Yorkshire Dales National Park Authority **Item 5**

Committee: **Planning**

Date: **28 May 2024**

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.

5. All location plans are reproduced from Ordnance Survey Maps with the permission of Her Majesty's Stationery Office. Crown Copyright Reserved. Licence Number LA08905L-0001.

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.

BLANK

Yorkshire Dales National Park Authority **Item 5**

Committee: **Planning**

Date: **28 May 2024**

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

Index of Applications

LIST NO	PARISH	APPLICATION NO	APPLICANT(S)	LOCATION
1	Grassington	C/33/29P	Mr & Mrs Corker	Pletts Barn, Water Street, Grassington, Skipton, BD23 5EF
2	Embsay with Eastby	C/26/110C	Hodson & Scott Property Ltd	Embsay Mills, Skipton Road, Embsay, Skipton, BD23 6QF
3	Flasby with Winterburn	C/29/34A	Winterburn Cottages Ltd	Winterburn Wood Cottages, Winterburn, Skipton, BD23 3QT
4	Conistone with Kilnsey	C/20/117	Upper Wharfedale Agricultural Society	Kilnsey Show Ground, Scar Barn, Kilnsey, Skipton, BD23 5PW

BLANK

Yorkshire Dales National Park Authority

Committee: Planning

Date: 28 May 2024

Applicant: Mr & Mrs Corker

Parish: Grassington

Officer: Janet Perry

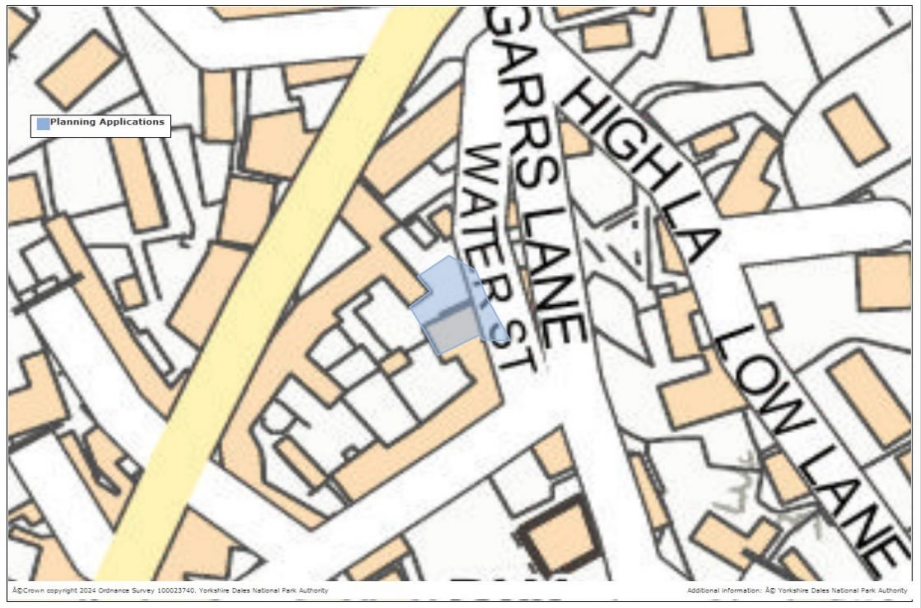
Application No: C/33/29P

Site Address: Pletts Barn, Water Street, Grassington, Skipton, BD23 5EF

Proposal: Application to modify the Section 106 Legal Agreement (dated 15 January 2014) attached to planning permission C/33/29J, to include the option of holiday let.

Purpose of Report

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



BLANK

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. Pletts Barn is a traditional stone barn in the centre of Grassington. It is a Grade II listed building.

Proposal

4. Application to modify the Section 106 Legal Agreement (dated 15 January 2014) attached to planning permission C/33/29J, to include the option of holiday let as well as local occupancy.

Relevant Planning History

5. A change of use application was granted in 1978 for the change of use of the traditional agricultural building to be a museum or art gallery, meeting hall or office space. In 1981 permission was granted to change the use of the building to an outdoor shop.

6. In January 2014 planning permission and listed building consent was granted to change the use of the shop to a local occupancy dwelling. A legal agreement (a planning obligation) accompanied this application to secure the occupancy of the dwelling to meet the local occupancy criteria set out in Appendix 1of the Housing Development Plan 2012. The application that is the subject of this report is to modify that agreement.

7. In 2019 an application was made to discharge (remove) the planning obligation; this application was withdrawn. Later in 2019 an application was made to upgrade the terms of S106 agreement to be in line with the current occupancy criteria set out in Appendix 5 of the Local Plan 2015 and was permitted.

Consultations

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

   Grassington Parish Council – “The members of Grassington Parish Council object to the application of widening the legal agreement to cover holiday lets and local occupancy, this property was constructed from a retail property conversion and not a barn conversion into residential.”

Public Responses

Public responses received at the time of writing: 0

9. A site notice was displayed at the site on 4 March 2024. No comments were received.

Assessment

10. Key Issues:

- Planning law
- Principle of development
- Parish Council comments
- Equality Act

Planning law

11. The application is for the modification of a Section 106 agreement made at the time of the approval (C/33/29J) for the conversion of a shop to a dwelling. The section 106 agreement restricts the occupation to person(s) with a local connection to the area.

12. Under S106A(6) of the Town and Country Planning Act 1990 the local planning authority has three options in relation to determining an application to modify a S106 agreement, these are:

    (a) that the planning obligation shall continue to have effect without modification;

    (b) if the obligation no longer serves a useful purpose, that it shall be discharged; or

    (c) if the obligation continues to serve a useful purpose, but would serve that purpose equally well if it had effect subject to the modifications specified in the application, that it shall have effect subject to those modifications.

