Planning

20 May 2025

List of Applications for Permission to Develop

Attached to this report are details of applications for permission to develop, together with Officers' recommendations.

For Members' information:

1. The plans and information submitted with each application, together with consultee and neighbour/interested party responses are available to Members and the public on the Authority's website.

2. Late representations will be available on the Authority's website after 5.30pm on the Friday before the Committee meeting.

3. The time period for responses to consultations/publicity carried out on individual applications may not have expired before the date of the Committee meeting. Any responses received after the meeting will be taken into account in drafting conditions/reasons for refusal. If such responses received within the specified period are contrary to the Committee's resolution and raise new matters, the application will be presented for reconsideration by the Planning Committee at a future meeting.

4. All applications that are recommended for approval will have the appropriate time limit conditions attached, to comply with Sections 91-94 of the Town and Country Planning Act 1990.

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Richard Graham
Head of Development Management

Background documents:
Some or all of the following comprise the list of background papers unless they contain Exempt Information:

- Application forms, plans, covering letter, and certificates.
- Other material submitted with the application.
- Further correspondence with the applicant/agent.
- Details of consultation and neighbour notification.
- Consultation replies.
- Other representations received.
- Site notes.

Yorkshire Dales National Park Authority **Item 6**

Planning

20 May 2025

List of Applications for Permission to Develop

Index of Applications

LIST NO	PARISH	APPLICATION NO	APPLICANT(S)	LOCATION
1	Hawes	R/56/139E	West Shaw Farm Ltd	West Shaw Farm, Beggarmans Road, Gayle, Hawes, North Yorkshire, DL8 3SF
2	Bainbridge	R/52/243A	Mr J Reed	Thorns Farm, Marsett Lane, Countersett, DL8 3DE
3	Dent	S/01/352A	Mr D Oversby & Ms Z Jackson	Low Hall Farm Barn (GR:370879,487266), Hall Lane, Dent
4	Sedbergh	S/03/770	Mr J & Ms T Roberts	Main Street Gallery, 25 Main Street, Sedbergh, LA10 5BN
5	Tebay	E/15/9B	New Roots Holding Company Ltd	Brockholes Farm, Tebay, Penrith, CA10 3XT

Yorkshire Dales National Park Authority

Planning Committee

20 May 2025

Applicant West Shaw Farm Ltd

Parish Hawes

Officer Nicola Dinsdale

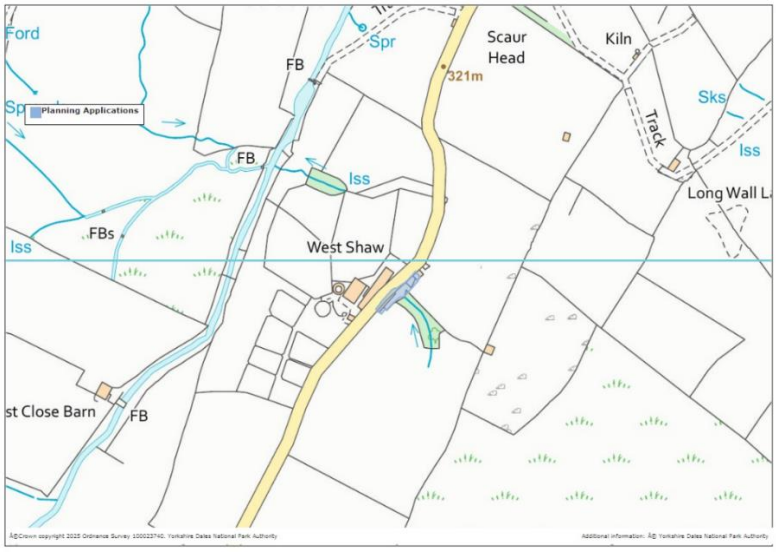
Application No R/56/139E

Site Address West Shaw Farm, Beggarmans Road, Gayle, Hawes, North Yorkshire, DL8 3SF

Proposal Full planning permission for conversion of redundant agricultural building to local occupancy house/holiday let, together with installation of package sewage treatment plant (amended red site).

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 the Committee for the following reason: in the opinion of the Head of Development Management it is in the best interests of the National Park Authority that the application is considered by the Committee.

Application Site

3. West Shaw Farm is located on Beggarmans Lane to the south of Gayle. The former farmstead, positioned on both sides of the minor road, consists of the farmhouse, stone barns, modern sheds used for stabling and is established as a stud farm. This application relates to the large traditional barn set on the south side of the road opposite the main farmstead. The building has a stone lean-to with corrugated tin roof attached to the southwest gable, with a small lean-to to the northeast largely covered with corrugated tin and abuts a former milk stand.

4. The barn has a large cart door opening and several existing openings facing the north, which open onto the highway, with several openings to the rear that would overlook a small enclosed unsurfaced walled yard area. The access and parking area has been amended and is now positioned to the northeast of the building within the confines of the existing yard area. The land to the south rises steeply within the allotment behind and continues upwards towards the open access land of Wether Fell.

Proposal

5. This application seeks planning permission for the conversion of the barn to form a dwellinghouse for local occupancy and short stay holiday lets. The existing openings are to be largely used with some alterations to the openings within the rear (southeast) elevation, along with the installation of rooflights. The large opening will be fitted with glazing that will be deeply recessed within the stone reveals. The lean-to attached to the southwest gable elevation will be retained utilising the exsiting openings with the roof completed in slate to match the main building. The northeast lean-to will be retained and will be partially walled and will be finished with timber boarding fronting the highway and covered with a matching slate roof. The garden will be enclosed by the existing boundary wall, with a new boundary wall to the east.

6. The converison will be served by a new package treatement plant that will be installed within the land directly to the southeast of the site.

Relevant Planning History

7. The following applications are relevant:

R/56/139B Full planning permission for change of use of cattle building to stables, installation of a horse walker on land adjacent to the building and change of use land to equestrian use. Approved - Conditional 09/07/2019.

Consultations

8. The comments of statutory and non-statutory consultees are summarised below:
Head of Visitor Services No response received.

Chief Technical Officer No response received.

Wildlife Conservation Officer No objection. The barn has been assessed as having moderate suitability to support bats because there were features present with potential to provide roosting opportunities for bats. A habitat assessment by Wold Ecology Ltd concludes that habitats adjacent to the barn are only likely to be used occasionally by commuting and foraging bats. Bat roosts are protected throughout the year whether bats are present or not. There was no evidence of Barn owls, Tyto alba roosting in the barn, with no further surveys recommended.

Natural England Development Licence required prior to building works on the barn. The mitigation and compensation measures set out in 7.0 in the Bat Report (14/9/2023) are recommended.

Fire Officer No objection. The North Yorkshire Police, Fire and Crime Commissioner Fire and Rescue Authority will make further comment in relation to the suitability of proposed fire safety measures at the time when the building control body submit a statutory Building Regulations consultation to the Fire Authority.

Environmental Health Concern regarding the potential for contaminated land, and suggest a Contaminated Land Condition as the application introduces a vulnerable end use as a residential dwelling. Therefore, the applicant must submit an up-to-date Screening Assessment Form (SAF V12.2 July 2023) to the LPA for consideration and approval prior to any works commencing.

Highways – Objection: “The design standard for the site is DMRB and the required visibility splay is 2.4 metres by 215 metres. The available visibility is well below the required standard.

Consequently, the Local Highway Authority recommends that Planning Permission is REFUSED because the existing access, by which vehicles associated with this proposal would leave and re-join the County Highway is unsatisfactory since the required visibility of 2.4 metres x 215 metres cannot be achieved at the junction with the County Highway and therefore, in the opinion of the Planning Authority, the intensification of use which would result from the proposed development is unacceptable in terms of highway safety.”

Hawes & High Abbotside PC **"**The Council discussed this application and whilst there are no objections to the build concerns were raised regarding parking as the access is very narrow and is off a very fast road where there has been an accident recently.

