Yorkshire Dales National Park Authority

Committee: Planning

Date: 21 January 2025

Applicant: Mr S Brooks

Parish: Beamsley

Officer: Brian Diamond

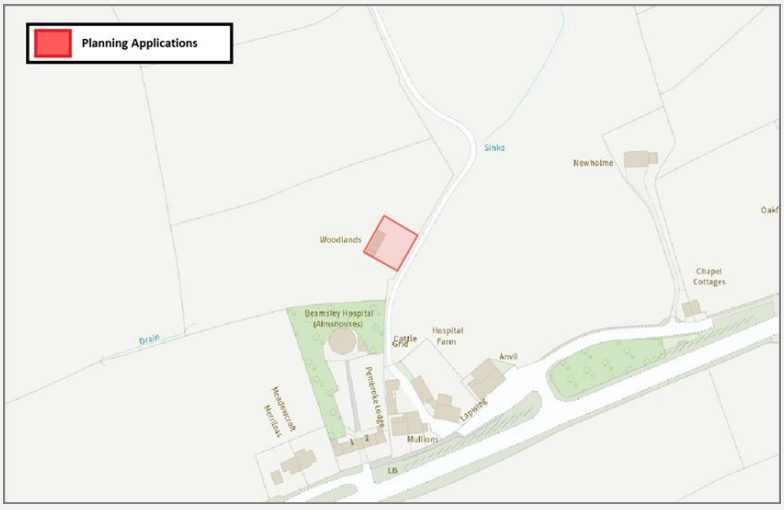
Application No: C/07/6E

Site Address: Woodlands, Beamsley, Bolton Abbey, Skipton, BD23 9HZ

Proposal: Full planning permission for demolition of existing wooden chalet and creation of stone built single dwelling.

Purpose of Report

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



Reason For Committee Consideration

2. This application is reported to Committee for the following reason: the Parish Council recommendation is contrary to the decision which the Head of Development Management proposes to take.

Application Site

3. The site comprises approximately 0.06 hectares of mostly grassland in the open countryside, and it can be accessed via a track which connects to the A59 to the south of the site. A small collection of houses and businesses are located along this access track, as well as Beamsley Hospital, a Grade I Listed Building, the grounds of which are located approximately 22m south of the site.

Proposal

4. This application seeks full planning permission to demolish an existing wooden chalet on the described site and replace it with a two-storey stone-built dwelling. The proposed dwelling would be located in a similar position within the site as the existing chalet.

5. The proposal also includes works to excavate soil from the site to result in a ground floor level which would be lower than the existing ground level of the site.

Relevant Planning History

6. There is a substantial history of planning applications on the site. The following applications are relevant to the proposal:

   YD5/7/6 | outline application to erect new single storey cottage in place Timber building | Approval in principle 05/05/1977

   YD5/7/6A | construction of detached bungalow to replace existing timber chalet | Approved – Conditional 16/03/1978

   YD5/7/6B | demolition of existing timber chalet and erection of new stone dwelling | Refused 15/07/1982

   YD5/7/6C | full planning permission to demolish existing chalet and erect new bungalow | Approved – Conditional 15/09/1987

   In the above case, the Planning Officer determined that the proposed bungalow was identical to that which was approved in 1978 (YD5/7/6A). This approval, and the above-mentioned 1978 approval, were never implemented.

   YD5/7/23C/LB | extension to stone wall | Approved – Conditional 22/08/1989

C/07/6D | full planning permission for erection of single storey dwelling | Refused 15/06/1997

The above application was taken to appeal which was dismissed, with the Inspector citing the harmful impacts which the erection of a dwelling would have on the landscape as a reason for refusal, and also noting the presumption against new development in the open countryside in the National Park.

Consultations

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

Fire Officer - None received.

Beamsley Parish Meeting – "Following a review of the above planning application by Dave Donkin (Planning issues) and myself, I write to support the above application on behalf of Beamsley Parish Meeting.

We believe the proposal will improve the visual landscape and improve a property that has already been granted residential status."

Chief Environmental Health Officer CEHO - The proposed borehole water supply will require risk assessing and sampling prior to completion.

The supply will also require suitable treatment, which must include a filter and fail-safe ultra violet light steriliser along with any other treatment deemed necessary. Treatment should be sited at point of entry into the property so as to treat all water being supplied.

The supply will then be sampled in accordance with the Private Water Supplies Regulations 2016.

Chief Environmental Health Officer CEHO – No objection subject to conditions relating to construction hours and dust suppression.

Highways - There are no local highway authority objections to the proposed development.

The proposed development is accessed from a private lane and will have its own turning and parking within the property boundary. The junction with the A59 has good visibility with no recorded collision history at this point within the last 5 years consequently there are no Highway objections to the proposals.

Chief Technical Officer CTO - All work is to be carried out, to ensure compliance with the Building Regulations 2023.

Area Ranger (Wharfedale & Littondale) - The proposals do not affect a public right of way.

