Yorkshire Dales National Park Authority

Committee: Planning

Date: 23 April 2024

Applicant: Mrs NL Crawford

Parish: Dent

Officer: Matthew Lappin

Application No: S/01/354

Site Address: Parkers Barn, Parkers Cottage, Deepdale, Dent, Sedbergh, LA10 5QY

Proposal: Full planning permission for conversion of barn to 1 no. dwelling for local occupancy or short term holiday let, with associated parking and curtilage

Purpose Of Report

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



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. The application site is located adjoining Deepdale Lane approximately 3 kilometres to the south east of Dent. The site comprises a modest two storey barn and forms part of a small group of existing dwellings including Parkers Cottage which is a Grade II Listed Building.

3. There is an existing vehicular access from the lane which currently serves Parkers Cottage and will also be used by the application proposals. To the immediate south of the barn is a partially collapsed, attached byre and a small yard which is bounded by dry stone walls.

4. To the east of the site the land slopes away into Deepdale and there are extensive views. To the west the land rises up from the lane with the adjoining dwellings sitting slightly above the level of the application site.

Proposal

5. Full planning permission is sought for the conversion of a traditional barn to a single dwelling for local occupancy or short term holiday letting purposes together with associated parking and curtilage. The proposals include the restoration of a small byre attached to the main barn, and the formation of parking and turning space together with a modest south facing yard. A new curtilage would be formed by extending an existing dry stone wall to the south and east of the barn. Accommodation will comprise two bedrooms at first floor Together With Living Accommdation And Kitchen To The Ground Floor.

Relevant Planning History

6. There is no relevant planning history for the site.

Consultations

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

   Area Ranger (Western Dales) No comments received.

   Clerk to Dent PC "It was resolved that in line with this councils policy on holiday Let accommodation, the council can only support the application if it is for a permanent residence and not a holiday let otherwise the council will object. Further, if applying under policy L2 then we feel that some consideration needs to be given to the fact that half of the house will be below road level and is likely to suffer from potential water penetration."

   Highways - Recommend that this proposal should be refused.

"Only 10m visibility is shown measured 2.4 metres down the centre of the access to the nearside kerbline of the carriageway edge. On a national speed limit road 215m visibility should usually be provided to give adequate time and distance for safe braking.

We could not support any increased use of an access that does not provide safe visibility. We acknowledge that the actual traffic speed at this location is likely to be slower than the speed limit.

If the applicant wishes to pursue this application but cannot provide 215m visibility then they must provide evidence in the form of speed survey data which shows what the safe visibility distance is for the traffic speed at this location and design an access that will match that distance.

We welcome the proposed rearrangement of the access to a 90 degree alignment with the public highway."

Wildlife Conservation Officer Recommends mitigation measures.

Trees & Woodlands No objection subject to amended plans showing correct poistion of trees and conditions on tree protection and a full landscaping plan.

Chief Environmental Health Officer CEHO No objections to the proposal, subject to conditions on unexpected contamination, foul drainage details, construction hours, and an informative on the package treatment plant.

Fire Officer "From the plans submitted the developer must ensure that they comply with the requirements to allow emergency vehicles to access the buildings and provide water as per Approved Document B, Section 13, and section 14.13. The bedrooms are inner rooms and must comply with building control."

Public Responses

Public responses received at the time of writing: 0

8. The application was advertised by site notice which expired on 01.08.2023. No public responses have been received in connection with the application proposals.

Assessment

Key Issues:

- Principle of development
- Heritage Assets
- Design and Visual Impact
- Access and Parking
- Nature Recovery
- Sustainability

- Parish Council comments
- Equality Act

Principle Of Development

9. Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on Local Planning Authorities to determine planning applications in accordance with the development plan unless there are material reasons to do otherwise. The most relevant policies of the adopted Yorkshire Dales Local Plan (the development plan) are:

L1:	Heritage assets
L2:	Conversion of traditional buildings – acceptable uses
L3:	Conversion of traditional buildings – building treatment
SP1:	Sustainable development
SP4:	Development quality
W1:	Wildlife sites, species and networks
W2:	Biodiversity enhancement
W3:	Protecting trees, walls and hedgerows

10. Policy L2 sets out the acceptable uses for the conversion of traditional buildings, including new dwellings restricted to local occupancy or short term holiday letting in accordance with the criteria set out in appendix 5 of the local plan. This is a conservation policy aimed at preserving those traditional buildings, many agricultural, that contribute to the character of the National Park but only where they meet certain criteria. Policy L3 requires traditional buildings to be capable of conversion without substantial alteration or rebuilding.

