Yorkshire Dales National Park Authority **Item 5**

Planning Committee

15 October 2024

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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Planning

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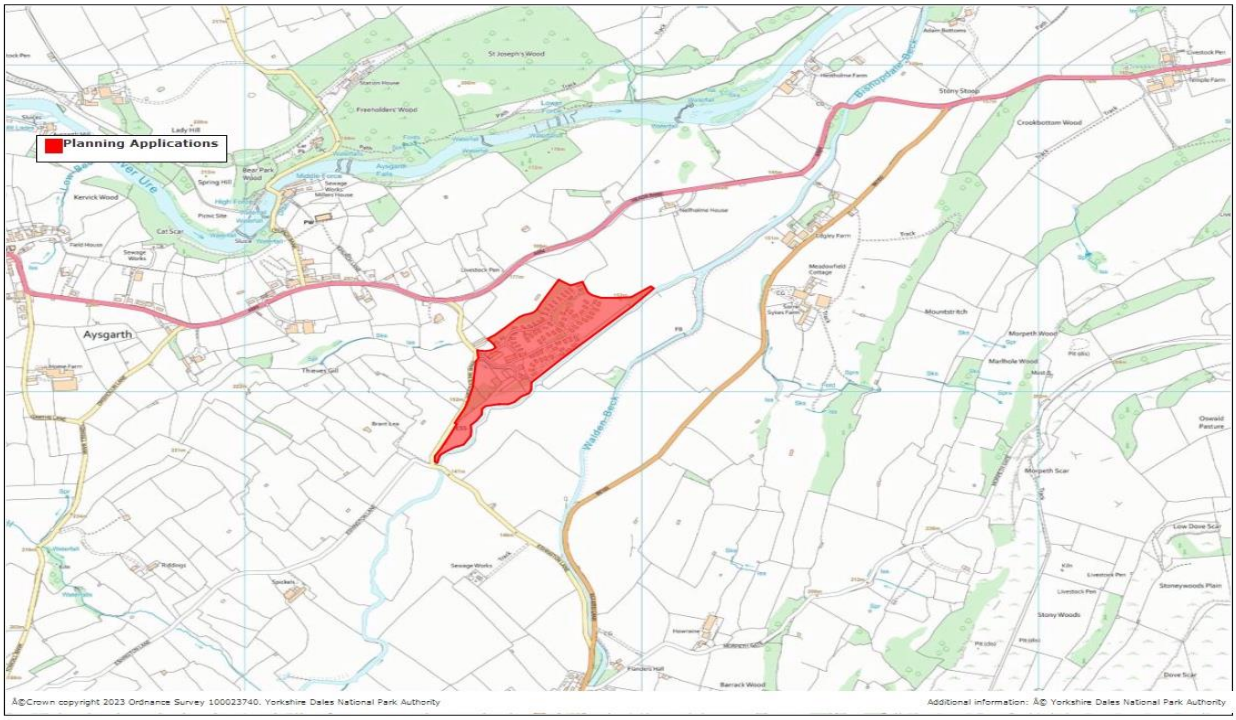
Index of Applications

List No	Parish	Application No	Applicant(S)	Location
1	Burton cum Walden	R/54/7W	Leisure Resorts Ltd	Aysgarth Lodge Holidays, Westholme Bank, Aysgarth, Leyburn, North Yorkshire, DL8 3SP
2	Thoralby	R/58/65G	Mr & Mrs Brown	Howesyke Farm, Bishopdale Lane, Bishopdale, DL8 3TG

Yorkshire Dales National Park Authority

Planning Committee
Parish: Burton cum Walden
15 October 2024
Officer: Mark Williams
Applicant: Leisure Resorts Ltd
Application No: R/54/7W
Site Address: Aysgarth Lodge Holidays, Westholme Bank, Aysgarth, Leyburn, North Yorkshire, DL8 3SP

Proposal: Full planning permission for use of land for siting of caravan for use as holiday park reception and office and site wide lighting plan (retrospective)



Reason for Committee Consideration

1. 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

2. Aysgarth caravan park lies to the south of Aysgarth, off Westholme Bank, the minor road linking the A684 with the B6160 on Bishopdale. The park extends to the northeast along the north bank of

Bishopdale Beck. The site comprises 74 static holiday caravans served by internal roads, together with associated buildings including a clubhouse, toilet and shower block.

