Yorkshire Dales National Park Authority

Planning Committee

20 January 2026

Applicant: Winterburn Cottages Ltd

Parish: Flasby with Winterburn

Application No: C/29/34B

Site Address: Land to the rear of 1-5 Winterburn Wood Cottages, Winterburn, Skipton, BD23 3QT

Proposal: Full planning permission for proposed construction of garage block and live work dwelling on the former tennis court

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 application has been called to Committee by Mr Robert Heseltine and the public interest reason given is that this is a sensitive site where the previous application was determined by the Committee, and a judgement needs to be made as to whether the sustainable energy benefits arising from the proposals outweigh the harm.
   Application Site

3. The application site lies to the north of the small hamlet of Winterburn. It is accessed via a private drive which loosely follows the course of Winterburn Beck to Winterburn Reservoir and a small number of farmsteads beyond.

4. The site is immediately adjacent to a row of five holiday lets, contained within a converted barn which is considered to be a non-designated heritage asset. To the north and east are areas of woodland.

5. The site comprises a hard-surfaced area to the north which formerly contained a tennis court, and a further area to the south which includes hardstanding and a landscaped area to the east of the five holiday lets. The tennis court and other parts of the site have been used most recently as a builder's compound to store the materials, machinery and equipment used for the site's redevelopment.

6. The applicant owns a further two holiday lets, a short distance to the north of the application site.

Proposal

7. Full planning permission for proposed construction of a single storey building with a shallow, monopitch roof containing a proposed live/work unit and five garages.

8. The proposed live/work unit comprises a two bed dwelling with attached garage, next to which is a unit labelled as 'office'. There would be a garden to the south/east, and further south is a landscaped area inlcuding widlflower meadow and tree planting which is proposed to address bidodiversity net gain requirements.

9. The proposed garages differ in width – two of them are 3m wide, one is 3.73m wide and the final two are 5.165m wide. The five garages have doors at the front and rear linking through to the existing holiday lets. One garage is intended to serve each OF No's 2-5 Winterburn Cottages, with the final garage proposed to serve Beckside, one of the Apllicant's other holiday lets, a short distance to the north-east of the application site.

10. The remainder of the site is proposed as hardstanding to provide access to both the existing cottages as well as the dwelling and garages proposed here.

Relevant Planning History

11. The following applications are relevant:

C/29/24D - Householder planning permission for erection of garage block on land adjoining 5 Winterburn cottages - Refused – 06/06/2024

C/29/34A - Full planning permission for erection on 1 no. detached single storey dwelling for local occupancy - Refused – 28/05/2024

Consultations

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

Flasby-with-Winterburn Parish Meeting - "The Chairman has spoken to the local residents on the application. Nobody objects to the garages as they think it is a good idea. However some residents aren't happy about the proposed house."

Planning Ecologist – Despite submission of amended biodiversity metric and associated information, advises that further information is required to demonstrate that there would be no negaive impact protected or priority species or habitats. Furthermore, a report to accompany the BNG metric has not been submitted. This is considered necessary in this case because of the degradation which has taken place and the proximity of the site to priority habitats.

Trees & Woodlands - The proposed development is adjacent to a large mature tree. The foundations of the proposal may have an impact on the tree. As such, a Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan is required.

Chief Technical Officer - All work is to be carried out, to ensure compliance with the Building Regulations 2023. As the Planning Authority for the project, you should ensure the required consultations are carried out, with particular reference to: Drainage Schemes, Structural Engineers Reports and Fire Officer Requirements.

Chief Environmental Health Officer – Having considered the application from an Environmental Health perspective I can confirm this service has considered the potential impact on amenity and likelihood of the development to cause and/or be affected by a nuisance and consider that there will be no negative impact. Therefore, the Environmental Health Service would hold no objections to the application.

Highway - There are no local highway authority objections to the proposed development. The proposed development is accessed from a private road. There will be no impact on the Highway consequently there are no Highways objections.