13. Members must therefore consider whether the s106 agreement will continue to serve a useful purpose equally well if it is modified in the way proposed.

Principle of development

14. Application C/33/29J was granted on the basis of compliance with Policy B15 of the 2006 Local Plan and Policy HDP3 of the Housing Development Plan (2012). Policy B15 was a conservation-orientated policy aimed at securing the long-term future of traditional buildings in a manner that conserves their intrinsic value. Policy HDP3 of the 2012 Housing Development Plan stated that the conversion of non residential buildings to housing should be tied to local occupancy in perpetuity, to ensure that they contribute towards meeting local housing need as a public benefit that would outweigh the harm to traditional buildings through their conversion.

15. The current 2015-2030 Local Plan includes a conversion policy which allows the re-use of traditional building to provide either local occupancy dwellings or a holiday let. Policy L2 allows the conversion of suitable traditional buildings, in suitable locations to both local occupancy dwellings and holiday lets. It is considered that as this property is within central Grassington it is in a suitable location for use as both a local occupancy dwelling and a holiday let in line with Policy L2.

16. Therefore, modifying the legal agreement for planning application C/33/29J to include the holiday let option would be consistent with current Local Plan policy. The property is a three bedroomed dwelling with parking in the centre of Grassington, a busy visitor location. The proposal would provide further visitor accommodation in the centre of a busy tourism hub.

17. Paragraph 90 of the National Planning Policy Framework is also relevant in that it states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning authorities should allow town centres to grow and diversify in a way that can respond to rapid

changes in the retail and leisure industries, and allow a suitable mix of uses (including housing) that reflects their distinctive characters.

18. This proposal allows for an existing dwelling to either be used as a family home, where the occupants meet the local occupancy criteria or as a holiday let in a Service Centre of the National Park, allowing a more flexible use of the property for either residents who are living and working within the area or for people who are on holiday in the area. Grassington is a sustainable location for this type of use and it is considered that the proposal would support the economic vitality of Grassington.

19. As such, the variation of the S106 agreement to include holiday let as well as local occupancy is considered to represent sustainable development that meets the aims of the Yorkshire Dales Local Plan 2015-2030.

Parish Council Comments

20. Grassington Parish Council object to the application of widening the legal agreement to cover holiday lets and local occupancy. This property was constructed from a retail property conversion and not a barn conversion into residential. The legal agreements are in place for a good reason and for the good of the rural communities and should not be removed just in order for financial gain.

21. Pletts Barn was originally an agricultural barn. It is a traditional building, grade II listed and is a heritage asset within the Yorkshire Dales National Park. Although it has had several uses over the years it is of high heritage value and is a traditional building in the context of Policy L2 of the Local Plan. It was considered suitable for conversion to residential use under previous local plan policies and meets the criteria of Policy L2 of the current Local Plan. The property can still offer accommodation for local occupancy, however widening out the legal agreement to also allow for holiday lets allows for more flexibility for the property.

Equality Act

22. 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.

23. 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

24. It is considered that the existing planning obligation still serves a useful purpose, to provide housing for local people who meet the local occupancy criteria set out in the Local Plan. A modified agreement that also allows for holiday lets, would also serve that purpose equally by allowing both local occupancy and the flexibility for its use as holiday accommodation in a busy tourism area. The proposal meets the aims of the Local Plan to provide local occupancy housing and tourist accommodation in a sustainable location and is sustainable development as expressed in the National Planning Policy Framework (2023)

Recommendation

25. It is recommended that the proposed modification is GRANTED.

Yorkshire Dales National Park Authority

Committee: Planning

Date: 28 May 2024

Applicant: Hodson & Scott Property Ltd

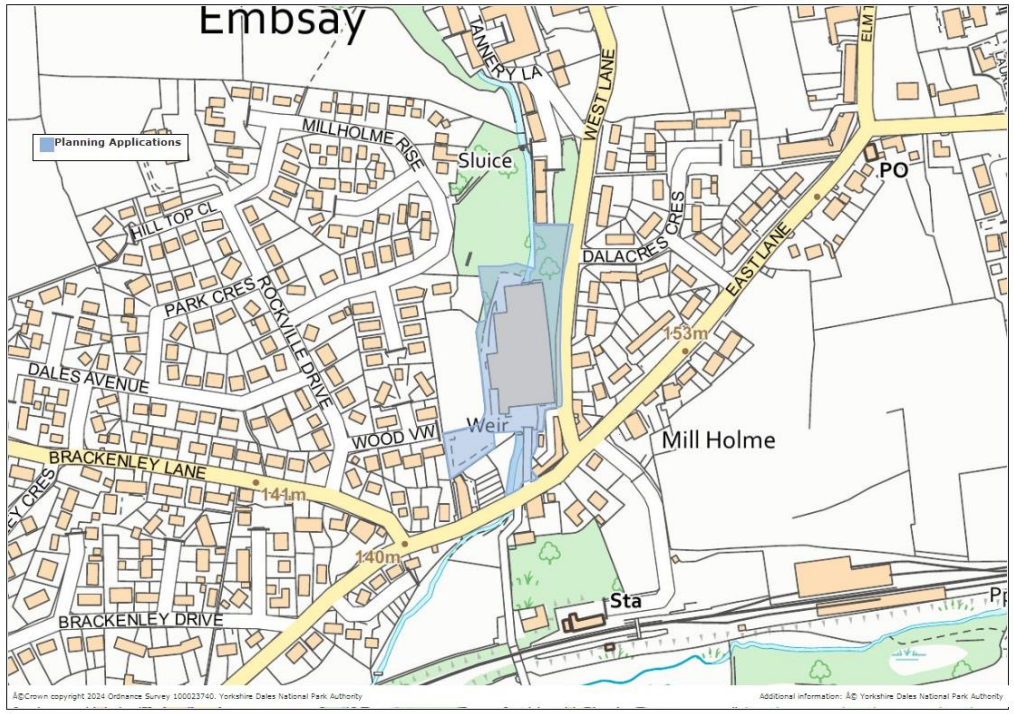
Parish: Embsay with Eastby

Officer: Wendy Thompson

Application No: C/26/110C

Site Address: Embsay Mills, Skipton Road, Embsay, Skipton, BD23 6QF

Proposal: Full planning permission for demolition of a dilapidated extension located at the rear of Embsay Mill (erected in the 1970s) to create a turning space for goods vehicles (retrospective)



