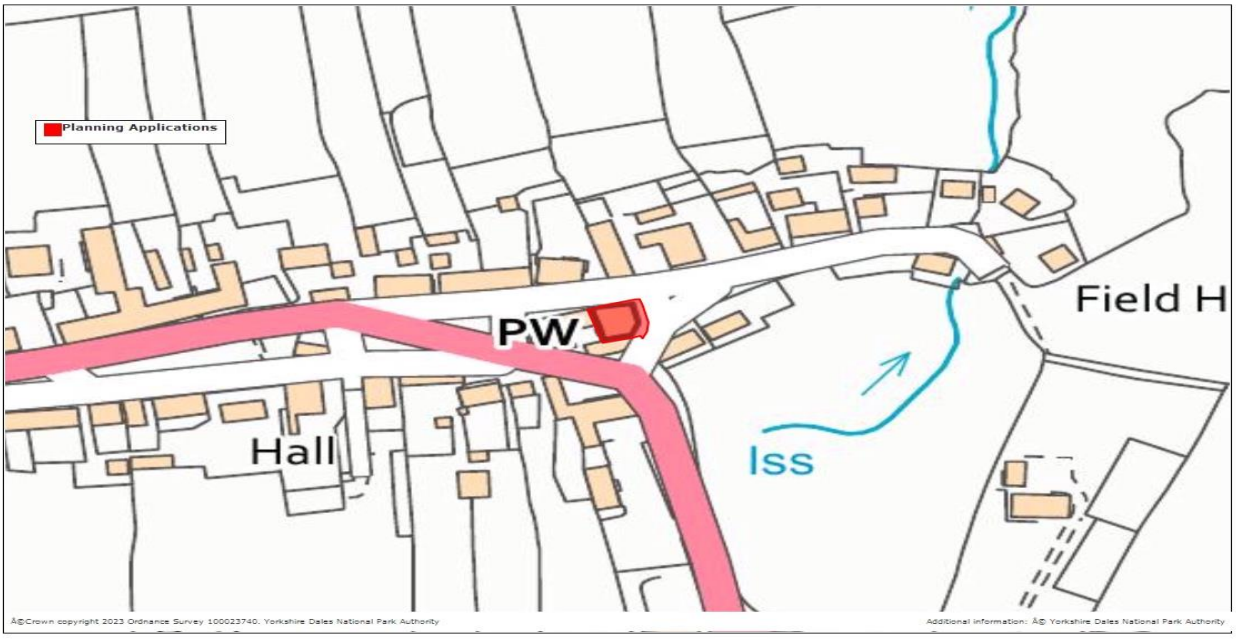
YORKSHIRE DALES NATIONAL PARK AUTHORITY

Committee:	Planning	**Parish:**	Aysgarth
Date:	22 August 2023	**Officer:**	Mark Williams
Applicant:	Miss R Watkins	**Application No:**	R/51/146
Site Address:	Aysgarth Methodist Chapel, Chapel Lane, Aysgarth, Leyburn, DL8 3AE		
Proposal:	Full planning permission for change of use of no more than 30% of the gross internal floor area to be used as accommodation for caretakers, artisans and exhibitors involved in the primary community use in the remainder of the property. This involves the change of use of elements of the building from class F1 to class C3		



REASON FOR COMMITTEE CONSIDERATION

1. This application is reported to Committee for the following reason: The Parish Council recommendation is contrary to the decision which the Head of Development Management proposes to take.

APPLICATION SITE

2. Aysgarth Chapel is on Chapel Lane, off the A684 which runs through the village. It sits behind a small triangle of green space formed by the junction of two minor roads, which culminate in a cul-de-sac. The front elevation faces east with railings along the frontage.

A central porch surrounds the main entrance with arched windows to either side and a large rose window above. A single storey wing extends to the side (south), with a separate entrance covered by an open porch with column support.

3. The Chapel building includes a smaller terraced building to rear, fronting onto Chapel Lane. This was apparently the site of the original meeting room and was last used as the vestry with adjoining kitchen. It is suggested that meetings were held in this building as early as 1766, though the Chapel building itself dates from 1901.