Trees & Woodlands - There are two mature sycamore trees within 15m of the development site, and within the boundary wall. Together these have some amenity value within the landscape as stand alone trees. It is not clear if these trees are intended to be retained, but given their proximity to the proposed development there is the potential for damage from compaction, excavation and surface changes within the root protection areas (RPA) of the trees (this is not made clear in the current application).

An arboricultural impact and method statement should be submitted to assess the condition of the trees and the effect of the proposed development, and how the work on site can be carried out without damaging the trees.

Wildlife Conservation Officer - Application complies with Policy W1 - The Ecological Survey and Assessment was undertaken in June 2022 but, due to the limited ecological value of the habitats recorded in the site, it is considered unlikely that the site will have changed enough in this time to significantly alter the findings of the report.

Application does not comply with Policy W2 – Application contains no enhancement proposals. To achieve biodiversity enhancement at the site a planning condition to adhere to the recommendations outlined in Section 4 of the Ecological Survey and Assessment report is required and informative notes on bats and nesting birds.

Public Responses

Public responses received at the time of writing: 1

8. One letter of objection has been received, raising the following issues (summary):
    - The application has incorrectly referred to an abandoned railway carriage as a wooden chalet;
    - The carriage has been uninhabited for at least thirty years if not longer;
    - There has never been any permanent structure on the land;
    - The applicant claims that there is no impact on trees and hedges and this is because the site was cleared by the applicant between two and three years previously, this included the felling of several large trees;
    - There has not been any permanent or temporary residential unit on the site for at least thirty years;
    - The details within the application regarding the applicant’s personal circumstances are not a planning matter;
    - The previously granted permission for a single-storey dwelling was never progressed;
    - The proposal would result in an increase in floorspace of substantially more than 33%;
    - The proposal would have a significant adverse impact on the landscape;

- The railway carriage could easily be removed if deemed unsightly;
- The nearest building is a Listed Building (Beamsley Hospital) and the proposed dwelling is not in-keeping with it;
- There will be a significant impact on neighbouring amenity by disrupting views from nearby properties;
- The design is not in-keeping with the wider area;
- The four proposed rooflights will lead to increased light pollution;
- There will be noise pollution from cars and the air source heat pump;
- The proposal will overlook gardens and impact privacy; and
- The proposal will lead to an increase in vehicle movements along the access track which connects to the A59 (which is in multiple ownership, not in the ownership of the applicant) and will increase the risk of an accident.

Assessment

Key Issues:

- Principle of Development
- Design and Visual Impact
- Highway Safety and Parking
- Nature Recovery
- Sustainability
- Parish Meeting comments
- Equality Act

Principle of Development

9. The site is located in the open countryside, wherein new housing development is tightly restricted in accordance with Local Plan Policy SP3 Spatial Strategy. New build housing is only to be permitted outside of allocated sites or village housing development boundaries where it would meet an exceptional need for affordable housing or the needs of a rural based enterprise (eg. farm worker's dwelling).

10. Policy SP1 Sustainable Development explains that development would be deemed unsustainable if it would reduce the diversity, quality and local distinctiveness of the natural and cultural landscape, wildlife, historic environment or other special qualities of the National Park. Policy SP2 then further illustrates that development will only be permitted where it furthers the statutory National Park purposes, such as conserving and enhancing natural beauty, wildlife and cultural heritage.

11. Also of relevance to this proposal is Policy SP4 Development Quality, which outlines that design must be informed by and respond positively to the site, its surrounding context and its landscape setting. The scale, height, form, massing, materials, proportions and appearance of any buildings or structures must be complimentary to the context of the site.

12. The applicant has made their case that the ‘chalet’ is an existing residential dwelling and consider their proposal to be a replacement dwelling. Policy C5 Replacement Dwellings outlines a number of tests which a replacement dwelling must pass in order for it to be deemed acceptable. There are two tests which are particularly applicable to this application; that the residential use of the dwelling has not been abandoned (criterion a), and that the replacement dwelling will not be substantially larger than the dwelling to be replaced and will not have a residential curtilage which is harmful to its setting (criterion e).

13. National Planning Policy Framework (NPPF) (December 2024) paragraph 135 makes clear that developments must be visually attractive, must function well, and must add to the overall quality of the area over the lifetime of the development. Paragraph 189 describes how great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks.

14. Notwithstanding the applicant’s position that the proposal is a replacement dwelling, the wooden structure is in a significant state of decay and has been uninhabitable since at least 1985 (appeal determination C/07/6D (1998)). The Authority’s position is that there is no established residential use of the site, and that the proposal represents an entirely new dwelling in the open countryside.

15. The application does not accord with Policy SP3. The nearest structure is the Grade I Listed Building Beamsley Hospital (North Range), which is removed from the site, and the nearest dwelling is located approximately 68m to the south. The site is visually isolated in the open countryside, and the applicant has not provided any evidence of an exceptional need such as affordable housing or rural worker’s dwelling.

16. In the submitted Design and Access Statement the applicant makes the case that the ‘wooden chalet’ is an existing residential use. A site visit was carried out on 10/10/2024, and it was observed that the former railway carriage is in a significantly dilapidated state and is not fit for habitation.