BLANK

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. Embsay Mill is a large complex of former mill buildings now used for a variety of business uses, including a café, an auction house, a gym and a holiday letting business. It is located towards the centre of Embsay and is accessed via a narrow access road. The site comprises the mill building and an area of car parking to the front and side. The mill has been extended during its former life and these various extensions lie towards the rear of the mill. An internal access road passes to the side of these buildings to the rear, where the new turning space has been created.
4. The turning area is on the site of a former small warehouse extension which was built in the 1970s. It was a flat roofed building constructed of concrete blocks with steel girders holding up a flat sheeted roof.

5. To the north of the mill is the Embsay nature reserve, a densely treed area that overhangs part of the site, and to the west is an area of open space, both are allocated within the Local Plan as Important Open Space.

Proposal

6. This application seeks full planning permission for the demolition of a dilapidated extension located at the rear of the Mill to create a turning space for light goods vehicles. This is a retrospective application for both the demolition and creation of the turning space and has been submitted following an initial discussion with the Enforcement Team. Following this intervention, work stopped on the development other than making the newly exposed building water tight, pending the outcome of this application.

7. The hardstanding measures approx. 13m x 26m and will be surfaced with tarmac. A length of low retaining wall has been erected and a new façade on the remaining west facing building has been rendered and new doors installed. Replacement flood lighting will be needed so that the area can be used in the dark, and the applicant is willing to submit a lighting plan to ensure that any new lights are compatible with any wildlife in the surrounding nature conservation area.

8. The mill site is constrained by a lack of space and the turning space is to be used by cars and light goods vehicles such as transit and courier vans . It is not to be used as a parking area, but for turning, to create a better flow of traffic around the site. The applicant has confirmed that there will not be any additional traffic generated by this development, it is merely to manage existing traffic to reduce the need for difficult reversing manoeuvres.

Relevant Planning History

9. The following applications are relevant:

None

Consultations

10. The comments of statutory and non-statutory consultees are summarized below:
Trees & Woodlands

Chief Environmental Health Officer– Not received

Highways – Not received

Embsay-with-Eastby PC – Embsay with Eastby Parish Council object to this application for reasons based on the following summarised comments:

- The unapproved industrial development has taken place alongside a designated 'green corridor' and a Nature Reserve forming the biodiversity link between the National Park moorland and Embsay Valley.
- The Mill buildings are home to bat roosts and a bat survey should have been carried out, and it is suggested that a retrospective bat survey now be carried out.
- Is concerned that there may be an increase in the size and number of vehicles accessing the site and the Skipton road junction has restricted visibility.

Wildlife Conservation Officer – Recommend either a financial contribution towards the upkeep of the nature reserve next to the site or to erect bat boxes on trees on any unlit part of the site – preferably one that is connected by habitat to the nature reserve.

Trees and Woodlands Officer – Not received.

Public Responses

Public responses received at the time of writing: 0

11. Advertised by site notice displayed 29th April 2024.

Assessment

Key Issues:

- Planning policy
- Visual Impact
- Nature Recovery
- Parish Council comments
- Equality Act

Planning Policy

12. Policy BE1 of the Yorkshire Dales Local Plan 2015-2030 refers to business development sites and establishes that proposals for the development of business uses on sites in or adjacent to settlements will normally be permitted, providing that Policy SP4 is complied with. The application site is within the business site at Embsay Mill and is to provide turning space for existing users of the Mill. It is located at the rear of the site and not visible from outside of the application site and complies with Policy BE1.

13. Policy W1 refers to Wildlife sites, species and networks and addresses development that may result in an adverse effect on a European protected species and Policy W2 refers to biodiversity enhancement opportunities. The applicant has not provided a bat survey with this application but is willing to site bat boxes within the site to provide biodiversity enhancement opportunities.

Visual Impact

14. The area is at the back of the mill site and is wholly screened from external public views by a high retaining wall and the mill itself. The surfacing of the hardstanding will be dark tarmac consistent with hard surfaces within the site and the rendered frontage of the remaining building will also match adjacent buildings. Conditions are recommended to ensure that the colour of materials is acceptable and that a lighting plan is submitted to ensure that this part of the site is not overly lit at night. The development has a neutral impact on the appearance of the Mill and its wider setting within Embsay and accords with Policy SP4 of the Yorkshire Dales Local Plan (2015-2030).

Nature Recovery

15. The Parish Council has suggested that a retrospective bat survey be carried out as the building may have had potential to have been occupied by bats. The applicant has clarified that the building was a block built and flat roofed, a structure unlikely to have been occupied by bats. It is therefore not necessary to carry out a bat survey

as the building does not exist, and it would be difficult to note whether any bats resided in the mill complex or the adjacent nature reserve.

16. The Senior Wildlife Officer has commented that the applicant may be asked to contribute to the upkeep of the local nature reserve, however this is considered excessive in relation to the scale of the development. The applicant has however agreed to the siting of bat boxes within the site to improve biodiversity and the comments of the Parish Council and this will be covered by a condition to ensure compliance with Policy W2.