Proposal

3. Retrospective planning permission is sought for two elements:

- the use of land for the siting of a caravan for use as holiday park reception and office
- the retention of a 49 lighting bollards

Relevant Planning History

4. The following applications are relevant:

R/54/7Q - full planning permission for erection of extension to existing toilet block to form shower and laundry facilities. Approved - Conditional 15/03/1995

R/54/7R- full planning permission for remodelling holiday park to accommodate 74 static holiday caravans, retention of existing access and buildings and change of use of land to agriculture. Approved - Conditional 30/03/2007

R/54/7S-full planning permission for alterations to existing clubhouse. Refused 12/09/2008

R/54/7T- full planning permission for removal of Condition 5 of planning permission R/54/7R to provide an extended operational season. Approved 17/08/2010

R/54/7X- Full planning permission for removal of 2 holiday lodges and siting of 6 glamping pods and associated works. Approved - Conditional 17/03/2023

Consultations

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

(N.B. Both Parish Councils have been notified of the proposal to install dimmer light bulbs).

Aysgarth & District PC - Not received at time of writing.

Environmental Health - do not object to the development.

Area Ranger (Lower Wensleydale) – the development would not affect the public right of way.

Burton-cum-Walden PC - The Council remains concerned about light pollution, particularly as we have supported the Dark Skies initiative, but we will review the situation when the proposals are implemented. One suggestion for the planning authority to consider might be that the external lights could be switched off at, say, 11.00 pm or midnight.

Having studied the submissions from residents and investigated the matter further, we would like to request that this planning application is brought before the full Planning Committee at the first available opportunity to ensure that the complex complies fully with the recommendations of the Enforcement Officer.

The Council has no objection in principle to the creation of a leisure facility on this scale in our vicinity. It has over the years contributed to the economy and to employment in our Parish. However, we feel that the management and appearance of the site must be in keeping with the ethos of the National Park and should not impinge unduly on the surrounding area and the local residents. Further, the way the complex is developing seems to be in danger of destroying the very aspects that it highlights as the attraction of coming to the Yorkshire Dales.

Yoredale Ward Councillor – "Do not think the reflection that the lights generate have alleviated the problem.

The light pollution which can be seen for miles across has raised numerous concerns. The YDNPA has been promoting the Dark Sky project which is very popular and yet in the middle of Wensleydale out in the countryside we see such huge lighting."

Environment Agency - The FRA confirms that the caravan is located in Flood Zone 1, and therefore have no objection or comments to make.

Lead Local Flood Authority (North Yorkshire Council) - would not usually comment on site of this size which is minor development.

Wildlife Officer – no objection

Public Responses

6**.** Advertised by site notice. No responses received.

Assessment

Key Issues:

- Planning policy
- Landscape
- Light pollution
- Parish Council comments
- Equality Act

Planning Policy

7. Yorkshire Dales Local Plan (2015-30) Policy SP2 stipulates that development proposals must further the National Park statutory purposes, the first of which is the conservation and enhancement of natural beauty, wildlife and cultural heritage. Policy SP4 (Development Quality) sets out a series of design standards for new development.

Landscape

8. The office/reception building is a single-storey monopitch building which has been sited next to existing car parking spaces at the end of the access drive. It is surrounded by an area of decking with glass-panelled fencing to edges. This building sits towards the south end of the park but is well screened by existing vegetation to the extent that it does not impinge on the wider landscape

outside the park. The continued presence of this building is therefore considered to be acceptable.

Light Pollution

9. Policy SP4 (Development Quality) states that development should not give rise to unacceptable, adverse impacts in terms of the darkness of the night sky.

10. To that end the Authority has published Good Lighting Advice for the benefit of developers. This includes advice on the siting and specifications of external lighting. Among the recommended criteria are:

- Lights should be angled downwards
- Lamps of 500 lumens and less are appropriate for most domestic purposes
- All lights should have a colour temperature less than 3000K as a default specification
- Switch lights off when not needed. Use proximity sensors. Avoid dusk-till-dawn sensors.

11. The bulbs which have been installed in the lighting bollards do not comply with this advice, being 6000K. Following the consideration of alternatives, the applicant has now agreed to replace these with dimmer bulbs. These would be 2700K and 470 lumens, and 'warm white' colour. These bulbs would comply with the Authority's advice and represent a significant improvement over the existing situation. The replacement of the existing bulbs with the dimmer specification can be required by condition, with a compliance period of one month considered to be reasonable. This would mean that the new bulbs would be in place for most of the winter of 2024/25 and thereafter.

12. The applicant has been asked to consider having the lights permanently turned off at night (e.g. 2300-0600 hours). At the time of writing a response had not been received but an update will be given at the meeting.

Parish Council Comments

13. The Parish Council's concerns relate principally to the impact of light pollution on the Dark Skies environment, which is addressed in the main body of the report. Subject to the use of dimmer bulbs and to conditions, the development is now considered to be acceptable. Both Parish Councils have been notified of the proposed use of dimmer bulbs. Any further responses will be reported at the meeting.

Equality Act

14. 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.

