Yorkshire Dales National Park Authority **Item 5**

Committee: **Planning**

Date: **21 January 2025**

Report: **List of Applications for Permission to Develop**

Attached to this report are details of applications for permission to develop, together with Officers' recommendations.

For Members' information:

1. The plans and information submitted with each application, together with consultee and neighbour/interested party responses are available to Members and the public on the Authority's website.

2. Late representations will be available on the Authority's website after 5.30pm on the Friday before the Committee meeting.

3. The time period for responses to consultations/publicity carried out on individual applications may not have expired before the date of the Committee meeting. Any responses received after the meeting will be taken into account in drafting conditions/reasons for refusal. If such responses received within the specified period are contrary to the Committee's resolution and raise new matters, the application will be presented for reconsideration by the Planning Committee at a future meeting.

4. All applications that are recommended for approval will have the appropriate time limit conditions attached, to comply with Sections 91-94 of the Town and Country Planning Act 1990.

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Richard Graham
Head of Development Management

Background documents:
Some or all of the following comprise the list of background papers unless they contain Exempt Information:

- Application forms, plans, covering letter, and certificates.
- Other material submitted with the application.
- Further correspondence with the applicant/agent.
- Details of consultation and neighbour notification.
- Consultation replies.
- Other representations received.
- Site notes.

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Index of Applications

LIST NO	PARISH	APPLICATION NO	APPLICANT(S)	LOCATION
1	Long Preston	C/52/38F	WL Capstick	9 Main Street (The Boars Head), Long Preston, Skipton, BD23 4ND
2	Dent	S/01/150G	Mr & Mrs John Airey	Upper Barn, Combe House, Gawthrop (GR:368163,487513)
3	Dent	S/01/150H/LB	Mr & Mrs John Airey	Upper Barn, Combe House, Gawthrop (GR:368163,487513)
4	Beamsley	C/07/6E	Mr S Brooks	Woodlands, Beamsley, Bolton Abbey, Skipton, BD23 9HZ

Yorkshire Dales National Park Authority

Committee: Planning

Date: 21 January 2025

Applicant: WL Capstick

Parish: Long Preston

Officer: Clare Bland

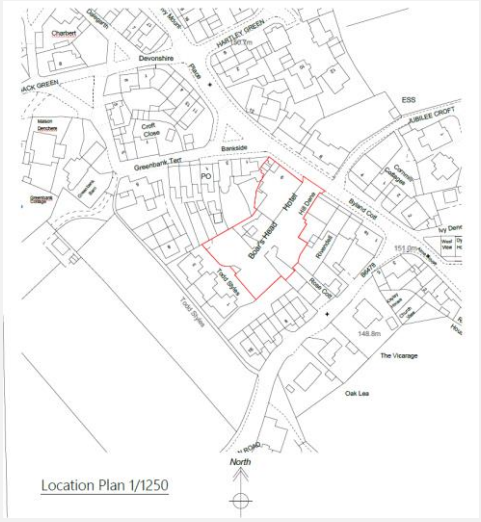
Application No: C/52/38F

Site Address: 9 Main Street (The Boars Head), Long Preston, Skipton, BD23 4ND

Proposal: Full planning permission for conversion of the former Boars Head public house to form three dwellings; erection of two new dwellings in former car-park and associated parking and landscaping

Purpose of Report

1. That Members delegate authority to the Head of Development Management to APPROVE 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 application site is a former public house and accompanying car park close to the centre of Long Preston, accessed directly from the south side of the A65.

4. The site is an irregular shape, the narrower northern portion is predominantly occupied by the former public house, with the wider southern section mainly given over to hard surfaced parking and servicing areas.

5. The site is dissected by a central access track between the parking and service areas which also provides access to three residential properties on Todd Styles.

6. Other than for the north eastern boundary, which is formed by the existing building and the A65, the site is surrounded in all directions by residential properties.

7. There is little in the way of soft landscaping at the site as existing, with a narrow strip between the former public house and the rear gardens of residential properties on Bankside, along with a small number of individual trees peripheral to the parking and service areas.

Proposal

8. Full planning permission for conversion of the former Boars Head public house to form three dwellings through the vertical sub-division of the building internally, combining the former public bar and back of house ground floor areas with the existing upper level residential floorspace. Each of the resultant dwellings would have dedicated private amenity space and parking. The proposals include for the removal of an existing single storey outrigger to the north western elevation (the existing toilet block), reopening three currrently blocked up doorways, and the introduction of a single first floor window in the south east gable wall.

9. Two new two storey dwellings are proposed in the south western portion of the former car-park, with each benefitting frrom private amenity space and parking.

10. The residential mix would be as follows:

    - 3 x 4 bedroom dwellings through conversion of the existing building; and
    - 2 x 4 bedroom new build dwellings.

11. The proposals also include a provision for visitor parking, refuse storage, biodiversity net gain planting and enhancements to the access track.

Relevant Planning History

12. The following applications are relevant:

YD5/52/38 - extension of public house to provide 18 additional bedrooms, residents lounge, reception area, dining facilities, kitchen extensions and garaging accommodation
Approved - Conditional 12/01/1978

YD5/52/38B - full planning permission to alter and extend the Boars head hotel
Refused 26/02/1990

YD5/52/38C - full planning permission for erection of two storey extension to provide bedrooms
Approved - Conditional 25/10/1991

C/52/38D - full planning permission for erection of two storey hotel annexe comprising six holiday flats
Approved - Conditional 01/09/1994

C/52/38E - full planning permission for erection of 3 no. four bedroomed dwellinghouses with alterations to car park of existing public house
Approved - Conditional 14/11/2001

Consultations

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

NYC - Drainage & Floods (LLFA) - the LLFA objects to the application, recommending that the applicant provide further information before any planning permission is granted by the LPA. They advised that the objection may be overturned following the submission of adequate information, with the applicant advised to ensure that the development needs to meet the requirements set out in North Yorkshire County Council's SuDS Design Guidance The applicant provided the requested information and the LLFA were reconsulted on 27/11/24, no further response has been received from the LLFA to date.

Long Preston Water Trust – no comments received

Head of Visitor Services – no comments received

Trees & Woodlands - the trees identified for removal to facilitate the development are poor specimens with low amenity value. The only tree on site with any amenity and habitat value is the mature Goat Willow, which is to be retained during the development.

Support the landscaping plan, but suggest that only one Oak is planted within the grassed area - this species will mature to be a large canopy tree, and there is the potential here for some pressure to the buildings and patio areas with overplanting.

Wildlife Conservation Officer – no objection subject to conditions restricting works during nesting bird season; compliance with recommendations contained in the Bat Emergence Survey; whilst the BNG Metric requirements have been complied with, to ensure delivery the applicant needs to submit an updated metric; and, to submit and comply with a BNG Plan and Habitat Management and Monitoring Plan.

Long Preston PC – comments submitted to the amended scheme are set out below, the comments do not specify being submitted either in support or objecting to the amended scheme:

‘Long Preston Parish Council considered this planning application at its meeting on 5th December 2024 and has instructed me to write to you with its comments.

It is clear that a significant number of Long Preston parishioners feel very strongly about this application. The vast majority of comments submitted oppose the application. Their views centre on the loss of a village amenity and its potential as a source of business and employment. This is a concern shared by Long Preston Parish Council, as a rural community such opportunities are dwindling and anything that can be done to slow that decay should be seriously considered. Has the change of use been properly considered, there is some uncertainty over this? Equally, whilst the guidelines do not require this for a development of this scale we note with great disappointment that there is no provision of even one affordably priced property.