Following further consultation, the Parish Council noted that the proposed vehicle access to the property has been amended but the Council still has concerns regarding traffic accessing the property from the very narrow road."

Trees & Woodlands No objection. The development site is adjacent to an isolated pocket of mature broadleaved woodland (to the south west of the site) that appears on the 1856 historical maps. This is an important habitat within the landscape and needs to be protected; the proposed works and associated utilities should not impact the woodland. A protective fence, in line with BS 5837:2012 needs to be installed before any works commence, to ensure no inadvertent damage to the trees that border the property, and this needs to be marked on the plans accordingly.

Public Responses

Public responses received at the time of writing: 1

9. This planning application has been advertised by site notice dated 25th April 2023 and re advertised by site notice dated 30th March 2025. One public response has been received from Richmondshire Ramblers requesting any adjacent footpaths are kept clear and usable at all times.

Assessment

Key Issues**:**

- Principle of development
- Design and Impact on the Locality
- Highways
- Ecology and Biodiversity Enhancement
- Parish Council comments
- Equality Act

Principle of Development

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 has the capacity to absorb them.

11. Policy L1 considers development affecting heritage assets. Proposals affecting undesignated heritage assets will be permitted where their significance will be

conserved. Where harm or loss results, applicants should demonstrate that reasonable efforts have been made to minimise harm and make provision for suitable recording prior to the development taking place. The barn is not listed but is considered to be a non-designated heritage asset under the terms of this policy.

12. Policy L2 allows traditional buildings to be changed to local occupancy residential, short-stay holiday lets and employment uses in certain locations (in existing settlements, building groups, or suitable roadside locations). The barn forms part of a group of traditional buildings. Under the terms of this policy, the barn is suitable for conversion in accordance with the locational requirements subject to a S106 legal agreement securing the use as local occupancy or short stay holiday let.

13. 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 and its landscape setting. The building must have the physical capacity to accommodate the new use without significant extension or alteration or requiring new ancillary buildings. The barn benefits from several existing openings, including a large carthorse door, with some alterations to the existing openings at the rear of the building to provide additional daylight to the first floor. The lean-to extensions are to be retained and the northern lean-to partially clad with timber. The windows and cart doorway will be fitted with glazing that will be deeply recessed.

14. The garden area will be set to the rear of the building with the parking to within the walled yard area to the south and will provide parking for two cars. The new openings are limited to a relatively modest scale and no extensions are proposed and will not materially affect the setting of the building.

Design and Impact on the Locality

15. The proposal has been amended from the original to position the access and parking to the north side of the building. The principal elevation fronting the highway is largely retained in its current form, with the retention and re-use of the existing openings, with the lean-to on either side retained. Some minor alterations are proposed to be undertaken to two of the openings located to the rear of the building. The lean-to on the northwest side will be part clad in timber boarding that will front the highway, to replicate the existing lightweight structure. The milk stand will be retained, contributing to the building's historic character. The openings will be competed with deeply recessed glazed units to help maintain the building's traditional character and the readability of its former agricultural use.

16. The original access, parking, and garden area to the southwest of the barn was situated on the rising land and would have been highly visible within the open and highly visible open pastureland. In this location, the existing ground levels within the field are above the level of the highway and are almost as high as the enclosing drystone boundary wall. The extensive excavation work, and engineering operations required to level the land, create an access, surfacing and to install a retaining wall,

would have completely changed the character and appearance of the traditional farmstead, especially as seen in views on the approach from Fleet Moss and Oughtershaw.

17. The amended proposal re-uses the existing yard and sheep fold as the access parking and turning area surfaced in aggregate. The yard area is enclosed by a drystone boundary wall fronting the highway. The area is currently redundant with surfacing in a poor condition. A small, dilapidated building is positioned directly to the north with a group of native trees positioned to the east on the rising land just outside the site. The proposed parking and turning area, although visible in public views, will be partially screened by the existing buildings and will be seen in context with the existing buildings, trees and rising land levels and as such will not have an undue impact on the character and appearance of the traditional building or its setting and is consistent with Local Plan policy L1, L2 and L3.

Highways

18. Paragraph 115 of the National Planning Policy Framework (2024) relates to transport and highways and specifies that in assessing sites that may be allocated for development, or specific applications for development, it should be ensured that a safe and suitable access can be achieved for all users and adds further at d) that any significant impacts from the development on the transport network or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach. In addition, at Paragraph 116, 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

19. The Highway Authority has recommended that permission be refused as the required visibility splays at which vehicles would leave and re-join the highway is unsatisfactory. Beggarman's Road is a classified road (C23/1/95) which has a national speed limit of 60mph, requiring visibility of 2.4 metres x 215 metres in both directions, which cannot be achieved.

20. The actual visibility at the proposed access is estimated to be at approximately 55 metres in the northernly direction towards Gayle where the road rises steadily enabling views of oncoming traffic above the height of the wall. The visibility to the south is restricted by the building itself and is estimated to be at approximately 25 metres. As this point the road is a single lane with no passing places. The road narrows as it passes between the buildings of West Shaw Farm and is estimated to have an approximate width of 4.5 metres at this point.

21. Although it is likely that vehicles will need to edge out gradually to obtain visibility, due the narrow and winding nature of the road and the close proximity of the buildings, the speed of approaching vehicles will typically be well below the national speed limit. Although the Highway Authority has raised concerns in relation to the use of the access and highway safety, in this case, due to the road conditions, it is

considered that the introduction of the four-bedroom dwelling, affording two parking spaces, will not result in a significant rise in the number of vehicular movements to and from the access. On balance the proposed development and increased use of the access, is unlikely to have a significant impact on highway safety and is considered to be acceptable in accordance with Local Plan policy SP4.

Ecology and Biodiversity Enhancement

22. Policy W1 relates to wildlife sites, species and networks and aims to protect the most important habitats and species found in the National Park, to halt the decline in biodiversity and to establish more resilient ecological networks.

23. This application is supported by a Bat Survey by Wold Ecology Ltd. The report identified that a bat roost was present within a gap in the building's stonework on the southwest corner. The barn supports a common pipistrelle day roost and is considered to have a moderate suitability to support further bats but is unlikely to support a maternity roost. A development licence will be required for any works that will disturb, modify, or permanently lose the roost from Natural England. The Survey contains mitigation and compensation measures, including procedures and timings of works, new roost creation and the introduction of bird and bat boxes.

24. Under the requirements of the Conservation of Habitats and Species Regulations 2017 it is a criminal offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a licence from Natural England. Natural England will only grant such licences if they are satisfied that the requirements of Article 16 of the Directive are met.

25. Where European protected species may be affected the Conservation of habitats and Species Regulations 2017 requires all Local Planning Authorities to exercise their functions in compliance with the requirements of the Habitats Directive.

26. It is important that planning decisions are reached in a manner that takes into account of and is consistent with the Directive's requirements. Those requirements include a system of strict protection for European protected species, with derogations from this strict protection being allowed only in certain limited circumstances and subject to certain tests being met. These tests are set out under Regulation 55 of the Regulations and in particular the three tests set out in sub-paragraph (2)(e), (9)(a) and (9)(b). The Local Planning Authority, in considering applications that affect European protected species, must undertake an assessment of the proposals against these tests. The proposal has therefore been assessed against the three tests and the results of the assessment are outlined below.

    1. Regulation 55(2) (e) – the proposed development must meet a purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment.

The proposal is for the conversion of the traditional barn to create a dwellinghouse. The proposed works are necessary to secure the buildings preservation and will maintain the long-term stability of the building, which contributes to the cultural heritage of the area.

2. Regulation 55(9)(a) – there is no satisfactory alternative.

   The works are considered necessary for the restoration and improvement of the existing building. There are no satisfactory alternatives. Without the works it is likely that without a suitable use and restoration that the building would deteriorate which ultimately would result in the buildings eventual collapse and the loss of the bat roosting potential.

3. Regulation 55(9)(b) – the action authorised will not be detrimental to the population of the species concerned at a favourable conservation status in their natural range.