15. 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

16. Subject to conditions the proposed development would significantly reduce light pollution emitted from this site in line with the Authority's Good Lighting advice. As such the proposed development is considered to be in accordance with Local Plan Policies SP2, SP4 and guidance in the National Planning Policy Framework.

Recommendation

17. It is recommended that permission is GRANTED subject to conditions including the following:

Approved plans
Replacement of existing bulbs within one month
Control over new external lighting

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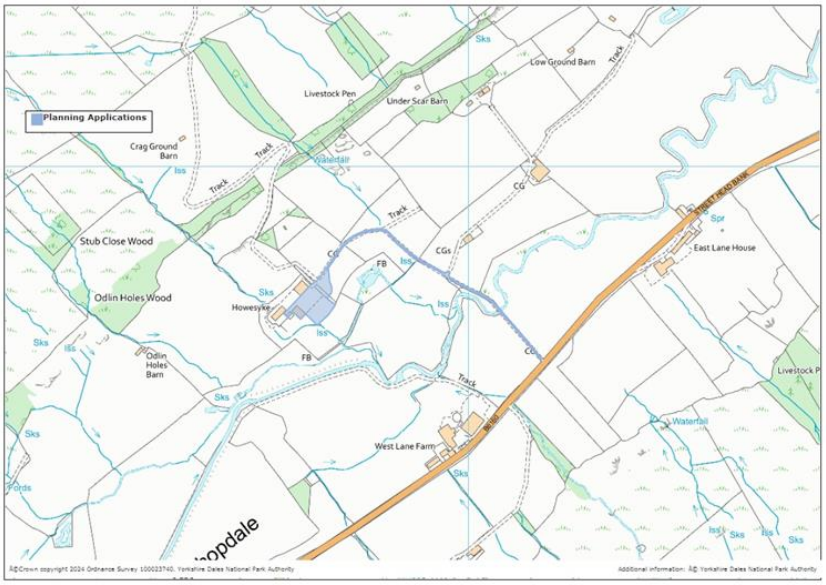
Yorkshire Dales National Park Authority

Planning Committee
15 October 2024
Applicant: Mr & Mrs Brown
Parish: Thoralby
Officer: Emma Heron
Application No:R/58/65G
Site Address: Howesyke Farm, Bishopdale Lane, Bishopdale, DL8 3TG

Proposal: Full planning permission for erection of 1no rural workers dwelling, conversion of barn (Barn C) to short term holiday lets with associated garages (as approved under application reference numbers R/58/65C and R/58/65F), extension of existing site office (Barn F) to provide kitchen facilities (as approved under application reference numbers R/58/65C and R/58/65F), erection of 1no agricultural barn (Barn D)

Summary of Report

1. That Members APPROVE planning permission, subject to a S106 legal Agreement that rescinds the right to develop the two semi-detached rural worker dwellings, that formed part of planning approval R/58/65C.



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. The site is a building group set on the valley floor, surrounded by attractive open countryside in Bishopdale. It is accessed via a private track from the B6160. The group comprises a former traditional farmhouse and attached barn, which have been extended to form a substantial dwelling, a smaller traditional barn used as ancillary and office accommodation, a car parking area, a new large storage building, and a much older large cubicle building (Barn C) that was previously used for agriculture.

Proposal

4. Full planning permission for erection of 1no rural workers dwelling, conversion of barn (Barn C) to short term holiday lets with associated garages (previously approved under application reference numbers R/58/65C), extension of existing site office (Barn F) to provide kitchen facilities (as approved under application reference numbers R/58/65C and R/58/65F), erection of 1no agricultural barn (Barn D), reduced in size from that approved under R/58/65C.

5. The proposed rural workers dwelling would be sited in the southeast corner of the building group and would have a traditional formal farmhouse style. The proposal for Barn C is to convert it to 5no. short stay holiday apartments on the first floor with communal spaces on the ground floor, including games area, lounge, garaging, changing rooms and hot tub. External works would comprise re-cladding and forming new openings. Barn D is described as an agricultural barn, it would be sited to the rear of the proposed workers dwelling and would be a cubicle shed of Yorkshire boarding with concrete lower wall panels. A small extension is proposed on the eastern elevation of Barn F (office), to form a small kitchen.

6. The application has a complex case history, which is an important aspect of this planning application, and includes the planning history of a separate site known as Kidstones Gill Bridge, which lies over one kilometre south in Bishopdale.

Background

7. The Planning Committee granted planning permission R/58/65C subject to a legal agreement in 2017 and contrary to Officer recommendation for development at Howesyke. This permission included a substantial extension to the existing farmhouse; erection of a pair of semi-detached rural workers cottages, conversion of a modern barn to short-term holiday lets, extension of existing site office to provide kitchen facilities and erection of two agricultural barns.