The other concerns are over the potential for the planned development to intrude on the privacy of neighbouring properties and put pressure on the already elderly infrastructure of the village. We would hope that the application does not merely "follow the guidelines" but has clear sympathy with the concerns of neighbouring householders and that the planning authority respects these concerns in making firm recommendations such as the type of privacy windows to be installed (top hanging as opposed to side hanging). We would hope that provision in the landscaping includes additional screening between the development and those affected neighbouring properties. Whilst this is not within our remit, we would hope too that serious consideration is given to more than adequate sewerage and drainage provision. In addition, we note that the water supply in Long Preston is at its capacity. Finally, and again, we note that the new plan partially exceeds the guideline provision for visitor parking spaces; if this application were truly to be sympathetic with the needs of the village as a whole we would ask that there be a consideration for “Planning Gain” by increasing the parking provision using up the remaining space and ensuring that there can be no parking

overflow caused by this development and even a benefit by creating some additional parking spaces for the village.

Given the strength of community feeling over this proposal we would strongly request that:

1. The planning authority makes firm recommendations that take into account the concerns of the affected residents.
2. The application is taken to the full planning committee for consideration so that elected representatives are given the opportunity to debate the proposal properly.'

Highways – awaiting formal comments which will be reported prior to the meeting.

Chief Technical Officer CTO - Craven – recommends that all work is to be carried out, to ensure compliance with the Building Regulations 2023.

United Utilities Water Ltd – requests conditions be attached to any grant of permission in respect of SUDS and foul water drainage; and, protection of the on site rising main.

Chief Environmental Health Officer CEHO – No objections.
The site has 3 options in terms of water supply for the proposed dwellings: there are two private water supplies and the mains water supply. The addition of the proposed dwellings to one of the existing supplies would not alter the classification or sampling frequency.

From an Environmental Health perspective the development is unlikely to cause and/or be affected by a nuisance and consider that there will be no negative impact.

The applicant has submitted a phase 1 contamination site investigation report undertaken by ERGO ref:24-1952-01 dated May 2024. The report has recommended a intrusive phase 2 environmental investigation is undertaken at the site to identify any potential ground contamination at the site. Conditions are recommended to secure the site investigation and a remediation strategy/validation report should it be required.

Fire Officer - Craven - no objection/observation to the proposed development.

Historic England – do not wish to offer any comments.

Senior Listed Building Officer - No objections to the conversion of the former inn, subject to suggested conditions. Initially recommended that the proposed new-build units are reduced in number and scale to have a more subservient character to that of the existing inn, and to provide a more harmonious appearance within this part of Long Preston Conservation Area.

Following the amendments the Officer commented as follows 'Solely from a conservation perspective, with respect to the impact of the development on the

Conservation Area and on the setting of the Boar's Head, I don't have any further concerns with the proposal. My previous comments regarding the number, scale and height of the proposed new units have been addressed by the amendments'.

Public Responses

Public responses received at the time of writing: 38

14. The application was advertised by site notice on 7 August 2024. It was also advertised in the Craven Herald on 15 August 2024 as works affecting a Conservation Area (Long Preston).

15. 38 responses have been submitted by neighbours and interested parties. A number of the respondents have submitted numerous responses, commenting on each iteration of the application proposals. Overall there have been 22 individual objectors and 3 supporters of the application.

16. The following points were raised within the objections:

- Loss of pub / community asset / employment use
- Impact on residential amenity due to loss of light and overlooking
- Scale of development (height and number of units / overdevelopment)
- Appearance of new build and impact on heritage asset
- Capacity / integrity of foul drainage infrastructure and water supply
- Loss of parking
- Highway safety
- Impact on right of way
- Access for emergency service and refuse vehicles
- Lack of affordable housing

Assessment

Key Issues:

- Planning Policy
- Principle of development
- Impact on character and appearance of area
- Impact on neighbours
- Impact on heritage assets
- Highway considerations
- Trees
- Nature Recovery
- Flood risk & drainage
- Sustainability
- Parish Council comments

- Equality Act

Planning Policy

17. Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on Local Planning Authorities to determine planning applications in accordance with the development plan unless there are material reasons to do otherwise. The most relevant policies of the Yorkshire Dales National Park Local Plan (2015-2030) are;

SP1	Sustainable development
SP3	Spatial strategy
SP4	Development quality
BE7	Safeguarding employment uses
C1	Housing in settlements
C9	Existing community facilities
C12	Infrastructure needed to support development
L1	Heritage assets
W2	Biodiversity enhancement
CC1	Renewable & low carbon energy

18. The Yorkshire Dales National Park Local Plan (2015 – 2030) is the relevant policy document. Policy SP1 confirms the Authority's presumption in favour of sustainable development, in accordance with the principles established by the National Planning Policy Framework, also indicating circumstance where development would be considered unsustainable.

19. Policy SP3 sets out the spatial strategy for the Authority area, identifying Long Preston as a Service Village where new build housing will be permitted on sites inside the housing development boundary. It also states that the re-use of suitable traditional buildings will be permitted in accordance with Policies L2 and L3 to help conserve the historical landscape, promote growth in the local economy and increase the supply of housing.

20. The proposed development accords in principle with these overarching strategic policies.

Principle of Development

21. The site comprises the Boars Head, a long established public house in the centre of the village of Long Preston, along with the remaining grounds which are largely given over to parking and service areas.

22. The premises has historically operated as a pub with ancillary restaurant and guest accommodation functions. For purposes of planning policy within the Authority area such a use does not constitute an 'employment' use as the primary function was as a public house (a sui generis use) and not as a restaurant or hotel, hostel, large

guesthouse, or other recognised employment use which might otherwise be considered appropriate to preserve pursuant to Policy BE7. A change from the established use is therefore acceptable in principle pursuant to this policy.

23. The site does not benefit from a specific housing allocation however it complies with the locational requirements for windfall housing being located within the housing development boundary of Long Preston which is identified as a Service Village in the adopted development plan.

24. The conversion of the former public house is similarly acceptable in principle to ensure the retention and re-use of a traditional building (acknowledging that although the premises is not a traditional farming building it remains a traditional Dales building which has been in situ for centuries). The proposed use is therefore acceptable in principle pursuant to spatial policy SP3 and Housing in settlements policy C1.

25. Policy C1 advises that on sites of between 6 and 10 dwellings a commuted sum payment would be required in lieu of affordable housing and of sites of up to 5 dwellings there is no affordable housing requirement although new housing will be restricted to local occupancy controls. In this instance the application originally proposed 6 dwellings and a commuted sum payment would have been required. However, due to the scale of the new development element of the application, the proposals were considered to have an overbearing impact on the character and appearance of the former public house and be of a form which would not preserve or enhance the character of the Long Preston Conservation Area, therefore, at the request of Officers, the scale of the new build element was reduced and the design amended. The amendments to the scale of the proposals resulted in a reduction in the number of dwellings from 6 to 5. There is therefore no requirement to contribute to affordable housing however the occupation of all proposed dwellings would be restricted to local occupancy by way of a S106 obligation in accordance with Policy requirements. Whilst no specific affordable housing provision can be secured from the development, as noted in paragraph 4.6 of the adopted local plan, the occupancy restriction has the beneficial side effect of lowering house price by around 20% and as such will potentially ensure all the housing at the site is more affordable than might otherwise be the case for unfettered open market housing.

26. The policy advocates that a minimum density requirement of 35 dwellings per hectare should be met unless reasoned justification can demonstrate otherwise. With an area of 0.185 hectares, the site should generate a minimum of 6 dwellings at a density of 35 dph.. However, in order to ensure compliance with all other relevant policy requirements, a development of 5 dwellings is considered appropriate in this instance subject to the imposition of a relevant occupant control.