13. A site notice was displayed on 19 August 2024 and expired on 09 September 2024. No responses have been received from members of the public.

Assessment

Key Issues:

- Principle of Development
- Impact on the character and appearance of the area
- Highways Matters
- Biodiversity Net Gain
- Parish Meeting comments

Principle of Development

14. The emerging Yorkshire Dales Local Plan (2025-2040) is at an advanced stage, and relevant policies may be afforded weight in decision-making, in accordance with paragraph 49 of the National Planning Policy Framework. The policies of the emerging Plan referred to in this report have been reviewed and are considered to be consistent with the Framework and there are no outstanding objections to any of those policies which affect how they are applied in this case. On that basis, the policies are given significant weight.

The Dwelling

15. The application site is located in the open countryside and outside of any designated development boundaries. The planning policy framework for assessing the suitability of new housing development in the open countryside is clear and new housing development in areas such as the application site will not normally be allowed. This is because of the clear conflict with adopted policies SP3, and emerging policies CP3. The adopted and emerging Local Plans (policies SP1 and CP1 respectively) and the NPPF require development to be sustainable.

16. In this case, the Applicant relies upon adopted Policy BE4 which allows for live/work units in specific circumstances. The policy states that proposals outside housing development boundaries will need to be supported by evidence of need for a business unit with ancillary living accommodation and evidence that such a unit would be viable. In the case of a proposed new business, this evidence should include a business plan. Furthermore, in such cases, the residential use will be ancillary to the business use and the occupancy of the living area will be restricted to a person working full-time in the business. In this context the Yorkshire Dales Design

Guide emphasises that Live-works units are primarily commercial buildings with an element of residential accommodation. That is clearly not the case here.

17. Emerging Policy E8 reflects the adopted policy, saying that any proposals outside of housing development boundaries (as in this case) will need to be supported by a viable business plan which includes evidence of need for a business unit with ancillary living accommodation, in that location. Again, the policy requires a residential use to be ancillary to the business use and for a full-time worker in the business.

18. As set out above, the Applicant owns the five holiday lets adjacent to the site, as well as two more close by. The case in support of the live/work unit is that a dwelling is needed to support the business and can be made the subject of a s106 agreement tying it to the holiday cottage use and restricting occupancy to local people. The Applicant's marketing agent for the holiday lets has advised that there is an increasing uptake of short stays as opposed to weekly ones. They say that this is a relatively and increasing new trend, meaning there could be up to 14 change overs in any one week. Furthermore, the Applicant suggests that all ongoing building and ground maintenance will provide employment for the occupiers of the proposed modest sized live work unit.

19. There is no viable business plan submitted as required by the adopted and emerging policies. It is not clear why the management of seven holiday lets requires a full-time worker, indeed the submitted rural enterprise dwelling questionnaire states that there are no full-time workers employed in the business. The questionnaire states that an on-site presence is essential 'to manage change overs, carry out maintenance of buildings and grounds and provide for security'. It is not understood why changeovers at holiday cottages require an on-site presence, this is not usually the case with properties of this nature. It is understood that all seven holiday lets owned by the Applicant at Winterburn have been recently refurbished and therefore maintenance should not be a significant ongoing issue. No evidence has been supplied as to why security is a specific requirement in this case – again this is not a usual requirement for holiday lets which can be in more remote locations. The fact that there are five different holiday lets adjacent to this site, as well as other properties close by, provides excellent opportunities for surveillance. The business case for a residential unit is therefore considered to be very weak and does not justify a dwelling in this location.

20. In terms of the requirement that the residential element of a live/work unit is ancillary to the business use, it is noted that the internal floor space of the business part of the use in this case is 18 square metres, compared to the residential use which has a floor space of 59.85 square metres. In this case therefore the residential element of the live work unit would be more than three times the size of the business use. This is not considered to be ancillary, particularly given the nature of the use as discussed above.