8. Although the proposal conflicted with Local Plan policy permission was granted for a departure from the plan for the following reasons:
   - The development as a whole would be an environmental and economic gain to the local area;

- The farmhouse extension is acceptable, in terms of scale and form;
- The agricultural dwellings are necessary and acceptable;
- The 5 holiday lets are needed to support the wider business and are of an acceptable design.

9. Permission R/58/65C is an extant approval (it has been part implemented) and as such is a material consideration that Members must take account of (it is a 'fallback' position). The supporting case that was presented in the 2017 application, and was accepted by the Planning Committee, was that the applicants would live in the farmhouse at Howesyke and that the business would be grown to increase ewe numbers from 100 to 1000, 100 suckler calves would be purchased each autumn and the winter housing of cattle would be relocated from Howesyke to buildings at nearby Crooksby. Growing the business in this way, the case was made that it would result in the need for three full time workers to live on the holding: the existing gamekeeper at Crooksby and two in the 2no. new rural worker dwellings. At the time the application was made, Officers considered that there was a demonstrable need for only 1.5 full-time workers associated with the enterprise, and that the majority of the development proposals failed to accord with local plan policy. Nevertheless permission was granted and part implemented by way of the construction of the substantial extension to the farmhouse, and the construction of one of the barns. Therefore, the entire development benefits from an extant approval and can be completed without further permission being sought. This means the applicant would have three rural worker houses serving the holding on completion of the development.

10. At the time the permission was granted, one of the rural workers lived in a small touring caravan inside a farm building at Howesyke, however the building was demolished as part of the aforementioned re-development, and in March 2018, the rural worker was re-housed in a temporary chalet, 1km away at Kidstone Gill Bridge.

11. In 2016 planning permission was granted for a hydro-electric system at Back Gill, with the associated plant in a new agricultural building at Kidstones Gill Bridge (R/53/27B).

12. Temporary planning permission was granted at Kidstones Gill Bridge under delegated authority in 2019 (reference R/53/27E) for the retrospective siting of the temporary accommodation (chalet), during the expected construction of the permanent rural worker's accommodation at Howesyke. The applicant advised that the occupant of the temporary accommodation would move back to Howesyke on completion of the permanent accommodation. The application was approved on this basis for a temporary period until 10th December 2020. The siting of the chalet and its occupation was unauthorised for a long period after the permission expired. A further temporary permission was obtained for the period March 2023 and March 2024.

13. An application for a permanent rural worker dwelling at Kidstones Gill Bridge, was registered in July 2021 (R/53/27G), and this was subsequently withdrawn in November 2022. With this application, an independent agricultural appraisal demonstrated that the labour requirements for the landholding directly associated with Kidstones Gill Bridge approached 1 full-time worker. However, the matter of the extant approval for two rural workers dwellings at Howesyke was not resolved during the course of this application process. One key issue was that if permission were granted for a permanent dwelling at Kidstones Gill Bridge, the applicant could legitimately still build the two dwellings at Howesyke under the extant permission. This

would have brought the total number of dwellings across the estate to four (including the existing one at Crooksby).

Relevant Planning History

14. The following applications are relevant:

Application site (Howesyke)
R/58/65C Full planning permission for erection of extension to existing farmhouse with incorporation of adjoining barn into the domestic accommodation; erection of 2 semi-detached rural workers cottages, conversion of barn to short – term holiday lets with associated garages; extension of existing site office to provide kitchen facilties and erection of 2 agricultural barns. Approval subject to conditions and S106 agreement 2017.

R/58/65F Section 73 application to vary conditions 2, 14 and 15 of R/58/65C (Full planning permission for erection of extension to existing farmhouse with incorporation of adjoining barn into the domestic accommodation; erection of 2 semi – detached rural workers cottages, conversion of barn to short – term holiday lets with associated garages; extension of existing site office to provide kitchen facilties and erection of 2 agricultural barns). Conditional approval 2020.

Application site (Kidstones Gill Bridge)

R/53/27 Full planning permission for creation of access gateway, upgrade of access track. Conditional approval 2014.

R/53/27B Full planning permission for construction of 35kW high head hydro system utilising the waters of Back Gill; comprising intake weir and Coanda screen, 1070m underground pipe to a Turgo turbine housed within a 9sqm area of a proposed agricultural building and underground electricity cable. Conditional approval 2016.

R/53/27D Full planning permission for change of use of part of existing agricultural building to provide welfare areas for use by personnel involved in the existing agricultural, forestry and shooting enterprise, installation of toilet and hand wash facilties and package treatment plant. Conditional approval 2019.