27. Policy C9 seeks to secure the retention of existing community facilities which includes commercially-oriented facilities such as pubs. The policy advises that development which would result in the loss of such facilities will not be permitted

unless it can be demonstrated that the use is no longer needed or a suitable located replacement facility of at least equivalent standard has been secured, and the land or building could not fulfil or is not needed for an alternative community use.

28. The Boars Head was owned on a freehold basis by Punch Pubs & Co prior to the Applicant purchasing the property in February 2024. It was operated on a tenancy basis. Evidence provided by the Applicant, which is publicly available on the Companies House website, indicates that the operating business had been consistently returning an escalating loss between incorporation of tenants in August 2017 and the most recently returned accounts in 2023. The level of loss was not insignificant, increasing from a deficit of approximately £32,000 in 2018 to £156,000 in 2023. Whilst it is reasonable in a commercial context for a business to initially operate at a loss, when the loss inures and substantially increases year on year it is evident that the business is not viable. Whilst there is anecdotal comment that the management of the business changed twice in 2023 and that this led to the demise of the business, there is no proof of this. It is clear however from the empirical financial evidence that whatever the circumstance in 2023, the business had been operating at a substantial loss for in excess of 5 years. It is understood that the business ceased trading in September 2023, it did not relocate.

29. The unfettered freehold ownership of the property was subsequently listed for sale by the owners in late September 2023. The property was marketed as a freehold vacant property at a realistic market value (when compared to similar properties). As the Applicant was not the client of the marketing agents there is no information available to them relating to enquiries or offers made on the property. It is however reasonable to presume that as the property had been made available on the open market for a number of months before the Applicant purchased it, as it was vacant, with a freehold title, had there been interest from another party to use the property for community purposes or an employment use there would have been the opportunity to do so.

30. Whilst there are concerns raised in consultation responses as to the loss of the public house as a commercial operation, there is sufficient evidence to demonstrate that the business was not commercially viable, that there was no alternative tenant or freehold owner with a desire to continue the pub use either at this or an alternative site, and that there would not appear to have been any interest from others to establish an alternative community or commercial use at the property. No third party has come forward during the publicity of the Application to indicate that there had been any attempt by others to purchase or lease the property for an alternative community use – such notification would have been expected if that were the case and evidence would have been sought by the Authority to corroborate any such claim. Although the Authority's local plan policy includes a strong desire to retain community facilities, in instances such as this where it has been demonstrated that the business is not commercially viable and no alternative use or operator is available, the Application must be determined based on the evidence provided. In this instance it is considered that the proposals comply with the requirements of

Policy C9 and the change of use associated with the residential use of the former public house and its grounds considered acceptable in principle subject to compliance with other relevant policy.

Impact on character and appearance of area

31. The site lies in the centre of Long Preston, within the Long Preston Conservation Area. It is surrounded on all sides by small scale commercial and residential accommodation of predominantly traditional Dales style stone and random rubble buildings with stone slate roofs. There is little soft landscaping in the vicinity of the Site, with much of the area dominated by two storey, residential properties, some with small enclosed front gardens and some built to the back of pavement.

32. As existing the site differs in both scale and appearance, currently housing a single large footprint painted and rendered building which is slightly taller than its surroundings, alongside parking and servicing areas.

33. No works are proposed to the existing building that would alter its character or appearance within the context of the wider area. The proposals would include the erection of a low level stone wall to the front (south) of the building, providing defensible space between the residential use and the access road. This would be representative of many properties in the area. The only other alterations being the removal of more modern porch / outrigger extensions and the reinstatement of door openings. None of these works would detrimentally impact on the character of the area.

34. In terms of the works to the car park, the wider plot of the Boars Head has evolved over the years and has aided in the evolution of this part of the village. More recently this is evidenced by the relevant planning history which dates back to 1977 and includes various approvals for single and two storey extensions to the west of the existing building, oversailing what is currently car park to increase the guest accommodation offer (including C/52/39 – 18 guest bedrooms, lounge, dining room, kitchen and garaging, C/52/38C – 12 additional bedrooms & C/52/38D – 6 self contained holiday flats), and more latterly with the approval in 2001 of 3 dwellings on part of the former car park, 1-3 Todd Styles (C/52/38E), and also the development of 7 dwellings, 4-16 Station Road. The permissions to release land and develop dwellings have been implemented, the permissions to extend the commercial business have not.

35. This current proposal would represent a further stage in this evolution. The principle of developing on the car park of the Boars Head is considered acceptable, the works not conflicting with adopted planning policy, the car park areas are in private ownership and therefore there would be no loss of publicly available parking, and other than a private right of access from the A65 to the properties at Todd Styles, and an easement relating to utilities infrastructure in the south eastern portion of the site, there are no known constraints to development.

36. The key considerations are the scale and appearance of any such development in terms of their effect on the character of the area and the impact on neighbouring amenity. The application has already been amended to reduce the originally proposed 3 dwellings, reducing the number to 2 and also securing a reduction in the overall scale of the proposed works to ensure that the historic building retains its dominance and to ensure there would be no detriment to neighbouring amenity. Officers are continuing to work with the Applicant to ensure that the final design of the 2 dwellings is appropriate for the context of the site, the aim being to secure a simplified design that reflects the prevailing vernacular style and form of buildings in the village and further detail on this process will be reported to Members prior to the Committee Meeting.

37. The parking and access road remain in their current location, with parking dedicated for all dwellings along with visitor parking and servicing areas / turning space.

38. The Trees and Woodlands Officer has no objection to the proposals and the Wildlife Officer has no objection in principle to the scheme which has been designed to incorporate biodiversity net gain alongside ecological uplift, requesting conditions to ensure the implementation of the same.

39. Overall, the amended proposals are considered to be of an acceptable overall scale and a layout which makes best use of the site whilst respecting the character of the wider area and the Conservation Area. Subject to agreeing amendments to the detailed appearance of the 2 new dwellings it is considered that the development will accord with design aspects of policy SP4 of the Local Plan.

Impact on neighbours

40. In terms of impact on neighbouring amenity, whilst there are a number of comments from neighbouring residents concerned about overlooking and overshadowing, the proposals comply with the recommended separation distances of 21m between directly facing principal windows and 14m between a principal window and a blank / gable elevation, there being no minimum recommended separation between elevations with no principal windows. In addition, there are existing and proposed boundary fences, walls and landscaping that will preclude any propensity for direct overlooking between gardens and ground floor living spaces both into and from the proposed development.

41. Whilst the existing building is closer to the neighbouring properties than the recommended separation distances, this is an existing relationship, with rooms already in habitable use and therefore the requisite standards do not directly apply. Notwithstanding this however, there is no direct line of sight at ground floor level due to an existing high stone wall and, due to the orientation of the properties, the windows at the upper levels are at oblique angles to each other which substantially reduces a direct line of sight and therefore propensity for overlooking.

42. There has been comment as to the potential for loss of daylight / sunlight to 2 Todd Styles caused by the western most of the proposed new dwellings. However, due to the relationship between the properties, their orientation to each other, along with the overall height / scale of the proposed dwelling, there would not appear to be any detrimental impact. The proposed drawing confirms this point, however, good practice guidance advises that if there is an instance of a minor infringement, and an obstructing building is taller than the 25 degree line, it is still possible to achieve good daylighting providing the obstruction is not continuous, and it is narrow enough to allow daylight around its sides. In this instance there is no known obstruction however, in any event, the orientation, depth and overall height of the proposed dwelling would ensure that daylight levels would not be affected to a significant degree.

43. It is recommended that in order to ensure the long term protection of residential amenity a condition be imposed to require any windows in the side / gable elevations to be obscure glazed and top hung opening only.