4. The building is not listed and does not lie within a Conservation Area. Nevertheless, it is considered to be an undesignated heritage asset by virtue of its age, architecture and historic significance as a community building.

PROPOSAL

5. It is proposed to convert the former chapel to a mixed use comprising education and residential elements. The residential element would extend to no more thatn 30% of the gross internal floor area and would comprise a caretaker's flat with mezzanine floor in what was formerly a meeting room, and a bedroom above the former vestry.

6. The remainder of the building would be used for educational purposes by the applicant's heritage charity, Dream Heritage CIC (http://dreamheritage.co.uk/) Dream Heritage run educational courses teaching heritage crafts, building conservation and repair and traditional crafts. The proposal includes a workshop/teaching space in the principal room, with ancillary kitchen and toilet. There would be no alterations to the outside of the building.

RELEVANT PLANNING HISTORY

7. The following applications are relevant:

YD1/51/35 - erection of porch. Approved 04/06/1981

CONSULTATIONS

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

Aysgarth & District PC (dated 17th April 2023) - strongly object on the following grounds:

• A religious building of historic importance should not be developed to be used as accommodation for caretakers, artisans, and exhibitors.
• There should be no need for living accommodation.
• Car parking would be an issue near the Chapel. Access is required at all times on the single-track road around the triangle of Village Green for access to the houses in this area of the village. Accommodation for caretakers, artisans and exhibitors, and visitors will exacerbate access and car parking issues. Residents have raised concerns regarding access to their properties and access for emergency vehicles.

• Neither the Parish Council, the Institute nor the residents have been consulted by the new owner/planning applicant about the community needs. There are concerns about noise and disturbance as little information has been provided about the community use and who the artisans, exhibitors and visitors would be.

Aysgarth Institute (formerly the Reading Room) in Aysgarth is now a not-for-profit registered Charity which is run by a Committee and volunteers, which provides well used community use facilities such as those listed below. The maintenance, cleaning, set up of facilities, opening

and closing of the building is carried out on a rota basis by the Committee and local volunteers and works very well. The Institute does not have nor need any living accommodation for caretakers et al. The Parish Council therefore question why the former chapel would require living accommodation to facilitate the provision of Community Use.

The Institute is well integrated with the village and is successful due to the support from Aysgarth residents and the wider local communities.

(The submission then goes on to list the community events held in the Instutute under the following headings).

- Community Emergency Plan Venue
- Polling Station
- Community Social Events
- Sports Facilities
- Refreshments Stop
- Meeting Place with wifi
- Community Activities

The Chapel was sold well below market value which reflected a Community Use Covenant. The Parish Council questions the motives behind the current planning application given the new owner considers the former Chapel, which is supposed to be for Community Use, to be her new home. The Parish Council is also concerned for consequences in the future if the current planning application was to be passed.

Aysgarth & District PC (dated 28th April 2023) - object on the following grounds:

The chapel was sold at a reduced price lower than market rate with a restrictive covenant for community use. The community has not been consulted about the potential use for the chapel.

We see no need for a historical building to be converted for living accommodation. The Aysgarth Institute provides a wealth of community facilities and does not have the need for accommodation. The committee and local volunteers take care of the building maintenance, cleaning, opening/closing, etc.

We have concerns about safety - vehicles coming and going around the chapel as a number of children play on the area of Parish Council Green space outside the chapel.

We also have concerns about parking as the road outside the chapel is a single track no through road and already suffers problems with access and parking. There is very limited parking in the rest of Aysgarth village.

We are also concerned about the future long term use of the chapel should the planning application for living accommodation be passed.

Aysgarth & District PC (dated 5th July 2023) - at the 22.06.23 meeting the Parish Council considered the Rebuttal Summary, Heritage Statement and Parking Plan for planning application R/51/146, which had been submitted by the applicant on 20.06.23.