   The Bat Survey by Wold Ecology Ltd has provided an onsite mitigation strategy by providing a bat tubes and bat boxes, working methods and the works programmed to ensure that roosting opportunities are available throughout the development. The mitigation measures detail new roost creation, and the installation of bat tubes and bat boxes. Provided the mitigation and compensation outlined within section 7 of the bat survey are strictly adhered to, then the conservation status of the local bat populations should not be affected by this development.

27. A licence will be required from Natural England to derogate from the relevant wildlife legislations and lawfully proceed with the conversion works to the building.

28. The Wildlife Conservation team has no objection to the proposal provided that the mitigation and compensation measures set out in chapter 7 of the bat report is adhered to, along with the installation of an additional two bat tubes, bat boxes and swift and swallow boxes as recommended in chapter 8.5 of the bat survey report.

29. The WCO has also noted that the are White Clawed Crayfish in the vicinity. The applicant is advised that these are protected species and should ensure that no pollution incidents will affect the white clawed crayfish populations. An informative note is to be added to the decision advising the applicant of their requirements to check for birds and bats prior to starting work. It is therefore considered that the proposal meets the requirements of Local Plan policy W1 and W2.

Parish Council Comments

30. Hawes Parish Council initial comments were that whilst there are no objections to the development, concerns were raised regarding parking as the access is very narrow and is off a very fast road where there has been an accident recently. The

Parish Council has commented further on the amended parking and access that they still have concerns regarding traffic accessing the property from the very narrow road.

Equality Act

31. 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.

32. 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

33. The proposed conversion of the building to a residential use is acceptable in accordance with Local Plan policy L2. The alterations to the barn and garden are relatively minor and would not harm the character and appearance of the building or its landscape setting. The access and highway concerns have been considered however it is considered that traffic approaching this narrow section of road with buildings on either side and limited visibility will be cautious and speeds likely to be low. As such it is considered that the proposed access and visibility is acceptable. The wildlife Conservation status of the local bat populations has been assessed and tree protection measures and biodiversity enhancements can be secured by condition. Subject to a S106 legal agreement securing local occupancy and short stay holiday let uses, the proposal is consistent with policies L1, L2, L3, SP4, W1, W2 and W3 of the Yorkshire Dales Local Plan (2015-2030) and the NPPF.

Recommendation

34. It is recommended that permission is GRANTED subject to a S106 legal agreement to secure a local occupancy restriction or short term holiday letting use only and conditions including the following:

Time Limit 3 years
Accordance with the approved plans and details
Materials - roof slate, lintels, sills, jambs, timber windows deeply recessed.
Conservation roof lights, rainwater goods, pointing.
No demolition, rebuilding, sand blasting
Ecology mitigation
Removal of permitted development rights
Contaminated land condition
Informative re white clawed crayfish

Yorkshire Dales National Park Authority

Planning Committee

20 May 2025

Applicant Mr Jonathan Reed

Parish Bainbridge

Officer Katie Towner

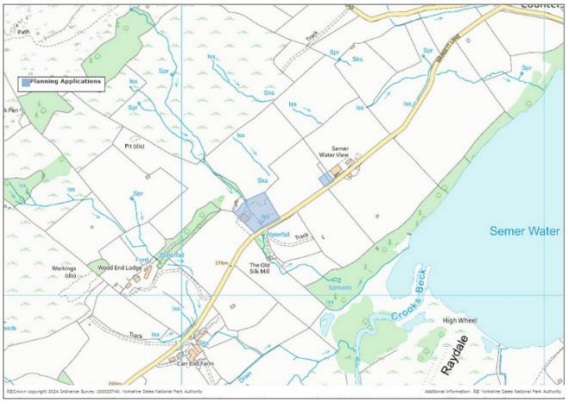
Application No R/52/243A

Site Address Thorns Farm, Marsett Lane, Countersett, DL8 3DE

Proposal Full planning permission for works comprising: conversion of two existing conjoined agricultural buildings for use for the purposes of gallery/studio for craft, art and cultural events by invitation; erection of two new buildings that contain a workshop, a staff accommodation unit (2 bed) and three short stay visitor accommodation units (each 2 bed); landscaping works, biodiversity enhancements, access alterations and car parking, all in association with the gallery/studio enterprise, (part-retrospective)

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: this type of application is not within the scope of the powers delegated to the Head of Development Management.

Application Site

3. The main development area is a former farm complex on the north side of Semerwater on Marsett Lane. A public footpath runs through the centre of the site and continues northwards on its way towards the Cam High Road. Work has already been undertaken by way of the modification and conversion of two adjoined agricultural sheds, access works, laying of hard-surfacing, and landscaping including in the vicinity of the watercourse.

4. The second area is a corner of an existing agricultural field to the west in the vicinity of a field access on Marsett Lane. This is 200 metres from the access to the main development area. This site is undeveloped with a belt of tree planting along the north eastern boundary.

Proposal

5. Full planning permission for works comprising:

    - conversion of two existing agricultural buildings for use for the purposes of gallery/studio for craft, art and cultural events by invitation;
    - a new building containing a workshop with 1no. 2 bedroom staff apartment and 1no. 2 bedroom self-contained guest accommodation;
    - a new building containing 2no. 2 bedroom self-contained guest accommodation;
    - an enclosed car park with 13 spaces, and 1 disabled space located 200 metres east of the main development area, and access alterations at both sites;
    - landscaping works comprising tree planting, re-seeding, some ground re-modelling at the rear of the main development area, pathways, oil tank & bin enclosure, and a drop off area.

6. The applicant's home is Wood End in Raydale (200 metres further south from the application site, along Marsett Lane). The emphasis of the current enterprise is environmental landscape management and a modest stock of organically raised sheep and shorthorn cattle. The applicant, by profession, is an internationally renowned interior designer and architect, and the business vision is to create a venue for arts, culture and design centred on Thorns Farm and the wider Wood End Estate. It is intended to show works of artists and craft persons that make work inspired by the surrounding natural environment, and as such would include

opportunities for artists to reside on site and make work that responds to the local environment. Their work would be shown in the gallery space. The design studio would employ 2-3 people involved in private residential projects and allowing visiting clients to “immerse themselves in the design/conservation led environment”. Seasonal events would also be held within the gallery space for collaboration between local producers and visiting chefs. The visitor accommodation would be high end, tied to the business, and would be used for visiting clients and artists, but also for general short stay accommodation to provide a regular income, to bolster the fluctuating income of the main business vision.

Relevant Planning History

7. The following applications are relevant:

R/52/243 Hybrid planning application consisting of: Full planning permission for redevelopment of two farm buildings (A+B) to form gallery/studio space; construction of workshop/storage building (C) with staff accommodation above; construction of building (D) to provide 2 no. two-bedroom cottages for visitor accommodation; provision of parking area and: Outline planning permission for conversion of field barn 1 to artist studio accommodation; redevelopment of the Boat House to visitor accommodation; construction of dwelling on site of Thorns Farm (E); renovation/re-roofing of field barn 3 and provision of services to field barn 2 for agricultural use. Withdrawn 11/05/2022

Consultations

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

Highways No comments received

Bainbridge Parish Council No comments received

Head of Visitor Services No comments received

Area Ranger (Lower Wensleydale) “The proposed development at the Thorns site would directly affect public right of way number 20.81/40 (footpath) which runs through the former farm yard area (see map sent via email). The location of proposed Barn C (Storage Workshop) and one of the proposed tree planting areas would be over the line of public right of way number 20.81/40. The public right of way would have to be legally diverted through a diversion order at the applicant’s cost prior to granting planning consent or any construction works commencing. The Rights of Way Officer and myself can provide further information, if required and have met the applicant on site to discuss the diversion procedure. In the meantime, the line of the public right of way must remain unobstructed and available for use by the public.”