11. Parkers Barn is an attractive roadside barn which is also within a small group of other traditionally constructed buildings and dwellings. It therefore meets the locational requirements making it a suitable candidate for high intensity uses such as a dwelling or holiday accommodation. Structurally the building appears sound and capable of conversion with only minimal alterations. As such it is considered that the barn meets the necessary policy requirements of the local plan which establish the principle of the proposed development.

Heritage Assets

12. Policy L1 of the Local Plan considers development affecting heritage assets, including non-designated heritage assets such as traditionally constructed buildings. Policy L2 sets out the acceptable uses for the conversion of traditional buildings, including new dwellings restricted to local occupancy or short term

holiday letting in accordance with the criteria set out in appendix 5 of the Local Plan. Policy L3 requires traditional buildings to be capable of conversion without substantial alteration or rebuilding.

13. Parkers Barn is an attractive roadside barn which forms part of a small group of traditionally constructed buildings. Parkers Cottage, which adjoins the application site to the north, is grade II listed. Parkers Barn forms part of the setting of the listed building but does not form part of the curtilage.

14. The application proposals have been sensitively designed to work with the existing door and window openings both internally and externally. A single new window opening is proposed on the east elevation which is away from the roadside, and two conservation type rooflights are proposed on the south elevation. Internally an existing opening between the main barn and the attached cow byre is proposed to be re-opened and slightly enlarged.

15. In terms of the adjoining listed building the limited nature of the proposed works and the restoration of the exterior of the barn are considered to have a minor positive impact on the significance of the heritage asset through improvements to its wider setting by repair and retention of an adjoining non-designated heritage.

16. Overall the application proposals are considered acceptable in terms of the minimal impact on the significance of the heritage asset, the residential use of the barn, and the limited alterations proposed to the fabric of the traditional building. As such they accord with the requirements of policies L1, L2 and L3 of the adopted Local Plan.

Design And Visual Impact

17. Policy SP1 of the Local Plan sets out a general presumption in favour of sustainable development subject to a number of requirements including making the National Park a high quality place to live and work, and conserving or enhancing the landscape setting through high quality design and landscape planting. Policy SP4 requires proposals to respond positively to context and landscape setting, conserve or enhance the character and appearance of the site and its setting and be of a high design quality that reinforces local distinctiveness.

18. The application proposals are located immediately adjoining Deepdale Lane with the land sloping away to the west. The barn is cut into the slope which means that only the upper part of the west facing gable is prominent when viewed from the lane. A public footpath also runs north east away from the barn on the opposite side of the lane. There are no public footpaths to the west.

19. When approaching the site from the south the barn is read within the context of the wider group of buildings with the south facing roofscape being visible because of the change in levels. on a slope above the lane which runs to the north of the site. Approaching from the north views of the barn are limited by the presence of a hedgerow adjoining the lane, with the gable end of the adjoining Parkers Cottage drawing the eye. The barn only comes into view at a very short distance with the north facing elevation and west facing elevation being prominent. No alterations are proposed to either of these elevations.

20. Native species tree planting is proposed as part of the works, principally along the east boundary of the application site. This will help assimilate the application proposals into the wider landscape setting of the dale. The application proposals are considered to be acceptable from a design and visual impact perspective in accordance with the requirements of the policies SP1 and SP4 of the Local Plan.

