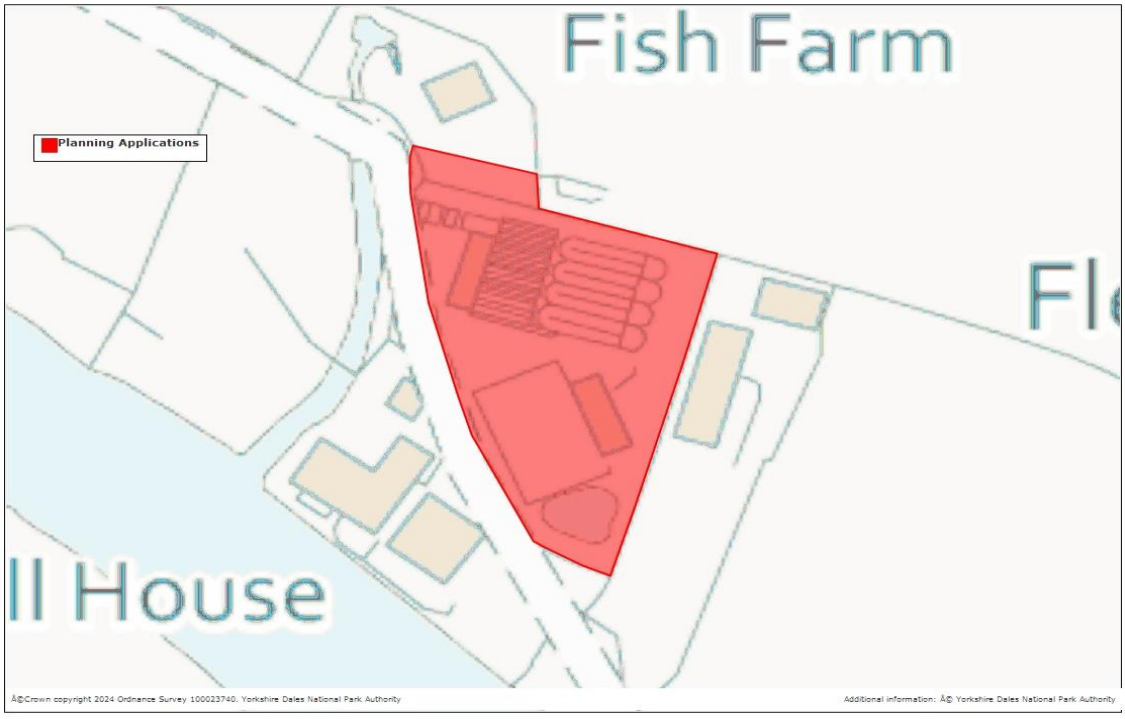
YORKSHIRE DALES NATIONAL PARK AUTHORITY

Committee:	Planning	**Parish:**	Grassington
Date:	12th March 2024	**Officer:**	Katherine Wood
Applicant:	Mr Robert Anderson	**Application No:**	C/33/298A
Site Address:	Riverside Grange, Old Mill Lane, Grassington, Skipton, BD23 5BX		
Proposal:	Full planning permission for construction of 4no. shepherd huts with associated parking and change of use of land to create a new western garden for Riverside Grange		

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. The site is a former fish farm to the southeast of Grassington, accessed via Mill Lane, an unadopted road. The site comprises the concrete fish farm structures and hard surfacing, enclosed to the northeast by drystone walls and to the Mill Lane boundary with high hedging and close board fencing. Four existing properties surround the site including Riverside Grange to the south. A barn (Brow Well Barn), formerly part of the fisheries site, is undergoing conversion to a dwelling. Riverside Grange and Brow Well Barn are within the same ownership as the site.

PROPOSAL

4. The application as submitted was for four holiday lets. This has since been amended to four shepherd's huts and an ancillary building for the storage of bikes and bins. The application also includes the change of use of part of the site to create a new western garden for Riverside Grange. Drystone walling is proposed to replace the close boarded boundary fencing and a new boundary wall created between the shepherd's hut site and the proposed garden. Native tree and hedge planting is proposed throughout the site.

RELEVANT PLANNING HISTORY

5. The following applications are relevant:

C/33/5C - Full planning permission for conversion of stone barn to form dwelling for local occupancy or short term holiday lets, together with installation of 14kw air source heat pump. Approved subject to a Section 106 (restriction to local occupancy/holiday let) on the 15th May 2023. (This relates to the barn conversion, Brow Well Barn to the north).