Trees & Woodlands On the proposed tree plan there is a vehicle drop off area shown directly adjacent to an existing tree. The construction of this needs to be very carefully

thought about to prevent future impacts on the tree. A 'no dig' solution with permeable surfacing is recommended along with details of the proposed orchard and successional planting

Wildlife Conservation Officer Proposal represents an improvement in terms of what has happened in the past with effluent from animal waste at Thorns Farm washing directly into a stream feeding Semer Water.

Email dated 25 June 2024 stated Drawing No. THN-P-107 (dated '24 06 14') shows the outflow from the sewage treatment plant discharging into a drainage field that is separated by at least 50 metres from the stream and indicates tree/shrub planting between the drainage field and the stream. It may be anticipated that the planting should help buffer the stream from nutrient enrichment. The proposals (with the discharge to a drainage field and not into the stream) are not likely to lead to harmful nutrient enrichment of the SSSI.

Final comments on 26 July 2024 stated that to overcome the wildlife conservation team objections, the applicant has opted for a package treatment plant with the outflow into the field as opposed to the original proposal of the discharge being into a stream flowing into the tarn. The change appears acceptable in that it removes the pathway that could have led to pollution of the lake. It is important to ensure the buffer between the drainage field zone and watercourse is maintained with vegetation that would tend to impede flows of water out of the drainage field zone to the watercourse. This could be rough grass but some tree/shrub planting eg willows, would be at least as effective if not more.

Fire Officer No objection/observation. The North Yorkshire Police, Fire and Crime Commissioner Fire and Rescue Authority will make further comment in relation to the suitability of proposed fire safety measures at the time when the building control body submit a statutory Building Regulations consultation to the Fire Authority.

Environmental Health No objection in principle. A condition is recommended requiring a preliminary risk assessment (Phase 1 contaminated land desk study). Also, a Construction Environment Management Plan is recommended to dove-tail with the Phase 1 study. Informative notes are also recommended in respect of the importation of soil, radon protection and the need to liaise with Environmental Health and Building Control for rules of sewage disposal systems.

Public Responses

Public responses received at the time of writing: 3

9. The application was advertised by site notice on 18 December 2023. Three objections have been received (one of these from Friends of the Dales), raising the following points:
    - The work carried out to date is more than a conversion

- The proposal is not in character with the area.
- Design concerns in respect of the large, glazed window
- Staff housing and guest accommodation would harm local employment opportunities
- Concern about part-retrospective nature of the development
- Concern over trespass on separately owned land to access the lake
- Increase in traffic if opened up to the public in future
- Impact on biodiversity and tranquility
- A new building for visitor accommodation is tantamount to a new dwelling in the countryside

Assessment

Key Issues:

- Principle of development
- Landscape and Visual Impact
- Nature Recovery
- Sustainability
- Parish Council comments
- Equality Act

Principle of development

10. The statutory purposes of National Parks are set out in Section 61 of the Environment Act 1995. They are, to conserve and enhance the natural beauty, wildlife and cultural heritage of National Parks; and to promote opportunities for the understanding and enjoyment of the special qualities of the National Park, by the public. In section 62(1) of the Act, the Authority has a duty to seek to foster the economic and social well-being of local communities with the National Park. Section 245 of the Levelling Up and Regeneration Act 2023 requires the Authority to further National Park purposes in exercising or performing any function, where this will affect land in the National Park.

11. 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 development plan for this area is the adopted Yorkshire Dales National Park Local Plan (the development plan). The most relevant policies are:
    - SP2: National Park purposes
    - SP3: Spatial strategy
    - SP4: Development quality
    - BE1: Business development sites
    - BE2: Rural land-based enterprises
    - BE3: Re-use of modern buildings

- C3: Rural worker housing
- T4: Visitor facilities
- T5: Indoor visitor facilities
- W1: Wildlife sites, species, and networks
- W2: Biodiversity enhancement

12. Policy SP2 sets out the statutory purpose of the National Park, of:
    a) Conserving and enhancing natural beauty, wildlife, and cultural heritage
    b) Promoting opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.

13. Policy SP3 seeks to direct development to the most sustainable locations unless there is special justification for it to be located elsewhere, whilst SP4 ensures design is high quality and avoids harmful impacts. Policy C3 aims to safeguard the countryside by preventing avoidable housebuilding outside towns and villages.

14. The business and employment policies support development of new 'low impact' business to encourage high quality jobs for young adults of working age, and support growth and diversification of rural land-based businesses that help to maintain the special qualities of the National Park and make better use of existing buildings for appropriate employment and business purposes.

15. The tourism policies support and encourage development that will help make the National Park a leading sustainable tourism destination, renowned for its local distinctiveness, improves the quality and variety of visitor accommodation, and improves the quality and variety of visitor facilities that extend the tourism season.

16. The National Planning Policy Framework attaches great weight to conserving and enhancing landscape and scenic beauty of National Parks (para 189). It supports the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed beautiful buildings and supports sustainable rural tourism and leisure developments which respect the character of the countryside (para 88). It recognises that some sites may be beyond existing settlements in areas not well served by public transport and in these cases, development should be sensitive to its surroundings, has an acceptable impact on local roads and exploits opportunity for more sustainability (para 89).

17. Objective E2 of The National Park Management Plan is to improve the quality, variety and marketing of the tourism 'offer' to encourage more visitors in the quieter months.

18. The proposal comprises the conversion of two buildings and the construction of two further buildings. Whilst the uses of each building are clearly defined, the scheme as a whole does not fit neatly into the provisions of a single Local Plan policy. The proposals also sit in the context of the wider land ownership of Wood End Estate. There has been an ongoing renovation project utilising traditional methods and

materials throughout. The listed building at Wood End has been sensitively restored, 1.2km of drystone walling has been repaired and rebuilt, 32 gate holes rebuilt and new timber gates and posts installed and the clearance of tons of waste, plastic and machinery left on the land by previous tenants. The Design and Access Statement refers to a wider aim of planting up to 150 acres of woodland grazing and to create corridors of scrub planting to connect various habitats. As well as creating pockets of species-specific habitat for Black Grouse, a small herd of native shorthorns graze on the moorland for the benefit of ground nesting birds and plant biodiversity. The cutting of silage has stopped as has spreading of muck on the low lying fields, to protect and enhance the species rich wildflower meadows

19. A business vision statement has been submitted to support the application which sets out the intention for the Wood End Estate to deliver sustainable landscape management, the creation of tourism opportunities and the development of a venue for the pursuit of arts, crafts and making. The proposals as a whole find support from the principles in Policy BE2 where diversification of existing land based enterprises will be permitted where they assist the viability and beneficial aspects of land management. Whilst some of the wider proposals for the Estate fall outside the scope of this application, and a viability assessment has not been requested, the recent investment in land and buildings is evident. The application proposals would support the viability of the restoration work ongoing on the estate in general, in accordance with Policy BE2.

20. The application is part retrospective as the existing buildings on the site have already been renovated. The application documents note that the existing barns were in poor structural condition and work was required to ensure the ongoing usefulness of the structure. The D&A Statement shows an agricultural building in poor state of repair. The stone barn was rebuilt using stone recovered from the site and the steel frame building was reclad. The buildings have been repurposed internally, with the creation of an open display space within the context of the agricultural and rural appearance. The reuse of the modern agricultural buildings for gallery and studio space meets with the requirements of Policy BE2 in providing a business and employment use. It complies with the criteria of that policy by :

- Being surplus to the requirements of the agricultural business, with traditional barns being used for animals elsewhere. Its repurposing does not result in the need for another building.
- Appearing appropriate in the surroundings, with the scale and massing of the agricultural buildings retained and mixing contemporary and traditional materials in a sensitive manner
- There is no additional external storage
- Parking is redirected to a less sensitive part of the site and whilst there will be activity from the proposed use it is not more than an agricultural use of the barns
- The proposal complies with SP4 as set out elsewhere in the report.