44. It is acknowledged that the properties on Todd Styles are accessed via the access track that dissects that site and that this will be the principle access for any construction traffic / deliveries associated with the proposed development. It is also acknowledged that the site is located in a primarily residential area. Whilst parking of construction related vehicles can reasonably be accommodated within the site, as can materials stores, it would be reasonable to require the developer to provide a construction management plan to ensure neighbouring amenity is not detrimentally affected during the construction process, the plan to include but not be limited to details or parking and storage areas, hours of construction, delivery management, wheel washing and site access cleaning, and noise suppression / mitigation as may be required subject to construction methods engaged.

45. Subject to the above it is considered that the proposed development will accord with policy SP4 n) of the Local Plan.

Impact on heritage assets

46. Section 72 of the Town & Country Listed Building & Conservation Areas Act 1990 requires that the Local Planning Authority pays special attention to the desirability of preserving or enhancing the character or appearance of that area.

47. The Boar's Head is a former inn of early 19th Century date, and whilst not designated as a listed building, it is a prominent building within Long Preston Conservation Area. The Authority's Senior Listed Building Officer advised that it has communal value, as a former public house that served the local community, historical value due to its age and evidence of its original function, and aesthetic value as a prominent roadside building with fine details including pronounced quoins and full window surrounds along with render incised to resemble ashlar stonework.

48. Having regard to the above therefore it can be concluded that the principal element of the Site from a heritage and conservation perspective resides in the Boars Head building, with the wider servicing area originally associated with the property having been eroded and absorbed into the village over time and the remaining element adding little to enhancing the wider character of the Conservation Area.

49. From reviewing historic records and undertaking a site visit it is clear that the interior of the building has been subject to a long history of change and adaptation, with little fabric of significance remaining and as such there would be little benefit in applying a condition requiring a historical building recording.

50. The Senior Listed Building Officer advised that the proposed conversion will retain the external layout and appearance of the former inn to its publicly visible elevations. Some new openings are proposed to the ground floor of the north-west (rear) elevation, although this will be enclosed and screened by the existing stone boundary wall and will not affect public views of the building. The porch to be removed is of relatively modern date and low significance, with no objection to its removal. Overall, they considered that the works to the existing building would conserve the character of the Conservation Area and have no objections subject to conditions relating to external material finishes.

51. The SLBO has no objection to the principle of new residential development within the car park area, considering it to have no detrimental impact on the character or appearance of the Conservation Area, subject to the amended plans that make the dwellings less prominent by reducing the roof height and to give a more subservient relationship to the existing inn and to match the scale of these units more closely to the surrounding properties.

52. Policy L1 advises that proposals that result in less than substantial harm to a designated heritage asset will only be permitted where it can be demonstrated that the public benefits of the proposal clearly outweigh the loss of significance, with the NPPF stating that ‘when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance’. NPPF goes on to advise that ‘local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably. In this instance there is considered to be public benefit associated with this development proposal by virtue of the provision of local housing and the retention of the character building in a form and use that would ensure its preservation in perpetuity.

53. Having regard to the above, subject to agreeing the final detail of the proposed new build dwellings, and subject to the appropriate conditions in respect of materials, the proposals are considered to accord with Policy L1.

Highway considerations

54. It is proposed to utilise the existing access onto the A65 which currently serves the three dwellings on Todd Styles and the Boars Head. The proposed conversion and new build works are not anticipated to generate any greater level of vehicular movement than might otherwise have been generated by an operating pub. The replacement of a commercial operation with residential use has the potential to improve the highway safety, particularly with regard to being more aware of neighbours regular movements and of pedestrian activity.

55. The creation of a pedestrian footpath is a welcome addition to the site, providing for clear separation between pedestrians and vehicles. There is ample space to ensure this provision, with the access track being approximately 9.5m at it narrowest point close to the junction with the A65 and the proposal retaining just over 5m to serve the development and the adjacent properties.

56. There has been some objection to the loss of the car park however this is in private ownership and is not a public parking facility. The proposal includes 2 parking spaces for each of the proposed dwellings along with visitor space. This is considered to be acceptable.

57. The lack of any built form on the south easterly car park area ensures that there remains space for refuse and emergency vehicles to enter and leave the wider site in a forward gear.

58. The Highway Authority has not raised any concern with the proposals and appropriate visibility is already achievable from the existing access which will not be impinged by the development.

59. It is recommended that conditions be imposed to ensure the parking is retained as proposed in perpetuity. Subject to this, it is therefore considered that the proposed development would not prejudice highway safety, would not cause an unacceptable level of traffic and would have an appropriate access and parking provision in accordance with policy SP4 of the Local Plan.

Trees

60. The Authority's Tree Officer has commented that the trees identified for removal to facilitate the development are poor specimens with low amenity value. The only tree on site with any amenity and habitat value is the mature goat willow, which is to be

retained during the development. In light of this the Officer is supportive of the impact that the development would have on existing trees.

61. They are also supportive of the proposed landscaping plan subject to a reduction in the number of proposed new oak trees. A condition would be imposed to ensure an amended landscaping plan is prepared to reflect this request and to also take on board the Wildlife Officer's comments (addressed below).

Nature recovery

62. The application is accompanied by a preliminary ecological appraisal which advises that the plant species assemblages recorded at the site are all common in the local area and are considered to be of low ecological value, and that birds are likely to utilise scrub on site for nesting between March and September therefore any vegetation clearance should therefore be undertaken outside of this period. No other notable or protected species were recorded on the site.

63. The application was also accompanied by a Bat Survey and subsequent emergence survey which confirmed the absence of bats roosting at the site, advising that the proposed works present minimal risk of impacting bats or their roosts.

64. A Biodiversity Net Gain assessment has been undertaken which confirms that sympathetically landscaped open space is considered to offer habitat of equal or greater ecological value than the existing and an updated landscaping plan has been prepared to take account of Wildlife Officer comments. Notwithstanding this however it is recommended that conditions be imposed, as recommended by the Wildlife Officer, to ensure that the BNG and ecological enhancements proposed as part of the development are clearly set out in an appropriate Plan and a relevant Management Plan is also submitted to approval and implementation control, in accordance with the requirements of Policy W2 and national BNG statute).

Sustainability

65. Policy SP1 of the Local Plan sets out a presumption in favour of development that is sustainable. As a previously developed site within an existing Service Village the site is considered to be in a sustainable location for such development.

66. In accordance with the recommendations within Policy CC1, the applicant has been requested to consider that some form of renewable technology be incorporated into the development such as the installation of electric vehicle charging points for all new dwellings. An update will be provided prior to the meeting.

Flood Risk & Drainage

67. The site lies within flood zone 1, with a low probability of flooding from rivers. It is similarly not considered to be at risk from surface water flooding. There is not

considered to be any potential impact from the conversion of the existing building, it already being connected to the private combined drainage system within the site. It is proposed to link the 2 new dwellings to this system.

68. The remainder of the site is currently predominantly hard surfaced and as such, due to the nature of landscaping proposed and the overall minimal area of impermeable surface, it is anticipated that there would be an overall positive impact on surface water run off, which currently runs downhill towards the properties at Todd Styles, being caught in part by surface drains and pumped into the combined sewer system via the on site private pumping station, the infrastructure for which runs up the eastern side of the Site.

69. Whilst the LLFA initially had an objection to the proposed drainage strategy due to lack of information, the applicant has provided the requested detail and a further response is awaited from the LLFA which will be reported to Members prior to Committee.

70. There were some neighbour concerns relating to the impact of the development on the local combined drainage network however the applicant has provided for a comprehensive package of works that will ensure the proposals can be suitably drained without detriment to the existing drainage infrastructure or increase the propensity for flooding on neighbouring sites.

Parish Council Comments

71. The Parish Council initially objected to the application however following the amendments to the proposals they provided a further comment albeit it is not clear whether this supersedes the initial response and overrides their initial objection, or sits alongside the original response and therefore the objection would remain.

