

*[These minutes were 'corrected' at the meeting on 14<sup>th</sup> February by the deletion of WH Brown and the insertion of Ms N Stedman in the lists of recorded votes on page 6 on Plans List A02]*

ITEM 16(ai)

**YORKSHIRE DALES NATIONAL PARK AUTHORITY**

**PLANNING COMMITTEE**

Public minutes of the meeting held at Ingleborough Community Centre, Ingleton on Tuesday, 10th January 2006.

**Present:**

WH Brown in the Chair.

RA Bird, J Blackie, Mrs A Brooks, G Dalton, W Fenten, C Hammond, TRN Harrison-Topham, D Heather, D Ireton, OJ Kendall, HA Kirkbride, KJ Lancaster, C Lis, SR Macaré, Mrs S Marshall, Mrs D Millward, A Osborne, Mrs Y Peacock, Dr KM Petyt, Mrs FG Ramsbottom and Ms N Stedman.

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**COPIES OF ALL DOCUMENTS CONSIDERED ARE IN THE MINUTE BOOK**

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**1/06 JOHN SAYER, MBE**

The Chairman paid tribute to John Sayer MBE, former member of the Authority, who had died suddenly before Christmas. Members and officers stood in silence as a mark of respect.

**2/06 MINUTES**

**RESOLVED –**

That the public minutes of the meeting held on 13th December 2005, having been printed and circulated, be taken as read and be confirmed and signed by the Chairman, subject to the records of declarations of interest by:

- Messrs Dalton and Lancaster in respect of Plans List No B07, both being amended to read - “..being acquainted with the applicant.”; and
- HA Kirkbride in respect of Plans List No B04 being amended to read – “..being acquainted with the owner of the property.”

*[Note: Later in the meeting, after the minutes had been confirmed, as recorded above, TRN Harrison-Topham stated that the recorded declaration of interest by him in respect of Agenda Item 15 (Daggerstones, Healaugh) was incorrect. He had left the meeting during the debate and voting, but had not declared an interest in the item.]*

**PUBLIC QUESTION TIME**

Mr Peter Sugden addressed the meeting, reminding the Chairman and Committee members that the Committee, at the meeting held in the Fountain Hotel, Hawes in March 2005 had granted planning permission for a development at Four Lane Ends, Marthwaite, Sedbergh which included a pinery workshop (Application No S/03/341A). One of the conditions (Condition No 8) on the permission imposed controls over the use of power tools and machinery.

He stated that as of 21st November 2005, the developer had failed to take the remedial actions required under Condition No 8, and added that work should have commenced by 19<sup>th</sup> October 2005 on reducing noise from a dust extractor.

He asked what enforcement action the Planning Committee was minded to take in order to remedy this breach of planning control.



The Chairman thanked Mr Sugden for his question and responded as follows:

- “1. The question relates to the industrial use of a former poultry farm at 4 Lane Ends on the western edge of the National Park, 2 miles south of Sedbergh.
2. In 2004, a planning permission granted in 1999 was found to have been breached in several respects, including the erection of an unauthorised dust extraction plant which was the cause of complaint due to the alleged noise it created.
3. In the Spring of 2004, a temporary one year planning permission for the retention of the dust extractor plant was granted to enable the applicant to address the noise issue. A condition of that planning permission required progress to be made by October 2005. The applicant does not appear to have complied with that condition.
4. The Enforcement Officer was aware of the breach referred to and has met and been in correspondence with the owner of the site and his planning consultant.
5. It is intended to present a report to the Planning Committee meeting in February to consider what action to be taken, having regard to the applicant’s imminent need to re-apply for planning permission.”

**EXCLUSION OF THE PUBLIC****RESOLVED -**

That pursuant to Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting during the consideration of the items of business listed in column 1 of the following table on the grounds that each involves the likely disclosure of exempt information as defined in the paragraph in column 2:

<b>Item No on the agenda</b>	<b>Paragraph No</b>
11	12 & 13
13	13
14	13
15	13
16 (Embsay Tannery – Urgent Business – Oral report from the Solicitor and Monitoring Officer)	12

**5/06 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Mrs N Grace and JJ Pearlman and for lateness from C Lis and Mrs S Marshall.

