Yorkshire Dales National Park Authority **Item 5.3**

Committee: Planning

Date: 13 October 2026

Applicant: Mr Brian Steadman

Parish: Sedbergh

Officer: Nicola Dinsdale

Application No: S/03/773

Site Address: Land off Frostrow Lane, Garsdale Road, Sedbergh (GR:367136,491712)

Proposal: Full planning permission for erection of 1no. single-storey local occupancy dwelling with associated curtilage and parking, partial demolition of existing stable and creation of new public pedestrian right of way

Purpose of the report

1. To provide further advice on this application. Copies of the previous reports considered at the September committee meeting are attached.

Background

2. At the meeting held on the 1st September 2026, the application was deferred to allow Officers to advise on the new National Planning Policy Framework (NPPF) which was published on the 17th August 2026. The points of clarification are:

    1. The position of the Authority's Local Plan in relation to the Framework.
    2. The relevance of the new Framework to this planning application.
    3. The weight to be given to policy and material considerations.

The National Planning Policy Framework (2026) and the Local Plan

3. The new National Planning Policy Framework sets out the Governments policy for plan making and for making decisions on planning applications. It is a significant material consideration.

4. Annex A of the Framework states that the “development plan policies (or parts of those policies) which are materially inconsistent with national decision-making policies in this Framework should be given very limited weight”. The term materially inconsistent sets a very high bar and there would need to be a significant and obvious conflict between the policies of the Local Plan and the decision-making policies of the Framework. It is also important to understand that the Framework should be considered as a whole and individual policies not taken in insolation.

5. The new Framework introduces some new flexibilities in relation to housebuilding outside of settlements that are relevant to this application (policy S.5 of the Framework – see below). It also reaffirms that weight should be given to avoiding harm to the statutory purposes and special qualities of Protected Landscapes (policy N4). The level of weight is reclassified as ‘substantial’ (previously ‘great weight’) however there are now only two levels of weight in the Framework – substantial and normal.

6. The Yorkshire Dales Local Plan (2026) was formally adopted by the Authority in June 2026, prior to the publication of the new Framework. The Plan was found to be sound and in compliance with Government policy by an Inspector as recently as June 2026. It provides a positive framework for development in the National Park over the next 15 years that is carefully balanced against the area’s intrinsic special qualities.

7. Yorkshire Dales Local Plan (2026) contains a range of, conservation and housing policies and has a particular emphasis on National Park purposes, good design and development in sustainable locations. It makes provision for housing outside of settlements that is necessary for rural enterprises, allows infill development within settlements and development extending hamlets which are listed in the settlement hierarchy as sustainable locations for development. The Local Plan also makes some provision for housing outside of development boundaries where there would be an exceptional need for affordable housing (policy C3).

8. The strategy and polices of the Local Plan are consistent with the decision making policies of the new Framework and, critically, the law (Section 38(6) of the Planning and Compulsory Purchase Act 2004) has not changed insofar as decisions shall be made in accordance with the development plan unless material considerations indicate otherwise.

Relevance of Framework Policies to the Application

9. Section 4 of the Framework relates to achieving sustainable development: “the objective is to meet development needs through sustainable patterns of development, including by maximising the potential for growth on suitable land within settlements, enabling development which will support the rural economy, rural communities and the provision of infrastructure, and limiting development away from settlements to help safeguard the intrinsic character and beauty of the countryside”**.**

10. Policy S5 relates to the principle of development outside of settlements and specifies that only certain types of development should be approved outside of settlements. Importantly, the policy caveats the requirement to approve if the benefits of doing so are substantially outweighed by any adverse effects.

11. The applicant has referenced the following criteria of policy S5 as being relevant to the proposal for housing outside of settlements: (1)d, (relating to previously developed land); (1) e (relating to the limited infilling within a group of houses); and (1) h (development within reasonable walking distance of a well-connected station).

12. The full list of forms of development that should be approved outside of settlements :

    a. Development for agriculture, horticulture and forestry; outdoor sport and recreation, allotments; cemeteries and burial grounds;
    Not applicable to this application.

    b. Development for rural businesses and services - Not applicable.

    c. The reuse, extension, alteration or replacement of an existing building.
    Not applicable.

    d. The redevelopment of previously developed land (including a material change of use to residential or mixed-use including residential)

    The term previously developed land is defined in the Framework as “land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land, including a hardstanding.”

    The site comprises a stable building, with hardstanding area and a fenced driveway. Although part of the application site could be considered as previously developed land, this would include only the area of the proposed plant room and a part of the proposed residential curtilage. It is clear that the proposed house itself would be situated on the area of undeveloped land, within the agricultural field and is not considered as a previously developed brownfield site. The proposal therefore fails to meet the criteria S5 (1) d.

    e. Limited infilling within groups of houses;

The proposed dwelling would be situated within a field outside of the Sedbergh housing development boundary. The dwelling would be positioned along the south perimeter of the field, set back from the highway by approximately 35 metres. Although it is acknowledged that there is a loosely dispersed cluster of buildings located nearby, separated from the site by the A684 (The Moss and Moss Barn) and the property “El Kantara” accessed from Frostrow Lane are all situated approximately 75 metres from the proposed house. The proposed site does not have a cohesive connection with the nearby properties, they do not share facilities, amenities, or have any relationship with the other nearby properties and is not considered as a building group.

The applicant repeatedly refers to the cluster of buildings as ‘Moss’. This does not signify that this disparate group of buildings is a settlement or hamlet for planning purposes. ‘Moss’ is not included in the list of settlements in Local Plan Policy CP3 (Spatial Strategy and Housing Target) where new development is focussed.

The term ‘infill development’ is a planning term that refers to filling in vacant plots of land and gaps between existing buildings within a frontage or group of buildings. The proposed site is physically separate from other buildings nearby and is set back from the highway. There are no buildings situated at either side and there are no gaps between any buildings to infill. The site is not an infill plot.

The site is just one field surrounding a disparate group of properties in the open countryside. It is not part of a defined settlement or either physically, or visually, a plot or gap within an otherwise developed area. The proposal would add a new dwelling with a large curtilage in an unsustainable location in the open countryside which would be physically and visually separate from established settlements.

The proposal does not meet the requirements of criterion 1(e).

f. An exception site as provided for in policy HO10, or development brought forward under a Community Right to Build Order or Neighbourhood Development Order;

Policy HO10 relates to exception sites for affordable housing. The proposal is not for affordable housing and the site would not be classed as a rural exception site. The proposal does not meet the requirements of criterion 1(f).

g. Development which would address an evidenced unmet need for gypsy, traveller or travelling show people accommodation, provided it meets the criteria in policy HO12;

Not relevant to this proposal.

h. Residential and mixed-use development which would be:

i. Be within reasonable walking distance of a well-connected station;
ii. Be physically well-related to the station or the settlement within which the station is located;
iii. Be of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure; and
iv. Not prejudice any proposals for long-term comprehensive development in the same location.

The Framework defines a well-connected station as "Railway stations and underground, tram and light rail stops located within a top 80 Travel to Work Area located partially or fully within England by Gross Value Added (GVA)72 and which, in the normal weekday timetable, are served (or have a reasonable prospect of being served due to planned upgrades or through agreement with the rail operator) throughout the daytime by at least four trains or trams per hour overall, or at least two trains or trams per hour in any one direction".

The application site is not within 800 metres of any railway station and is a considerable distance from any qualifying station listed within the top 80 travel to work areas (defined by ONS GVA data) – the nearest being Kendal.

The proposal does not meet the requirements of criterion (h).

i The development of land allocated for that purpose in the development plan (where this lies outside settlements); and

j. Development which would address an evidenced unmet need (including, but not limited to, development proposals involving the provision of housing where the local planning authority cannot demonstrate a five year supply of deliverable housing sites or scores below 75% in the most recent Housing Delivery Test), and where the development would:

i. Be physically well-related to an existing settlement (unless the nature of the development would make this inappropriate) and be of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure; or

ii. Comprise major development for freight and logistics purposes which accords with policy E3.