72. With regard to comments made in each response, the PC raised a concern relating to neighbouring residential amenity, specifically loss of privacy, loss of sunlight and loss of outlook, suggesting that the proposals be located to the opposite side of the access track. Due to the location of existing infrastructure it is not possible to build on the land to the opposite side of the access, however, the proposals were amended and it has been confirmed that the amended scheme will comply with amenity standards in respect of loss of privacy and also to impact on daylight that might be experienced within the neighbouring dwellings (albeit this is a building control and not a planning regulation), there being no planning policy provision to protect outlook.

73. Concerns were raised over the capacity of the existing water pumping system to support the capacity of additional dwellings. Unfortunately, this is also not a matter for planning policy to control, it being again a matter for building control and for the utilities providers, however, the applicant has submitted detailed calculations to address comments raised by the LLFA which, whilst not specifically relating to the

capacity of existing infrastructure, will hopeful also alleviate any concerns as to the ability to suitably drain the proposed development.

74. In the response to the revised proposals, the PC note their concern as to the loss of the pub as a village amenity and a potential source of business and employment, the question raised as to whether a change of use has been properly considered. As noted in paragraphs 27 – 30 above, it can be confirmed that the requisite policy has been considered in response to the proposed conversion and it has been concluded that, in this instance, the proposals satisfactorily accord with the policy requirements.

75. In response to the PC comment as to affordable housing, they are correct in acknowledging that a proposal of this scale is not obligated to make such a provision, however, the comment at paragraph 25 should be noted as to the impact of local occupancy control on property value / sales prices.

76. The reiterated comments as to neighbouring residential amenity and drainage have been addressed to the full within the parameters permitted by planning policy and statute, any requests over and above the policy requirements can result in any decision taken by the Authority being subject to legal challenge.

77. The above is similarly the case for requiring planning gain over and above that necessary to ensure a development complies with policy and it is unfortunately beyond the remit of the Authority to request additional parking on private land or to prevent any residents or visitors to the application site from parking elsewhere within the village.

Equality Act

78. 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.

79. 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

80. The proposal would deliver a small scale residential development on a sustainable brownfield site in an appropriate location within an established Service Village in accordance with the provisions of Policy SP3. The dwellings would be restricted by a Section 106 agreement to meet the local occupancy requirements.

81. The creation of 5 new local occupancy homes would help to meet the aims of Policy C1 of the Local Plan without detriment to the provisions of Policy SP4 in respect of design, transport, human safety and amenity, and environmental safeguarding.

82. The design and layout of the new dwellings has been amended to provide a development that will tie in with both the character of the wider site, the Boars Head as a character building, and with the Long Preston Conservation Area.

83. The proposals would result in the loss of a community asset however sufficient evidence has been provided to demonstrate that the business was unviable and there has been no interest in the property for business operation or other community use operators.

84. Without a viable commercial operation, traditional buildings such as the Boars Head can suffer from neglect and can eventually be lost. This building forms an important part of the character of the Long Preston Conservation Area and allowing for its conversion to residential use will ensure its preservation in perpetuity. This development proposed will secure such a future and without inappropriate extension to the existing built form which will help to maintain the building and the Conservation Area character.

85. The proposed new houses would be sufficiently distanced from neighbouring properties to avoid any adverse impact on residential amenity.

86. There will be no impact on trees or ecology, with conditions proposed to ensure suitable uplift in the provision for both.

87. The existing access road would be enhanced to provide a pedestrian footway and access would remain as existing for the site and neighbouring dwellings, with no greater impact on highway safety than the existing baseline.

88. It is therefore considered that the proposal is acceptable and would accord with Policies SP1, SP3, SP4, C1, C9, L1, W2, W3 & CC1 of the Yorkshire Dales Local Plan (2015-2030), with advice contained within the Yorkshire Dales National Park Design Guide and guidance within the National Planning Policy Framework (2024).

Recommendation

89. It is recommended that authority be delegated to the Head of Development Management to approve, subject to a S106 agreement to impose a local occupancy restriction, and to agree the final detailed design of the two dwellings, subject to conditions based on the following:

- Three years to implement the permission
- To be built in accordance with the approved plans and details
- Permitted development rights removed

- Hard and soft landscaping details to be agreed
- Protection of Trees
- Scheme of biodiversity enhancements finalised and management plan secured
- Approval of sustainable surface water and foul water drainage scheme
- Materials/details/samples to be agreed
- Surfacing, boundaries and bin storage
- External lighting scheme and light spill mitigation
- Highway conditions
- Construction management plan
- Unexpected contamination
- Provision of EV charging points

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Yorkshire Dales National Park Authority

Planning Committee

Date: 21 January 2025

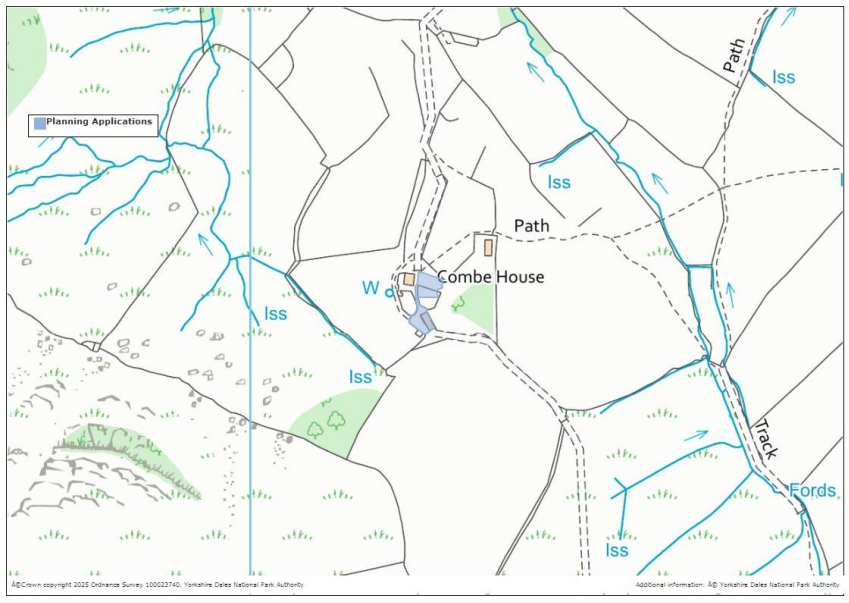
Parish: Dent with Cowgill

Applicants: Mr and Mrs John Airey

Application No: S/01/150G

Site Address: Upper Barn, Combe House, Gawthrop, Sedbergh, LA10 5QQ

Proposal: Full planning permission for conversion of Upper Barn to form a local occupancy dwelling or holiday cottage subject to Section 106 restriction (resubmission of lapsed approval)



Purpose of report

1. That Members APPROVE 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. Upper Barn is a grade II listed building which forms part of the historical Combe House farmstead on land near Gawthrop under Combe Scar. Combe House also Grade II listed, was re-occupied as a dwellinghouse following the granting of permission in 2005 (S/01/149 and S/01/149A/LB). This is a significant complex and one where the relationship between the buildings (including the Lower Barn, granted permission for conversion to a bunk barn in 2023 (S/01/150F), their setting, and features of archaeological interest in the surrounding landscape, is important.

4. Upper Barn is a single building of two distinct parts. The southern section incorporates part of a former dwelling, possible a former longhouse, which is almost certainly older than Combe House. The northern section is a 19th century barn.

Proposal

5. Full planning permission is sought for the conversion of Upper Barn to form a three-bedroom local occupancy dwelling or holiday cottage. This application has been submitted following the lapsing of a permission granted for a very similar proposal which was not implemented (S/01/150C).