**6/06 DECLARATIONS OF THE EXISTENCE AND NATURE OF PERSONAL INTERESTS**

The following declarations of the existence and nature of personal interests were made by members:

Mrs FG Ramsbottom	Personal non-prejudicial interest in Plans List No B07
KJ Lancaster	Personal non-prejudicial interest in Agenda Item 12(a) – being acquainted with the applicant.
WH Brown	Personal and prejudicial interest in Plans List No A02, being related to the applicant.
G Dalton	Personal non-prejudicial interest in Agenda Item 12(a) – being acquainted with the applicant.

**7/06 DECLARATIONS OF LOBBYING**

The following declarations of lobbying that had occurred too late to be notified in the appropriate way, were made by members:

Dr KM Petyt	Lobbied on Plans List No A02
D Ireton	Lobbied on Agenda Item No 12(b)
HA Kirkbride	Lobbied on Plans List No A02 and B07
Mrs Y Peacock	Lobbied on Plans List No A02
J Blackie	Lobbied on Plans List Nos A02, B06, B07 and B09
WH Brown	Lobbied on Plans List No B06

**8/06 APPLICATION FOR FULL PLANNING PERMISSION FOR CONVERSION OF GARSDALE FOOT CHAPEL TO FORM DWELLING FOR LOCAL LETTING**

CONSIDERED –

The report of the Planning Officer.

**RESOLVED –**

That, notwithstanding the officer's recommendation for refusal, the application for full planning permission for conversion of Garsdale Foot Chapel to form dwelling for local letting be approved, subject to the applicant first entering into a Section 106 agreement tying the former chapel to the main farm holding as part of a farm diversification scheme and that the following conditions be imposed

- i) Standard time
- ii) Submitted Plans
- iii) Retention of roof material
- iv) Rainwater goods black
- v) Windows frames and doors timber, colour to be agreed

- vi) Window & door frames recessed 125 mm
- vii) Sample of new heads and sills
- viii) Removal of permitted development rights – no enlargements, improvements, alterations such as garages, windows/doors
- ix) Removal of permitted development rights – no buildings or enclosures within the site

**9/06 APPLICATION FOR FULL PLANNING PERMISSION FOR CONVERSION OF BARN TO OFFICE WITH ANCILLIARY ONE BEDROOM FLAT AT THE BARN, OTTERBURN**

CONSIDERED –

The report of the Senior Planning Officer.

**RESOLVED –**

That, notwithstanding the officer's recommendation for refusal, the application for full planning permission for conversion of barn to office with ancillary one bedroom flat at The Barn, Otterburn be approved, subject to the applicant first entering into a Section 106 agreement to restrict the occupancy of the flat to local occupancy, tie the residential use to the business and ensure that the residential use remains ancillary to the business use, and conditions based on the following:

1. Standard time limit – three years
2. In accordance with approved plans
3. Retention of stone slate roof
4. External doors and window frames to be made of timber and painted/stained a colour to be first agreed
5. No rooflights or solar panels unless agreed
6. Window/door reveals to be recessed by 100mm
7. Boundary treatment to be agreed/retention of existing walls
8. No rebuilding unless agreed in writing
9. Rainwater goods
10. Highways

**10/06 APPLICATIONS FOR PLANNING PERMISSION**

The following members of the public addressed the meeting on the Plans List items indicated:

Plans List No A02	Mrs M Pratt in support of the application Mr KM Nugent in support of the application
Plans List No B06	Ms C Sunter in support of the application
Plans List No B09	Mr S McLoughlin in support of the application Ms G Clark in support of the application Ms R Richardson against the application

CONSIDERED –

The report of the Head of Planning listing applications for planning permission, the recommendations thereon, together with a late consultations report circulated after the

despatch of the agenda but prior to the meeting and further late consultations circulated at the meeting.