21. The size of the proposed residential element is also relevant in respect of Nationally Described Space Standards (NDSS). Emerging Policy C1 requires all new homes to comply with the NDSS which require a single storey 2-dedroom (4 person) dwelling to have an internal floorspace of at east 70 square metres. As shown above, the residential part of the live/work unit falls over 10 square metres short of this requirement which weighs against the proposals.

The Garages

22. Adopted Policy SP1 requires, amongst other things, that new development should contribute positively to the built environment by having regard to the site context and comply with the Yorkshire Dales National Park Design Guide. As referred to above, development should also further the statutory purposes of the National Park. Consideration of its impact on the character and appearance of the area is discussed below.

23. The Applicant sets out a number of purported benefits in support of the proposals. It is noted that the site comprises previously developed land, the development of which draws some support from the NPPF (paragraph 125(d) refers). The low carbon credentials of the proposals are noted, in that solar panels and battery storage units are proposed within the garages. The proposed development would provide secure garaging for the holiday lets and would provide biodiversity net gains. The Applicant also states that the proposals would result in visual improvements to the site. Whilst this may be the case, the current proposal is not the only way that this could be achieved – whether that be through other development proposals compliant with the Development Plan or through enforcement powers (e.g. s215 notices).

Conclusions on Principle of Development

24. In light of the above, it is not considered that there is robust evidence of need for a business unit with ancillary living accommodation in this location to manage the seven existing holiday lets. Furthermore, the residential use would not be ancillary to the purported business use. Whilst the purported benefits put forward are noted, these are not considered to outweigh the clear conflict with policy in this case. For these reasons the proposals are not supported by adopted Policy BE4 or emerging Policy EC8. Rather the proposals would not comprise sustainable development, contrary to adopted policy SP1 and emerging Policy CP1 and would conflict with the Local Plan strategy set out at policies SP3 and C3 of the adopted plan and emerging policies CP3 and C3.

Impact on the character and appearance of the area

25. Adopted Local Plan policy SP2 provides that development which prejudices the statutory National Park purposes, including the conservation and enhancement of its natural beauty will not be permitted. This is reflected in emerging Policy CP2.

Paragraph 189 pf the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks.

26. Policy SP4 sets out the criteria which all development proposals should conform to, including-

a) the design is informed by, and responds positively to the site, its surrounding context and landscape setting, so that the scale, height, proportions, massing, form, materials and appearance of buildings and structures are sympathetic and complementary.
b) it conserves or enhances the archaeological, architectural and historical character
and appearance of the site and its setting;
c) the design is high quality, has visual interest and reinforces local distinctiveness;
d) the design ensures a development that is environmentally sustainable, minimises the consumption of resources, and is long lasting and adaptable.

27. The NPPF also seeks high quality design. Paragraph 131 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 135 stresses that planning decisions should ensure that developments, amongst other things-

> (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
>
> (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
>
> (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
>
> (d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

28. The supporting Planning Statement (PS) submitted with the application argues that the proposed built form is discreet being enclosed by walls on two sides. It says that the garages make minimal impact on the landscape, the levels allow for those relating to cottages 2-5 to be directly accessed from the curtilage of the cottages. That proposed for the live work unit can be accessed from the living accommodation. The PS concludes that, with all exposed walls being faced in natural stone and the employment of solar panels [on the roof], the design is

compliant with Policy SP4. The PS states that criterion b) above, relating to historical character and appearance, is not relevant. Nevertheless, the site does clearly have historic interest, and in particular the building containing No's 1-5 Winterburn Cottage is considered to be a non-designated heritage asset. This is considered further below.