21. The proposed Gallery and studio space contained in Buildings A and B provide indoor visitor facilities as supported by Policy T5 of the Local Plan. The visitor attraction would be unique in attracting visitors to a design and conservation led environment. Whilst comprising a stand alone facility, the gallery would enable the wider diversification of the estate and contribute to the enjoyment of the National Park through art.

22. Building C is to be used as a workshop on the ground floor, together with a two bedroom staff accommodation unit above and a two bedroom visitor unit. The application documents describe the proposed new workshop and accommodation as an integral part of an overall wider vision for the tourism-related business and the provision of this additional building is intrinsic to the gallery/studio function. It will enable the day-to-day running of the gallery, studio and holiday let accommodation.

23. Building D provides two further units designed to accommodate visitors. On their own, they would not comply with Local Plan policy. However, there is a recognition that the proposed self-catering visitor accommodation does support the overall diversification of uses which brings wider benefits to the local area.

24. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Whilst having policy support for some elements, not all aspects of the uses proposed on the site fit neatly into the Local Plan policies. However, taking the Local Plan as a whole, it is considered that there are sufficient grounds for the application to be considered favourably. Policy SP1 states that the Authority will presume in favour of development which is sustainable, including where it makes the National Park a high quality place to live and work, contributes positively to the built environment, conserves or enhances the landscape character through use of high quality design, improves biodiversity, and conserves and enhances the historic environment. The development does achieve these objectives and potentially provides a world class facility in the National Park setting. In accordance with SP2, the provision of a tranquil space to enjoy world class art inspired by the National Park, together with the creation of a sustainable environment does further the purposes of the National Park.

25. On balance, officers consider that the proposals do not conflict with the objectives of the Management Plan and the strategy of the Local Plan taken as a whole.

Landscape and Visual Impact

26. Policy SP4 requires all new development to be of a high quality design, which reflects local distinctiveness. The reuse of the existing buildings has already been implemented and the resulting scheme shows an understanding of the principles of traditional design while integrating contemporary and traditional materials. The

character of the agricultural context is retained in the scale and massing of the buildings. The design is of a high quality in a sensitive rural context.

27. The application proposal will add Buildings C and D to create a courtyard around the water channel. These buildings will follow the scale and design principles set by the original buildings on the site.

28. In terms of the impact on the landscape, the site is already screened by gradient and mature trees. The application includes additional tree planting, mimicking the nearby species and including Alder, thorns and a mix of beech and sycamore. The parking is set away from the buildings to reduce the impact of both cars and activity on the landscape. The proposals integrate well into the site and the surrounding context, in accordance with Policy SP4.

Sustainability

29. The proposal includes a drainage strategy which has been discussed in full with the Wildlife Team who have given their support. Foul drainage at Thorns will be dealt with by a Package Treatment Plan (PTP) to discharge into a drainage field on the site. There should be no detrimental effect to the SSSI. The site is not within a nutrient neutrality area, but Natural England (NE) requested nutrient neutrality on this site to mitigate any negative downstream impacts on the degraded Semerwater SSSI. The drainage scheme will be controlled by condition. The proposal has also stopped negative farming practices that were harming the SSSI and the applicant's ecologist identified significant ecological improvements in the stream that runs through the site.

Nature Recovery

30. The application was validated in 2023 and there is no requirement for Biodiversity Net Gain. However, the application is supported by an Ecological Appraisal. There are no statutory protected sites which are connected to the site such that site development would directly affect them.

31. Semer Water SSSI to the south is connected to the site by a stream through the site. The report notes that the proposal represents an improvement through the removal of the previous use where the stream was subject to effluent flow from the farm buildings, sileage clamp and sheep handling/treatment pens to the North of the site. These now no longer exist as potential threats to the streams ecology.

32. These factors together with the additional planting represent biodiversity enhancement in accordance with Policy W2.

Parish Council Comments

33. The Parish Council were consulted and have not made comment.

Equality Act

34. 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.

35. 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

36. The proposal provides a unique visitor facility within a complex of buildings of high quality design. Whilst some elements (the staff and visitor accommodation) would conflict with policy on their own, it is considered that significant weight can be accorded to the overall proposal and business vision of which these elements are an integral and dependent part as it will result in a range of benefits including economic growth, the renovation of buildings and support for the land management of the wider estate consistent with National Park purposes and objectives. The access and parking arrangements are acceptable and there are no neighbour amenity issues. Renewable energy and suitable drainage can be secured through conditions.

Recommendation

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

- Standard time limit
- The development hereby permitted shall not be carried out otherwise than in conformity with the plans and documents submitted as part of the planning application.
- The holiday let accommodation hereby permitted shall only be occupied for the purposes of short-term holiday letting accommodation, and shall not be occupied by any one individual, family or group for a period exceeding eight weeks in any three month period.
- The owner/occupier shall maintain an up-to-date register of the name of all occupiers of the residential accommodation and their home address and shall make this register available to the Local Planning Authority within 14 days of receipt of written request.
- The staff accommodation and short-stay holiday let accommodation hereby permitted shall remain ancillary to the Thorns Farm indoor tourism facility and

shall not be sold off or occupied independently of the Thorns Farm tourism facilities that are the subject of this planning application.

- The provision of a Package Treatment Plant (PTP) with tertiary treatment for phosphates
- Contaminated Land – an assessment of the risks from contamination on site to be undertaken and submitted for approval. If contamination is found or suspected at any time during development that was not previously identified all works shall cease and the local planning authority shall be notified. Where remediation is necessary a scheme for the remediation of any contamination shall be submitted and approved by the LPA before any further development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the local planning authority.
- Dark Skies conditions

Informatives

Possible Private Water Supply
Septic Tank/Package Treatment Plant
Radon Protection

Yorkshire Dales National Park Authority

Planning Committee

20 May 2025

Applicant Mr D Oversby & Ms Z Jackson

Parish Dent

Officer David Jones

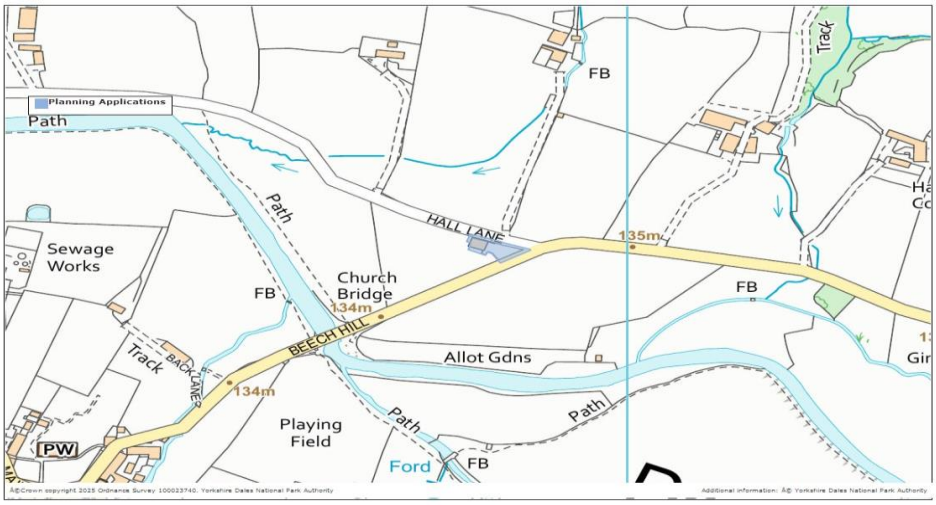
Application No S/01/352A

Site Address Low Hall Farm Barn (GR:370879,487266), Hall Lane, Dent

Proposal Full planning permission for demolition and reconstruction of a 20th century field barn to provide new build local occupancy accommodation for the applicants

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 the 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 comprises an agricultural building, together with an existing area of compacted ground to its north, which is open along the highway boundary, a narrow strip of land adjacent to its south and west, and an enclosure of land to its east. The total area of the site is 0.08 hectares.