Parish Council Comments

17. Embsay Parish Council is concerned about three issues as noted above in para 8. Embsay Mill has always been in an industrial or business use and has coexisted with the nature reserve and important open space for a very long time. It is highly unlikely that the replacement of a small industrial building with an open area within the mill complex would harm the ecological integrity of the adjoining open spaces. A condition has been suggested to ensure that additional bat boxes are provided to address the second issue and a lighting plan is required if any new lighting is needed in this area to ensure that it is low level to not interfere with bats. The views of the Highway officer have not yet been received and so the final comments will be addressed in due course and reported at the meeting.

Equality Act

18. 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.

19. 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

20. It is regrettable that the application is retrospective, but the application was submitted as soon as the applicant was made aware of the situation. The creation of the turning area will provide a valuable facility within the complex at Embsay Mill as parking and turning is quite difficult at the site. This will go some way to alleviate the issues faced by drivers visiting the businesses at the site. In order to provide habitats for bats, a condition has been suggested to ensure that bat boxes are installed around the site, and a lighting plan is also required to ensure that the lighting is low level to accommodate the protected species. The development

therefore accords with Policies BE1, W2, and SP4 of the Yorkshire Dales Local Plan (2015-2030) and guidance contained within the National Planning Policy Framework (2023)

Recommendation

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

i) Accordance with plans
ii) Approval and retention of materials
iii) Submission and approval of lighting plan
iv) Provision of biodiversity enhancement opportunities.
v) Any conditions required by Highways Authority.

BLANK

Yorkshire Dales National Park Authority

Committee: Planning

Date: 28 May 2024

Applicant: Winterburn Cottages Ltd

Parish: Flasby with Winterburn

Officer: Wendy Thompson

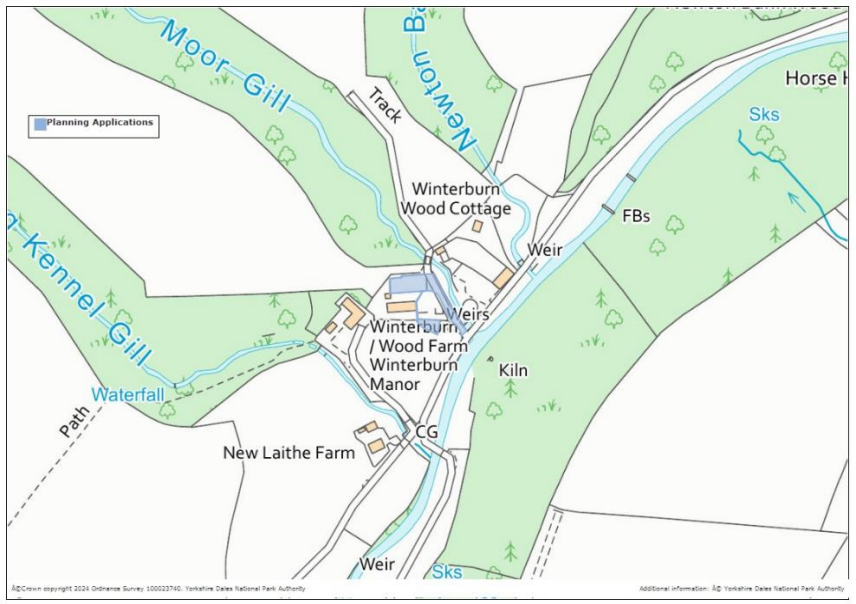
Application No: C/29/34A

Site Address: Winterburn Wood Cottages, Winterburn, Skipton, BD23 3QT

Proposal: Full planning permission for erection on 1 no. detached single storey dwelling for local occupancy or holiday let

Purpose of Report

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



BLANK

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 applicant owns Winterburn Wood Cottages which is a complex of several buildings – a row of holiday cottages and two houses which are currently in the process of being renovated and extended. There are three other applications for developments on these properties before the National Park Authority. It is understood that the site is a long redundant farm. It lies to the north of Winterburn and is accessed along a private track, also a public footpath, which runs from the hamlet up to the reservoir. The application site lies to the west of this track and would be partially visible from it, in oblique angles.

4. The site itself is a former tennis court to the rear of the cottages, which has been disused for some time. The Design and Access statement shows it having a tarmacked surface and a stone retaining wall around two of the sides. It is now used as a builder's store, the materials and equipment used for the site's ongoing redevelopment.

Proposal

5. This application seeks full planning permission for the erection of 1 no. detached single storey dwelling for local occupancy or holiday let use. The proposed dwelling would be a contemporary design with sustainable features such as high performance insulation and glazing, solar and PV panels and low energy lighting.

6. The house would be L shape in form with three bedrooms and bathrooms in one side and an open plan kitchen, dining and living room in the other side. The house would be single storey and have a stone clad wall on the southern elevation, the remainder of the walls would be timber clad. On the inner facing walls, there would be full height windows, to be set under a deep overhang. The roof would be flat and planted with a grass sedum roof.

7. The proposed dwelling would take up roughly half of the tennis court site and the remainder will become its curtilage. A large, enclosed garden is proposed to the west which will contain fruit trees and vegetable plots and a greenhouse is also proposed. To the east, at the front of the house, two car parking spaces and additional garden are proposed.