The site is not allocated in the Local Plan nor is it physically well related to the nearest settlement – Sedbergh. The Authority can demonstrate a 5 year supply of deliverable housing sites having just allocated sites for housing in the new Local Plan and taking into account existing permissions moving to completion. Even if the Authority was not able to demonstrate a 5 year supply the contribution to housing supply of a single house would not be materially significant and would not outweigh the adverse effects of the proposal.

13. The proposal development does meet the requirements of any of the prescribed criteria of the decision-making policy S5(1). However the policy goes further at S5 (2) which specifies that "the circumstances in which the benefits of approving development proposals are likely to be substantially outweighed by adverse effects include, but are not restricted to, situations where the development proposal would fail to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances". This is relevant in considering Policy N4 – Protected Landscapes.

14. Policy S5 (3) relates specifically to isolated homes such that "development proposals comprising isolated homes, which are those lying outside settlements or groups of houses, should not be approved other than in accordance with policy HO11 (Isolated homes in the countryside)" Policy HO11 specifies that proposals for isolated homes in the countryside should only be supported where there is an essential need for a rural worker to live permanently at or near their place of work in the countryside; where the development would secure the future of heritage assets, the reuse of a redundant or disused building, the sub-division of an existing residential building and where the design is of exceptional quality.

15. The proposal is not for a rural worker, will not secure a heritage asset, and is not the re-use of a redundant building albeit it includes the partial demolition and alteration of the existing stable block to form a plant room. The proposed design is not of an exceptional design that would reflect the highest standards of architecture and would not offer an enhancement to the immediate area. The proposal does not meet the requirements of part (3) of Policy S5.

16. Policy S5(4) specifies that "development proposals which do not fall within one of the categories set out in this policy should only be approved in exceptional circumstances, where the benefits of the proposal would substantially outweigh the adverse effects, including to the character of the countryside and in relation to promoting sustainable patterns of movement".

17. The proposal has not demonstrated any exceptional circumstances but offers the provision of a short stretch of footpath in return for permission to build a house.

Weight given to policy and material considerations.

18. It is important to remember that Local Plan policies and other material considerations should not just be weighed up against each other. The starting point required by S38(6) is always the development plan (local plan policies) and there must be good reason to depart from it.

19. There is no policy justification for the development of the site for housing, in either the Framework or the Local Plan, and so the consideration for Members is whether the benefit to be derived from what is offered outweighs the conflict with both

national and local policy and the adverse effects of the proposal bearing in mind the primacy afforded to local plan policies by S38(6) of the 2004 Act (see para 8 above).

20. The site is located within the basin of the Rawthey Valley, which has a pastoral character, with irregular field sizes, bound with hedgerows and dry stone walls. The approach along the A684 is mostly lined by hedgerows and trees having a very isolated appearance which adds to the charm of the area. The proposal including the construction of a single storey dwelling, the removal of the well-established roadside hedgerow and tree, and the introduction of a surfaced footpath and wall would detract from the appearance of the site and from the character of this stretch of the highway, especially in views on the approach along the highway. The proposal is contrary to the Framework policy NE4 which gives substantial weight to the need to conserve and enhance the natural beauty of the National Park and requires proposals to be sensitively located and designed.

21. The proposal offers a short 70 metre stretch of footpath along the A684 to potentially provide an off road link between routes from the Millthrop direction and from Farfield Mill. Framework policy TR8 relates to public rights of way and specifies that development proposals should protect and enhance the network of public rights of way, and take opportunities to extend, link or improve the quality of existing routes.

22. Although Westmorland and Furness Council (the Local Highway Authority) has no objection to the proposal on the grounds of highway safety and has acknowledged that the route would provide some public benefit, the Council has not agreed to adopt the route as part of the highway. This Authority, in its capacity as delegated Highway Authority, does not consider that the route would be of sufficient benefit to be adopted as a public right of way maintainable at the public expense, particularly given the sections of road walking required to access the route and the need for users to cross the carriageway to access the footpath.

23. The applicant intends to secure the route by means of a dedication agreement under Section 30 of the Highways Act 1980. This allows Parish Councils to enter into an agreement with the owner of the land to create footpaths if it considers that the creation of the footpath would be beneficial to all or part of the Parish inhabitants. The Parish Council may carry out works (including works of maintenance or improvement) incidental to or consequential on the making of the agreement or contribute towards the expense of carrying out such works.

24. Sedbergh Parish Council has not agreed to enter into an agreement at the current time but has stated that it would seek independent advice if the planning application is approved and a Section 30 agreement deemed an appropriate measure to secure the route. Members should note that a Section 30 agreement can not be required through the planning process and is entirely independent of it. A planning permission

could secure the creation of the path but not the ongoing maintenance, public safety, liability and responsibility for the route – matters which would normally be responsibility of the Highway Authority.

25. There are limitations relating to the Section 30 process, which cannot be controlled through the planning process, including:
    - There are no powers to impose conditions or limitations on the right of way created by the Section 30 agreement;
    - The Parish Council is not obliged to ensure that the footpath is physically created or to advertise the creation of the accessible route;
    - The footpath would not automatically be added to the Rights of Way network and added to the Definitive Map;
    - The footpath would not be maintainable at public expense;
    - The management of the footpath once created and used by the public, would rest with the Local Highway Authority (in this case this Authority as delegated by Westmorland and Furness Council) and would not remain the responsibility of the Parish Council.
    - The management of the footpath would include, dealing with complaints, obstructions, nuisances and protecting the public right to use the route. As well as responding to complaints that the route is not being sufficiently maintained.

26. Whilst it is recognised that a short length of off-road accessible footpath would have some public benefit, the proposal would result in the loss of the roadside hedgerow, and its replacement with an engineered footpath that would be visually incongruous in this location. Both the Highway Authority and this Authority consider that the public benefit of the footpath would be limited and the mechanism by which the applicants propose to secure the route is not certain and could potentially result in a management burden for this Authority. It is therefore considered that the weight to be given to the public benefit of the proposed footpath is limited.

Conclusion

27. The Yorkshire Dales Local Plan, including its spatial strategy, housing policies and policies protecting the special qualities of the Park, is materially consistent with the new Framework. The most relevant policies of the new Framework are S5, N4, HO11, and TR8. For the reasons set out above the proposal does not receive any support from either S5, N4 or HO11. Policy TR8 offers some support to proposals that enhance or extend the network of public rights of way however that support does outweigh the conflict with the other Framework policies which tend to support the spatial strategy and housing policies of the Local Plan.

28. The proposal does not have any policy justification for it, would create a precedent, and will have adverse effects on the visual quality of the site and character of the area through the erection of a dwelling with associated development, and through the creation of a footpath entailing the removal of an established hedge and tree.

29. The perceived public benefit of the footpath should only be afforded limited weight in the planning judgement because of the limited amenity and safety to be afforded by it, the lack of certainty over how it will be secured and maintained and as its creation would require the removal of the hedge and tree and its replacement with an engineered path and wall arrangement.

30. It is considered that the weight to be afforded to the footpath as a material consideration is not sufficient to outweigh the adverse effects of the proposal and the Local Plan (its spatial strategy, housing policies and policies protecting the special qualities) in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004.

Recommendation

31. The recommendation is to refuse the planning permission as set out in the report to the September Planning Committee, for the following reasons:

1. In the opinion of the Local Planning Authority, the proposed dwelling is not in a sustainable location for housing development, and the proposal is not justified by an exceptional need, either as affordable housing or being necessary for a rural worker. To allow the proposal would set an undesirable precedent for permitting development in unsustainable locations that would harm the landscape and scenic beauty of the National Park and conflict with the decision making polices S5 and N4 as set out in the National Planning Policy Framework (2026) and the strategy for delivering sustainable housing development in the National Park set out in Policies CP1, CP2, CP3, CP6, C1, C2, C3 and C4 of the Yorkshire Dales Local Plan (2025-2040). As such the proposal conflicts with the first statutory purpose of National Parks (S.5 National Parks and Access to Countryside Act 1949).