4. The building is parallel to Hall Lane, an unclassified road, and the site extends to the junction of Hall Lane and the C-class road that leads up Dentdale from the village of Dale, which is approximately 350 metres to the southwest of the site. The main group of buildings at Low Hall Farm are approximately 400m to the northwest.

5. The site is approximately 140 metres to the northeast of the River Dee. No part of the site is situated within flood zones 2 or 3.

6. The building comprises a central part that is the equivalent to two storeys in height, and its upper storey walls and roof are constructed with metal sheets, that have a varied rusted patina. There are two single-storey elements to the building, to the rear and to the east side. Other than the metal sheeting, the building is constructed of a variety of materials, including brick, blockwork, render, and non-metal sheeting. It is understood that the construction is entirely 20th Century. Close to the east side of the building is an electricity pole.

7. The site is currently vacant. The application form states that the last use of the building was for housing livestock and storing feed. The separate enclosure to the east of the building does not appear to have been grazed or mown for some time.

Proposal

8. The application seeks full planning permission for the demolition of the existing building, followed by the erection of a detached dwellinghouse. The accommodation would provide a total of three bedrooms – one on the ground floor and two on the first floor.

9. The position, footprint, height and form of the proposed dwelling would mimic that of the existing agricultural building, including having a central two-storey element with

single-storey rear and side elements. The proposed external materials are lower storey walls of local stone, while the upper storey walls and the roofs would be profile metal sheeting in ‘Van Dyke’ brown.

10. All elevations would feature fenestration of a modern, slim-line design, including on the upper storey on the north, west and south elevation. Solar panels are proposed to be fitted on the south-facing roof slope of the rear single-storey element.

11. The scheme includes native species planting on the site, and the new dwelling would have a bat box installed on the west elevation and a bird box fitted the south elevation.

12. The proposal would involve a change of use of the site to form the curtilage of the new dwelling, with associated development within this curtilage, including the installation of a package treatment plant, a new stone boundary wall incorporating a bin store, permeable parking area and a stone flag patio. The existing access on Hall Lane would be utilised, with two parallel and two perpendicular spaces provided within the site for parking of cars.

13. The application proposes that occupation of the dwelling would be restricted to local occupancy, in the meaning of Appendix 5 of the Local Plan, by entering into a s.106 legal agreement. Furthermore, the application is made on the basis that the proposed house would be a self-build development by the applicants.

Relevant Planning History

14. The following application is relevant:

S/01/352 | Full planning permission for the demolition of the existing dilapidated barn and erection of a farm worker's dwelling with associated parking, curtilage and installation of package sewage treatment plant. Withdrawn 29/04/2024

Consultations

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

Dent with Cowgill Parish Council – “The committee thought that this application is well thought out and well presented. The committee is of the opinion that it is important to maintain the look and feel of the current building in situ and is happy that this application is designed in that way with the proposed building having a similar appearance. The committee felt that the building is an important local landmark and this application helps it to remain as such.
The committee was also very pleased to see the inclusion of a number of 'green initiatives' in this application. Finally the committee is very supportive of this application

for the reasons outlined above but also because it will enable a young local farmer and his family to stay in the dale, something that the Parish Council is keen to promote to help the sustainability of the dale. In summary, the council fully supports this application."

Highways – Westmorland & Furness Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA): "Taking into account the existing use of the property, it is considered that the proposal will be unlikely to have a material effect on existing highway conditions. I can confirm that we have no objections to the proposal, subject to the following recommended conditions:"

Three conditions recommended, regarding the required surfacing, and inward-opening of any gating of the access drive, and the maximum height of adjacent boundary walls.

Environmental Health – No objection in principle. Conditions recommended to investigate and, if necessary, remediate any ground contamination. It was also noted that although a mains water supply passes through the site, the building is currently reported to receive water from a private supply at Low Hall Farm, and so a further condition is requested to ensure that any private water supply is satisfactory.

United Utilities Water – Provided advice and guidance regarding the water main which passes through the southeast of the site, the surface water drainage hierarchy, and water efficiency. "It is clear from the application that the water main has been taken into account however our records indicate that the pipe is protected by a 5m easement." A copy of the letter from United Utilities has been provided to the applicant.

Wildlife Conservation Officer – No objection. Application complies with policies W1 and W2 of the Local Plan. "Site has been subject to a wetland audit – low restoration potential."

Fire Officer – Not received.

Waste and Environmental Services – Not received.

Public Responses

Public responses received at the time of writing: 2

16. The application was advertised by a site notice displayed on 2nd April 2025. Two public responses have been received at the time of writing – one in support and one in objection – which are summarised below:

    - Matters raised in support:

    - young couple committed to living and working in the dale;
    - property values and lack of available family sized dwellings mean the couple are having to be creative in their endeavour to stay;
    - application complies with several points of the NPPF, including para 84 a) (essential need for a rural worker), 84 c) (re-use disused buildings and enhance its setting), and 84 e) (the design is of exceptional quality), and para 89 (sites to meet community and business needs in rural areas);
    - application relates very positively with many points contained in the Local Plan, such as in para 1.14 (need for new housing to meet projected growth in smaller households, increase supply of affordable housing, widen the range of stock, etc).

- Issues raised in objection:
    - tradition in Dentdale that farmyards and houses are built roughly in a line along both lower slopes of the dale;
    - this tradition intentionally avoids building on the flat bottom of the dale;
    - the village of Dent also conforms to this tradition;
    - a dwelling sited as proposed will stick out like a sore thumb;
    - approval would set a dangerous precedent.

Assessment

Key Issues:

- Principle of development
- Design and visual impact
- Nature recovery
- Parish Council comments
- Equality Act

Principle of Development

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

18. The Framework also establishes that “great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks which have the highest status of protection in relation to these issues” and that "The scale and

extent of development within all these designated areas should be limited" (paragraph 189).

19. With specific reference to rural housing, the Framework steers new residential development towards existing villages and settlements to maintain and enhance existing communities. Paragraph 84 – copied out below – is clear in stating that unless very specific circumstances are met, planning decisions should avoid the development of isolated homes in the open countryside.

    "Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

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

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

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

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

    e) the design is of exceptional quality, in that it:

        i. is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

        ii. would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area."

20. The site is located in the open countryside, where new housing development is tightly restricted in accordance with Local Plan Policy SP3 (Spatial Strategy). New-build housing is only to be permitted outside of allocated sites or village development boundaries where it would meet an exceptional need for affordable housing or the needs of a rural based enterprise, in accordance with Policies C2 and C3 respectively.

21. Policy C2 of the Local Plan is not applicable, as the proposal is not for affordable housing as defined in, and to be secured in accordance with, Appendix 6 of the Local Plan. Furthermore, the policy in any case requires such exception sites to be located adjacent to a settlement boundary, and the application site clearly does not.

22. The application has not substantiated a case for consideration under the essential need exception under Framework paragraph 84 a) and Local Plan Policy C3 (Rural workers' housing) whereby new housing for rural workers is allowed outside of settlements where there is an essential need to live in the location eg. for animal welfare reasons. This need is not evidenced in the application, which states that "it is not possible for the existing building to comply with Policy C3 due to its location and

separation from the main farmstead" (applicant's Design & Access Statement section 1.2).

23. A previous application on this site (S/01/352), made by the same applicant, proposed replacing the agricultural building with a farm worker's dwelling. At the time of assessing that application, in December 2023, it was considered by officers that, on balance, the need for a farm worker's dwelling on this holding had been demonstrated but that need was met by the existing farmhouse on the holding. However the farmhouse was occupied by an elderly member of the family with the applicant looking to take over the operation of the farm. It was considered that some weight could be given to these personal circumstances and furthermore, the removal of the unsightly existing agricultural building with a dwelling of traditional design and external materials, could lead to a significant enhancement of the visual quality of the landscape.