The Parish Council reaffirms the strong objection submitted on the 16.04.23 on the grounds of ongoing concerns regarding:

- A religious building of historic importance being developed for residential use
- Car parking

- Access for residents to their properties and access for emergency vehicles
- Noise and disturbance

In response to the applicant's Rebuttal Summary, the Parish Council comments as follows:

1. Parking. The Parish Council feel that it is unrealistic that staff, exhibitors, and course attendees will pay to park at the Yorkshire Dales National Park Car Park (which is circa 1 mile from the Chapel) and walk each way with their equipment. The increased likelihood of parking in the vicinity of the chapel will further exacerbate the chronic shortage of parking available.

   The applicant does not provide sufficient details of the nature, frequency or timing of courses to convince the Parish Council and local residents that 'occasional use' and 'very small number of attendees ' will not cause a significant issue.

2. Access. The applicant has highlighted four potential parking spaces to the North and East of the chapel. As highlighted above, parking is an existing issue and the increased demand by the proposed development and use of the chapel as applied for will likely affect access for residents and emergency vehicles. This remains the concern of the neighbouring residents and the Parish Council.

3. Proposed 30% Residential Use. The applicant claims that she will run low-cost courses for a small number of people, highlighting the prime benefit of having some accommodation as being that the 'building is maintained, heated and occupied sufficiently to ensure long term wellbeing and security'.

The Chapel, in common with other similar sites of comparable facilities and use in the area have never had a permanent resident, and have never needed one, to ensure maintenance and security; therefore, it is felt there is no justification for the continuous presence of a caretaker to reside in the Chapel as a local resident could be employed to fulfil this role.

The Parish Council also does not accept the applicant's claim of 'providing a local base to avoid a costly daily commute' as justification to convert any part of the Chapel to residential use. If the applicant's organisation is designating the chapel as a new permanent worksite, a relocation package should be considered for any existing employee to move to the area, or employing a local person, in lieu of converting the chapel in any part for residential use.

Highways - for C3 dwellings of three bedrooms or less, two car parking spaces are required. Where is the proposed parking area located?

Area Ranger (Lower Wensleydale) - The proposed development does not affect public right of way number 20.80/6/1.

Chief Environmental Health Officer CEHO - have reviewed the application and submitted documents and the potential impact on amenity and the likelihood that the development will cause a nuisance and consider the impact will be low. No objections to the development as proposed and no comment to make.

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

Senior Listed Building Officer (SLBO) – In principle support but concerns regarding the current understanding of the heritage significance of the building and that additional details should be provided of the proposed works and methodologies required for the restoration and conversion of the building, including a building survey to Historic England Level 2 standard.

Conditions are recommended to ensure that notable external features such as the stained glass windows, ashlar quoins and surrounds, water tabling, finials and metal railings are retained in-situ as part of the development, unless detailed methodologies for their repair or replacement have first been submitted to and approved.

PUBLIC RESPONSES

Neighbour/interested parties' responses received: Advertised by site notice. Expiry date: 3rd May 2023. Eleven (11) representations received objecting to the proposed development.

Grounds of objection:

- Lack of parking
- Would block access, including for emergency vehicles
- Road safety, particularly with regard to children playing on the green
- No need for a community facility in the village
- Does not represent a community use
- No need for residential accommodation
- Lack of clarity re proposed use

ASSESSMENT

Key Issues:

- Planning policy
- Community use
- Highways
- Heritage
- Parish Council comments
- Equality Act

PLANNING POLICY

9. The National Planning Policy Framework 2021 (NPPF) sets out the purpose of the planning system: to contribute to the achievement of sustainable development. It also establishes that great weight should be given to cultural heritage in National Parks (para.176).

10. The Yorkshire Dales Local Plan (2015-30) aims to deliver sustainable development in the National Park context. It aims to achieve the conservation and enhancement of traditional buildings (heritage assets) by allowing them to be adapted or converted to new uses, providing the building and its landscape have the capacity to absorb them. The Local Plan rehearses the Statutory Purposes of the National Park at policy SP2, both of which are relevant to this proposal.