2. In the opinion of the Local Planning Authority the proposal does not respond positively to the site context and landscape setting or locally distinctive building traditions. The introduction of a dwelling, the removal of the hedgerow and introduction of a pedestrian footpath, with low boundary wall and associated development, represents a poorly designed, intensive and intrusive form of development in this isolated location that would detract from the scenic beauty and largely undeveloped pastoral and dark sky character of the area. As such the proposal is contrary to Policies CP2, CP6 and L6 of the Yorkshire Dales Local Plan (2025-2040), the Yorkshire Dales Design Guide (June 2026), the policies of the National Planning Policy Framework (2026) [policies S5, HO11, NE4, TR8]

and the first statutory purpose of National Parks (S.5 National Parks and Access to Countryside Act 1949).

3. The removal of the native roadside boundary hedge and sycamore tree to facilitate the new pedestrian access from the A684 and visibility splays, would form an intensive and intrusive form of development that would have a harmful impact on the hedgerow and tree affecting the amenity value of the trees, adversely impact the scenic beauty of the site, the wildlife corridor and biodiversity, contrary to policies NE1 and CP6 of the Yorkshire Dales Local Plan (2025-2040) the Yorkshire Dales Design Guide (June 2026), policy NE4, of the National Planning Policy Framework (2026) and the first statutory purpose of National Parks (S.5 National Parks and Access to Countryside Act 1949).

PREVIOUS REPORT

1

Yorkshire Dales National Park Authority

Committee: Planning

Date: 1 September 2026

Applicant: Mr Brian Steadman

Parish: Sedbergh

Officer: Nicola Dinsdale

Application No: S/03/773

Site Address: Land off Frostrow Lane, Garsdale Road, Sedbergh (GR:367136,491712)

Proposal: Full planning permission for erection of 1no. single-storey local occupancy dwelling with associated curtilage and parking, partial demolition of existing stable and creation of new public pedestrian right of way

Purpose of the report

1. To provide further advice on this application.

Background

2. At the meeting held on the 2nd September 2025, the application was deferred to allow the applicant to respond to the Highways objection and to commission a speed survey to obtain data on visibility splays. The points in the debate and amended scheme can be clarified in this update: A copy of the report from that meeting is attached for information as Appendix 1.

Planning policy

3. Since this meeting, a new Local Plan has been adopted by the Authority. The adopted Yorkshire Dales Local Plan (2025-2040) is the strategic planning policy for the National Park.

The relevant policies of the adopted Local Plan are:

Policy CP2	National Park Purpose
Policy CP3	Spatial Strategy and Housing Target
Policy CP6	Design
Policy CP7	Energy Requirements
Policy CP8	Landscape Character
Policy CP9	Biodiversity conservation and enhancement
Policy C1	Housing in Towns and Large Villages
Policy C3	Rural Exception sites
Policy C4	Rural workers dwellings
Policy AC3	Sustainable Travel and Vehicle Movements
Policy E10	Visitor Infrastructure
Policy E11	Visitor Facilities
Policy L6	Dark Night Skies
Policy NE1	Protecting Wildlife Sites, Species and Networks

Consultee Responses

4. The comments of statutory consultees received since September are summarised below:

Westmorland and Furness Council Highways **No objection**

The applicant is proposing to proceed with a footpath with a low wall to form the new pedestrian public right of way. The creation of the footpath is to replace the existing hedgerow, meaning that the hedgerow will be lost, therefore the Local Highway Authority wouldn't have the benefit of adopting the footpath and the applicant would remain responsible for maintenance and the safety of users. This can be secured by condition. Although this option is not deemed suitable for highways concerns, the proposed footpath arrangement is deemed suitable for landscape character and maintenance.

Planning Ecologist No objections to the proposed development, subject to conditions to ensure that works are undertaken in accordance with the precautionary working method statements set out in the Preliminary Ecological Appraisal (February 2026) by Envirotech NW Ltd and that the General Biodiversity Net Gain condition along with a Habitat Management and Monitoring Plan is applied, and enhancement measures for birds and bats as detailed on the Plans (February 2026) by Hyrd Architects Ltd and in the Preliminary Ecological Appraisal (February 2026) by Envirotech NW Ltd are secured.

Sedbergh Parish Council **"**The applicant attended to give a brief update on his planning application and the subsequent ongoing consideration by Yorkshire Dales Planning Committee. Various additional information had been submitted and the applicant is now additionally scheduled to meet with Westmorland and Furness Council Highways to discuss plans for the proposed pathway.

Members noted the results of the recent survey conducted by the applicant, illustrating 97% support for the introduction of the pathway, along with details of a potential Section 30 Agreement. A Section 30 outlines responsibilities that can be agreed, including specific maintenance/liabilities, between landowners/highways/Parish etc. Members noted that, if permission is ultimately granted by YDNPA and a Section 30 is deemed appropriate, they would be content to seek their own independent advice about the potential provision."

Garsdale Parish Council "Whilst this proposed property/path is in the neighbouring Parish of Sedbergh, many residents of Garsdale travel along this area of road regularly. Following an overview of the application, and the measures being carried out by the applicant - particularly around the footpath proposal, Members agreed unanimously to send a letter of support to this scheme which would greatly improve a dangerous walkway for pedestrians in the area, at no cost to the Authority."

Trees and Woodlands Officer Objection
No objections to the proposed dwelling, providing that the arboricultural method statement and tree protection plan, as per the report by Cumbria Tree Surveys (January 2025), are followed. The report demonstrates that the development will have minimal impact on the existing trees, providing the protection measures are met. As individuals, the trees have average amenity value but collectively contribute greatly to the surrounding treescape and add to the character at this location.

However, there are strong objections to the more recent proposal to remove the hedge (identified as hedgerow 4) and sycamore to facilitate the installation of a permissive route, for the following reasons:

- This stretch of hedgerow has been identified as a densely stocked line of species-rich, native hedgerow, with a single young sycamore. The hedge has been managed and restocked over the years – the older stems having been layed.
- The hedgerow has high biodiversity value, acting as a vital wildlife corridor along this stretch of road. It is well established and in good condition. It also adds greatly to the landscape character of the area.
- The planting of a proposed new hedge, to mitigate the loss of the existing hedge, would take many years to replace, in terms of amenity value and biodiversity.
- The sycamore has the potential to grow into a mature, high value tree along this stretch of road – an important consideration when facing the loss of the surrounding ash trees.

Trees and Woodlands Officer
Following the submission of additional information relating to the translocation of the existing hedgerow, further comments have been received.

Concerns are raised relating to the translocation of the hedgerow. There is no British Standard for the translocation procedure. The main issue is that there will be damage to root structures and there will be no guarantee that the hedge will survive. How is that

dealt with in a planning context? What happens if sections survive but other sections don't?
Details of the extent of the rooting environment would need to be understood before the translocation. It is likely that the trees will not survive if done badly and the aftercare is insufficient. Although having concerns the following information would be required:

- A detailed method statement written by a qualified arboriculturalist.
- A full aftercare/maintenance plan.
- Detail of what will happen if the hedge (or sections of) fails.

Head of Park Services YDNPA
Our position remains unchanged. W&FC are the authority responsible for determining whether the proposed path can be accepted either as part of the public highway network or as a Public Right of Way, given their statutory responsibilities in relation to highways and the Definitive Map.

W&FC has confirmed that the Local Highway Authority is not recommending refusal of the application and accepts that the proposal may provide a public benefit. However, they also make clear that the route is not suitable for adoption as highway maintainable at public expense because it is separated from the carriageway. Consequently, responsibility for maintenance and user safety would remain with the applicant.

However, W&FC has not directly addressed whether the route would be suitable for acceptance as a Public Right of Way (Public Footpath) and capable of being added to the Definitive Map.