24. In order to ensure that the dwelling remained in place to serve the farm business Officers asked the applicant to consider a s.106 agreement restricting occupancy to persons working full-time in agriculture on the holding, placing an agricultural worker's occupancy restriction on the existing farmhouse at Low Hall Farm and crucially tying ownership of the dwelling to the farm holding. This agreement was considered necessary due to the specifics of ownership of the holding, and to allow the farm to operate viably through generational succession. However, the applicants subsequently communicated that they did not wish to proceed with the s.106 agreement, and they withdrew the application in April 2024.

25. A pre-application enquiry submitted on behalf of the applicant in 2022 – which is attached to the submitted Design & Access Statement – proposed a conversion of the building to a live/work unit. This was followed by submission of the previous application (S/01/352) for a replacement agricultural worker's dwelling, of traditional design, which was withdrawn.

26. The current application no longer relies on an agricultural need justification and now proposes a replacement dwelling, of modern design, restricted to local occupancy. It is therefore noted that there have been three significantly different proposals presented by the applicant to the Authority for this site.

27. Policy SP3, with the aim to help conserve the historical landscape, allows for the re-use of suitable traditional buildings, where this is in accordance with Policies L2 and L3. However, these policies are not applicable to the site in this case, as the building is not a traditional building in the meaning of these policies. In addition, the proposal explicitly is to demolish and build a new dwelling, rather than propose any possible conversion. Similarly, the possible exceptions under Framework paragraph 84 b) or c) do not apply, as the building is not a heritage asset and the proposal is for demolition, not re-use.

28. Furthermore, the possible exception under Framework paragraph 84 e) does not apply as the proposed design would have to be of exceptional quality, truly outstanding, and significantly enhance its setting; the proposed design does not meet the very high bar that the Framework requires, a standard which has been established nationally over a long period.

29. Whilst it is noted that there can be possible support from paragraph 4.11 of the Local Plan for self-build, this would only be applicable where the location of the site complies with Policy C1. The application site does not comply with Policy C1 as it is outside a settlement.

30. The proposal therefore conflicts with the aims of the spatial strategy comprised by Policies SP1, SP2 and SP3 of the adopted Yorkshire Dales Local Plan.

31. It is noted that the strategic objective in the current Local Plan of strictly controlling new development in the National Park outside existing settlement boundaries is a long-standing one, having been a feature of the previous local plan, and is a feature also of the draft local plan (2025-2040); all three plans maintain a similar strategy of the circumstances dwellings may be permitted outside of settlement boundaries and allocated sites.

32. A significant harm which this strategy aims to prevent, is the proliferation of new buildings in the National Park, and the resulting individual and cumulative impacts this would have on its natural beauty, wildlife, cultural heritage and other special qualities, contrary to the statutory purposes.

33. Such regards are established by policy also in respect of the potential proliferation of agricultural buildings, for instance in consideration that proposals could be as a result of replacing buildings lost to redevelopment, or with a view to being converted in future. Policy BE2 of the Local Plan therefore requires that new agricultural (and other rural land-based enterprise) buildings are permitted only where it is demonstrated that there is no suitable building available for conversion, and further, then permitted with a condition requiring removal of the new building when it is no longer needed.

34. There is therefore clearly identifiable harm that would be caused by proposals, including the present application, for a modern agricultural building to be redeveloped to another use. It should be noted that this is in contrast with the policy for conversion of specific traditional buildings, under policies SP3 and L2, which allows for only a narrow range of non-modern buildings to be withdrawn from their existing use, as well as helping to deliver conservation of the historical landscape.

Design and Visual Impact

35. It is noted that a reason, further to the explanations in the above section, for which adopted policy does not support modern agricultural buildings to be retained (or replicated), is that their appearance does not contribute positively to the special qualities of the National Park.

36. The attempt by the applicant at replicating the appearance of the existing building is acknowledged. However this approach is flawed as the existing building does not contribute positively to the surrounding landscape, including having regard to the setting of the Dent Conservation Area, and accordingly, the design of a residential proposal that involves its retention or replication is not a planning merit but instead is considered to be contrary to adopted design policy.

37. The resultant proposal would create a dwelling which is visually isolated within a landscape which consists of open, undeveloped pastureland with traditional stone walled fields. The landscape within which the site is located is an area of high visual quality with an intrinsic pastoral character. Due to the construction being a new build and to modern residential standards, the appearance and character of the dwelling would be different to the existing agricultural building to a significant degree. The introduction of a modern dwelling, with considerable fenestration over two storeys, a high potential for light spill from internal and external sources, and domestic activities and paraphernalia within its curtilage, would be incongruous in such a setting and would detract from the natural beauty of the area and its dark sky character.

38. It is therefore considered that the proposal does not respond positively to the surrounding context and landscape setting. Furthermore, it is considered that the demolition required to then build the new dwelling would not minimise the consumption of resources. The application is therefore contrary to Policies SP2 and SP4 of the adopted Yorkshire Dales Local Plan.

39. In addition, for similar reasons to those explained above, it is considered that the proposal does not fully accord with the principles or design approach expected by the adopted Design Guide SPD (adopted September 2017).

Nature Recovery

40. The provision of bat/bird boxes and landscaping/garden planting is considered to satisfy the requirements of Policy W2 of the Local Plan.

41. The national Biodiversity Net Gain (BNG) regulations allow self-build as an exemption to the requirement to provide BNG. Therefore, provided the development is carried out in the manner defined as self-build by the regulations, there will be nothing required by the statutory BNG system.

42. On the understanding that at least 25 square metres of existing habitat would be impacted by the development, including for instance resulting from the use of parts of the site as domestic garden, then were the same development instead proposed as not to be self-build, there would be a requirement for either onsite or offsite habitat creation, secured and managed for 30 years.

43. The proposed scheme does not include any secured/managed habitat creation, of the form that would be required by the statutory BNG system. This situation appears to be as a result of the scheme being prepared specifically in mind that the application proposes a self-build. It is therefore considered that the absence of such dedicated habitat creation, which has occurred as a result of the choice to propose a self-build, is a material consideration in the planning assessment.

Parish Council Comments

44. Dent with Cowgill Parish Council support the application. In their representation, the following matters were raised, and each will be considered in turn.

45. The Parish Council is content that the proposal has been designed to maintain the appearance and character of the current building, and felt that the building is an important local landmark and this application helps it to remain as such. This report considers these issues in the Design and Visual Impact section above. The existing building is prominent in the landscape, due to its height, appearance and the openness of the surrounding area, however it is considered to not contribute positively to the natural beauty or other special qualities of the National Park.

46. The Parish Council also gives support by virtue of the “inclusion of a number of 'green initiatives' in this application”. The aspects proposed such as energy efficiency, vehicle charging and solar panels, have been considered, however they are afforded limited weight in the planning balance, due to being standard requirements in the Building Regulations for new dwellings generally, as noted in the submitted Design & Access Statement (pages 19, 28 and 35).

47. In addition, the Parish Council supports the application as “it will enable a young local farmer and his family to stay in the dale, something that the Parish Council is keen to promote to help the sustainability of the dale.” This report considers these matters in the Principle of Development section above, which covers the established strategy of how housing demand is to be delivered in a sustainable manner that also meets the objectives of the National Planning Policy Framework and the Local Plan, and how the proposal is in conflict with these policies.

Equality Act

48. 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.

49. 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

50. The development represents the erection of a new dwelling on an isolated site located outside any settlement. The application is not justified by evidence for an exceptional need such as affordable housing (as defined in Appendix 6 of the Local Plan) or a rural worker's dwelling. The application therefore is contrary to Policy SP3.

51. Allowing the proposal would set an undesirable precedent for permitting development in unsustainable locations, and replacing modern agricultural buildings resulting in proliferation of new permanent buildings, that would undermine the objectives set out in paragraph 8 of the National Planning Policy Framework and in the aims of the spatial strategy comprised by Policies SP1, SP2 and SP3 of the adopted Yorkshire Dales Local Plan.