Access And Parking

21. Policy SP4 requires development proposals to provide appropriate access and parking provision that does not prejudice highway safety. Vehicular access to the site is via an existing gate which also serves the adjoining property and opens onto Deepdale Lane. Deepdale Lane is a narrow lane providing access between Dent Dale and Ingleton. The national speed limit (60mph) is in force along the lane.

22. Amended plans have been submitted to revise the position of the gate, on the advice of the Highway Authority, in order to improve visibility into and out of the site with splays shown to the north and the south. The Highway Authority has maintained an objection to the amended plans and recommends that a speed survey is carried out to justify the reduced visibility splay.

23. An alternative access arrangement has been submitted positioning it to the north of the barn where there is an existing field access. The location is considered to be more visually prominent as the land dips away from the lane quite steeply in this location and a degree of earthworks would be required to construct a track. This would then wrap around the north and east elevations of the barn impacting on its setting. The Highway Authority has not yet commented on the suitability of this alternative access, but in visual terms it is considered to be a poor alternative to the existing arrangement.

24. The Highway Authority maintains its objection based on applying the technical standards for a road where the national speed limit applies. The applicant is not willing to provide a speed survey which could potentially satisfy the Highway Authority and enable a reduced visibility splay taking account of vehicle speed and the number of vehicles using this stretch of road.

25. A judgement is therefore required as to whether the application should be refused on highway safety grounds, or whether the circumstances on the ground justify approval because highway safety is not so severely compromised as warrant a refusal.

26. This part of Deepdale Lane rises gently past the application site from north to south. It is relatively straight but is narrow and gently undulates. The application site is part of an existing group of dwellings which all have accesses at this point and are all visible to road users approaching from the north and south. Amended plans propose realigning the existing access to Parkers Cottage, which will be shared with the proposed conversion of Parkers Barn, so that it is nearer 90 degrees to the carriageway. The amendments were recommended by the Highway Authority and have been accepted by them. It means that the driver of a car would have a good line of sight of vehicles approaching from the north and vice versa. This would enable the driver to nudge onto the carriageway past the end gable of Parkers Cottage to gain a better view of any vehicles approaching from the south, again and vice versa.

27. Officers have visited the site on two separate occasions. It was observed that the lane was lightly trafficked with very little vehicle movement at all on each occasion. Vehicle speeds were not observed to be excessive. It was also noted that the lane is not wide enough on the approaches to the application site to allow for any overtaking.

28. On careful consideration of the concerns raised by the Highway Authority, the nature of the amendments submitted regarding the existing access, the modest size of the dwelling to be created, observations on site, and in absence of any other data, on balance the danger to highway safety is not considered to be so great as to warrant a recommendation of refusal.

29. Parking provision for two cars can be accommodated within the site and amendments have been made to the layout in order to more discretely accommodate it behind a realigned dry stone wall. Additional tree planting as part of a landscape planting scheme will further screen the parking area.

Nature Recovery

30. Policy W1 requires that adequate protection is afforded to protected species. Policy W2 requires that proposals provide proportionate enhancements to biodiversity relative to the type of development being proposed.

31. The application proposals have been supported by a bat, barn owl and nesting bird survey. The survey doesn’t identify any current or previous use of the building by bats. In addition, the survey finds that there is only moderate potential

for foraging in adjacent habitat. As such it concludes that there is a low potential for use of the building by bats as a transitional or day roost only. This means that there may be a requirement for a bat licence to be required from Natural England and it is recommended that one emergence survey is carried out.

32. Bats are a European Protected Species (EPS). Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010 states the following:

"A competent authority, in exercising any of its functions, must have regard to the Habitats Directive so far as they may be affected by the exercise of those functions."

33. Article 12(1) of the Habitats Directive 2010 sets out a number of prohibitions to protect European protected species (EPS). It prohibits, inter alia, the deliberate disturbance of protected species, particularly during breeding, rearing, hibernation and migration and deterioration or destruction of breeding sites or resting places.