YD/5/33/298 – Full planning permission for roofing fish tank – permission granted on the 1st June 1990.

CONSULTATIONS

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

Environment Agency – Initially objected to the original proposal for holiday lodges on the basis that the site lies within Flood Zones 2 and 3, with a medium / high probability of flooding from rivers. The application is for holiday lodges, which are considered to be a 'more vulnerable' land use and would therefore need to pass the

Sequential Test and Exception Test and to be supported by a site-specific flood risk assessment (FRA).

The amended proposal satisfies the Environment Agency's concerns, and the objection is withdrawn, subject to a condition requiring;
• Finished floor levels of the huts shall be set no lower than 0.6 metres above Ordnance Datum (AOD)
• A Flood Management Plan, which includes a place of safety shall be put in place.

Area Ranger (Wharfedale & Littondale) - Proposed development does not affect the PROW.

Wildlife Conservation Officer – No objection. The application is accompanied by a preliminary bat roost assessment report which is negative for bats or signs of bats and assesses the buildings on site as having 'negligible' value for roosting bats.

The application site is of low biodiversity value. The overall effect of the proposals will be to increase the biodiversity value of the land consistent with Local Plan Policy W2. Recommends conditions securing the tree planting and bird box installation and an informative regarding bats and nesting birds.

Chief Environmental Health Officer CEHO – Recommends pre-commencement conditions on investigation into contaminated land and any result decontamination works to be carried out. Information on waste and topsoil. The submission of a noise management plan is also required and controlled by condition.

Police - North Yorkshire - In relation to designing out crime, it is pleasing to note that this proposal includes a cycle store. It is recommended that the design of the stands within the store should enable two separate parts of a cycle to be secured, for example a 'Sheffield Bar'.

Fire Officer - Craven – No objection.

Highways - Craven DC – No objection. The access for the proposed site is on a private road which leads to the B6265 where visibility meets requirements of 2 metres by 45 metres which is acceptable. Parking will be provided which is acceptable.

Grassington Parish Council – (Comments on the original proposal) Objection. Members advised that the plans were difficult to read and factually incorrect as HGV and the waste bin lorry does enter the lane. The proposed development was on a flood plain and introducing 4 more holiday lets was overdevelopment of the site. The land was also on a busy walking route and therefore access would be difficult.

(Comments on the amended proposal) - The majority of Members have confirmed by email that they all agree that the original objection stands.

PUBLIC RESPONSES

Public responses received at the time of writing: 12

7. 9 letters of objection were received in response to the original proposal for holiday lodges (summarised as follows);

- Holiday lets are classed as C3 dwellings
- There would be a negative impact on local infrastructure and services
- The lane is narrow, steep and lacks passing places
- Vehicles would be a danger to walkers and children
- There are no waste collection services on the lane
- The site is in a flood plain where such development should not be allowed
- There will be an impact from traffic and noise
- There is a lack of parking
- No maintenance of the lane
- Not sympathetic to the local character
- Impact on residential amenity/overlooking of neighbouring properties
- Compromise fishing

Following full reconsultation with a new description of the development, including a site notice displayed at the site for 21 days and neighbour notification letters, 3 letters of objection have been received (summarised as follows);

- The amendment is a material change which should be a new application
- Shepherd's huts are not typical of the area/undermine the stone vernacular of the Dales
- The access road is not suitable and there is no turning space provided
- Wood burning stoves are polluting
- Local Planning Authorities should have 'special regard' to the architectural and historic character of Listed Buildings, and to the preservation and enhancement of the character and appearance of Conservation Areas.

ASSESSMENT

Key Issues:

- Principle of development
- Impact on the character and appearance of the area
- Residential amenity
- Nature recovery
- Flood risk
- Sustainability
- Highway considerations
- Parish Council comments
- Equality Act

PRINCIPLE OF DEVELOPMENT

8. The site is part of a former fish farm which included the rearing of fish and stock that were bred and sold to other fish farms and lakes for growing on and for fishing.

The lawful use of the site as a fish farm would therefore fall within the definition of agriculture. However, the fish farm use closed a number of years ago and has been sold on, the building housing the fish tanks has been demolished and the barn (the former office) is currently being converted to a dwelling. There is therefore no displacement of any agricultural use on the site. Policy BE7 safeguards employment sites but caveats that 'For minor development or business uses below five jobs the National Park Authority will not normally intervene in the principle of the loss of employment, unless the use of the site is considered to be particularly difficult to replace or it offers valuable business diversity and there is some likelihood of the use being required again in the future. In this case it is understood that the fish farm was part of wider continuing fisheries business with the operation employing less than 5 people at the site. It is therefore considered that there is no conflict with policy BE7 of the Local Plan.