Relevant Planning History

6. Planning permission was granted in 2005 under application reference S/01/149 for the restoration of Combe house as a single dwellinghouse, alongside the restoration of Upper Barn as ancillary domestic store. In 2023, full planning permission was granted for the conversion of Lower Barn to form a bunk barn. Most relevant to this application was the planning permission granted for the conversion of Upper Barn to form a local occupancy dwelling or holiday let in 2021 (S/01/150C). This application is very similar to S/01/150C with only minor alterations to the plans.

Consultations

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

Head of Visitor Services – No comments received at the time of writing.

Trees & Woodlands – No comments received.

YDNPA Senior Historic Environment Officer – Commented on the accompanying listed building application (S/01/150H/LB). No objections subject to conditions, notably:

i. Methodology including structural works, demolition, excavation;

ii. Details of internal details to be affected; and

iii. Level 3 building survey.

Waste and Environmental Services – No comments received.

United Utilities Water Ltd – No comments received.

Natural England – No objection; Natural England considers the proposed development does not have significant adverse impacts on statutory protected nature conservation sites or landscapes.

Area Ranger (Western Dales) – The proposed development does not directly affect nearby footpath 516014. An informative should be included to ensure the footpath remains accessible at all times.

Wildlife Conservation Officer – No objection subject to the recommendations and mitigation measures in The Bat, Barn and Nesting Bird Survey by Environtech, updated 15 August 2024 being followed, and a condition added for wildlife enhancement in accordance with policy W2 of the Local Plan.

The proposal needs to include a contribution to biodiversity net gain (BNG) which would be secured by a section 106 agreement.

Environmental Health – Environmental Protection has no objection to the above proposal, subject to the consideration of conditions in relation to unexpected contamination, electric vehicle charging points, and the private water supply.

Fire Officer – The applicant should be made aware of that the application must meet the requirements of Approved Document B, Requirement B5 for Fire Service access and facilities.

Any alteration to the building will continue to be subject to the requirements of the Regulatory Reform (Fire Safety) Order 2005, including a suitable and sufficient Fire

Risk Assessment. Should the property be used for the purpose of a short-term holiday let, a suitable and sufficient Fire Safety Risk Assessment (FRA) must be completed.

Highways – **Westmorland & Furness Council** – Insufficient information has been provided. The proposal would be considered likely to result in the intensification of the existing access with the adopted highway. The local highway authority requires visibility splays of 215 metres in each direction measured 2.4 metres back from the edge of the highway and a minimum width of 4.1 metres for the first 10 metres of the access track to accommodate conflicting traffic movements.

Dent and Cowgill PC – The parish council would like to note that these plans have changed since the previous submission and that these differences should be pointed out to make it clearer for consultees.

The committee noted the addition of the patio area and proposed new curtilage and has concerns that this is unnecessary and may cause a hazard to the access that is currently in place for a neighbouring piece of land.

Further, the council has a policy not to support applications for holiday let accommodation in the dale due to the vast number of holiday lets already in operation. This policy is intended to protect the sustainability of the village for local residents and therefore the council cannot support the application in its current form. The council would only support the application if it were for local occupancy only.

Public Responses

8. A site notice was posted on 29 August 2024 and one comment was received:
Does not object but says there is still 'through' traffic access (whereas the Design and Access Statement states there is no longer through traffic) across the site adjacent to the proposed curtilage boundary and has concerns over the width of the proposed garden curtilage and measures required to stop livestock from entering the flagged terraced.

Assessment

Key Issues:

- Principle of the Development
- Design
- Impact on the Significance of the Listed Building
- Impact on Neighbours
- Impact on Highway Safety
- Nature Recovery

- Parish Council Comments
- Equality Act

Principle of the Development

9. The National Planning Policy Framework (NPPF 2024) sets out the purpose of the planning system: to contribute to the achievement of sustainable development. Paragraph 84 directs planning authorities to avoid the development of isolated homes in the countryside unless certain circumstances apply. The circumstances listed include where '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' and 'the development would re-use redundant or disused buildings and enhance its immediate setting.'

10. The Yorkshire Dales National Park Local Plan (2015–2030) aims to deliver sustainable development in the National Park context. It aims to achieve the conservation and enhancement of traditional buildings (heritage assets) by allowing them to be adapted or converted to new uses, providing the building and its landscape has the capacity to absorb them.

11. Policy L1 considers development affecting heritage assets. Proposals that result in less than substantial harm to a designated heritage asset will only be permitted where it can be demonstrated that the public benefits of the proposal clearly outweigh the loss of significance.

12. Policy L2 is a strategic spatial planning policy It allows traditional buildings to be changed to residential and employment uses in certain locations (in existing settlements, building groups, or suitable roadside locations). Intensive uses will not be appropriate in buildings that are isolated in the landscape and a change of use is only allowed in isolated buildings where there would be no material alteration to the exterior of the building or its surroundings.

13. Policy L3 considers the details of the conversion works. Proposals will not be allowed where they undermine the architectural and historic character of the traditional building and its landscape setting. The building must have the physical capacity to accommodate the new use without significant extension or alteration or requiring new ancillary buildings.

14. A proposal to convert a traditional building to a new use must satisfy the requirements of all three policies.

15. As Upper Barn was constructed prior to the 20th century and has historical and architectural merit as a grade II listed building, it is a traditional building for the purposes of policy L2. The barn is served by the unsealed track that leads from the Gawthrop road (U5475) to Combe House with which this barn, and Lower Barn, form

a group of buildings. As such, the proposal would meet the locational requirements of policy L2 of the Local Plan (2015–2030).

Design

16. The proposal is similar to the previously approved development (S/01/150C). The proposed windows will largely use existing openings with an additional reinstated opening on the ground floor, and the elongation of one first floor opening of the west elevation. The doors, will be fully glazed with powder-coated aluminium composite frames, use existing openings, as per the previously approved scheme. However, the height of the opening proposed for the glazed screen with outward opening door in the kitchen will be reduced to incorporate the first floor but will keep the lintel, retaining the historical fabric and maintaining the readability of the historical development of the building.

17. Compared to the previously approved application, there will be one additional rooflight; another has been repositioned in this application. The barn has been re-roofed so this is modern fabric and the visual impact of these is limited. The visual impact of the proposal as a whole is limited and not harmful to the significance of the listed building. Therefore, the proposal complies with policy L3 of the Local Plan.

18. The curtilage has been re-positioned to the south-west side of the barn and is well-contained, and on the other side of the house from the now diverted public right of way. The boundary treatment can be limited to a simple drystone wall by condition. Due to the archaeological significance of existing walls surrounding the buildings, the new wall should be new material not salvaged from nearby structures. This too, can be secured by condition.

Impact on the Significance of a Listed Building

19. Upper Barn is a Grade II listed building and is therefore protected in the national interest for its special historic or architectural interest.

20. Section 66 of the Town & Country Listed Building & Conservation Areas Act 1990 requires the local planning authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses when considering planning applications that affect listed buildings.

21. Paragraph 207 of the National Planning Policy Framework (NPPF) (2024) states that ‘in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.’

22. Paragraph 215 of the NPPF states that ‘where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.’

23. The impact of the development on the listed building is largely considered under the counterpart listed building consent application. However, the conversion scheme is largely sensitive to the agricultural character of the barn.

24. The harm caused to the listed building through the insertion of rooflights would be less than substantial when weighed against the public benefits of securing its optimum viable use, particularly as the barn has been re-roofed so this is modern fabric.

25. The proposal is considered to be in accordance with policy L1 of the Local Plan (2015-2030) and paragraph 214 of the National Planning Policy Framework (2024).