R/53/27E Full planning permission for siting of temporary accommodation on site during the development of permanent accommodation at Howsyke (retrospective). Conditional approval 2019.

R/53/27F Section 73 application to vary/remove conditions 1, 2, 3, 4, 7, 8 & 9 of R/53/27 (full planning permission for creation of access gateway, upgrade of access track and erection of replacement agricultural building (part retrospective). Conditional approval 2020.

R/53/27G – Full planning permission for permanent rural workers dwelling. Withdrawn.

Consultations

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

Upper Dales division No comments received.

Trees & Woodlands Concern with regards the routing of a new access through a tree group. Officer note: this aspect has been removed from the proposal.

Chief Technical Officer Richmondshire DC No comments received.

Environment Agency No comments received.

Clerk to Aysgarth & District PC
The Parish Council agreed to support this plan subject to the following:

- Planning for two rural workers cottages only, one in each location at Howesyke and Kidstones Gill Bridge (therefore the two workers cottages approved under R/58/65C to be rescinded)
- Both planning permissions (R/58/65G and R/53/27J) subject to a S106 agreement
- No further extensions to the temporary accommodation at Kidstones Barn (R/53/27H), and its permanent removal from the site.

Environmental Health - North Yorkshire Council Likelihood of nuisance to neighbouring properties will be low. A condition is recommended relating to the process to undertake if unexpected contamination is found.

Area Ranger (Lower Wensleydale) Informative note recommended in relation to the route of a PROW remaining clear of obstruction, and details for obtaining a closure if necessary.

Wildlife Conservation Officer No objections to the mitigation strategy set out in the bat survey report. Enhancements should include Kent Bat Boxes, and a mix of open-fronted and sparrow terrace style boxes.

The land is species poor grassland of low amenity value. The proposed landscaping enhancements are appropriate and should be conditioned.

Conditions recommended in respect of a prior check for nesting birds before any work commences, including barn demolition, and condition requiring biodiversity enhancement measures to be carried out. Also, informative notes regarding bats and nesting birds are added to any planning certificate and/or decision notice issued if approval is granted.

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

Fire Officer - No objections or observations.

Public Responses

Public responses received at the time of writing: 9

16. A site notice was posted on 26th August 2023. There have been 9 letters of objection from 6 households, raising the following points:

- Concern over creeping development, changing from a farm to a holiday complex
- The house is advertised as a let, so additional houses are not necessary
- Sufficient holiday lets already in the Dale

- Unsure of use for proposed agricultural barn or the need for the other elements
- The worker (Kidstones Gill Bridge) should be housed at Howesyke as approved.
- If house is approved it negates the need for another
- Application is unclear
- Translocation of a dwelling shouldn't be a consideration
- Rural worker would be better placed at Howesyke and a building converted for this purpose
- Inappropriate design and siting of dwelling
- Need for additional housing has not been demonstrated
- Substantial farmhouse should serve the purpose for holiday lets
- Developments proposed are disproportionate and extreme
- Harmful impact on nature and character of landscape
- Proposal is irreconcilable with the first statutory principle of national parks
- Noise and disturbance concerns

Assessment

17. The assessment begins with a summary of the principle of the proposed development as it stands, followed by an analysis of the 'fallback' position, which is the extant planning permission, R/58/65C and R/58/65F. R/58/65F entailed a modest amendment to the main scheme.

Key Issues:
- Principle of development
- Fallback position
- Nature Recovery
- Sustainability
- Parish Council comments
- Equality Act

Principle Of Development

18. This element of the report explains in detail why the development is contrary to policy, but then goes on to explain why it is recommended for approval, giving weight to the fallback position.

19. 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 development plan for this area is the adopted Yorkshire Dales National Park Local Plan (the development plan). The most relevant policies are:

SP2: National Park purposes
SP3: Spatial strategy
SP4: Development quality
BE2: Rural land-based enterprises
BE3: Re-use of modern buildings
C3: Rural workers' housing
T5: Indoor visitor facilities

W1: Wildlife sites, species and networks
W2: Biodiversity enhancement

20. Policy SP2 sets out the statutory purpose of the National Park, of:
a) Conserving and enhancing 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.

21. Paragraph 182 of the National Planning Policy Framework (NPPF) (2023) requires that great weight should be given to conserving and enhancing the scenic and natural beauty in National Parks. The Levelling Up and Regeneration Act 2023 introduces a revised duty on relevant authorities to "seek to further the specified purposes of National Parks".

22. Paragraphs 83 & 84 of the NPPF promote sustainable development in rural areas by directing housing where it will enhance or maintain the vitality of rural communities and avoid the development of isolated homes in the countryside unless one or more prescribed circumstances apply. In this case, a) an essential need for a rural worker.