29. The Yorkshire Dales Design Guide emphasis that one of the things which makes the Yorkshire Dales a distinctive place, is the unique built heritage of the area. New buildings should reinforce this local distinctiveness although this should not discourage innovative design. The design of new buildings should be informed by the characteristics of traditional buildings in the area. In terms of live/work units specifically, the Design Guide says that they should fit in just like other development. For sites within villages, the unit may need to be designed to fit into the context of traditional dales houses and buildings. The best approach to follow is likely to be a design that takes its cue from traditional functional buildings such as barns, stables, workshops etc.

30. It is noted that the proposed building would be contained to a degree by the walls on two sides and would not extend beyond the developed area of the site (i.e. the former tennis court). Nevertheless, it would be clearly visible from a number of public vantage points including from the public right of way passing the front entrance and from the hillside to the north.

31. The proposed building would not be locally distinctive or reference local vernacular building traditions. Whilst it is proposed to use natural local stone for the walling of the proposed building, there is little else about the building which reflects the local vernacular. The design of the building is utilitarian with a low monopitch roof rather than the simple double pitched roof which is a feature of local buildings. Again, other than materials there is little to demonstrate that the design has been arrived at having regard to nearby dwellings, in particular the traditional barn immediately next door which now houses 1-5 Winterburn Cottages.

32. Whilst the Design Guide indicates that solar panels may be appropriate on single-storey buildings, in this case, the solar panels would be located on the prominent monopitch roof and would cover most of it. Whilst solar panels are not unusual in the immediate area, in this case they would be a dominant design feature of the building, contrary to the Design Guide advice which suggests that solar panels are sited in roof valleys or on less conspicuous roof slopes.

33. Policy L1 of the Local Plan and the NPPF seek to protect non-designated heritage assets. Paragraph 216 of the NPPF advises that in weighing applications that affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The adjacent building is a historic barn which is considered to be a non-designated heritage asset. Whilst some of its historic significance has been lost following its conversion, its scale, form and materials mean that it is unmistakeably a historic

farm building which plays an important role in the setting of the landscape north of Winterburn. Whilst the proposed building is single storey, the positioning of a building of the scale and form proposed within its setting would not respect the character, form and appearance of the adjacent barn. It would appear as an alien feature in the landscape and would not conserve the natural beauty and cultural heritage of the National Park.

34. Overall, it is considered that the design approach in this instance is unsuccessful and would not respond positively to the site, its surrounding context and landscape setting. It is not sympathetic to the local vernacular, does not result in a locally distinctive building and would not comprise the high quality design sought by local and national planning policies. Its scale, general form and design would be harmful to the character and appearance of the area and would not conserve the cultural heritage of the National Park.

Highways Matters

35. Local Plan policy and the NPPF require new developments to be served by suitable and safe access. The site is located some distance from the public highway and is accessed via the private track referred to above. The existing track serves several residential and commercial properties and the addition of a single dwelling would not have an undue material impact on its safe operation.

Biodiversity Net Gain

36. Adopted Local Plan Policy W2 and the NPPF require that developments should minimise impacts on, and provide net gains for, biodiversity. This is reflected in emerging Policy CP9 and in the first statutory National Park purpose of conserving and enhancing wildlife. The Environment Act 2021 has introduced the standard biodiversity net gain condition into the planning system which means that where appropriate, developments must provide a 10% net gain over and above the existing on-site biodiversity.

37. The site is in a sensitive location from a biodiversity perspective, with several priority habitats located nearby, including ancient and semi-natural woodlands and ancient replanted woodlands, along with Winterburn Beck and its tributaries.

38. The application originally claimed to be exempt from statutory BNG requirements on the basis that it the proposals are ‘self/custom build development. Nevertheless, the legislation is very clear in that to qualify for this, the development must consist exclusively of dwellings that are self-build or custom housebuilding. That is clearly not the case here given that the proposal includes 5 garages.

39. Following discussions, the application is now supported by a BNG metric and baseline and post-development maps. A letter has also been submitted to support

the approach which has been taken to the scheme, following responses from the Ecologist on earlier submissions.