Impact on Neighbours

26. Combe House is the only nearby dwelling. The two buildings are offset with Combe House orientated in a roughly north-south direction and the barn in a north-east/south-west position. There are just over 27m between the buildings and Upper Barn is sited at a higher ground level. With just one very small opening serving on the north-western elevation that faces towards the Combe House, there would be no potential for direct overlooking. The position and separation distance of the buildings is such that no impact would be exerted on the amenity of occupants of Combe House. The proposal complies with policy SP4 of the Local Plan in this regard.

27. Access to the adjacent land is a civil matter rather than a planning consideration.

Impact on highway safety

28. The Highways Authority considers this to be an intensification of an existing access and requires visibility splays of 215m in each direction. As per the assessment in planning application S/01/150C, whilst visibility is limited, Gawthrop road is largely a single-track road and lightly trafficked. Therefore, an increase of one dwelling is not considered to cause detrimental harm to highway safety.

Nature Recovery

29. A Bat, Barn Owl and Nesting Bird Survey report was prepared by Environtech, updated on 15 August 2024. This found the barn offered moderate potential for use by bats. The barn has already been re-roofed, so no emergence survey was

required. There are no records of barn owls within 2km but the surrounding habitat offers potential for nesting and foraging for birds.

30. The Wildlife Officer had no objections subject to precautionary mitigation measures set out in the Bat, Barn Owl and Nesting Bird Survey report being secured by condition, and the installation of bat boxes. Therefore, the proposal meets with policy W1 of the Local Plan 2015–2030.

31. With regards to biodiversity net gain, the proposal meets the requirements for a 10% BNG uplift. As the biodiversity net gain will be provided outside of the application development site, this would need to be secured by way of a S106 legal agreement. The legal agreement would ensure registration of the site, secures the site's use for BNG, and sets out who will do the BNG creation, enhancement and management work for 30 years.

Parish Council Comments

32. The Parish Council has advised that they have a policy that states it will not support any applications for holiday lets in Dentdale as it considers the numbers of these to be excessive. Although the concerns of the Parish Council are understood, this is their own policy and not a Local Plan policy. Policy L2 permits the conversion of traditional buildings such as Upper Barn to new uses including holiday lets in certain locations and this has been permitted previously. This barn meets the locational criteria for such a use and the proposal has demonstrated a sensitive conversion scheme can be achieved. As a dual use of local occupancy dwelling or holiday let is sought, the principle of the development is in accordance with Local Plan policies, there is no reason to refuse the application based on its proposed use.

Equality Act

33. 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.

34. 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

35. Permission was previously granted for the conversion of Upper Barn in 2021. The proposed development varies in only a few small details from that application and

amounts to an appropriate residential conversion of a traditional barn to create a new local occupancy dwelling or short-term holiday let. The new use will re-purpose and provide ongoing future maintenance for the listed building. This outweighs the less than substantial harm caused by the proposed development in accordance with the National Planning Policy Framework (2024). The proposed development would not result in a detrimental impact on neighbouring amenity, protected species or highway safety. The proposed development is in accordance with Policies L1, L2, L3, SP1, SP2, SP4, W1, W2 and W3 of the adopted Yorkshire Dales Local Plan (2015-2030) and is recommended for conditional approval subject to a legal agreement restricting occupancy.

Recommendation

36. It is recommended that permission is GRANTED subject to conditions outlined below and a section 106 agreement securing a local occupancy restriction or use as a short-term holiday let, and to ensure registration of the off-site BNG area and delivery, management and monitoring of the off-site BNG for 30 years.

    Conditions:

    - Standard time limit
    - Accordance with approved plans
    - Methodology for conversion
    - No sandblasting
    - Submission of level 3 building survey
    - Approval of/compliance with details:
        - Pointing
        - Windows and doorways
        - Fixtures
        - Garden
        - Water treatment plant
    - Restriction on external lighting
    - Mitigation in accordance with ecological survey report
    - Biodiversity enhancement (nest boxes)
    - Removal of permitted development rights
    - Contamination of land
    - Private water supply
    - Archaeological monitoring/recording
    - Historical boundary walls and surfaces

    Informative:

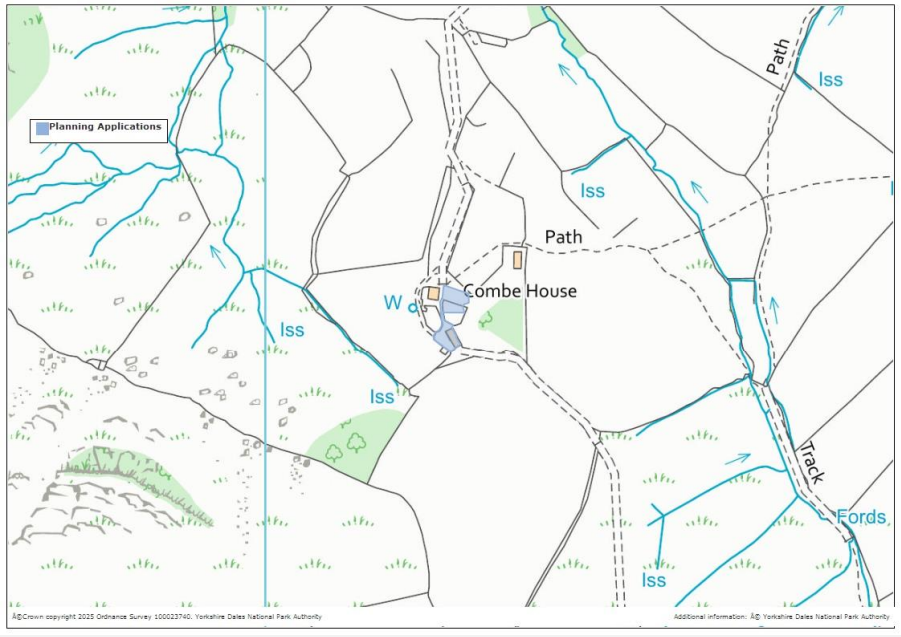
    - Advising that the PROW must remain free of obstruction.

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Yorkshire Dales National Park Authority

Planning Committee

Date:	21 January 2025
Parish:	Dent with Cowgill
Applicants:	Mr and Mrs John Airey
Application No:	S/01/150H/LB
Application Site:	Upper Barn, Combe House, Gawthrop, Sedbergh, LA10 5QQ
Proposal:	Listed building consent for conversion of Upper Barn to form a local occupancy dwelling or holiday cottage subject to Section 106 restriction (resubmission of lapsed approval)



Purpose of report

1. That Members APPROVE Listed Building Consent 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. Upper Barn is a grade II listed building which forms part of the historical Combe House farmstead on land near Gawthrop under Combe Scar. Combe House also Grade II listed, was re-occupied as a dwellinghouse following the granting of permission in 2005 (S/01/149 and S/01/149A/LB). This is a significant complex and one where the relationship between the buildings (including the Lower Barn, granted permission for conversion to a bunk barn in 2023 (S/01/150F), their setting, and features of archaeological interest in the surrounding landscape, is important.

4. Upper Barn is a single building of two distinct parts. The southern section incorporates part of a previous dwelling, possible a former longhouse, which is almost certainly older than Combe House. The northern section is a 19th century barn.

Proposal

5. Listed building consent for conversion of Upper Barn to form a three-bedroom local occupancy dwelling or holiday cottage.

6. The proposed works include the insertion of floors, new window and door treatments, internal partitions, a staircase, heating system, kitchen and bathrooms in order to convert the existing barn into a habitable dwelling.

Relevant Planning History

7. Most relevant to this application is the listed building consent granted for the works to convert Upper Barn to form a local occupancy dwelling or holiday let in 2020 (S/01/150D/LB), alongside the accompanying planning permission granted under reference S/01/150C. The current application is very similar to S/01/150C with only minor alterations to the plans.