34. Article 16 permits derogation from Article 12 and enables a licence to be granted in certain limited circumstances. These are known as the three derogation tests:

- *The activity is for imperative reasons of overriding public interest or public health and safety;*
- *There is no satisfactory alternative; and*
- *The favourable conservation status of the species must be maintained.*

35. The survey report indicates that bats are not actively using, or have used, the site. The only potential activity may be as a transitional or day roost for which a further emergence survey is recommended as part of a wider mitigation strategy. If a roost is detected then a license would be required from Natural England to disturb or destroy the roost It is appropriate that the Authority considers the likelihood of Natural England granting a licence. The Authority must therefore consider the three derogation tests:

1. *Is the activity for imperative reasons of overriding public interest or public health and safety?* Yes - the proposal involves works necessary to secure the preservation and viable future use of a no-designated heritage asset. As such the building should be protected.

2. *Is there a satisfactory alternative?* No – the alternative would be to allow the building to deteriorate further which would ultimately result in its collapse and loss of the bat roost anyway.

3. *Will the favourable conservation status of the species in its natural range be maintained?* Yes – the scoping survey report points to only the potential for a transitional or day roost, although no evidence for that was found.

36. On the basis of the information submitted it is considered that Natural England is likely to grant a licence in this case. A planning condition can secure the implementation of the mitigation scheme set out in the report.

37. The survey report also found evidence that the application site may be used as an occasional roost for barn owls, but there was no evidence to suggest that it was a regular roosting or nesting site. The barn does have potential for being used by other nesting birds with mitigation proposed in the report. An informative can also be included regarding the potential presence of nesting birds particularly during commencement of construction works.

38. Biodiversity can be enhanced by the planting of native tree species which are proposed as part of the application and can be secured by planning condition. Overall, the application proposals accord with the requirements of policies W1 and W2 of the local plan.

Sustainability

39. The application proposals are for conversion of an existing former agricultural building to a dwelling. The basis for this is for conservation purposes to help maintain the character and cultural identity of the National Park through preservation of those buildings that make a positive contribution to that character and cultural identity. This means that in location terms some of these buildings will form part of small groups of other buildings that are more isolated from local amenities and therefore mean that future occupants are more dependent on less sustainable forms of transport.

40. This is balanced against the provision of additional residential accommodation into the Park which itself can make a small contribution to sustaining local businesses. In addition, modern building and heating techniques will be employed in accordance with the latest standards set out in the building regulations. Overall the application proposals make a modest contribution to sustainable development objectives and help to conserve and enhance the character and cultural identity of the National Park.

Parish Council Comments

41. The Parish Council has objected to the application proposals on the basis that the converted barn will be used for short term holiday letting purposes. The Parish Council has its own policy to object to the development of any new holiday lets with the preference being for such conversions to be for local occupancy purposes only.

42. Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on Local Planning Authorities to determine planning applications in accordance with the development plan unless there are material reasons to do otherwise. The adopted Yorkshire Dales Local Plan allows for qualifying traditionally constructed buildings to be converted for short term holiday letting purposes. Although the concerns of the Parish Council are noted they are not considered to be a material reason sufficient to set aside policy L2 of the local plan.

Equality Act

43. 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.

44. 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

45. The application proposals are considered acceptable in terms of use, treatment of the heritage asset, limited alterations to fabric of the traditional building, visual impact and opportunities for biodiversity enhancement. On balance access and parking arrangements are also considered to be acceptable. The application proposals therefore accord with the policy requirements of the adopted Yorkshire Dales Local Plan (2015-2030).

Recommendation

46. It is recommended that permission is GRANTED subject to a section 106 agreement securing use of the barn for local occupancy, in accordance with the requirements of appendix 5 of the adopted Yorkshire Dales Local Plan, and/or short term holiday letting, and conditions including the following:

- Development to commence within 3 years.

- Approved plans and documents list.
- Permitted development rights removed.
- Materials as specified.
- Window frames to be recessed.
- Conservation rooflights specified.
- Control of external lighting.
- Roofing materials retained and reused.
- Submission of window and door details.
- External pointing details.
- Ecology mitigation measures implemented.
- Unexpected contamination to be reported.
- Approved landscape planting scheme to be implemented.