40. The Ecologist has reviewed the latest information and notes that a report which had been requested setting out the findings from the field survey has not been submitted. Whilst the Applicant considers that this information should not be required for a development of this scale, the Ecologist is clear that because of the specific issues relating to this site, including the unauthorised degradation of on-site habitats that has taken place, and its proximity to priority habitat

41. Furthermore, the Ecologist notes that there was no ecological information submitted as part of the application. Although small scale, the site is next to a watercourse and another area of priority habitat. There currently is not a sufficient level of information to confirm that the proposed development is unlikely to negatively impact protected or priority species or habitats.

42. Consequently, it has not been demonstrated that the proposed development would minimise impacts on and provide appropriate net gains for biodiversity, contrary to the requirements of Local Plan Policy W2 and the NPPF.

Parish Meeting comments

43. The Parish Meeting comments indicate that there is local support for the proposed garages however not for the residential unit. In this context, the development is a single building and the uses cannot be separated out in terms of the decision-making process.

Equality Act

44. 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.

45. 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

46. The application site is outside any recognised settlement boundary, in an unsustainable location, contrary to the housing strategy of the adopted and

emerging local plans and paragraph 84 of the NPPF. The proposals do not comply with the local plan policy for live/work units.

47. Furthermore, whilst the site comprises previously developed land and is currently in an unsightly condition having been used as a builder's compound for the works next door, the proposals are unsympathetic to the character and appearance of the area and would not preserve the natural beauty of the Yorkshire Dales National Park.

48. The incorporation of energy efficiency measures would be consistent with sustainable development principles but attract only limited weight and would not overcome the fundamental policy conflict and harm identified. Similarly, the net gains in biodiversity, and the economic and social benefits arising from the development, would be relatively limited and would not outweigh the identified harms.

49. Overall therefore, the limited benefits would not outweigh the significant harms identified both in terms of the strategy for new housing development and the conservation of the National Park. The proposals would thus conflict with the First Statutory Purpose of the National Park (S.5 of the National Parks and Access to Countryside Act 1949 [as amended]).

Recommendation

50. It is recommended that permission be **refused** for reasons based on the following:

1. In the opinion of the Local Planning Authority the site is in an unsustainable countryside location and the proposed development would not meet the strategy for the distribution of new housing development in the Yorkshire Dales National Park. Consequently, the proposed development would not comprise sustainable development and conflicts with policies SP1, SP3 and C3 of the Yorkshire Dales Local Plan (2015-2030), policies CP1, CP3 and C3 of the emerging Yorkshire Dales Local Plan (2025-2040) and guidance at paragraph 84 of the National Planning Policy Framework.

2. In the opinion of the Local Planning Authority, the proposed development, by reason of the scale, form and design of the proposed building, would result in unwarranted harm to the protected landscape of the National Park. The proposals would not be sympathetic or complementary to the character and appearance of the area and would cause less than substantial harm to the setting of the adjacent non-designated heritage at No's 1-5 Winterburn Cottages. The proposal is therefore contrary to policies SP1, SP2, SP4 and L1 of the Yorkshire Dales Local Plan (2015-2030), policies CP1, CP2, CP4 and AB1 of the emerging Yorkshire Dales Local Plan (2025-2040), guidance in sections 15 and 16 of the National Planning Policy Framework and the First Statutory Purpose of the National Park (S.5 of the National Parks and Access to Countryside Act 1949 [as amended]).

3. In the opinion of the Local Planning Authority it has not been demonstrated that the proposed development would minimise impacts on and provide appropriate net gains for biodiversity, contrary to the requirements of Policy W2 of the Yorkshire Dales Local Plan (2015-2030), Policy CP9 of the emerging Yorkshire Dales Local Plan (2025-2040), guidance in section 15 of the National Planning Policy Framework and the First Statutory Purpose of the National Park (S.5 of the National Parks and Access to Countryside Act 1949 [as amended]).

Paul Skelton