Relevant Planning History

8. The following applications are relevant:

YD5/29/34 Full planning permission to used paved area as tennis court
Approved - 25/03/1988

Consultations

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

Fire Officer – Not recieved

Trees & Woodlands - There is a mature tree on the western boundary of the development. Due to the existing stone retaining wall and changes in levels and surface here it is likely that the majority of the feeder roots extend into the open field to the northwest. However, any inadvertent damage done to the canopy or roots of the tree during development works could in effect push the tree into decline and kill it. A tree care plan to show the root protection area of the tree, and how it will be protected during the development is requested.

Head of Visitor Services – Not received

Flasby-with-Winterburn PM - "As Chairman of Flasby & Winterburn, I am writing to you both in regards to the proposed planning at Winterburn Wood.

I believe that the improvements from what it is now, would be beneficial to everyone in the community as the properties have been neglected over the years.

The eco house (on the tennis court) will not be noticed as is well hidden."

Chief Environmental Health Officer – Suggests conditions relating to contaminated land, domestic top soil, waste collection and hours of construction

Environment Agency – No objection

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

Chief Technical Officer - All work is to be carried out, to ensure compliance with the Building Regulations 2010.

Area Ranger - Proposed development does not affect the PROW

Public Responses

Public responses received at the time of writing: 1

10. Application was advertised by a site notice displayed 24th April 2024. A summary of the single response:
    - A site notice was not put up.
    - Objects to the design of the house
    - Is concerned that the flood risk assessment was carried out in dry weather.
    - The package treatment plant is on land not within the applicant's ownership.

Assessment
Key Issues:

- Planning Policy
- Visual Impact
- Sustainability
- Nature Recovery
- Parish Council comments
- Equality Act

Planning Policy

11. The National Planning Policy Framework (2023) establishes that the purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes in a sustainable manner. Achieving sustainable development is described as meeting three objectives – economic, social and environmental (paragraph 8). Sustainable development is delivered through adherence to policies in local plans and in the Framework.

12. Furthermore the Framework establishes that "great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks which have the highest status of protection in relation to those issues" (para. 82). The Framework includes reference (at footnote 63) to the 2010 Circular English National Parks and the Broads, which is extant Government policy, and provides further guidance about planning in National Parks. At para 78 the Circular 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." National Park Authorities are also directed to include policies in their local plans that "pro-actively respond to local housing needs."

13. With specific reference to rural housing, the Framework steers new residential development towards existing villages and settlements to maintain and enhance existing communities. It is quite clear in stating that unless very specific circumstances are met, planning decisions should avoid the development of isolated

homes in the open countryside. A list of 5 specific circumstances are provided in paragraph 84:-

a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside.

b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets.

c) the development would re-use redundant or disused buildings and enhance its immediate setting.

d) the development would involve the subdivision of an existing residential dwelling; or

e) the design is of exceptional quality, in that it is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

14. No strong case has been made for the application to be considered under any of these policy exceptions. The applicant has stated that as the development would enhance the immediate setting of the site that it accords with part(e). This does not apply however as the proposed design has to be of exceptional quality, truly outstanding or innovative, and whilst the proposed design is modern and contemporary it does not have the high design standard and innovation that the Framework requires.

15. The Yorkshire Dales Local Plan (2015-2030) delivers sustainable development through its Spatial Strategy (Policies SP3 and C1). The scenic quality of the landscape and its protection leave very few opportunities for the provision of new housing and so the strategy focusses on delivering affordable housing and local occupancy housing through site allocations and by restricting new housing to sustainable locations within settlements that have key services. New development is directed to within or adjacent to local service centres, service villages and small settlements listed in the Local Plan. Winterburn is not listed as it is essentially a very dispersed collection of dwellings/holiday homes and farms without key services.

16. Policy C2 ‘Rural exceptions sites’ provides an exception to the spatial strategy by allowing small scale affordable housing to be permitted on land, or through the conversion of buildings, in locations outside of settlements. The aim is to address unmet need for locally affordable housing.

17. The focus on affordable housing for local needs in the Local Plan is to the exclusion of new housing for holiday accommodation or second homes or open market housing. Communities within the National Park suffer from the high number of under-occupied dwellings (more than 20% of the housing stock) that are used as holiday lets or second homes. The small contribution to the local economy arising from a holiday let is outweighed by the loss to the local economy, key services and the sustainability of communities arising from the loss of a permanently occupied

locally affordable dwelling. This application is for both local occupancy and holiday let and therefore contrary to Local Plan policy.

18. The only other exception to the spatial strategy is found in Policy C3 which allows new dwellings in the open countryside for rural workers where there is an essential need to live on the land. The applicant has made it clear that this application is not to be considered as a new rural worker dwelling.

Visual Impact

19. The proposed dwelling would have, at best, a neutral visual impact. The site is a tennis court to the rear of the applicant's holiday cottages which is discreetly located within the wider landscape. The low-profile single storey building would sit below the height of the holiday cottages to the north and would project by 1.2m above the height of the rear retaining wall. The design is such that the large, glazed doors would face into the site, and any light spill from these openings would be minimised by the deep overhang. The proposed grassed / sedum roof would further reduce the visual impact of the dwelling. The modern contemporary design would not be overtly visible from any public view points. Given the discreet nature of the site and the design of the building the proposal would not be a visual enhancement but would rather have a neutral effect.

Sustainability

20. The proposed house has been designed towards carbon neutrality and adopts some sustainable building methods and technologies (insulation, solar panels, low energy lighting) which are positive elements but are not necessarily innovative as they are becoming more widely applied. Whilst in many terms the proposal is sustainable in its construction and carbon footprint, its location is outside of a defined housing settlement and does not deliver a social benefit. The proposed development does not see the re-use of a redundant building which is in need of visual improvement as required by the NPPF para 84 as a sustainable way of reusing untidy sites or enhancing the immediate setting of the building. Although the application includes local occupancy and could provide a home for someone with links to the National Park, as required by Annex 5 of the Local Plan, there is also a significant likelihood that it could be solely used as a holiday let given its location within the applicant's complex of holiday cottages and would therefore have only a limited positive economic benefit which would be outweighed by the harm caused from the loss of a permanently occupied or affordable dwelling.