**RESOLVED -**

That the applications for planning permission be determined as set out below, subject to: -

- (a) the imposition of the conditions required in accordance with the provisions of Sections 91 and 92 of the Town and Country Planning Act 1990 except in those instances where an alternative condition is approved, and
- (b) the Head of Planning being authorised to add such conditions as he may consider necessary in the light of observations received from District Councils and/or the Highway Authorities in the specified time period but not warranting reconsideration of the application by the Committee: -

<b>Application [Plans List No - Application No - Proposal] Decision</b>
<i>[Note: These decisions are recorded in the order in which they appeared in the Schedule of Planning Applications NOT the order in which they were considered by the Committee.]</i>
<p><u>Application:</u> A01 C/71/157F Amendment to planning permission ref C/71/157D, consisting of a single storey addition to 'Barn B', Grisedale Farm, Threshfield.</p> <p><u>Decision:</u> That the application be approved, on the basis of the following Planning Officer's recommendation:</p> <p>Subject to consideration of legal advice, grant planning permission subject to the following conditions:</p> <ol style="list-style-type: none"><li>1. Standard Time Limit.</li><li>2. Specified Details, 6 October 2005.</li><li>3. The residential accommodation provided under this permission shall be used as holiday accommodation not as a permanent dwelling and no person or persons shall occupy the accommodation for more than 4 consecutive weeks or more than 8 non consecutive weeks in any year.</li><li>4. Materials (rainwater goods) black.</li><li>5. Window frames shall be made of timber and shall be stained dark oak or shall be painted or stained such other colour as may be agreed in writing by the Local Planning Authority.</li><li>6. Doors shall be made of timber, vertically lined, and shall be stained dark oak or shall be painted or stained such other colour as may be agreed in writing with the Local Planning Authority.</li><li>7. All new window and door surrounds shall be constructed in local natural stone to match in type, style and colour the existing window and door surrounds of the building within which they are located.</li><li>8. Window (reveals) 150.</li><li>9. Prior to the first use of the development the vehicular access, parking and turning facilities shall be formed in accordance with the approved drawing [Reference: Proposed site plan]. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.</li><li>10. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the</li></ol>

**Application [Plans List No - Application No - Proposal]  
Decision**

bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

11. No development shall commence until a sample of the roofing materials to be used on the two single storey dwellings hereby approved has been approved in writing by the Local Planning Authority.

12. Landscaping Scheme (replacement)

13. No development shall commence until details of the proposed rooflights have been submitted to and approved in writing by the Local Planning Authority.

14. Notwithstanding the provisions of Parts 1 and 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 or any Order revoking and re-enacting that Order, no enlargements, improvements or alterations shall be made, attachments added or painting of the exterior walls carried out to the buildings the subject of this permission, including attached porches, dormer windows, or satellite antennae, nor shall any development take place within the curtilage of the buildings such as the erection of an outbuilding, greenhouse, wall or fence, or the laying out of a hardstanding or access, without the express grant of planning permission by the Local Planning Authority.

and also subject to the addition of a further condition to control external lighting.

Application: A02 R/56/355A Full planning permission for erection of single storey dwelling for disabled person's use, Stags Fell View, Hawes.

Decision: Following an unsuccessful proposal that the application be deferred to enable further information to be obtained, consideration be deferred, in accordance with the Members' Code for the Exercise of Development Control, members being minded to approve the application contrary to policy and/or the officers' recommendation, a report to be submitted to a future meeting of the Committee for determination of the application, the bases for members' decision being that:

1. Planning gain as a result of the removal of the unsightly prominent building.
2. Environmental improvement from moving the operating centre of the farm.
3. Environmental improvement from tidying up the site.
4. There is a shortage of purpose built disabled accommodation in the area.
5. Occupancy restricted by 106 to Local Needs with priority for registered disabled.
6. Personal circumstances.

The named vote in respect of this decision being as follows:

For the motion to approve the application:

RA Bird, J Blackie, ~~WH Brown~~, C Hammond, TRN Harrison-Topham, D Heather, OJ Kendall, HA Kirkbride, KJ Lancaster and Mrs Y Peacock.