Rural Workers Dwelling

23. Policies SP3 and C3 of the Local Plan only permit new residential accommodation in the open countryside where it can be demonstrated that:
a. the functional needs of an essential rural-based enterprise requires that a full-time worker must live at that location,
b. there are no other options such as another dwelling in the applicant's control, building conversion or sub-division,
c. The enterprise will not have been instrumental in disposing of another dwelling in the preceding three years,
d. The dwelling will be within an existing building group,
e. The dwelling's size should be commensurate to the needs of the enterprise and justified by evidence.

24. The justification for the proposed dwelling is contained in the Estate Overview document (dated 10 August 23), follow on notes and updated estate maps (received April 24), and further applicant supporting email, (received 30th September). This new accommodation would help to facilitate the management of the site and wider Estate including management of holiday properties, management of land and security, therein mitigating the need for contractors who are at present required to travel to site to fulfil these functions. This includes: livestock management, estate management, game and moor management, and visitor accommodation management. A dwelling would also negate the need for sub-contractors, and would make the role more attractive to a young person who may work long hours on site, including night work.

25. The document also lists the current employment of the whole estate as: 2 x land manager gamekeepers, a customer facing housekeeper and a housekeeping assistant with subcontractors employed for tree care, fencing, walling, track maintenance and ground works (as well as additional employment on shoot days).

26. The information received in April 2024, references additional land purchased by the applicants in January 2024, increasing the overall size of the owned landholding.

27. An independent agricultural appraisal commissioned by the Authority, identifies that there is an essential requirement for only 2 full-time workers to be resident on the land holdings to meet the existing functional need. Kidstones Gill Bridge (application R/53/27J) is an appropriate location for 1 worker, and the other need is met by the gamekeeper resident at Crooksby. There is no functional need to base a worker at Howesyke, even with the purchase of additional land.

28. Based on the information submitted, it is clear that the functions identified for the proposed resident can be and are, carried out by others living elsewhere, or by contractors. Even with an expanded employment opportunity for one or more housekeepers, (if the 5no.holiday lets were to come to fruition), there is not an essential requirement for this type of worker to live on site, since there are no 24 hour security or emergency related issues associated with short-stay holiday accommodation, or in relation to general land management duties.

29. Policy C3 requires all criteria to be met, however the proposal fails to accord with criterion a). In respect of criterion b), it is accepted that the very substantial farmhouse is not suitable or available for a rural worker since it is being used by the applicant and as holiday accommodation and a converted barn, (known as Thorbers Barn) already has permission for and serves as a dinner hall, welfare facility and function room for shoot guests. In respect of c) and d) the dwelling would be within an existing building group, and the applicants have not been instrumental in disposing of a dwelling in the preceding three years. In respect of e) the dwelling has a footprint of 140 square metres. This is not unreasonable for a rural worker, however its size has not been justified with evidence, as being commensurate to the needs of the enterprise, particularly as the functional need for the dwelling has not been demonstrated.

30. The proposed dwelling is contrary to policy C3 and the wider spatial strategy in policy SP3 of the Local Plan as it has not been demonstrated that there is functional need of land based businesses at the site to justify it.

Proposed conversion of Barn C to holiday lets/garaging.

31. Policy BE2 supports the diversification of a rural land-based enterprise if it assists viability and supports the beneficial aspects of land management. The proposed use as holiday lets would provide additional income to the wider enterprise. The expansion of the visitor element, (which is at present the farmhouse), is proposed as a means by which to offset the phasing out of the Basic Farm Payment, and to shift focus further from agriculture, towards tourism, shooting, and environmental management. Financial information has been submitted confidentially and assessed by the independent agricultural consultant. He has concluded that the enterprise has modest revenue returns compared with the very substantial investment in acquiring land, shooting rights, refurbishing, and extending properties and improving the land holdings.

32. The proposed holiday lets would increase income for the estate and would create some employment opportunity for housekeeping and administration functions. In general terms, the use would conform to policy BE2, however given the significant extent of the holiday let proposal, combined with the holiday let use of the farmhouse, it is apparent that the tourism arm of the enterprise would become the main income stream, and significantly more than a diversification to support the environmental beneficial aspects of land management.

33. However, this is outweighed by undermining the wider housing strategy of the Local Plan. Para78 of the 2010 Circular “English National Parks and the Broads”, states that “The Government recognises that the Parks are not suitable locations for unrestricted

housing……The expectation is that new housing will be focussed on meeting affordable housing requirements, supporting local employment opportunities and key services." The Yorkshire Dales Local Plan strategy focusses on delivering affordable housing and local occupancy housing for local needs through site allocations and restricting new housing to sustainable locations within the larger settlements that have key services. Essentially, the proposal is for self-contained holiday lets in a remote rural location with no policy justification (it does not conserve a traditional building (policy L2)) and takes tourism away from rural communities where the income would be of most benefit (policy SP1 and paragraphs 83 and 84 of the NPPF).