Nature Recovery

21. The proposed dwelling includes a range of biodiversity enhancement opportunities, and if the application were compliant with the fundamental housing policies, then it is likely that further tree planting and landscaping could be forthcoming in order to comply with Policy W2.

Parish Council Comments

22. The Chairman of Flasby and Winterburn Parish meeting supports this application commenting on its visual impact stating that it "will not be noticed as is well hidden." The visual impact of the dwelling has been addressed above.

Equality Act

23. 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.

24. 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

25. The proposal to build a local occupancy house or self-contained holiday let in this location conflicts with the National Planning Policy Framework and the adopted development plan, specifically the Spatial Strategy (Policy SP3). Policies C1, C2 and C3 are the relevant housing policies in this case and do not apply as the proposal is for a dwelling in a location outside of nearby settlements and is not for affordable housing or for a rural worker which could justify an exception to the policy. There are some elements of this application that are positive; the design adopts sustainable construction techniques and will have a neutral impact on the wider landscape. However the proposal conflicts with the policies of the Local Plan and the Framework that aim to deliver sustainable development in sustainable locations, and it will not deliver a tangible social benefit by providing locally affordable housing. As such the proposal is not sustainable development as defined in the Framework.

26. To allow the proposal would set a precedent for permitting development in unsustainable locations and the Authority would have difficulty in resisting further such applications. Similar proposals have been received in recent years and permission refused. Further development of this type would undermine the Authority's Spatial Strategy, the sustainable development objectives of the Framework, and would have a negative effect on the natural beauty of the National Park.

Recommendation

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

> In the opinion of the Local Planning Authority, the proposed dwelling is not sustainable development being contrary to the spatial strategy of the Yorkshire Dales Local Plan (2015-2030) and the policies contained in the National Planning Policy Framework (2023) (paras. 82-84). The site is not a sustainable location for further housing development and the proposal would not deliver small scale locally affordable housing. To allow the proposal would set an undesirable precedent for permitting development in unsustainable locations that would undermine the objectives set out in paragraph 8 of the Framework and would not further the first Statutory Purpose of the National Park set out in the National Parks and Access to the Countryside Act 1949 (section 5).

BLANK

Yorkshire Dales National Park Authority

Committee: Planning

Date: 28 May 2024

Applicant: Upper Wharfedale Agricultural Society

Parish: Conistone with Kilnsey

Officer: Wendy Thompson

Application No: C/20/117

Site Address: Kilnsey Show Ground, Scar Barn, Kilnsey, Skipton, BD23 5PW

Proposal: Full planning permission for erection of storage building for Kilnsey Show



BLANK

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 application site is part of a large, flat, grassed field that is used for Kilnsey Show, and is directly to the east of the B6160 to the north of Kilnsey village, almost opposite Kilnsey Crag. The site is 38m to the south of Scar Laithe Barn, a large traditional barn with a corrugated metal lean-to on the northern elevation. The site is bounded to the west with a dry-stone wall and there are two semi mature trees within the verge, close to the application site. The field is accessed through a wide farm gate shared with a public footpath and also used for show traffic.

4. The Kilnsey Show has been held since 1897 and is the principal agricultural show in the area. It is held over August Bank Holiday weekend and the event requires around three weeks to set up and take down,

5. This site is part of the show field which is understood to be grazed when not used for the show. The field is extremely flat, adjacent to the River Wharf and public footpath No 05.53/11 from Conistone Bridge to the B6160 passes close by. The application site is extremely prominent from many directions and can be seen clearly in views from the B6160, as one approaches Kilnsey Crag in either direction, but particularly from the south, from the Kettlewell to Conistone Road on the eastern side of the river and from several public footpaths in the area.

6. The Landscape Character Assessment (2020) locates the site within Wharfedale, its key characteristic being the river meandering across an open flood plain. There are pastures and hay meadows on valley floors and several focal points such as Kilnsey Crag. This part of Wharfedale is a relatively straight section of the dale, offering long distance views of a classic U-shaped valley with steep sides and a flat valley floor with distinctive walled fields and stone field barns. The striking limestone cliff of Kilnsey Crag is noted as being an area of outstanding classic limestone scenery.

Proposal

7. This application seeks full planning permission for the erection of a storage building for equipment used for the Kilnsey Show, submitted by the Upper Wharfdale Agricultural Society (UWAS), the show's organisers . It would be sited adjacent to

the road boundary and a 3m wide solid track approx. 34m in length would be created from an existing field gate to the new building with an area of hardstanding created around two sides of the building.

8. The building would resemble a farm building, with a footprint of 23m x 9m, an asymmetric roof to a ridge height of 4.5m. It would have Vandyke brown plastic-coated metal sheet walls above pre-cast concrete panelled lower walls. Access is gained through four large timber clad sliding doors which each measuring 4.2 x 3.6m facing east across the field.

9. The building would be used by UWAS to store their existing show equipment and to accommodate new equipment yet to be purchased. At present, their equipment is stored in the lean-to on Scar Laithe Barn, but this is too small, unsuitable for modern tractors and is in a bad state of repair. The landowner is not willing to permit any alteration or repair of the lean-to to improve the existing storage facility. It has also been stated that there are health and safety issues with the storage building being close to one of the main access points to the show ground, in particular potential conflicts between cars and visitors arriving and access to the lean-to needed by large agricultural vehicles.