Against the motion to approve the application:

Mrs A Brooks, W Fenten, D Ireton, SR Macaré, Mrs D Millward, A Osborne, Dr KM Petyt, Mrs FG Ramsbottom and *Ms N Stedman*.

Abstentions:

G Dalton.

On the Chairman's vote (G Dalton chairing the item as the Chairman of the Committee

**Application [Plans List No - Application No - Proposal]**

**Decision**

had declared a personal and prejudicial interest and left the meeting), it was agreed that the application should be referred back for further consideration in order to give officers the opportunity to consider members 'reasons' and to enable the applicant to submit evidence to support the assertion that conversion of the existing accommodation would not be practicable.

Application: B03 C/31/625B Full planning permission for conversion and extension of garage to form self contained granny annexe, 14 Meadow Rise, Giggleswick.

Decision: That the application be approved on the basis of the following Planning Officer's recommendation:

To grant permission subject to a Section 106 Agreement to ensure that the accommodation being provided in the form of a granny annex is not occupied independently of the dwelling known as 14 Meadow Rise and is tied to that property so that it can not be sold off separately and conditions based on the following:

- 1 Standard time
- 2 Submitted Plans
- 3 Retention of existing roof material and new roof material to match existing
- 4 New stonework to match existing
- 5 Rainwater goods black
- 6 Windows frames and doors - timber, colour to be agreed
- 7 Window & door frames recessed 100 mm
- 8 New heads and sills - stone
- 9 Removal of permitted development rights – no enlargements, improvements, alterations such as garages, windows/doors
- 10 Removal of permitted development rights – no buildings or enclosures within the site

Application: B04 C/39/40D Full planning permission for change of use of adjacent barn to form granny flat, Redmire Farm, Hawkswick.

Decision: That the application be approved on the basis of the following Planning Officer's recommendation:

To grant permission subject to a Section 106 Agreement to ensure that the accommodation being provided in the form of a granny annex is not occupied independently of the dwelling known as Redmire Farm and is tied to that property so that it can not be sold off separately and conditions based on the following:

1. Standard Time Limit
2. Specified Details, date 30th September 2005
3. Notwithstanding the provisions of Classes A, C, D & H of Part 1 and Class C of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 or any Order revoking and re-enacting that Order, no enlargements, improvements, alterations shall be made, attachments added or painting of the exterior walls carried out to the building(s) the subject of this permission, including attached garages, porches, dormer windows, or satellite antennae, without the express grant of planning permission by the Local Planning Authority.
4. Notwithstanding the provisions of Part I to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 or any Order revoking and re-enacting that Order, no windows or doors shall be inserted in any elevation of the converted barn or single-storey extension, except as shown on the approved plans.

**Application [Plans List No - Application No - Proposal]**

**Decision**

5. There shall be no rebuilding works unless first agreed in writing with the Local Planning Authority.
6. The existing natural stone roofing slates shall be retained as the exterior roof covering of the building hereby permitted, any additional slates required shall be natural stone slate of the same kind, dimensions and colour as those on the existing building.
7. All external doors and window frames shall be made of timber and painted/stained a colour to be first agreed in writing with the Local Planning Authority. The doors and window frames shall be retained as approved in perpetuity.
8. With the exception of those shown on the approved drawings and notwithstanding the provisions of Part I to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 or any Order revoking and re-enacting that Order, no rooflights or solar panels shall be inserted into the roofslopes of the building, unless agreed in writing by the Local Planning Authority.
9. Windows (reveals) 100
10. Materials (rainwater goods) black

and subject to the prior conclusion of a Section 106 agreement to prevent separate letting of the flat and the addition of a condition to restrict external lighting.

Application: B05 C/46/210A Outline planning permission for erection of dwellinghouse, land adjacent to Manor Lodge & Manor House, Kettlewell.