Furthermore, YDNPA has previously stated that the proposal would not qualify under its Active Travel programme in its current form. Whilst there may be benefits for some users, as acknowledged by W&FC and through local support for the proposal, it remains questionable whether those benefits outweigh the concerns previously identified, particularly the sections of road-walking required to access the route and the need for users to cross the carriageway. It is therefore unclear whether the proposal represents a sufficiently meaningful addition to the wider Public Rights of Way network.

If the route were to be accepted as a Public Right of Way, responsibility for its ongoing maintenance would ultimately fall either to W&FC or to YDNPA under the existing delegation agreement, with the associated costs falling to the public purse.

The benefits to the Public Rights of Way network as a whole, our view would be broadly similar to that expressed by W&FC. Our preference would be for an adoptable footway. Failing that, the applicant should remain responsible for the maintenance of the route and the safety of its users. We recognise that the proposed footpath would provide some public benefit; however, we question whether that benefit is sufficient, in terms of active travel objectives or enhancement of the wider Public Rights of Way network, to justify its acceptance and maintenance as a Public Footpath at public expense.

Public Responses

5. In total 41 public responses have been received in support of the proposal.

In addition, the applicant has undertaken a public consultation, on the proposed accessible footpath and local occupancy dwelling. In summary the in the consultation report's findings details that 297 public responses have been received.
97% of those responding support the pedestrian pathway, detailing that it would serve to improve highway safety.

94% of those responding were in support of the proposed dwelling, on the grounds that the dwelling would be restricted to local occupancy, would have a low landscape impact, there is a need for accessible single storey housing and that the land is considered as previously developed land.

Assessment

The proposed dwelling

6. The adopted spatial strategy for the National Park is through polices CP3 (Spatial Strategy and Housing Target) and C1 (Housing in Towns and large Villages) which support housing development within housing development boundaries. Housing development outside of the housing development boundary is tightly restricted and would only be permitted where there would be an exceptional need for affordable housing (policy C3) or it would meet the requirements of a rural land-based enterprise (policy C4).

7. The proposal is for a new house in the open countryside, outside of any housing development boundary and not within a defined settlement. The applicant is understood to already have a house in Sedbergh and there is no justification or any case being made to demonstrate that there is an exceptional need for affordable housing in this location (policy C3). Furthermore, no case has been made that the proposed dwelling is to serve the needs of a full-time rural worker in support of a rural land-based enterprise (policy C4). The proposal to construct a dwellinghouse in the open countryside is therefore contrary to the housing strategy, policies CP3 and C1 of the Local Plan.

8. The planning application should be determined in accordance with the adopted development plan, unless other material considerations outweigh the strategic housing policies. The proposed dwelling is outside of the housing development boundary and does not meet the requirements of the Local Plan. In this case, the only other material consideration is the provision of the accessible footpath, which has been offered in return for a house in the open the countryside.

The Footpath

9. The proposed pedestrian footpath aims to provide an off-road accessible route along the 70 metres stretch of the A684 before crossing the road to Row Lane. Row Lane is classified as a public by-way, with a prohibition order restricting its use by motor vehicles. To facilitate the route and visibility at the point of crossing the highway, approximately 75 metres of the high roadside boundary hedge and a sycamore tree is to be removed from along the length of the northern perimeter of the site. The main consideration is the balance of the impact of the development against the perceived public benefit.

Highways

10. A transport statement by 'THat Consultancy' has been submitted and a speed survey has been undertaken. The speed survey indicates that at the relevant crossing points on the A684 the mean speed of vehicular traffic passing at the pedestrian crossing (from the footpath to Row Lane) in both directions is 27.9mph, with the 85-percentile speed being 31.9mph. The National Speed limit at this point is 40mph. The visibility splays as existing at the western crossing point on the A684, in its current form are substandard. To overcome this and to provide suitable visibility splays, the proposal has been amended and approximately 75 metres of the high roadside hedgerow is to be removed and a low dry-stone wall, to a height of 60cm will be constructed along the side of the A684.

11. Westmorland and Furness Council has no objection to the revised proposal and extended visibility splays on highway safety grounds. However, due to the introduction of the boundary wall separating the pedestrian route from the highway, the footpath is not deemed suitable to be adopted by the Local Highway Authority and therefore the applicant would remain responsible for its ongoing maintenance, with liability for the safety of users.

Active Travel

12. Policy AC1 aims to promote active travel, health, connectivity and highway safety. The Yorkshire Dales Active Travel Plan details a prospective active travel multi-user route between Sedbergh and Garsdale Station that will form part of the Wensleydale Corridor. The applicant anticipates the footpath forming part of an Active Travel route. At the current time, the Active Travel project is in its early stages of development and there is an in-depth process in assessing potential routes, priorities and any prospective multi-user route would be considered as a whole, reviewing the starting point and the destination point. The proposed footway in its current form is unlikely to qualify as part of the active travel multi-user route and there are also issues around the crossing points, barriers and the interventions required to cross over A684. As such the supposed benefit of the footway forming part of an Active Travel muti-user route is not a consideration.

Landscape Impact

13. The roadside hedgerow in this location is well established and forms part of the character of the site and is a feature along this stretch of road, instrumental in providing screening of the site. The removal of the hedgerow along with the introduction of the low boundary wall will completely change the character of the site and would have a more urban appearance as well as opening up views of the proposed dwelling and the pedestrian footpath. Although a hedgerow will be placed inside the site, there is an expectation that this will take a considerable length of time to offer any meaningful benefits to screen the site.

14. The introduction of the pedestrian footpath with low boundary wall (60cm high), surfaced with stone flags, would have a very urban appearance more akin to a town setting or garden and would not have the appearance of a traditional drystone wall. The loss of roadside hedgerow and the creation of the pedestrian route will completely change the character of the site, increasing the visibility of the proposed development and would have an adverse effect on the character and appearance of the site especially in views on the approach along the highway in towards Sedbergh along the A684 contrary to Local Plan policy CP6.

Hedgerow and Trees

15. The revised proposal includes the removal of the mature roadside hedgerow and a Sycamore tree along the northern roadside perimeter of the site to facilitate the footpath and to enable suitable visibility splays on the crossing point of the highway (A684). The Authority's Trees and Woodlands Officer objects to the proposal to remove the densely stocked roadside native hedge and the Sycamore tree, that is required to install the permissive route. The hedgerow is in good condition and has been managed and restocked over time, with the older stems having been laid and has high biodiversity value, acting as a vital wildlife corridor in this location. Additionally, the young Sycamore tree is well established along the boundary and when fully matured would add to the amenity value of the site. The hedgerows and trees lining the highway form part of the pastoral character of the area on this stretch of road.

16. The applicant proposes to translocate the existing roadside hedgerow and place it inside the field forming the southern boundary of the proposed footpath, with the aim of providing immediate screening of the site. The Trees and Woodlands officer has raised concerns relating to this practice as it is likely that the root structure of the hedgerow would be damaged during extraction and there is a likelihood that the hedge either in part, or in its entirety, would not take and become established. Even though the hedgerow would be re-located, it is likely that as part of the process that the hedgerow would be cut back and reduced in height, furthermore there is no guarantee that the hedge will re-grow in the same form as existing, leaving the site open to public views.

17. In addition, the level of excavation required to extract the hedgerow, and the associated roots are likely to have an adverse effect on the root protection areas of

the other trees within the site. The loss of the roadside hedge and the young Sycamore tree would result in the loss of biodiversity at the site and a newly planted/reinstated hedge along the northside of the pedestrian route, will take years to become sufficiently established to provide the amenity and biodiversity value of the site in its existing state. As such the proposal is contrary to Local Plan policies CP6 and NE1.

The public benefit of the pedestrian route

18. The proposed footway could have some public benefit in providing pedestrians with an off-road route along these 70 metres stretch of road, which is an isolated section with limited access routes. The footway would be accessible from Sedbergh, either along the public footway to Pinfold Caravan Park, then along the roadside verge of the A684 (extending approximately 475 metres), or along the narrow unclassified highway (Frostrow lane) from the direction of Millthrop, with limited passing places and a network of public rights of ways. There is also a public right of way extending along the northside of the River Rawthey, leading towards straight bridge enabling access to Farfield Mill.