9. Local Plan policy T3 supports the creation of new sustainable self-contained visitor accommodation for short term holiday use where the site is well screened at the time of application, and subsequently, to the extent that development will not cause an adverse impact to landscape character. The aim of the policy is to expand and diversify the supply of such accommodation that complements the distinctive landscape and will enable visitors to more fully enjoy the National Park's special qualities. The proposed shepherd's huts would comprise modest accommodation with a built-in bed, kitchen and shower/WC which would be fixed but reversible short-stay accommodation in accordance with this policy. The site is reasonably screened at present through the high roadside hedge and close boarded fencing. There are views of the site from Mill Lane, but in those views the shepherd's huts are viewed in the context of the nearby houses, rather than in isolation in the open countryside. The site is already almost entirely covered in the redundant concrete structures and hardstanding and as such there is considerable scope to visually enhance the appearance of the site in the landscape. It is therefore considered that the proposed use would meet the aims of policy T3 subject to considering the impact of the use on the surrounding area. These issues are considered further below.

10. There is no specific policy relating to the change of use of land to domestic garden. As such this is acceptable in principle subject to considering the impact on the surrounding area as set out below.

IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA

11. The site is a former fish farm and currently comprises redundant concrete structures, hardstanding and rubble remaining from the demolition of the associated building. The site is enclosed by a high hedge and close boarded fences screen the site from the main public views from Mill Lane. The site is further enclosed to the north and to the south by buildings (Brow Well Barn and Riverside Grange). As such it is considered that the development of the site does not result in an encroachment into open countryside and is reasonably well screened. The proposal has been amended to comprise four modest huts and a fifth to house bikes and waste storage, with a new drystone wall and hedging. Extensive native tree planting is also proposed along the roadside boundary and within the site,

including within the proposed garden area. Wildflower planting is also proposed on the open spaces, with limited areas of hardstanding for paths and seating. The parking and access would be created in an area currently surfaced. It is considered that the proposal would result in the considerable enhancement of the site in the landscape through the removal of the fish farm infrastructure, extensive hard surfacing and to replace the urban-style fencing and gate, with a much smaller development, enclosure with drystone walling and the restoration of much of the site with wildflower grassed areas and tree planting.

12. The proposed garden has been reduced in area and would be separated from the proposed shepherd's hut site by a new drystone wall and again planted with trees and wildflower grassland. It would visually be associated with the adjacent dwelling Riverside Grange to which it would relate and would not be perceived as an encroachment into open countryside.

13. It is therefore considered that the proposal would respond positively to the surrounding landscape setting with modest sympathetic structures and significant planting to assimilate the site into the surrounding landscape, resulting in an overall enhancement, in accordance with policy SP4 of the Local Plan.

RESIDENTIAL AMENITY

14. There are four existing dwellings near to the site including the applicant's property Riverside Grange to the south-east and Low Mill House and 1 & 2 Low Mill Cottages to the west. There is also a barn currently undergoing conversion to form a dwelling to the north (within the same ownership). The proposed shepherd's huts will be 30-50 metres from Low Mill House and Cottages and as such there is the potential for some noise and disturbance from this small-scale holiday accommodation. However, there is already hedging and the lane between the site and those houses and the screening of the site with trees and hedging will further buffer the houses from any impact from the huts. The focus of the shepherd's huts will be away from the neighbouring houses and the huts are small scale, accommodating a maximum of 2 people per hut. The access is further north of the houses so vehicle movements associated with the use should not impact on the amenity of occupants of the nearby houses. A condition setting out a management plan for the site is proposed, including ensuring there is no amplified music outside of the huts or at night, no fires other than BBQs provided in designated areas, and the site will be managed from the adjacent property Riverside Grange. A condition is also recommended to ensure that external lighting is controlled. It is therefore considered that, subject to a condition requiring the appropriate management of site, there will not be a significant adverse impact on the amenity of neighbours in accordance with Policy SP4n of the Local Plan.

NATURE RECOVERY

15. Policy W2 of the Local Plan requires that all new development that would have an impact on biodiversity will be required to make a proportionate on-site contribution to wildlife enhancement. The existing fish farm complex has very little ecological value at present, other than the roadside hedging, and as such there is considerable scope to enhance the biodiversity of the site. The proposal includes

native tree planting (40-50 trees are indicated on the proposed plan), the removal of the extensive concrete structures and hardstanding and replacement with wildflower grass and additional hedging. It is considered that the proposed landscaping and planting will significantly increase the biodiversity value of the site, in accordance with policy W2 of the Local Plan.