11. Policy L1 considers development affecting heritage assets. Traditional buildings may be designated as Listed Buildings or are considered to be 'heritage assets' despite not being designated. Proposals affecting undesignated heritage assets that are demonstrably of equivalent significance to designated heritage assets will be treated as though they were designated for the purposes of the policy. In this it is considered that the Chapel is not of equivalent significance to a designated heritage asset.

12. Policy L2 is a strategic spatial planning policy. It allows traditional buildings to be changed to residential and employment uses in certain locations including in existing settlements. Policy L3 considers the details of the conversion works. Proposals will not be allowed where they undermine the architectural and historic character of the traditional building. Criterion b) states that alterations to the building should be 'the minimum necessary and are sensitive to the traditional character and appearance of the building'.

13. Local Plan Policy C9 (Existing community facilities) states that:

    Development that would result in the loss of, or have an unacceptable adverse effect on, an existing community facility will not be permitted unless it can be demonstrated that:

    a) the current use is no longer needed or a suitably located replacement facility of at least equivalent standard has been secured; and,

    b) the land or building could not fulfil, or is not needed for, an alternative community use.

    Applications must be supported by appropriate and proportionate independent evidence, including appropriate financial, business planning, options appraisals, marketing and community engagement evidence.

    COMMUNITY USE

14. The former chapel, as a place of worship, was in a community use but latterly, with a dwindling congregation it was put on the market by the Methodist Church. It is presumed that the remaining congregation moved to a nearby place of worship. The price paid by the applicant is not a material planning consideration.

15. The building is capable of continuing to fulfil a community use, although the lack of on site parking will continue to be a constraint on any future use and the number of people visiting the building. However, the submissions from the Parish Council would suggest that there is no need for a further community building in the village, the Institute fulfilling all the community's needs.

16. The proposed development would therefore seem to meet criteria a) and b) of Policy C9. However, the application is not supported by appropriate and proportionate independent evidence, including appropriate financial, business planning, options appraisals, marketing and community engagement evidence as required by this policy.

17. The applicant argues that the proposed use is a 'community use' since their heritage work will be of benefit to the wider Dales community, and is in line with the statutory purposes of the National Park (conserving cultural heritage and promoting opportunities for understanding and enjoying the special qualities of the Park). Further, it is argued that those attending residential courses in the building will stay in local B&Bs or camp sites and thus bring economic benefits to the local community.

    HIGHWAYS

18. The Highway Authority has queried the parking provision of the proposed use. As this includes a dwelling, two car parking spaces are required. There are no off street or dedicated on street parking spaces available to the building, as was the case when it was in use as a place of worship. In response the applicant has provided a sketch drawing

showing how three cars could be parked on the roadside immediately next to the north elevation of the building. This also shows a parking space to the front of the building.

19. Nevertheless, there is no guarantee that these spaces will always be available for users of the proposed development and, as the Parish Council and local residents point out, the development could exacerbate existing on street parking problems. However, it is worth noting that this situation existed when the chapel was being used for worship and other events, and would also apply to any future use of the building. The current use of the building, as a place of worship, falls within planning Use Class F1. Other uses in the same use class that the building could be put to without the need for planning permission include: the provision of education, display of works of art, a museum, a public library, a public hall or exhibition hall, public worship or religious instruction or as a law court. It should be noted that these are all uses that could attract significant numbers of people to the building.

20. The applicant has responded to the Parish Council's comments by stating that visitors attending residential courses would be expected to stay in local visitor accommodation or camp sites, and use the parking facilities available on those sites, or the National Park car park at Aysgarth Falls. The Authority's car park is some distance, and a steep climb, away and it is considered unlikely that visitors to the chapel would use it. It is not possible to prevent people from parking on the street, or walking from their accommodation, through the planning process. A Traffic Management Plan that included an undertaking from the applicant to advise visitors to park away from the site, car share, or encourage other forms of transport would help but would not be enforceable by the Authority.