19. Although Westmorland and Furness Council has no objection to the proposal on the grounds of highway safety and has acknowledged that the route would provide some public benefit along that stretch of road, the extent of this benefit is questionable, the linking routes from Sedbergh are either along the side of the A684, via the narrow unclassified lane from Millthrop or along the public rights of way and crossing of the A684 are not easily accessible to pedestrians, pushchairs and wheelchairs. The perceived benefit of the pedestrian route when considered in context with the landscape harm of the proposed house and the loss of the hedgerow and tree, and the loss of biodiversity, would not overcome the harm caused.

Parish Council

20. Sedbergh Parish Council supports the amended proposal and have commented that they are considering the option to enter into an agreement under Section 30 of the Highways Act and agree the specific maintenance/liabilities, between landowner, highways and the Parish Council. Members noted that, if permission is ultimately granted by YDNPA and a Section 30 is deemed appropriate, they would be content to seek their own independent advice about the potential provision.

Conclusion

21. The proposed development should be considered in accordance with the policies of the development plan, unless there are material considerations that outweigh them. The proposed dwelling is situated outside of any housing development boundary and is contrary to the Authority’s strategy which aims to deliver sustainable

development, policies CP1, CP2, C1, C3 and C4. To permit the proposal would create a precedent and undermine the strategy adopted in May.

22. The pedestrian route has been offered in return for the provision of the proposed dwellinghouse in the open countryside. Although the proposed dwelling is contrary to policy, the creation of the footway can be given some weight as a material consideration. Whilst it is acknowledged that the route would have some public benefit in providing an off road footpath along the 70 metre stretch of road, the cost of the proposed route includes the removal of the roadside hedgerow, and its replacement with an engineered footpath that would be an incongruous development in this location. Any perceived benefits in this case would not outweigh the harm of the proposed dwelling located within the open countryside and or undermining the development plan strategy, contrary to polices C1, CP2, CP6, C1, C3, C4, AC4, NE1.

23. Although the footpath has been offered as part of this proposal and its construction can be controlled by condition the ongoing maintenance, public safety, liability and responsibility for the route cannot be controlled by a planning permission. An agreement between the applicant and Sedbergh Parish Council under Section 30 of the Highways Act has been proposed, however the Parish Council has not given confirmation that it understands the implications of such a responsibility (one that neither the Highway Authority or this Authority are willing to take on) but said only that it would seek legal advice regarding the maintenance and liability.

Recommendation

24. The recommendation to refuse the planning permission remains as set out in the report to the September Planning Committee and for the following reasons:

    4. In the opinion of the Local Planning Authority, the proposed dwelling is not in a sustainable location for housing development and the proposal is not justified by an exceptional need, either as affordable housing or being necessary for a rural worker. To allow the proposal would set an undesirable precedent for permitting development in unsustainable locations that would harm the landscape and scenic beauty of the National Park and conflict with the objectives set out in the National Planning Policy Framework (2024) [paras. 8, 84, 189] and the strategy for delivering sustainable housing development in the National Park set out in Policies C1, C3, C4, CP1, CP2, CP3 and CP6 of the Yorkshire Dales Local Plan (2025-2040). As such the proposal conflicts with the first statutory purpose of National Parks (S.5 National Parks and Access to Countryside Act 1949).

    5. In the opinion of the Local Planning Authority the proposal does not respond positively to the site context and landscape setting or locally distinctive building traditions. The introduction of a dwelling, the change in land levels, the removal of the hedgerow and introduction of a pedestrian footpath, with low boundary wall

and associated development, represents a poorly designed, intensive and intrusive form of development in this isolated location that would detract from the scenic beauty and largely undeveloped pastoral and dark sky character of the area. As such the proposal is contrary to Policies CP2, CP6 and L6 of the Yorkshire Dales Local Plan (2025-2040), the Yorkshire Dales Design Guide (June 2026), the guidance within the National Planning Policy Framework (2024) [paras. 8, 84, 139, 189 in particular] and the first statutory purpose of National Parks (S.5 National Parks and Access to Countryside Act 1949).

6. The removal of the native roadside boundary hedge and sycamore tree to facilitate the new pedestrian access from the A684 and visibility splays, would form an intensive and intrusive form of development that would have a harmful impact on the hedgerow and tree affecting the amenity value of the trees, adversely impact the scenic beauty of the site, the wildlife corridor and biodiversity, contrary to policies NE1 and CP6 of the Yorkshire Dales Local Plan (2025-2040) the Yorkshire Dales Design Guide (June 2026), the guidance within the National Planning Policy Framework (2024) [paras. 8, 84, 135, 139, 189 in particular] and the first statutory purpose of National Parks (S.5 National Parks and Access to Countryside Act 1949).

Nicola Dinsdale
Senior Planning Officer

Background documents
Planning application file reference S/03/773

Appendix 1

Yorkshire Dales National Park Authority

Committee: Planning

Date: 2 September 2025

Applicant: Mr Brian Steadman

Parish: Sedbergh

Officer: Nicola Dinsdale

Application No: S/03/773

Site Address: Land off Frostrow Lane, Garsdale Road, Sedbergh (GR:367136,491712)

Proposal: Full planning permission for erection of 1no. single-storey local occupancy dwelling with associated curtilage and parking, partial demolition of existing stable and creation of new public pedestrian right of way

Purpose of Report

1. That Members REFUSE planning permission for the above development in accordance with the recommendations below.

Update

2. At the meeting held on 15th July 2025, Members decided to defer consideration of this application for a site visit. The site visit took place on 15th August and a note of the visit is appended to this report.

3. At the last meeting Members raised a number of points in the debate that can be clarified in this update:

   Sedbergh housing development boundary

   The Authority's strategy for directing new build housing to sustainable sites within settlements that have services includes establishing housing development boundaries around the settlements. New build housing is allowed within the boundary where it would support existing services and the land outside is considered to be 'open countryside' where housing development is restricted to that necessary for rural workers or for affordable housing exception sites. The **purpose**

of this approach is to provide a boundary of some permanence that gives certainty to the public and developers whilst ensuring that planning decisions are made consistently. This site is located approximately 700 metres from the east perimeter of Sedbergh's housing development boundary which is on the opposite side of the River Rawthey to the development site. It is acknowledged that there are a number of residential properties situated mostly in roadside locations along the A684 and Frostrow Lane forming a very loosely dispersed cluster, with the closest being 'El kantara' approximately 50 metres to the northwest of the site and Moss House and barn positioned 50 metres to the north on, the opposite side of the A684. The site is therefore situated in open countryside, outside of the housing development boundary for Sedbergh and not within a defined settlement. No case has been made to demonstrate an exceptional need for affordable housing (policy C2), or that the proposed dwelling is required to serve the needs of a full-time rural worker to support a rural based enterprise (policy C3). The proposal to construct a dwelling in this location is therefore contrary to the housing strategy in the current Local Plan and in the emerging 2025-2040 Local Plan.

The public benefit of the proposed path

The applicant has offered to create a new path/bridleway should the Authority grant permission for a house. This would form an off-road route as an alternative to using the 70 metre stretch of the A684 that links the two stretches of Frostrow Lane. The creation of the route would be a public benefit however the weight to be given to it should be considered very carefully, especially as it is offered in return for development that would otherwise be considered harmful in terms of its visual impact, additional development of largely undeveloped countryside, and in undermining the Local Plan housing strategy. Concerns have been raised relating to the safety of users of the proposed route emerging onto, and looking to cross, the A684. The views of the Highway Authority have been sought and should be circulated with the late representations on 29th August 2025.

It is also not known whether the route is intended to be an adopted public right of way or a permissive path. If the route is considered to be safe and appropriate to be adopted as a public right of way, then the Authority would be responsible for the route and its ongoing maintenance.