FLOOD RISK

16. The lies partly within Flood Zones 2 and 3, with a medium to high probability of flooding. The Environment Agency required the original proposal for permanent holiday lets to meet the Sequential Test and Exception Test and to be supported by a site-specific flood risk assessment (FRA). However, they have subsequently withdrawn their objection following the amendment to shepherd's huts providing the floor level of the huts is above 0.6m from ground level and a flood management plan is in place. These can both be required as a condition. The removal of the concrete structures and hardstanding should also significantly improve infiltration rates of surface water across the site. It is therefore considered that the proposed development would accord with policy CC2 of the Local Plan.

SUSTAINABILITY

17. Policy SP1 of the Local Plan sets out a presumption in favour of development that is sustainable. Policy T3 also requires that these forms of self-catering accommodation are sustainable in their design. The original holiday lets proposed had solar panels attached to the roof, but the applicant has confirmed that these will no longer be suitable for the barrel-vaulted roof of the shepherd's huts. They have confirmed that the shepherd's huts will be very small and well insulated and will therefore have a minimal heating load. They were originally proposing to heat the huts with wood burning stoves which are not considered a sustainable form of heating and have since amended them to bioethanol burners which produce significantly less C02 emissions and are more efficient for such a space as the heat is contained in the room (they have no need of a flue). The applicant has also been asked to consider ground mounted panels instead, although they would like to consider panels on the roof of their property instead (Riverside Grange). This would require a separate planning application. It should also be noted that the significant improvement to the site through the removal of the large areas of concrete and hardstanding and extensive landscape planting, together with the modest style of accommodation proposed will produce a more sustainable environment than the present site. The site is also within walking distance of Grassington.

HIGHWAY CONSIDERATIONS

18. Mill Lane is an unadopted metalled lane serving the site, several residential properties and a small farm. The Dales Way public right of way also runs along a section of the lane and passes the site. North Yorkshire Council as the Local Highway Authority has no concerns with the proposed access onto the B6265 and considers that the parking facilities proposed are acceptable. Mill Lane is narrow, steep and winding but it is generally in good repair and there are occasional passing places. The nature of the lane means that it is unlikely users would drive

too fast, particularly visitors who are unfamiliar with it. There is a degree of trade-off between the lawful use of the site as an agricultural fish farm/business and the traffic that was likely to generate, including the people employed at the site and collection of fish stock to deliver elsewhere. On balance it is considered that the modest use of the site for 4 shepherd's huts would not result in a significant inconvenience or safety issues to other uses of the lane. [Policy SP4 g) and k) of the Local Plan].

PARISH COUNCIL COMMENTS

19. Grassington Parish Council objected to the original proposal on the grounds of the site being within the flood plain, the holiday lets being overdevelopment and the nature of the access. The above report comments on the potential for flood risk and the access lane. It is considered that the amended proposal for 4 modest shepherd huts and a garden, together with the extensive land restoration and planting proposed would be an appropriate level of development for the site.

EQUALITY ACT

20. 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.

21. 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

22. It is considered that the proposed modest shepherd's huts would provide sustainable fixed but reversible short-stay holiday accommodation in a location that is sufficiently screened and enclosed so that it would avoid an adverse impact on the character and appearance of the surrounding landscape. The proposed development would not have a significant impact on residential amenity providing a suitable management plan is in place. The proposed development would not increase flood risk or significantly impact on the safe and convenient use of the access lane. It is considered that the proposed development as a whole would significantly aid the nature recovery of the site through the removal of the unsightly redundant structures and hardstanding and enhancement through landscaping, walling and tree planting. It is therefore considered that the proposed development would accord with policies SP1, SP4, BE7, T3, W2 and CC2 of the Local Plan (2015-2030) and advice within the National Planning Policy Framework (2023).

RECOMMENDATION

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

- Time Limit
- Accordance with approved plans (to include replacement of wood burners with bioethanol burners)
- Design details
- Landscaping implementation
- Parking and surfacing requirements
- Construction of walling and other boundary treatment
- Bin storage within approved building
- Lighting to be approved
- Adherence to Management plan (no amplified music, no fires etc)
- Flood risk requirements – floor levels and flood management plan
- Contaminated land investigation and remediation if necessary
- Removal of permitted development (both for caravan sites and for domestic land)

Informative on Bats and birds