10. Scar Laithe Barn is not available to UWAS as it is leased to a local farmer. UWAS' lease for the land during the show is only temporary for around three weeks and UWAS does not have access to any other land on a permanent basis, other than the application site.

11. The organisers currently hire in much equipment, and it has been found that it would be more cost effective to purchase equipment rather than hire it. This equipment will also be available to other show organisers, for example the Kettlewell Scarecrow Festival.

Relevant Planning History

12. There are no relevant applications.

Consultations

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

Wildlife Conservation Officer - The site proposed for the storage shed is about 13 metres from the boundary of the Craven Complex Special Area of Conservation (SAC) but is separated from the SAC by the B6160 road. So long as the shed is not used to shelter livestock it is not anticipated that there will be any run-off that might potentially affect the beck on the opposite side of the road which flows out of and away from the SAC. Assuming that livestock are not housed in the shed then there are no objections to this application.

Environment Agency – Not received

Natural England – No objection

Area Ranger - Proposed development does not affect the PROW

Police – Offers crime prevention advice in relation to door and roof lights, intruder alarms, and CCTV.

Conistone-with-Kilnsey PM - Kilnsey show established in 1897 needs appropriate storage space for the equipment needed to set up a show in the 21st century, the existing building adjacent to Scar Barn is too small to get modern equipment/ tractors in and we have to maintain a sustainable future for the next generation of the show.

Public Responses

Public responses received at the time of writing: 0

14. Advertised by site notice displayed 26th March 2024..

Assessment

Key Issues:

- Planning policy
- Visual and Landscape Impact
- Nature Recovery
- Parish Council comments
- Equality Act

Planning Policy

15. The National Planning Policy Framework 2023 (Framework) states that the purpose of the planning system is to "contribute to the achievement of sustainable development". (Para.7) and to this end, three overarching objectives have been identified and all proposed development needs to demonstrate these to achieve it. These are economic, social, and environmental objectives with their aims stated. In this case, the most pertinent are the social and environmental objectives (para 8).

16. Paragraph 131 of the Framework sees the creation of high-quality buildings and places as a fundamental part of the planning process. The Framework requires new buildings to be visually attractive as a result of good architecture, layout and appropriate and effective landscaping and to be sympathetic to local character and history, including the surrounding built environment and landscape setting. As will be discussed below, the proposed development does not include any appropriate or effective landscaping and is not sympathetic to its landscape setting, as required by this section of the Framework.

17. With specific reference to National Parks, the Framework 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). This paragraph reiterates the statutory purposes of National Parks but emphasises the pre-eminence of the conservation and enhancement of the landscape and scenic beauty over that of the conservation and enhancement of wildlife and cultural heritage.

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

    Part (c) requires new development to “contribute positively to the built environment but having regard to the site context, and conforms to the National Park Design Guide;”

    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.”

    It is considered that the proposed development would not accord with these criteria as will be discussed in depth below.

19. Policy SP3 is the Authority’s “Spatial Strategy” which steers all new development to either within or adjacent to a list of designated settlements unless there are justifiable reasons why another location is more sustainable. If this is not possible, then the application will need to demonstrate that:
    a) The location is necessary for a land-based function.
    b) The location is necessary for the provision of public utilities or infrastructure
    c) The development is ancillary to an existing use at the site, or;
    d) The location is appropriate in relation to other Local Plan policies

    The proposal is to provide storage accommodation for the Kilnsey Show, located for three weeks a year at this location, the land-based function to justify the proposal in this location.

20. Policy SP4 refers to “Development Quality” and requires all proposals to conform with up to twenty design, transport, human safety and amenity and environmental

safeguarding criteria. For this proposal, the most relevant sections are parts (a), (c), (e) and (u).

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

Part (c) requires new design to be of high quality, have visual interest and reinforces local distinctiveness and

Part (e) refers to the maintenance or enhancement of the ecological ,geological and geomorphological value of the site and;

Part (u) will not give rise to unacceptable, adverse impacts in terms of important public views.

This strategic policy underpins many of other local plan policies but as will be discussed below, the proposal does not accord with these criteria of the policy.

21. The proposed building is the storage of equipment for the Kilnsey Show, a rural land-based enterprise. Policy BE2 allows development in rural areas outside of more sustainable village settlements if it is necessary to serve the needs of the enterprise in that location and, that if it assists the viability and supports the beneficial aspects of land management and meets the criteria of Policy SP4.

22. The proposal is for a permanent storage building to serve the needs of the show, an event which takes place over a three-week period each year, the beneficial land management element being the smooth operation of the show. When the show is set up, the building would be seen within the context of the marquees, gazebos, show rings, car parks etc and be part of that wider, temporary show field. Once the show is closed down however, the building will remain, a single building, unrelated to any other physical development in the area. Whilst it may comply with part of Policy BE2, owing to its landscape impact, its siting, it impact on the geological value of the site due to its relationship with Kilnsey Crag and its unacceptable impact on an important public view, the proposal is wholly contrary to Policy BE2 as it does not comply with SP4..

Landscape and visual impact

23. The landscape in this part of Wharfedale is wide and flat with one of the most iconic, geological landmarks of the Dales, Kilnsey Crag close by. This is a popular site for walkers, climbers and visitors as the B6160 passes the site. The Crag is iconic and features on many cards, in pictures and in photographs and is an integral part of the identity of the National Park. This is a sparsely developed pastoral landscape , characterised with large fields, dry stone walls, fences, little development and close-knit settlements. The site is extremely open and visible from many local roads and

footpaths. This is the classic Wharfedale landscape of a wide open, flat dale with the stunning Crag to the west. This important public view will be significantly harmed by the erection of this modern building.