The impact of the proposal on the setting of the locality

The site is for the most part bound by a hedge that over the summer has not been trimmed and has been allowed to grow, offering increased screening of the site including the stable, container and parking from the road. It is likely that the visibility of the site will be increased, when the hedge is trimmed and in the winter months when the trees are not in full leaf. There will be limited views of the proposed dwelling, re-graded land, parking, and associated domestic paraphernalia, however this will be more noticeable in the winter due to internal and external lighting. In

addition, the removal of a section of hedge to accommodate the right of way will add to the visibility of the site from vantage points along the highway.



Reason For Committee Consideration

4. This application is reported to Committee for the following reasons: the Parish Council recommendation is contrary to the decision which the Head of Development Management proposes to take and the application has been called to Committee by Mrs Bateman and the public interest reason given is that the proposal has some merits which will have a positive impact on the primary and secondary purposes of the National Park.

Application Site

5. The site is a 0.75 acre field situated approximately 800 metres to the southeast of Sedbergh. The field includes a stable block, surfaced yard and drive situated along its west perimeter. The access to the highway is at the junction of the unclassified Frostow Lane and the A684. The field is partly bound by the A684 which passes along its northern perimeter and is enclosed for the most part by a fenced hedge with dry stone wall sections. Several trees are situated along and within the site boundary. A public right of way passes to the west just outside the site. A United Utilities sewer passes through the site.

6. The stable block was granted planning permission (ref. Y8/77/5068) in 1977, however the building as constructed appears to be much larger than originally approved. In addition, a large shipping container is sited on the land underneath a large tree on the west perimeter of the site. The container is unauthorised but is

understood to have been on site in excess of 10 years and is therefore likely to be immune from enforcement action.

Proposal

7. This application seeks planning permission for the erection of 1no. single-storey local occupancy dwelling with associated curtilage and parking and the partial demolition of the existing stable block with the retention of three bays. In addition the proposal inlcudes the creation of a new public pedestrian pathway to pass along the inside of the north boundary of the field with a new opening created within the hedge and fence at the north-eastern corner to enable access to the highway (A684) and Frostrow Lane to the west.

8. The proposed dwelling would have an offset plan form with an approximate overall length of 13.5 metres by 9.2 metres and will incorporate a kitchen/dining area with a living room, two bedrooms, a bathroom, utility room and hall. The building would be clad in local stone with larch timber panels and covered in blue slate, with a dual pitched roof form, which is hipped on the north-east side. The dwelling would have an open sided canopy with supporting post overhanging the southwest entrance and an open canopy on the northeast elevation detailed as bin storage. Solar panels are shown on the south facing roof slope.

9. The dwelling would have a large private amenity space with a courtyard and parking for three cars. The stable would be reduced scale to incorporate three bays, with one indicated as forming a plant room.

10. The excavated earth from the construction works, would be re-distributed within the field to the east of the proposed dwelling and the land re-graded to form a landscaped embankment that would be supported by a gabion retaining wall. Native tree planting is proposed.

11. The footpath would have a permeable bonded surface and would create a level access path that would provide a mostly off-road link joining the two parts of Frostrow Lane and would cross the A684 on the corner of the field's northeast perimeter. The pathway would be bound by the existing roadside hedge to the north with a new native hedge planted along its south perimeter with a section of the existing boundary fence and hedge removed to provide an opening.

Relevant Planning History

12. The following applications are relevant:

Y8/77/5068 OS Plot 1373.	The erection of loose boxes and hay store for keeping horses on Approved – Conditional 30/12/1977
Y8/89/3/184	Outline planning permission for erection of one dwelling.

Refused 21/02/1990

Consultations

13. The comments of statutory and non-statutory consultees are summarized below:

Waste and Environmental Services No response received.

Environmental Health No response received.

Fire Officer No response received.

Highways Concerns raised about visibility at the eastern end of the proposed right of way for pedestrians and approaching traffic, although some plans show the new hedgerow set further back from the highway.

Although the design of the footway would benefit everyone, the applicant is asked to consider including a standard minimum 2m wide footway alongside the carriageway, along the stretch of the hedgerow instead. This would then eliminate the issue of pedestrian visibility as represented by the current proposal and there will no obstruction caused by the hedgerow, the Local Highway Authority would maintain responsibility of the footway thereafter.
Additional details are required from the applicant and upon receipt of the amended plans a the Highway Authority will be better placed to provide full response.

Sedbergh PC "Members discussed the application, and resolved to support, with the condition that the right of way is created in advance of any development of the proposed single-storey dwelling, and that the right of way should be a formal public right of way and remain in perpetuity, and that the property should be local occupancy only, as noted in the application. Finally, Members noted the applicant's intention to retain and preserve the listed milestone marker."

Area Ranger (Western Dales) No objection. Proposed development indirectly affects the PROW. The definitive map shows Public Footpath 568063 passing Northwest to Southeast along the boundary of the development area. The definitive line of the PROW must remain open, unobstructed and available to users during and after works. Materials or machinery must not be stored on the PROW.

Wildlife Conservation Officer No objection. The site is 0.30 ha, comprising a managed paddock of modified grassland. The site contains native hedgerow with trees and species-rich native hedgerow with trees. There are no irreplaceable habitats on site or any habitats of a very high distinctiveness. Site is located in a red squirrel buffer of the Yorkshire Dales complex. Bats are recorded close to the site location: SE 04507 98969, semi-detached building, Vesper bat species, day roost.

The proposal includes biodiversity enhancement through the planting of at least three scattered rural trees, including Downy Birch (Betula pubescens), Wild Cherry (Prunus avium), Rowan (Sorbus aucuparia), Field maple (Acer campestre) and/or Aspen(Populus tremula). It is proposed a new 62m line of species-rich native hedgerow with trees is planted along the southern edge of the footpath and bat box and bird boxes attached to the building.

Trees & Woodlands No objection to the proposed development on the condition that the Arboricultural Tree Protection and Method Statement, as included in the Arb report by Cumbria Tree Surveys Arboricultural Consultancy, is adhered to, to ensure adequate protection of the trees during the development works.

A high number of the existing trees on site were surveyed as having a relatively low retention span due to poor form, health or defects (Cat C and U), and in time these trees will be lost from the landscape. Therefore, it is recommended that a landscaping plan is conditioned with any approval (preferably standards of 8-10 cm girth minimum), for the planting of new native trees within the wider site now, so that these are well-established before those currently on the site are lost, so as to maintain tree cover and ecological value for the future.

United Utilities Water Ltd Recommends that a drainage condition relating to surface water, drainage and mitigation measures is imposed on any planning approval. In addition, a prior to occupation condition is reccomended to secure sustainable drainage at the site for the lieftime of the development.

A public sewer crosses the site and no building works will be permit over it. An access strip will be required for maintenance or replacement and this access must not be compromised in any way. The minimum distances that might be acceptable to United Utilities are detailed within Part H of the Building Regulations however, we recommend the applicant determines the precise location, size, depth and condition of the pipeline as this is likely to influence the required stand-off distance from any structure.

Public Responses

A site notice was displayed on 31 March 2025 and expired on 21 April 2025.
Public responses received at the time of writing: 6

14. Six public responses have been received supporting the proposal and are summarised below.

- Any addition to the housing stock for local occupancy is supported.
- The siting and design of this single storey dwelling is unobtrusive and blends well into its surroundings and offers some enhancement to the area and is a welcome addition to the Frostrow Lane area and more appealing than the existing.
- The design is well thought out sensitive proposal, which would fit well into the landscape. Together with the existing stables the new house would make an attractive group of buildings with no harm.

- The site is not in the open countryside, it is set within some scattered but grouped properties centred on Lane Ends and the Moss, with easy access to the highway.
- The inclusion of a much-needed footpath will greatly enhance the safety of pedestrians on this very dangerous double bend on the busy A684, improving highway road safety on a notoriously difficult section of road for pedestrians. Numerous near collisions have been witnessed on this road due to the danger created by the sharp double bend at Moss House.
- The proposed improvement would benefit all pedestrians many of whom walk from Sedbergh to Farfield Mill.
- The addition of the path will also open up the footfall to Farfield Mill and make it a more attractive route for people.