8. Listed building consent was granted in 2005 under application reference S/01/149A/LB for works to restore Combe House as a single dwellinghouse,

alongside the accompanying planning application (S/01/149). Full planning permission was granted for the conversion of Lower Barn to form a bunk barn in 2023.

Consultations

9. The comments of statutory and non-statutory consultees are summarised below:

Six Statutory Bodies – No comments received.

Dent PC – No comments received on this application; commented on the accompanying planning application (S/01/150G).

Wildlife Conservation Officer – No objection subject to the recommendations and mitigation measures in The Bat, Barn and Nesting Bird Survey by Environtech, updated 15 August 2024 being followed, and a condition added for wildlife enhancement in accordance with policy W2 of the Local Plan.

Senior Listed Building Officer – No objections subject to conditions, notably:
i. Methodology including structural works, demolition, excavation;
ii. Details of internal details to be affected; and
iii. Level 3 building survey.

Public responses:

10. A site notice was posted on 29 August 2024; no comments were received.

Assessment

Key Issues:

- Planning Policy
- Impact on the Significance of the Listed Building
- Impact on a Protected Species
- Parish Council Comments
- Equality Act

Planning Policy

11. Upper Barn is a Grade II listed building and is therefore protected in the national interest for its special historic or architectural interest.

12. Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities to have special regard to the desirability of preserving

the listed building or its setting or any features of special architectural or historic interest which it possesses.

13. Paragraph 207 of the National Planning Policy Framework (NPPF) (2024) states that ‘in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.’

14. Paragraph 213 of the NPPF (2024) states that, ‘any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification’.

15. NPPF paragraph 215 states that, ‘where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use’.

16. Policy L1 of the Yorkshire Dales Local Plan (2015-2030) states that, ‘development proposals affecting a designated heritage asset will be permitted provided they conserve or enhance its significance’ and that ‘proposals that result in less than substantial harm to a designated heritage asset will only be permitted where it can be demonstrated that the public benefits of the proposal clearly outweigh the loss of significance’.

Impact on the Significance of a Listed Building

17. The proposed works include the insertion of floors, new window and door treatments, internal partitions, a staircase, heating system, kitchen and bathrooms in order to convert the existing barn into a habitable dwelling.

18. The proposed windows will largely use existing openings with an additional reinstated opening on the ground floor, and the elongation of one first floor opening of the west elevation. The doors, will be fully glazed with powder-coated aluminium composite frames, use existing openings, this is as per the previously consented scheme. However, the height of the opening proposed for the glazed screen with outward opening door in the kitchen will be reduced to incorporate the first floor but will keep the lintel, thereby retaining the historical fabric and maintaining the readability of the change to the building.

19. The log burning stove within the south end of the building will sit on a plinth to the north of the wall. The corbelled chimney on this south wall is one of the most significant elements of the older part of the barn, likely to have been a former

dwelling. Therefore, a condition will require a specification and methodology to ensure no adverse impact on this feature.

20. A condition will ensure details of internal works to be protected, altered or removed shall be submitted to and approved in writing by the Local Planning Authority prior to any internal works. Along with a level 3 photographic survey, this will ensure that the historical sections of the floor will be recorded.

21. The amendments to the previously approved application (ref. S/01/150D/LB) comprise an additional roof-light to the east elevation of the barn, the repositioning of the location of one of the previously approved roof-lights on the west elevation, and a revision of the proposed internal layout of the building. These changes are considered to be minor.

22. The harm caused to the listed building through the insertion of rooflights would be less than substantial when weighed against the public benefits of securing its optimum viable use, particularly as the barn has been re-roofed so this is modern fabric.

23. Overall, the proposal will conserve the character of the listed building and will put it into a new viable use consistent with its conservation. Therefore, subject to appropriate planning conditions, the proposal meets the requirements of Local Plan Policy L1 and NPPF, paragraphs 213 and 215.

Impact on a protected species

24. A Bat, Barn Owl and Nesting Bird Survey report was prepared by Environtech, updated on 15 August 2024. This found the barn offered moderate potential for use by bats. The barn has already been re-roofed so no emergence survey was required. There are no records of barn owls within 2km but the surrounding habitat offers potential for nesting and foraging for birds.

25. The Wildlife Officer had no objections subject to precautionary mitigation measures set out in the survey Bat, Barn Owl and Nesting Bird Survey report being conditioned and the installation of bat boxes.

26. Therefore, the proposal meets with policy W2 of the Local Plan 2015-2030.

Parish Council Comments

27. The Parish Council was consulted on 29 August 2024 and commented on the accompanying planning application (S/01/150G).

Equality Act

28. 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.

29. 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

30. The proposed development amounts to an appropriate residential conversion of a traditional barn to create a new local occupancy dwelling or short-term holiday let. The proposal secures a viable use and will secure ongoing future maintenance for the listed building. This outweighs the less than substantial harm caused by the proposed development in accordance with the National Planning Policy Framework (2024) and complies with policy L1 of the Yorkshire Dales National Park Local Plan (2015-2030).

Recommendation

31. It is recommended that permission is GRANTED subject to conditions:

Conditions:

- Standard listed building time limit
- Accordance with approved plans
- Methodology for conversion
- No sandblasting
- Submission of level 3 building survey
- Approval of/compliance with details:
    - Pointing
    - Windows and doorways
    - Fixtures to the building
    - Garden
    - Internal works
- Photographic record
- Mitigation in accordance with ecological survey report
- Removal of permitted development rights

Yorkshire Dales National Park Authority

Committee: Planning

Date: 21 January 2025

Applicant: Mr S Brooks

Parish: Beamsley

Officer: Brian Diamond

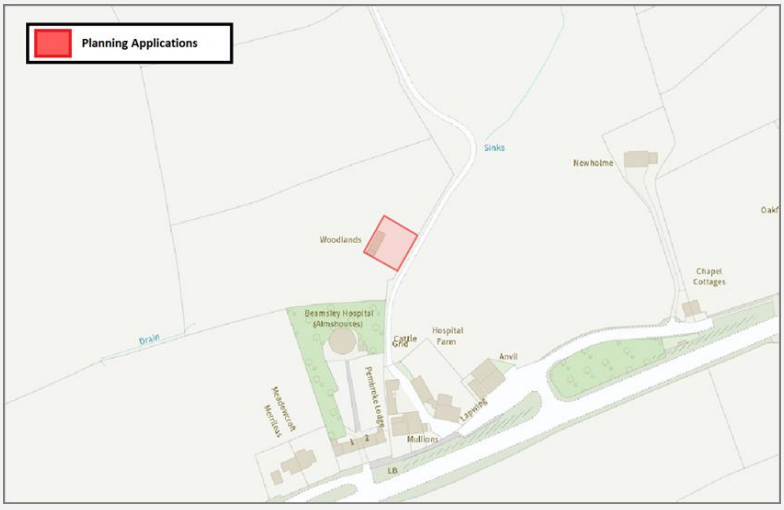
Application No: C/07/6E

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]).

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Yorkshire Dales National Park Authority **Item 6**

Committee: Planning Committee

Date: 21 January 2025

Report: Planning Enforcement Closures Report

Purpose of the report

1. To inform members of cases resolved under delegated powers since 30 September 2024. NB Reports explaining the closure reasons for the cases considered inexpedient to pursue are available on request.

2. To inform members of enforcement notices issued under delegated powers since 30 September 2024.

3. NB The next report will be to the 15 April 2025 meeting.

Recommendation

4. That the information listed on the attached Annex be noted.

A Cases closed as no breach or breach regularised

B Cases closed as being inexpedient to pursue

Richard Graham

Head of Development Management

NB: If any member wishes to enquire about a specific case, would they please contact the Head of Development Management prior to the meeting.

7 January 2025

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