HERITAGE

21. Local Plan Policy L1 (Heritage Assets) states that all development proposals that affect a heritage asset will need to be accompanied be a proportionate assessment of the significance of those parts of the asset that would be directly or indirectly affected by the proposal, together with an assessment of the impact of the proposal upon that significance. It goes on to state that development proposals affecting undesignated heritage assets will be permitted where their significance will be conserved.

22. There is no doubt that the chapel is a significant but undesignated asset, both in its own right given its local cultural significance, its significance as architecture and in terms of its contribution to the streetscene. It is therefore incumbent on the Authority to find a use for the building which conserves its significance.

23. The Authority's SLBO supports the proposed reuse of the Chapel in principle, while having some concerns regarding the submitted Heritage Statement, which requires further work, including a building survey to Historic England Level 2 standard. Given that the exterior of the building will not be altered, and the internal changes are minimal, it is considered that the updated Heritage Statement and survey work can be required by a pre-commencement condition. Subject to this and other conditions, it is considered that the proposed development would successfully conserve this heritage asset in accordance with Policy L1.

PARISH COUNCIL COMMENTS

24. The Parish Council has strongly objected to the proposed development on numerous grounds, each of which is addressed below.

25. The Parish Council feel that a religious building of historic importance should not be developed to be used as accommodation for caretakers, artisans, and exhibitors. The basis of this objection is not clear. While the proposal does not represent a community use as defined for the purposes of policy, it is considered to be an appropriate use of the building. There would be no external alterations and only the introduction of a mezzanine floor internally. Most of the historic features of the building would be conserved in accordance with Policy L1.

26. The Parish Council considers that there is no need for living accommodation. Insofar as the majority of the building will be in non-residential use, there are no obvious grounds to object to the inclusion of ancillary living accommodation within the proposed development. Furthermore, policy L2 permits the conversion of traditional buildings within villages to either local occupancy or holiday let residential uses. A presence on site would allow for the proper management of the proposed use, including traffic management.

27. Noise disturbance is unlikely to be an issue as the proposed use would not by its nature be unneighbourly and an on-site presence would regulate noisy activity. Nevertheless, it is considered prudent to limit the hours of opening to prevent disturbance to near neighbours at unsocial hours.

28. Parking and highway safety issues are considered above and the price paid for the chapel is not a material planning consideration. The lack of need for additional community facilities in the village is also discussed above and it is considered that the proposed development does not constitute a 'community use' but an education/business use which is an appropriate use of the building.

EQUALITY ACT

29. 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.

30. 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

31. While the proposed development does not constitute a community use for the purposes of Policy C9 it is nevertheless considered to represent an appropriate use of the building which would conserve this non-designated heritage asset in accordance with Policy L1. The limited amount of residential accommodation to be provided is considered to be proportionate. However, in order to ensure that the building remains in its intended use it is considered necessary to restrict any change of use of floorspace by condition.

32. It is acknowledged that the lack of any off-street parking is a significant drawback of the proposal however planning decisions have to take into account a 'fallback' or baseline position – what use can the building be currently put to without the need for planning permission? The current use falls within use class F1 (as discussed above) which encompasses uses that could attract significant amounts of traffic and on-street parking.

Taking this into account, it is considered on balance, that the mixed use proposed is likely to be comparatively low key.

33. It is therefore considered that the conservation benefits of the proposed development outweigh the loss of a potential community use and that the proposed use would not be demonstrably worse in highway safety and congestion terms than the current use or potential permitted uses. As such the proposed development is considered to be in accordance with Local Plan Policies SP2, SP4, L1, L2 and L3 and is recommended for conditional approval.

RECOMMENDATION

34. It is recommended that permission is GRANTED subject to conditions based on the following:

Time limit
In accordance with approved plans
Permission solely for specified mixed use
Compliance with Heritage Statement details
Restriction on hours of use (8.30am – 6.00pm Mon to Sat, not on Sun or BH)
Residential accommodation ancillary to main use
Retention of historic external features
Building survey to Historic England Level 2 standard