Assessment

Key Issues:
- Principle of development
- Design and Landscape Impact
- Highways
- Nature Recovery
- Parish Council comments
- Equality Act

Principle of Development

15. The National Planning Policy Framework 2025 (Framework) sets out the government's planning policies for England and how these should be applied. The Framework states that the purpose of the planning system is to "contribute to the achievement of sustainable development." (Para 7) and to this end, three overarching objectives have been identified and all proposed development needs to demonstrate these in order to achieve it. These are economic, social, and environmental objectives with their aims stated. In the case of this application, the most pertinent are the social and environmental objectives which require all developments to "foster well-designed, beautiful … places" and "to contribute to protecting and enhancing our natural, built and historic environment." (Paragraph 8).

16. Paragraph 189 of the framework also specifies that "great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas."

17. Section 5 of the Framework relates to “delivering a sufficient supply of homes” and addresses the supply and delivery of housing across the country. It refers specifically to rural housing and directs Local Planning Authorities to support rural settlements and communities through the allocation of exception sites for affordable and market housing. This site is not land designated for new housing.

18. With specific reference to rural housing, the Framework steers new residential development towards existing villages and settlements to maintain and enhance existing communities. Paragraph 84 – copied out below – is clear in stating that unless very specific circumstances are met, planning decisions should avoid the development of isolated homes in the open countryside.

    “Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:
    a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
    b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
    c) the development would re-use redundant or disused buildings and enhance its immediate setting;
    d) the development would involve the subdivision of an existing residential building; or
    e) the design is of exceptional quality, in that it:
        i is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
        ii. would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.”

19. The site is situated in the open countryside. The exception under para. 84 e does not apply as the proposed design would need to be of exceptional quality, truly outstanding, and significantly enhance its setting. The proposed design is not exceptional and does not meet this standard. No case for any of the above criteria to be used in support of this planning application has been made.

20. The Framework refers to design in its section “Achieving well-designed places” and states that “The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the key planning and development process should achieve. Good design is a key aspect of sustainable development.” (Para 131). The Framework goes on to provide 6 design criteria that all developments need to comply with in para 135. These principles have been translated into Policies SP1 and SP4 of the Local Plan.

21. Para 139 of the Framework states that “Development that is not well designed should be refused, especially where it fails to reflect local design policies and

government guidance on design" and adherence to design guides and local policies is advised.

22. The Yorkshire Dales Local Plan (2015-2030) addresses housing development through its spatial strategy, policies SP3 (Spatial Strategy) and Policy C1 (Housing in Settlements) and supports new housing development within the housing development boundaries of local service centres and service villages. The site is situated outside the Sedbergh housing development boundary and is in the open countryside, where new housing development is tightly restricted. Therefore, new build housing would only to be permitted outside of allocated sites or village development boundaries, where it would meet an exceptional need for affordable housing (policy C2) or, meet the needs of a rural based enterprise in accordance with policy C3.

23. Policy C2 relates to 'rural exception sites' and the provision of small-scale affordable housing. The proposed development is not for affordable housing as defined in the Local Plan or the Framework. In addition, the policy requires that housing exception sites are to be located on land within or adjacent to a settlement boundary. The application site is well outside the settlement boundary and does not satisfy the spatial requirements of the policy and therefore is contrary to Local Plan policy C2.

24. The submitted details place an emphasis on the site being previously development land (a brownfield site) and that the site is within a cluster of residential properties. However, the policies SP3, C1 and C2 do not provide any special dispensation for previously developed land (brownfield sites) outside of the housing development boundary that would override this. The proposed dwelling does not replace the existing building but would be built adjacent to it.

25. Local Plan policy C3 accepts housing outside of settlements where the functional needs of agriculture or some other essential rural based enterprise requires a full-time worker to reside at the site (i.e., animal welfare). The submitted application is for a local occupancy dwelling and no case has been demonstrated that there is any enterprise or functional need for a dwelling in this location and therefore policy C3 is not applicable.

26. The Yorkshire Dales Design Guide (2017), at 3.2.2 specifies that bungalows are rarely an appropriate form of dwelling in the National Park because their proportions conflict starkly with that of traditional buildings in the Dales. Bungalows have a large, often square, plan form, which results in a high, dominant roof shape. The proposed single storey building has a wide plan form and is not consistent with Dales vernacular.

<u>The Footpath</u>

27. In relation to the provision of the proposed footpath policies C11 and T4 are of relevance. Local Plan policy C11 aims to supports the development of new infrastructure that will increase the quality of life for those living, working, or visiting

the National Park, whilst protecting the National Parks special qualities. Policy T4 encourages visitor facilities or services that help visitors to enjoy the special qualities of the National Park. Proposals that sustainably utilise the area's natural resources offering wider enjoyment without harming the National Parks special qualities will be permitted subject to conformity with other policies in the Local Plan. In accordance with national policy and echoed in policy SP2, where there is conflict between the National Parks statutory purposes, the purpose of conservation is given priority over its enjoyment by the public if there is conflict.

28. Policy SP4 relates to development quality requires that new development is high quality whilst avoiding harmful impacts and danger. The policy specifies that the design of new development should be informed by and respond positively to the site, its surrounding context and landscape setting, so that the height, proportions massing, form, materials and appearance are sympathetic and complementary. Furthermore, the policy at paragraph g) relates to transport and specifies that development should not prejudice highway safety.

Design and Landscape

29. The proposed single storey dwelling has a wide almost square floor plan and will be situated within the corner of an open field adjacent to the existing stable block. The building's roof form would have a shallow 25º roof pitch, at an overall ridge height of 4.5 metres, above the existing ground level. The field is reasonably flat and the land levels will be regraded within the field, using the earth excavated during the build used to create a landscaped bunded embankment area that will be tapered down to existing land levels. The submitted drawings indicate the land levels adjacent to the dwelling will be increased by approximately 1.2 metres and supported by stone gabions. The increased land levels would partly screen the proposed building having approximately 1.1 metres of visible wall above the bund and meeting the solid roof tiles of the hipped roof from.

30. The dwelling as proposed would have a large footprint of approximately 124m² and would be set at a 90º angle to the stables positioned approximately 6 metres to the west and extends above its height by approximately 1.75 metres. The dwelling has been designed to have its main glazed outlook to the southeast overlooking the agricultural fields and would incorporate a solid masonry wall to the north, with roofed overhang canopy within the buildings northwest corner facing the highway. The building in these views due to its shallow roof pitch, one sided hipped roof form, together with the open sided canopy design, would appear at odds with traditional Dales building styles.

31. The existing stable would be reduced in scale, to incorporate three bays with an overall length of approximately 8.7 metres removing and will be of a comparable size and design to the stable originally approved in December 1977, removing the unauthorised element which would be a small improvement to the existing structure.

32. The main vantage point of the site would be from the highway on the approach to the site on the A684 from Garsdale. In these views the site is highly visible, the increased land levels intended to screen the development in this location would appear as an artificial sloping bund, that would be an incongruous feature that would be placed within this otherwise level basin.

33. The introduction of the proposed dwelling, the associated engineering operations to change the land levels and associated development when viewed in context with the pastoral agricultural fields and the existing trees within this out of village setting, would negatively affect the character and appearance of the locality. Although the bunded slope and associated landscaping would provide some screening of the proposed development, this in itself would be an unnatural feature and so would not overcome the visual harm of the development. The proposed dwelling would introduce a high intensity use, within the field adding to the stabling and storage. It is therefore considered that the proposed development in this location would have a harmful landscape impact and would negatively affect the dark night skies of the National Park and is contrary to Local Plan policies SP1, SP2 and SP4.

