiers of the existing dwelling at Weavers Farm. By way of contrast, use of the barn as a single dwelling, with a likely occupancy of only 5 people, would be preferable and less disruptive. In addition the resultant significantly heavier usage of the converted barn as holiday accommodation could cause damage to the non-listed heritage asset in the longer term.
10. I find that there is a significant difference in circumstances between the proposed development in the earlier appeal case and those of the current proposal. In the earlier case, the appeal property was an attached dwelling that appears not to have been in the ownership of, or under the control of, the adjacent occupiers. In this case, the barn is detached from the existing

dwelling and under the same ownership. For this reason, it is within the control of the occupiers of the dwelling at Weavers farm to set limits on the level of occupancy of any holiday let and, thereby, influence its usage. On this basis, there need be no significant harm to living conditions at the existing dwelling, nor need there necessarily be any physical harm to the non-designated heritage asset.

11. Other than the reference to the earlier appeal case, there would not appear to be any evidence before me of any effort to secure a use higher in the order of priority, in this case tourism accommodation, either by way of a financial viability study or by way of appropriate marketing. I acknowledge that the Council has previously adopted a 'pragmatic' approach with regard to the needs for marketing evidence, and there would not appear to be any earlier specific requirement made by the Council to provide such evidence in this case. However, I find that the lack of any effort by the appellant to provide information on the viability of, or the potential for, conversion of the barn to tourism accommodation, means that the proposed development does not meet the requirements of either Policy SP4 of the LP or the related policy SP6, and would not, therefore, protect the open and rural character of the countryside.
12. I am required to determine the proposed development in accordance with development plan unless there are material considerations that indicate otherwise (paragraph 38(6) of the Planning and Compensation Act 2004). In this case, the proposal would not be in accordance with the provisions of the LP and the benefits of securing a use for the non-designated heritage asset, could potentially be equally well achieved by a suitable conversion to tourist accommodation use. I conclude, therefore, that the proposal conflicts with Policies SP4 and SP6 of the development plan and that there are no material considerations to indicate that the proposal should be allowed. Consequently, I dismiss the appeal.

J D Westbrook

INSPECTOR