Yorkshire Dales National Park Authority

Committee: Planning

Date: 10 September 2024

Applicant: Mr M Daggett

Parish: Hartlington

Officer: Andrew Tait

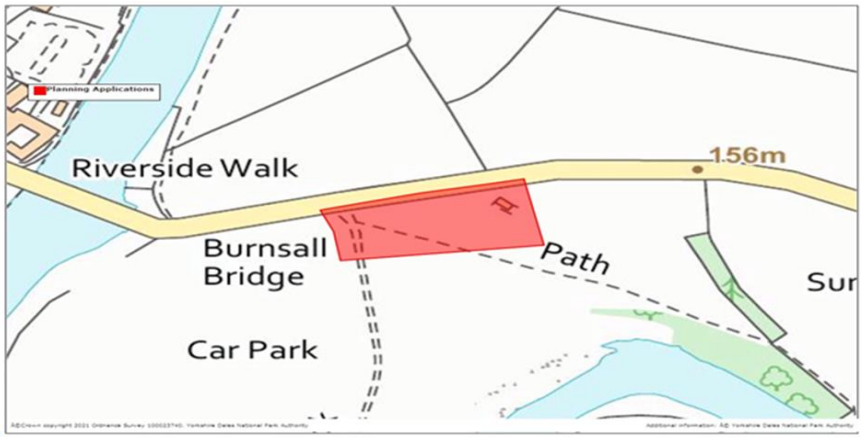
Application No: C/38/1E

Site Address: Wharfe House Farm Car Park, Lower Hartlington, Burnsall, Skipton, BD23 6BY

Proposal: Section 73 application to vary Condition 2 (plans); Condition 3 (barrier details) and Condition 7 (tree planting) of C/38/1C (Full planning permission for alterations to car park entrance and access track; installation of car park barrier; installation of 8 No. solar panels to roof of toilet building and erection of oak canopy above new ticket machines on the east gable)

Purpose of Report

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



Reason for Committee Consideration

2. This application is reported to Committee for the following reason: in the opinion of the Head of Development Management it is in the best interests of the National Park Authority that the application is considered by the Committee.

Application Site

3. Wharfe House Farm car park lies to the north of the River Wharfe, close to Burnsall Bridge, a Grade 2 listed building. It is a wide, open expanse of grass which is grazed for some of the year and used as a temporary, privately run car park over the summer period. The land slopes down towards the river and is bounded by a dry-stone wall that runs parallel with the road to the north and by the river to the south. The Dales Way passes through the site, and it is clearly visible from the road, from Burnsall and the B6160 on the opposite side of the Dale that leads to Bolton Abbey.

4. There is a toilet block within the field, built of stone blocks with a grey tiled roof. It is a simple utilitarian building with white painted timber windows and timber doors and has an array of solar panels on the roof slope.

5. The applicant has previously confirmed that the site is generally used for parking between Easter until the end of summer. The use of the land as a car park has never been the subject of a formal application for planning permission or a lawful development certificate and the site does not have planning permission for use as a car park. Permitted development rights (Class B, Part 4, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)) allow for the temporary use of land for not more than 28 days in any calendar year.

Proposal

6. This application seeks retrospective planning permission, through a Section 73 application, to vary Condition 2 (plans); Condition 3 (barrier details) and Condition 7 (tree planting) of C/38/1C (Full planning permission for alterations to car park entrance and access track; installation of car park barrier; installation of 8 No. solar panels to roof of toilet building and erection of oak canopy above new ticket machines on the east gable) . Following the approval of C/38/1C at the Planning committee in May 2021, the approved development was not constructed in accordance with the approved plans and this application seeks to retain them as built.

7. The site comprises a 14m wide, tarmacked entrance with a pair of timber gates which is as approved. The entrance slopes downwards with a tarmacked in / out drive with a central stone “island” 13m x 1.6m. This houses the equipment to operate the barriers which are painted white with red lights on. It is understood that the lights are only on when the barriers are in operation and the barriers are fully removed over winter when the car park is closed. To the left of the entrance is a post and wire

fence and a low Beech hedge has been planted. The applicant has explained, in the application form why the development was not built as approved.

8. The approved scheme showed two simple cabinets 0.3m x 0.2m x 1.2m to house the barrier equipment, which were to be clad in a timber housing to reduce its visual impact. Eight standard trees were to be planted either side of the entrance to provide visual screening and biodiversity enhancement opportunities. The approved extended roadway was to extend 32m into the field, but it has been built to only 26m long and its width is as approved at 9m.

Relevant Planning History

9. The following applications are relevant:

YD5/38/1 - Erection of toilet block for use on existing car park and installation of septic tank.
Approved - 24/09/1974.