Decision: That the application be approved on the basis of the following Planning Officer's recommendation:

Grant planning permission subject to conditions

1. Standard Time Limit for Outline Consent
2. Specified Details, date 12 May 2005
3. Submission of details (general).
4. Materials (walls - sample panel).
5. Sample stone roof slates
6. Sample stone window surrounds
7. Materials (rainwater goods) black
8. Window frames shall be made of timber and shall be painted/stained white, or such other colour as may be agreed in writing by the Local Planning Authority.
9. Restricting Permitted Rights (extension/alteration of dwelling)
10. Restricting Permitted Development Rights (in curtilage of dwelling)
11. Prior to the use of the development Two (2) (per dwelling) parking spaces (min size 4.8m x 2.4m) shall be provided, laid out, hard surfaced, drained, marked out and made available for use. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
12. Private Access/Verge Crossings : Construction Requirements
13. Visibility Splays 2m x 45m

Application: B06 R/03/73A Full planning permission for conversion of barn to form dwellinghouse with provision of access and parking for 2 cars, Barn, Harkerside Road, Grinton.

Decision: That consideration of the application be deferred to enable a more acceptable parking scheme to be pursued.

**Application [Plans List No - Application No - Proposal]  
Decision**

Application: B07 R/50/82B Full planning permission for change of use of part of barn to form a micro brewery, Seata Barn, Elm Hill, Askrigg.

Decision: That the application be approved on the basis of the following Planning Officer's recommendation, having been amended at the meeting by the addition in Condition (vi) of '*and connection*' and subject to the addition of conditions to prevent retail sales from the site; to prevent any alterations and to clarify, in Condition (iv), that there shall be no more than one brew per week unless by prior written agreement:

That the application be approved subject to conditions based on the following-

- i) 3 year time limit
- ii) specified plans (submitted details)
- iii) personal permission
- iv) restrictions on scale of operation
- v) condensers to be installed prior to first operation
- vi) details of sewage disposal to be submitted for approval *and connection* prior to first operation
- vii) provision of car parking space with application site
- viii) no outside storage

Application: B08 R/56/24V Full planning permission for variation of condition 1 of permission YD/1/56/24H to convert 12 static pitches to 8 touring pitches, Brown Moor Caravan Club Site, Hawes.

Decision: That the application be approved on the basis of the following Planning Officer's recommendation:

That full planning permission for variation of condition 1 of permission YD/1/56/24H to convert 12 static pitches to 8 touring pitches at Brown Moor Caravan Club Site, Hawes be approved subject to conditions and the completion of a revised section 106 legal agreement.

The following conditions are recommended -

- 1. Standard time
- 2. Submitted Plans dated 24 November 2005
- 3. Restricting number of touring caravans
- 4. Site closure period 1 December to 31 January - as stipulated in condition 6 of approval YD/1/56/24H
- 4. Removal of units during closed period
- 5. Sample of road surfacing material
- 6. Protection of existing trees during construction works
- 7. Further details on tree species, number, location, protection and replacement
- 8. Prior to commencement of works all 12 static caravans shall have been removed from site.

Application: B09 R/56/389 Full planning permission for change of use of 2nd floor of dwelling from private use to bed and breakfast accommodation, Ebor House, Hawes.

Decision: Following an unsuccessful proposal that the application be refused – the voting

**Application [Plans List No - Application No - Proposal]  
Decision**

in respect of that unsuccessful motion being:

For the unsuccessful motion:

J Blackie, G Dalton, C Hammond and OJ Kendall.

Against the unsuccessful motion:

RA Bird, Mrs A Brooks, WH Brown, W Fenten, D Ireton, KJ Lancaster, SR Macaré, A Osborne, Mrs Y Peacock, Dr KM Petyt and Ms N Stedman.

Abstentions:

TRN Harrison-Topham, D Heather, HA Kirkbride, C Lis, Mrs S Marshall, Mrs D Millward and Mrs FG Ramsbottom.

the application be approved on the basis of the Planning Officer's recommendations contained in 'Late Consultations – Received 6 January 2006' and in 'Late Consultations – Received 9 January 2006'.