34. Policy BE3 supports proposals for the re-use of modern buildings where the building is no longer needed for its current use and will not displace the use elsewhere. The policy does not permit the re-use of modern buildings where retention would perpetuate visual harm.

35. Barn C is visible from various points outside of the application site including public rights of way to the northwest, and the B6160. Its orientation and massing is at odds with the rest of the buildings in the group and its pale coloured roof sheets and lower concrete wall panels also stand out. As the older stock of cubicle buildings at Howesyke has been removed, the building appears even more isolated and out of place. Furthermore, the application includes a new building for storage purposes (Barn D) associated with the gamekeeping use, this storage use could readily be accommodated within Barn C. The proposal therefore displaces a use elsewhere and perpetuates visual harm contrary to policy BE3.

Proposed barn (Barn D)

36. The proposed barn is described as an agricultural building but would be used in connection with land management and the shoot enterprise, as all agricultural elements are undertaken away from Howesyke. There is an existing (recently constructed) building that currently serves this purpose, and at the time of the officer site visit the floor space appeared to be under-utilised. This may not be the case year-round, and further floor space may be needed, however there is no justification for the additional building included with the application. Importantly, Building C could be re-used for this purpose, were it not for the proposed holiday accommodation displacing that land management use. As such the proposal is contrary to policy BE2 and BE3 of the Local Plan.

Site office kitchen (extension to Barn F)

37. The proposed extension is a subservient and ancillary element to the building's function as a site office and is considered to be acceptable under policies SP4 and L2 of the Local Plan.

Conclusion

38. The proposal is contrary to the development plan, and the requirements of the National Planning Policy Framework. However, in this case there are other material considerations that outweigh the conflict with planning policy.

Fallback Position

39. Many significant elements of the development proposal are contrary to policy, with some aspects lacking detailed justification, such as the proposed dwelling and need for the additional barn. The reason for this is that the applicant is reliant on a 'Fallback' factor, ie. how the site

could be developed without the need for further planning permission - in this case the extant planning permission R/58/65C and a small amendment to that scheme, R/58/65F.

40. Fallback is the legal concept applied when an existing permission confirms the principle of a development, which can then be used as justification for gaining planning permission for an alternative scheme. Whether weight is given to fallback as a material consideration is dependent on: i) the extant development being broadly similar, or worse than what is currently proposed, and ii) the likelihood of the permitted fallback being built. The test of likelihood is a relatively low bar. In case law (Zurich Assurance V North Lincolnshire Council), in order to be a material planning consideration, fallback only has to have "more than merely a theoretical prospect", rather than the much higher bar of, a realistic possibility. Given the continued investment in the whole estate, and details supplied for future business plans, this is sufficient to demonstrate ''more than a theoretical prospect" of the fallback development occurring in this case.

41. The second test in relation to fallback, is whether the effects of the fallback position are broadly similar or worse than those of the current proposal. This effects the weight that should be applied to the fallback scheme as a material consideration. That weight is assessed below.

Assessment of Physical Features

42. The fallback scheme included two semi-detached houses which, whilst well-designed, were sited poorly. Together with the farmhouse they would have formed a long run of buildings, all with similar eaves and ridge height. In design terms they would compete with the main farmhouse and confuse the hierarchy of dwellings on site. These cottages do not form part of this proposed scheme. Instead, a single detached rural worker's dwelling is proposed forward of, and to the southeast of Barn D. The dwelling would have a greater presence, in comparison to the alternative fallback scheme, due to its position in the southeast quadrant of the site but would be a visual improvement on the fallback scheme.

43. The proposed holiday lets (Barn C), and the extension to Barn F are identical to the fallback scheme. Barn D is 35% smaller than the fallback scheme and is now more akin to other modern cubicle buildings compared to the approved version, which is bulkier. In addition, the proposal now includes environmental benefits in the form of a native landscaping scheme that contributes towards biodiversity net gain. On the whole, the fallback scheme is 'worse' than the current proposal, in visual and landscape impact terms, and as such that the fallback factor carries significant weight in the decision making process.

Assessment of Estate Management Factors

44. The extant planning permission, was granted by the Planning Committee for the following reasons:
    - The development as a whole would be an environmental and economic gain to the local area;
    - The farmhouse extension is acceptable, in terms of scale and form;
    - The agricultural dwellings are necessary and acceptable;
    - The 5 holiday lets are needed to support the wider business and are of an acceptable design.