C/38/1A – Full planning permission for erection of extension to toilet block to include wheelchair facilities.
Approved - 03/11/2005.

C/38/1B - Full planning permission for installation of car park pay station machine and control barriers in and out.
Refused - 11/07/2018

C/38/1C - Full planning permission for alterations to car park entrance and access track; installation of car park barrier; installation of 8 No. solar panels to roof of toilet building and erection of oak canopy above new ticket machines on the east gable.
Approved - 10/05/2021

C/38/1D - Full planning permission for extension of toilet block, installation of solar panels and ticket machine.
Approved – 16/03/2022

Consultations

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

Burnsall PM – Not received.

Hartlington PM – Not received

Environment Agency – Not received

Head of Visitor Services – Not received

Chief Environmental Health Officer - No objections or environmental protection comments to make.

Area Ranger (Wharfedale & Littondale) – The proposed development indirectly affects the public right of way.

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

Trees and Woodlands Officer – There are no objections or comments to make.

Fire Officer - No objection/observation to the proposed development.

Police - Offers security advice.

Public Responses

Public responses received at the time of writing: 1

11. One letter of objection has been received, summarised, the comments are as follows:
    - It has bright flashing lights which are visible across the Dale.
    - They are distracting for drivers and those with light sensitivity issues.
    - It is against dark skies policies.
    - It is on a major public footpath.

Assessment

Key Issues:

- Principle of development
- Landscape Impact
- Parish Council comments
- Equality Act

Planning Policy

12. The National Planning Policy Framework (2023) refers specifically to National Parks and states “Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks. The scale and extent of development within these designated areas should be limited” (para 182)

13. Paragraph 88 of the Framework addresses rural tourism and supporting a prosperous rural economy and requires that all policies and decisions should enable "Sustainable tourism and leisure developments which respect the character of the countryside".

14. Policy SP1 "Sustainable Development" of the Yorkshire Dales Local Plan (2015-2030) presumes in favour of development that is sustainable contains a set of 14 criteria that aim to achieve that. Most pertinent to this application are sections (a), (d) and (f).

15. Part (a) supports new development that makes the National Park a high-quality place to live and work – including improving and supporting the use of existing services, infrastructure, and facilities, including the housing stock and workplaces. The provision of this equipment being infrastructure for the car park.

16. Part (d) ensures that new development "conserves or enhances the landscape character of the National Park through the use of high-quality design, appropriate landscaping, and removal of unsightly development;"

17. Part (f) "improves public access to, and enjoyment of, the National Park's special qualities" as it is understood that this application has been submitted as a way of easing congestion around the car park and the narrow lane.

18. Policy SP2 permits development that "furthers the statutory National Park purposes of:
a) Conserving and enhancing the natural beauty, wildlife, and cultural heritage.
b) Promoting opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.

19. Policy SP4 refers to Development Quality and requires all development to proposals to conform to design, transport, safety, and environmental safeguarding criteria. Most relevant in this case is:

20. Part a) requires all new development to be "informed by, and respond positively to the site, its surrounding context and landscape setting, so that the scale, height, proportions, massing, form, materials and appearance of buildings and structures and sympathetic and complementary.

21. Part c) requires that "The design is high quality, has visual interests and reinforces local distinctiveness.

Landscape

22. This landscape is a highly pastoral one providing an iconic setting to Burnsall, a popular, attractive village situated on the River Wharfe. The

application site is highly visible from the village, the historic bridge and from one of the key entry points to the village; the B6160 high up on the hillside opposite. The fields around the village are enclosed by dry stone walls, with an occasional field barn and are used for pasture and grazing. The area around Burnsall has great scenic value which is appreciated by thousands of visitors every year. The application site forms part of this landscape and the setting to the village.

23. In approving the original application, Members were minded to alleviate some of the traffic pressures that exist in Burnsall, by improving the through flow of traffic into and out of the car park. The approved scheme was less intrusive and the minimum necessary to house the barriers and equipment. The timber housing would screen the urban appearance of the cabinets which would have been metal boxes. The two small timber clad boxes would have had a softer appearance. If the more significant planting proposed was provided this would limit the impact of the metal boxes as they would be seen as minor elements against the backdrop of trees. However, as it stands, they are a feature more reminiscent of car parks found in urban areas.