Application: B10 R/58/60H/LB Listed building consent for replacement of a number of windows some fixed light, some casement, proposal to be soft wood double glazed, The George Inn, Thoraby.

Decision: That the application be refused on the basis of the following Planning Officer's recommendation:

That Listed Building Consent should be REFUSED for the following reason:

1. The insertion of double-glazed windows would have a significant detrimental impact and would prejudice the special interest of the Grade II Listed Building. As such the proposal is contrary to advice within Planning Policy Guidance Note 15 'Planning and the Historic Environment'.

Application: B11 R/60/30A Full planning permission for variation to condition 7 of approval no R/60/30 to increase number of coaches from two to four per day, Tuppill Park Estate, Coverham.

Decision: Following unsuccessful proposals that consideration of the application be deferred and that approval be granted subject to a one year temporary consent, the application be approved on the basis of the following Planning Officer's recommendation, revised at the meeting by members to limit the consent to a 2 year temporary permission and subject to the permission specifying that other than in respect of the four coaches, operations shall be entirely within the terms of the existing conditions:

That the application be approved subject to conditions based on the following:

- i) specified details (as submitted)
- ii) the variation to 4 coaches shall apply to term time only ( a maximum of 2 coaches per day on weekends/bank holidays and school holidays)
- iii) maximum size of coach to be agreed

*Note: TRN Harrison-Topham*

- *referred to the declaration of interest recorded for him in the minutes of the previous*

<b>Application [Plans List No - Application No - Proposal] Decision</b>
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*meeting and noted earlier in these minutes; and*

- *declared a personal and prejudicial interest in Plans List No B11.*

**11/06 UNAUTHORISED SITING OF STATIC CARAVAN AT CRACOE FARM SHOP, TOPPAN HOUSE, CRACOE**

CONSIDERED –

The report of the Enforcement Officer, who revised the recommended compliance period from 6 to 2 months. She stated that this revision followed discussion with the Solicitor, who had suggested that two months would be a more appropriate compliance period, given the nature of the work required.

**RESOLVED –**

That the Authority's Solicitor be authorised to take enforcement action to ensure that the static caravan and associated fixtures and fittings at Cracoe Farm Shop, Toppan House, Cracoe are removed, the compliance period to be 2 months.

**12/06 REPORT OF THE HEAD OF PLANNING**

CONSIDERED –

The report of the Head of Planning.

**RESOLVED –**

That the report be noted.

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**The remainder of business was considered in private.**

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**PUBLIC SUMMARY OF BUSINESS CONSIDERED IN PRIVATE**

**(a) Private Minutes**

The Committee confirmed, as a correct record, the Private Minutes of the meeting held on 13th December 2005 that had been circulated with the agenda. The Minutes were duly signed by the Chairman.

**(b) Skeb Skeugh Farm, Angram Lane, Angram**

The Committee considered a report that summarised the Inspector's decision in respect of the recent appeals relating to development in Angram.

Some concern was expressed that the appellant should, in addition to the Inspector's letter, be informed by the Authority exactly what the implications were of each of the Inspector's decisions, particularly those that were time-limited in respect of action required.

The Deputy Head of Planning stated that

- a report would be submitted to the next meeting of the Committee on possible further enforcement action, and
- a letter would be sent to the appellant (and copied to Muker Parish Council) setting out, in detail, the implications and requirements of the Inspector's decisions.

**(c) Planning Enforcement Closures Report**

Members considered and approved a report that listed planning enforcement cases that had been resolved and were recommended for closure.

**(d) Planning Enforcement Quarterly Report**

The Committee considered and noted a report from the Deputy Head of Planning that provided an update on enforcement activity since 28<sup>th</sup> September 2005.

**(e) Embsay Tannery – Judicial Review**

*[Note: Mrs S Marshall declared a personal and prejudicial interest in this item and left the meeting.]*

The Solicitor/Monitoring Officer provided members with an update on the Embsay Tannery judicial review proceedings.