45. The planning permission included:

- A S106 agreement that ensures all elements of the development remain in the same ownership and 5no. units are used for short stay holiday lets only.
- An agriculture or gamekeeper worker's tie on the 2no. dwellings, by condition of the planning permission.
- A condition requiring removal of the proposed barns when no longer necessary for agricultural purposes.

46. In reaching its decision the 2017 Planning Committee considered that the proposed significant expansion of the farm business and shooting enterprise, with the applicant living in the extended farmhouse, was sufficient to justify granting planning permission for the development (see paragraph 14 of this report for detail).

47. The business model has now changed. The agricultural and gamekeeping activities are no longer based at Howesyke (with the exception of storage in the barns). The Authority's Consultant has advised that the enterprise as it is now, justifies a need for 2no. dwellings serving the entire estate (one at Crooksby and one at Kidstones Gill Bridge), but not one at Howesyke (see paragraphs 22 – 27 of this report).

48. However, as there is a reasonable prospect of the fallback scheme being implemented, it is a significant material consideration that the applicants have extant planning permission for 2no. rural worker dwellings, based at Howesyke, to serve the estate.

49. Should the 2no. dwellings be based at Howesyke, this would result in the poor operation of the rural enterprise, as the gamekeeper would need to travel multiple times per day to Kidstones Gill Bridge, and there would be no 24 hour, on site security at Kidstones. Kidstones is where it is needed the most, and where the gamekeeping and agricultural elements of the business are well-established.

50. Further, basing one of the two dwellings at Kidstones Gill Bridge, would have other sustainability improvements in comparison to the fallback scheme. These are, the reduction in the need to travel between sites, and the potential to power that house through the existing hydro-electricity system.

Conclusion

51. There are several factors relating to the fallback scheme that are worse than the development that is now proposed, including the visual impact, the operational needs of the enterprise, and the sustainability credentials. This weighs in favour of granting permission for the development, despite it being entirely contrary to development plan policy.

52. It would be possible to still build out the pair of semi-detached dwellings, (the subject of the fallback scheme), after implementing this proposed development which includes a detached dwelling. For this reason, if approval were given, this would need to be the subject of a S106 Legal Agreement, rescinding the right to build the dwellings under application R/58/65C, effective upon the granting of planning permission.

Nature Recovery

53. The updated bat surveys indicate negligible potential impacts on bats, and the applicant's ecologist has recommended a scheme for at least 2 bat boxes, externally mounted the

buildings, four swallow and house martin nest boxes on the new buildings in suitable locations, and at least two bird boxes for hole dwelling species such as house sparrow.

54. In respect of enhancement of grassland, the provision of a traditional orchard of fruit trees, is acceptable and could be detailed by condition. The Senior Wildlife Conservation Officer has no objections to these proposals, and they are considered to meet the requirements of policies W1 and W2 of the Local Plan.

Parish Council Comments

55. The Parish Council supports the proposal subject to the provision of two rural worker's cottages only, (one in each location), the tying via a S106 agreement, and the permanent removal of the temporary accommodation at Kidstones (R/53/27H).

Equality Act

56. 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.

57. 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

58. The proposal amounts to unsustainable development. There is no essential functional need for the proposed dwelling at Howesyke. The conversion of Barn C to 5no. holiday lets would be a significant part of the estate model, and would be more than a farm diversification project that assists the viability and supports the beneficial aspects (i.e. environmental enhancements) of land management. Both proposals would undermine the Authority's housing strategy, of directing development to the most sustainable locations in order to improve the long-term viability of local communities, whilst safeguarding the character of the open countryside by preventing avoidable house building and permitting rural workers housing only as an exception (policies C1 and C3, NPPF paragraph 83 & 84).

59. However, there is more than a theoretical prospect that the fallback scheme would be built out if this current application were refused, and it would be more harmful than the proposed development in visual impact and sustainability terms. As such, whilst the development is contrary to policy, it is considered that the existence of a viable fallback scheme must be given weight and accordingly the application is recommended for approval.

60. The issues raised by the separate but concurrent application for a dwelling at Kidstones Gill Bridge (R/53/27J), and an assessment of them are largely dependent on the outcome of this application and as such that application will be brought to the next Planning Committee following determination of this application.

Recommendation

61. It is recommended that permission be GRANTED, subject to a S106 Legal Agreement, rescinding the right to build the 2no. dwellings approved under application R/58/65C), upon the issuing of planning permission, AND
Subject to conditions based on the following:

-Three years for implementation
-Development to be based on the approved plans
-Barn C - Short stay holiday accommodation only
-Dwelling to be occupied only by an estate worker
-Permitted development rights removed
-Lighting scheme to be agreed
-Landscaping scheme to be agreed
-Materials/details/samples to be agreed
-Barns to be used for storage in association with gamekeeping/agriculture only

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