34. The proposed pathway would require a section of the hedgerow to be removed to enable an opening but based on the current proposal it would be well screened and would have a limited visual impact. However, the Local Highway Authority has raised concerns relating to visibility accessing the highway for pedestrians at the footpaths eastern access where it joins the A684, which is discussed below.

Highways

35. The Highway Authority has not raised any concerns at this stage relating to the vehicular access off the A684 and Frostrow Lane. However, it has commented that although the proposed footway is of public benefit, concerns are raised relating to the visibility of oncoming traffic on the bend of the A684 for pedestrians, when accessing the A684 crossing point to the east side of the site. The HA has advised that consideration is given to an alternative scheme to construct a pathway alongside the carriage way to eliminate any obstruction of the highway caused by the hedgerow and the Local Highway Authority would maintain responsibility of the footway thereafter.

36. Although the revised scheme suggested by the highway Authority would inevitably result in the loss of the entire hedgerow that forms the existing northern field boundary thereby improving visibility, this in turn would increase the prominence of the site in its entirety and increase the visual impact of the development. No specific details have been submitted detailing any additional visibility splays. To date no revised scheme has been proposed and therefore the access to the highway must be considered based on the current proposal.

37. The proposed footpath would be accessed from the west by an opening within the fence set within the existing vehicular access. The main consideration is the new

access on the eastern side of the field, on the bend of the A684. The A684 at this point has a speed limit of 40 mph, however the visibility of oncoming vehicles at the access for pedestrians and other users at the pointing of joining the A684 is limited.

38. Although the submitted drawings appear to indicate that there is a verge along the highway adjacent to the field there is actually very little grassed verge with the existing hedgerow for the most part directly abutting the highway. The visibility of the access when travelling from the west (from Sedbergh) on the approach around the bend is extremely limited, with the estimated visibility for pedestrians at approximately 20 metres and up to approximately 35 metres when stepping out slightly into the westbound lane (from the Garsdale direction). The estimated visibility when looking east along the highway towards Garsdale is about 100 -120 metres. When accessing the site from Frostrow Lane from the west, the visibility of oncoming vehicles from the Sedbergh direction, due to the 'U' bend in the road is much increased.

39. It is considered that the visibility of oncoming vehicles approaching the access and pedestrians would be very poor and is likely to post a risk to highway safety and is therefore considered to be contrary to Local Plan policy SP4.

Nature Recovery

40. As a means of biodiversity enhancement, it is proposed that bird and bat boxes are introduced within the site along with landscape planting and can be controlled by condition, in accordance with Local Plan policy W2.

41. The national Biodiversity Net Gain (BNG) regulations allow self-build as an exemption to the requirement to provide BNG. Therefore, provided the development is carried out in the manner defined as self-build by the regulations, there are no requirements for meeting the statutory BNG legislation. The proposed scheme specifically details that the proposal is for a self-build and provided that this is carried out as a self-build (and occupied by the builder) then there would be no requirement to secure habitat creation through statutory BNG.

Parish Council Comments

42. Sedbergh Parish Council supports the application on the basis that the "right of way is created in advance of any development of the proposed single-storey dwelling, and that the right of way should be a formal public right of way and remain in perpetuity. The Parish Council has also added that the proposed dwelling should be local occupancy only as noted in the application. Finally, it is noted the applicant's intention to retain and preserve the listed milestone marker."

43. The introduction of a new dwelling in this location outside of the housing development boundary fundamentally conflicts with both national planning policy and Local Plan policy. To allow a new dwelling in this location would undermine the

Authority's housing strategy and would set an undesirable precedent for resisting similar un-planned, sporadic development.

Equality Act

44. The Authority has a duty under s.149 of the Equality Act 2010 to have regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant characteristic and persons who do not share it. The relevant characteristics are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation.

45. It is considered that there are no overt reasons why this proposal would affect anyone with the protected characteristics such that the application should be permitted or refused on equality grounds.

Conclusion

46. The proposed new dwelling would be located in the countryside outside of any settlement boundary. No case has been made or evidence submitted that satisfies the exceptions for affordable housing or for a rural worker's dwelling in the Local Plan. The proposal is therefore contrary to the Authority's strategy for delivering sustainable housing development in the National Park (policies C1, C2, SP1, SP2 and SP3).

47. In addition, the introduction of a new dwelling, along with its associated curtilage, parking and change in land levels would introduce a significant amount of development on the site negatively affecting its character and appearance and that of the wider area. The introduction of a dwelling in this isolated location would adversely impact the natural beauty of this part of the National Park and the benefit of a single local occupancy dwelling would not outweigh the harm.

48. The proposed pathway would be open to the public and although considered to be a public benefit, the pedestrian crossing would have very poor visibility at the crossing point where that pathway joins the A684. The pathway would form an intensified crossing place that would prejudice the safety of pedestrians and road users and is therefore contrary to Local Plan policies SP4, T4 and C11.

Recommendation

49. It is recommended that permission be REFUSED based on the following:

1. In the opinion of the Local Planning Authority, the proposed dwelling is not in a sustainable location for housing development and the proposal is not justified by an exceptional need, either as affordable housing or being necessary for a rural worker. To allow the proposal would set an undesirable precedent for permitting

development in unsustainable locations that would harm the landscape and scenic beauty of the National Park and conflict with the objectives set out in the National Planning Policy Framework (2024) [paras. 8, 84, 189] and the strategy for delivering sustainable housing development in the National Park set out in Policies C1, C2, SP1, SP2, SP3 and SP4 of the Yorkshire Dales Local Plan (2015-2030). As such the proposal conflicts with the first statutory purpose of National Parks (S.5 National Parks and Access to Countryside Act 1949).

2. In the opinion of the Local Planning Authority the proposal does not respond positively to the site context and landscape setting or locally distinctive building traditions. The introduction of a dwelling, the change in land levels and associated development, represents a poorly designed, intensive and intrusive form of development in this isolated location that would detract from the scenic beauty and largely undeveloped pastoral and dark sky character of the area. As such the proposal is contrary to Policies SP2 and SP4 of the Yorkshire Dales Local Plan (2015-2030), the Yorkshire Dales Design Guide (2017), the guidance within the National Planning Policy Framework (2024) [paras. 8, 84, 139, 189 in particular] and the first statutory purpose of National Parks (S.5 National Parks and Access to Countryside Act 1949).

3. The introduction of a new pedestrian access from the A684 with poor visibility for pedestrians and oncoming traffic would prejudice highway safety, contrary to policy T4, C11 and SP4 of the Yorkshire Dales Local Plan (2015-2030).

YORKSHIRE DALES NATIONAL PARK AUTHORITY

Note of Planning Committee Site Visit

Date & time of visit: 15th August 2025 at 10.00 am.
Application site: Land off Frostrow Lane, Sedbergh, S/03/773
Application ref : C/52/38F

Present
Members – A Murday, D Ireton, I Mitchell (Chair), J Hutton, L Bateman, M Corner, R Heseltine, Y Peacock, G Simkins, M Hanley, A Kirkbride,

Officers – N Dinsdale (Senior Planning Officer), R Graham (Head of Development Management).

IM Opened site visit, explained procedure and purpose of visit.

ND Explained plans showing copies of the drawings. ND pointed out:

- Size, design, materials, position of building, bunding
- Access and proposed footpath

ND pointed out the adjacent bridleway and explained the proposed footpath route, surface materials, entrance onto highway providing a link to Frostrow Lane and Farfield Mill.

Members had a range of queries including clarification of the relevant local plan, the settlement boundary of Sedbergh, loss of hedge, location of the nearest properties and whether the occupants supported the proposal, building materials, trees to be retained, whether the building would be visible from the road, whether the storage container had permission and the age of the stable building.

Members and Officers entered the paddock to view the site of the building (marked by the applicant) and to see where the footpath would open onto the road.

Members chose not to walk along the road outside of the site but viewed the road conditions from within the site (through the hedge and further along the boundary).

IM Closed the visit at 10.30 am.