24. The proposed building would have a significantly adverse visual impact on the landscape of this part of the National Park. The building and associated development would be unrelated to any other building, being 38m away from Scar Laithe, and would be visually detached from it. The are no other buildings in the area of a comparable scale, the properties in Kilnsey are primarily domestic and clustered together, sitting well within the landscape. The nearest modern agricultural buildings are 1/3 of a mile away at North Cote Farm. A new building in this location would be a significantly harmful visual intrusion in this highly sensitive landscape.

25. The siting of any building in this location will seriously harm the setting of Kilnsey Crag, an important geological feature and visible in many public views. It would introduce a large utilitarian building into a prominent location, visible from many public view points and would be wholly unsympathetic to the landscape in this part of Wharfedale. In many cases, where there is the potential for landscape harm, the impact can either be wholly or partially mitigated through the carefully sited planting of trees and hedgerows. In this case, no landscaping or screening is proposed, and the applicant has advised that it is not possible to plant any additional trees, owing to land ownership difficulties Whilst some planting may be agreed between the applicant, and the National Park, planting is not guaranteed even if all other aspects of the proposal were acceptable as the applicant states “Provided the application is acceptable in principle, UWAS would explore the option to do further works in this location. It may not be possible to extend this any further due to land ownership control constraints as highlighted above”. This indicates that it is unlikely that additional planting, of a scale to mitigate the impact of this development will be forthcoming. However much the applicant wishes to agree it, landscaping, biodiversity enhancement and nature recovery are simply outside of their control and a legal agreement cannot cover this arrangement. The proposed development therefore cannot comply with Policies SP1, SP2 and SP4 of the Local Plan.

26. The proposal would be wholly contrary to the first statutory purposes of the National Park as it would neither conserve nor enhance the landscape and natural beauty of the area and would be contrary to Policies SP1, SP2, SP3, SP4 and BE2 of the Local Plan.

Cultural Heritage

27. The National Park has been designated for its outstanding scenic beauty, its wildlife and cultural heritage which is both the buildings within the park, its distinctive, living and working environment and the local communities which create a strong cultural heritage.

28. The Kilnsey Show is an integral part of the life of Wharfedale, an important agricultural show and a demonstration of local crafts, product displays and

competitions. As such, its value to the cultural life of the Park is significant and acknowledged. To this end, the applicant has been asked to consider alternatives to this proposal with a view to finding a solution to the problem faced by UWAS, such as a building on a nearby farm, elsewhere within the Kilnsey Estate landholdings, a unit within a designated business / industrial area, a site adjacent to an existing settlement or even a site outside the National Park. The applicant however, views this site as the most convenient and wishes to pursue this location. This is owing to the potential need to travel between the store and the show field, to minimise costs and to make it easier for the volunteers who set up the show.

29. It is recognised that the erection of such a building would ease some of the management and financial pressures faced by the Kilnsey Show which will go some way to ensure the viability of the show. Much weight is given to the conservation or enhancement of the cultural heritage of the National Park, it forms part of the first statutory purpose, however, as noted in para 17 above, pre-eminence is given to the conservation and enhancement of the landscape over wildlife and cultural heritage.

Nature Recovery

30. The proposed development does not provide any biodiversity enhancement opportunities on the building or within the application site. The issue of tree planting and landscaping has been discussed above and whilst some bird or bat boxes may be able to be attached to the building, it is unlikely that there will be a significant level of biodiversity net gain, as required by Policy W2.

Parish Council Comments

31. Kilnsey with Conistone Parish Meeting supports this application as noted above. These views are recognised, as the show is an important part of life in Wharfedale and the difficulties the UWAS face are acknowledged but the negative aspects of the proposal are significant and outweigh the benefits of convenience the building would create.

Equality Act

32. 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.

33. 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

34. The value of a storage building for the UWAS is recognised, however this site is one of the most important and widely appreciated views in the National Park, comprising the imposing Kilnsey Crag, a traditional field barn and the wide-open flat U-shaped valley of Wharfedale. The siting of this building, whilst providing a useful storage facility is a permanent structure and for forty-nine weeks of the year, would be unrelated to its function as a building for the Kilnsey Show. Other options have been suggested but have been rejected but it is still hoped that there is a building within a nearby farm that could be used, or closer to existing development within the area. Whilst it may be less convenient, it would ensure that this highly sensitive landscape is protected.

35. It is considered that the scale, form and location of the proposed development would have a significant harmful impact on the landscape of this part of the National Park. The proposed development does not meet local plan sustainability criteria and the applicant is unlikely to be able to provide any meaningful level of biodiversity enhancement opportunities or landscape mitigation owing to the land ownership situation. As such it is considered that the proposal is contrary to the first Statutory Purpose of the National Park Section 5 (1) National Parks and Access to Countryside Act 1949, policies SP1, SP2, SP3, SP4, BE2 and W2 of the Yorkshire Dales National Park Local Plan 2015-2030 and the guidance contained in the National Planning Policy Framework (particularly para. 172).

Recommendation

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

1) In the opinion of the Local Planning Authority, the proposed development, through its siting, scale, form, massing and lack of proposed landscaping and biodiversity enhancement opportunities would have a significant and adverse impact on the distinctive landscape character and visual quality of this highly sensitive part of the National Park. The site is visually unrelated to any development within the landscape and the development would result in a degree of landscape harm that is inconsistent with the National Park's natural beauty and as such the proposal is contrary to the first Statutory Purpose of the National Park [Section 5 (1) National Parks and Access to Countryside Act 1949], policies SP1, SP2, SP3, SP4, BE2 and W2 of the Yorkshire Dales Local Plan (2015-2030) and the guidance in para. 182 of the National Planning Policy Framework 2023.