17. Moreover, as part of the appeal determination for C/07/6D (1998), the Planning Inspectorate affirmed that the carriage has not been occupied since 1985 and was in an uninhabitable condition. The applicant has disputed this fact and argued that the site’s most recent use was for residential purposes, as evidenced by the granting of permission to erect a detached bungalow on the site in 1978 (YD5/7/6A) which was renewed in 1987 (YD5/7/6C). It should be noted however that these permissions were never implemented and have since expired.

18. The applicant has also not been able to produce a Certificate of Lawfulness to establish a lawful planning use, and the assessment of this application does not require the lawfulness of a disputed residential use to be resolved. The planning history suggests that the site has not been inhabited or habitable for a minimum of

30 years, and there is insufficient evidence to suggest otherwise. Therefore, the application does not satisfy criterion a of Policy C5.

Design and Visual impact

19. As noted above, the site is visually separated from the nearest dwelling. The resultant proposal would create a dwelling which is visually isolated within a landscape which consists of open, undeveloped pasture land with traditional stone-walled fields. The landscape within which the site is located is an area of high visual quality with an intrinsic pastoral character. The introduction of a modern dwelling, with lighting and curtilage development, would be incongruous in such a setting and would detract from the natural beauty of the area and its dark sky character.

20. It is noted that an attempt has been made to mitigate any potential impact on the landscape by making use of the site's topography which slopes to the west. The submitted plans indicate that the ground floor would be approximately 2m below the site entrance. Nevertheless, this would result in an additional permanent built form where there currently is none, conflicting with the aims of Policies SP2 and SP4.

21. The design of the proposed dwelling does not follow a site-led approach, as required by Policy SP4 and the Yorkshire Dales National Park Design Guide. The proposal would introduce a dwelling of significant scale and bulk, modelled after a traditional stone-built barn. Whilst it is appreciated that nearby dwellings feature a significant proportion of stone in their exteriors, the design is not of a quality that would outweigh the harm the development would cause. The applicant has expressed their intent to work with the Authority to create a dwelling at a scale which would be acceptable by the standards described in Policy C5. However, as the proposal is entirely contrary to Policies SP1 and C5 it is not appropriate to seek further amendments.

Nature Recovery

22. The application, as submitted, is in a state where the inclusion of planting, bat boxes and bird boxes, secured via planning condition, would be sufficient to ensure an adequate uplift in the biodiversity value of the site from its current state to satisfy Biodiversity Net Gain rules. However, the neighbour response has highlighted a concerning matter that the site was previously cleared to make way for this prospective development.

23. Historical imagery from Google Earth reveals that as of 29th June 2018 the site featured a number of large, wide-canopied trees which have all been cleared from the site. However, the next available image on Google Earth is dated 4th April 2020, and the site is seen then to be cleared. There is insufficient evidence to suggest that the site was cleared post-30th January 2020, the date which the UK Government established as the retrospective date for BNG baseline assessments. Therefore, it is

not a matter for this planning application to determine that a pre-site clearance Biodiversity Net Gain Assessment is required.

Parish Meeting Comments

24. The Parish Meeting supports the application on the grounds of improving visual landscape and improve a property that has been granted residential status. As stated within the assessment above, the site does not benefit from residential status and as it is in an isolated countryside location, and there is no exceptional need for the dwelling, the proposal is contrary to policies C5 and SP1 of the Yorkshire Dales Local Plan (2015-2030).

Equality Act

25. 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.

26. 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

27. The site has an isolated location within the open countryside, is visually separated from nearby dwellings and would detract from the natural beauty and intrinsic character of the landscape. There is no exceptional need for a dwelling in this isolated location, and it is clear that any residential use which may have existed on the site has since been abandoned more than thirty years ago. The proposal is contrary to Policies SP1, SP2, SP3, SP4 and C5 of the Yorkshire Dales Local Plan (2015-2030).

Recommendation

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

- In the opinion of the Local Planning Authority the proposal constitutes new development in the open countryside. By virtue of the site's visual isolation, the introduction of a new dwelling in this location would harm the natural beauty and undeveloped pastoral character of the surrounding area. There is insufficient evidence to suggest that the proposal would be justified by an exceptional need for a dwelling in this location. As such, the proposal is contrary to Policies SP1, SP2, SP3 and SP4 of the Yorkshire Dales Local Plan (2015-2030), the guidance in paragraphs 135 and 189 of the National Planning Policy Framework (2024) and the First

Statutory Purpose of the National Park (S.5 of the National Parks and Access to Countryside Act 1949 [as amended]).

- In the opinion of the Local Planning Authority there is no existing dwelling currently located on the site, and so the proposal does not constitute a replacement dwelling. The existing structure is in a state of disrepair and there is insufficient evidence to suggest that it is inhabited or inhabitable since 1985. As such, the proposal is contrary to Policy C5 of the Yorkshire Dales Local Plan (2015-2030), the guidance in paragraphs 135 and 189 of the National Planning Policy Framework (2024) and the First Statutory Purpose of the National Park (S.5 of the National Parks and Access to Countryside Act 1949 [as amended]).