24. The application details indicate that the stone island is required to house the wires and electronics for the barriers. However the barrier equipment is housed in two tall, narrow grey metal boxes which appear to be independent of the stone work which surrounds it. Whilst the stone island may provide some protection for the equipment, it is a large, overly engineered heavy solution which is out of character in this rural area. It is recognised that the site may experience a level of difficulty with indiscriminate drivers, however, having turned off the road towards the car park, and seeing the formal entrance way, the speed of traffic ought to be low enough that little damage is caused to the equipment. The car park is temporary, but the stone island is permanent and is wholly out of character with the area, its scale, massing and appearance does not respond positively to the site as required by part (a) of Policy SP4 and its design is not of high quality and does not reinforce local distinctiveness as required by part (c) of SP4.

25. The approved landscaping plan showed eight large trees to be planted around the entrance to provide screening for the hard surfaced entrance. This was a key mitigation of the otherwise stark appearance of the engineering works in the landscape. Instead a Beech hedge has been planted and no further landscaping is offered. This hedge, however, is unlikely to grow much higher than the height of the wire fencing and would be out of character with the open undeveloped nature of the field. It is a low, neat, formal garden style of hedge which offers very little in terms of landscape screening and itself would stand out in the landscape. The trees previously approved, whilst framing the formal entrance, would have matured to screen the engineered access and would provide in time planting of landscape merit, and provide vital biodiversity and carbon capture opportunities which the hedge would not. The applicant has offered to plant more hedging, and trees elsewhere within their land holding but this would not address the screening issues that are needed. The applicant has commented that trees

within the site are often damaged by visitors to the car park. Having discussed this with the Area Ranger Team and the Estates Team, it has been found that there is very little damage by visitors to trees within the Authority's own car parks. Equally, low impact post and wire fencing could prevent access to this area.

Parish Council Comments

26. Neither Burnsall nor Hartlington Parish meetings have commented on this application.

Equality Act

27. 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.

28. 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

29. The development has not been executed as approved by the Planning Committee in May 2021, and the resultant development, of a 13m x 1.6m stone entrance "island" far exceeds what was initially felt necessary by the applicant to facilitate the development. The applicant comments that the island is needed to protect the wires for the barriers and equipment, but when the application was originally made, the mechanics were in two small discreet purpose built and therefore water, weather and vandal proof, cabinets. The completed development has resulted in further metal boxes being provided. While they are less well designed, they could be viewed as acceptable if the more significant landscape planting was provided as they would be seen as very minor in scale against the backdrop of the trees. However, as things stand with a small hedge provided they are more of focus, together with the engineered access, standing out to a greater extent and are urban in appearance.

30. The applicant has also suggested that a hedge is more suitable in this location owing to constant damage by visitors, however there are many other public areas within the National Park, including the Authority's own land and car parks where new trees are planted and grow to maturity without significant damage. The trees were proposed to provide tree screening to the hard surfaced entrance to the site and the hedge will not have the same positive landscape impact that the trees would in this location.

31. The development, as built is a highly over engineered approach to the issue of streamlining access and payment for the car park. The 13m long stone" island" set within the tarmacked entrance looks out of place when viewed within its wider, pastoral setting, close to Burnsall bridge and the village. Whilst the applicant appears to face some problems caused by the users of the car park, the car park is only a temporary use of the land; the physical development is permanent, all year round. These issues should be resolvable, but it is understood that the applicant wishes to the application to be determined as it stands. It is therefore concluded that the retention of the development as built would have a long-lasting harmful impact on the landscape setting of Burnsall, the river and the listed bridge and is contrary to policies SP2 and SP4 of the Local Plan. Enforcement action is also recommended to bring the development more in line with what was approved.

Recommendation

32. It is recommended that permission be REFUSED for reasons based on the following:

    In the opinion of the Local Planning Authority, the retrospective alteration of Condition 2 (plans); Condition 3 (barrier details) and Condition 7 (tree planting) of C/38/1C would result in an over engineered stone barrier island and inadequate landscape planting that would have a significant harmful impact on the scenic beauty of the landscape and setting of Burnsall and on the traditional rural character of the area. As such the proposal is contrary to the first Statutory Purpose of National Parks (S.5 National Parks and Access to Countryside Act 1949), to the guidance contained in para. 182 of the National Planning Policy Framework (2024) and to policies SP1, SP2 and SP4 of the Yorkshire Dales National Park Local Plan (2015-2030).

33. It is further recommended that ENFORCEMENT action be taken, and that the following actions is agreed by the Committee:

    That the Authority's solicitor be authorised to serve an enforcement notice to secure compliance with conditions of planning permission C/38/1C by:

    a) the removal of the unauthorised equipment and landscaping
    b) the installation of the equipment as detailed on the approved plans
    c) Tree and Hedge planting as shown on the approved plans
    d) a period of compliance of 6 months
    e) in the event of non-compliance with the requirements of the notice, the Authority's solicitor may commence prosecution proceedings.