52. In addition, it is considered that the design of the proposal does not respond positively to the surrounding context and landscape setting. The introduction of a dwelling in this isolated location would adversely impact the natural beauty of the area and its dark sky character, and it is also considered that the demolition required to then build the new dwelling would not minimise the consumption of resources. As such, the proposal is contrary to Policies SP2 and SP4 of the Yorkshire Dales Local Plan (2015-2030), and the objectives set out in paragraph 8 of the Framework.

53. The proposal therefore is considered to be contrary to these strategic policies of the Local Plan, and material considerations do not outweigh the harms, taking into consideration the requirement set out in paragraph 189 of the Framework to afford great weight to conserving and enhancing landscape and scenic beauty in National Parks.

Recommendation

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

- In the opinion of the Local Planning Authority, the proposed dwelling is not sustainable development being contrary to the spatial strategy of the Yorkshire Dales Local Plan (2015-2030) and the policies contained in the National Planning Policy Framework. The site is not a sustainable location for housing development and there is insufficient evidence to suggest that the proposal would be justified by an exceptional need for a dwelling in this location. To allow the proposal would set an undesirable precedent for permitting development in unsustainable locations that would undermine the objectives set out in paragraph 8 of the Framework. The proposal seeks to replace a modern agricultural building, and as such represents the introduction of new permanent built form into the landscape. As such, the proposal is contrary to Policies SP1, SP2, SP3 and SP4 of the Yorkshire Dales Local Plan (2015-2030), and paragraphs 8 and 189 of the National Planning Policy Framework (12 December 2024).

- In the opinion of the Local Planning Authority, the design of the proposal does not respond positively to the surrounding context and landscape setting. The introduction of a dwelling in this isolated location would adversely impact the natural beauty of the area and its dark sky character. Furthermore, it is considered that the demolition required to commence the new dwelling would not minimise the consumption of resources. As such, the proposal is contrary to Policies SP2 and SP4 of the Yorkshire Dales Local Plan (2015-2030), principles and approaches of the Yorkshire Dales Design Guide Supplementary Planning Document (adopted 2017), and paragraphs 8 and 189 of the National Planning Policy Framework (12 December 2024).

Yorkshire Dales National Park Authority

Planning Committee

20 May 2025

Applicant Mr James & Theresa Roberts

Parish Sedbergh

Officer Nicola Dinsdale

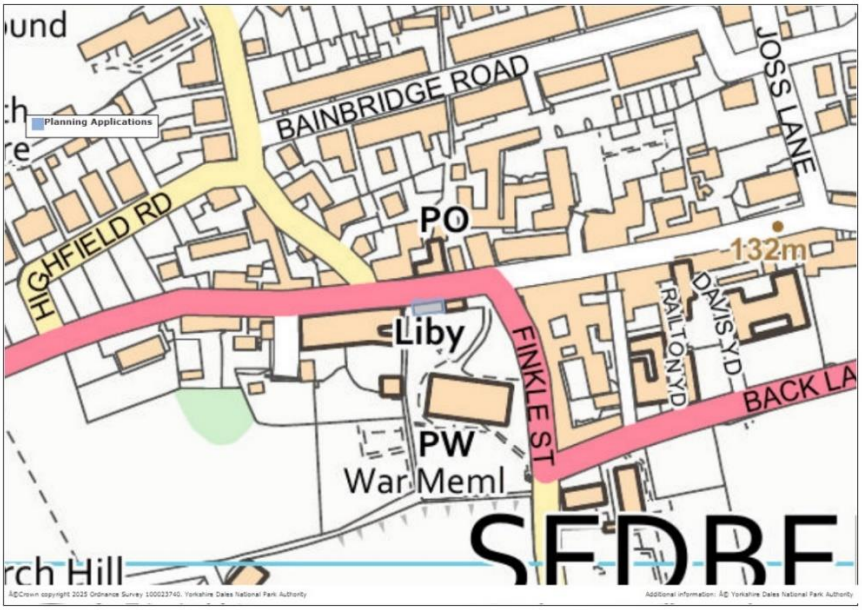
Application No S/03/770

Site Address 25, Main Street Gallery, Main Street, Sedbergh, LA10 5BN

Proposal Full planning permission for change of use of west part of Main Street Gallery at basement and ground floor to be a dwelling

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 the 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 23-25 Main Street fronts the highway and backs onto the site of St Andrews Church with a public right of way passing directly to the west. The property comprises a retail unit on the ground and lower ground floor basement and is currently used as an art gallery. The building's first floor incorporates a residential flat that is in separate ownership. The building has the appearance of a two-storey building from the highway with the lower ground floor windows visible from the churchyard to the rear.

4. 23 Main Street incorporates a large shop window with a central door, with number 25 having a bay window on the ground and first floor with an internal staircase. A further door is positioned on the west gable accessing the basement and opens onto the stone flags and cobbled pathway adjacent to the railings and access to St Andrews Church.

5. The site lies within the Sedbergh Conservation Area and a public right of way passes the west gable elevation.

Proposal

6. The application seeks to convert the ground floor and lower ground floor of the most westerly part of the building from a commercial use (Class E) to a separate residential dwelling (Class C3). This would be facilitated by blocking the doorway dividing the building into two units, retaining a retail unit on the ground and lower ground floor within no. 25. The door within the gable elevation would be repositioned more centrally within the gable elevation to improve the accessibility to the lower ground floor with the main access serving the property by the existing entrance. The retail unit's entrance would be retained with a new doorway installed within the front to establish a separate access for the first floor flat.

Relevant Planning History

7. The following applications are relevant:

Y8/93/3/044/LDC Use of the first floor as a separate residential flat at 23 Street, Sedbergh. Granted 7th October 1993.

Consultations

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

Waste and Environmental Services No comments received.

Fire Officer No comments received.

Historic Environment Team No comment.

Environmental Health No objection.

Highways - “The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm that taking into account the existing use of the property, it is considered that the proposal will be unlikely to have a material effect on existing highway conditions. There are no objections to the proposal.”

Sedbergh Parish Council Objection. “Whilst Members empathise with the current owner, and acknowledge that the retail unit has been for sale for some time, they believe that a change of use would potentially leave the remaining retail space no longer viable for the future.”

Area Ranger (Western Dales) No objection. Footpath 568048 runs along the existing thoroughfare north to south, beside the western gable wall on which the new entrance way is to be built. The footpath must remain open and available to users during installation. Materials or machinery must not be stored on the line of the footpath.

Public Responses

Public responses received at the time of writing: 0

9. This planning application has been advertised by site notice dated 18th March 2025. No public responses have been received.

Assessment

Key Issues:

- Principle of development
- Sustainable Development
- Design and Impact on the Locality
- Impact on the setting of the Conservation Area
- Impact on the setting of the St Andrews Church
- Residential Amenity
- Parish Council comments
- Equality Act

Principle of development

10. Paragraph 88 of the National Planning Policy Framework (2024), relates to supporting a prosperous rural economy and states that planning policies and decisions should enable a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; c) sustainable rural tourism and leisure developments which respect the character of the countryside; d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

11. Paragraph 90 says that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Clause (a) of para. 90 states that policies should define a network and hierarchy of town centres and promotes their long-term vitality. In addition, clause (f) of para. 90, recognises that residential development often plays an important role in ensuring the vitality of centres and encouraging residential development on appropriate sites.

12. Policy BE5 of the Yorkshire Dales Local Plan (2015-30) seeks to safeguard highstreets as the main places where communities and visitors shop and access services. The site is within an area defined as a High Street Service Frontage where proposals that would result in the loss of a retail use should be tested against policy BE7 (Safeguarding Employment Uses). Policy BE7 states that development that would lead to the loss of existing business land or buildings would not be permitted unless, the loss would be at a scale that caused no significant harm to community vitality or Local Plan employment objectives.

13. The justification to policy BE7 sets out in paragraph 3.49 that: ‘There is an issue of proportionality with this policy. It should not prevent the ebb and flow of small-scale business where this is not harmful to the economic vitality of the area. For minor employment or business uses below five jobs the National Park Authority will not normally intervene in the principle of loss of employment, unless the use of the site is considered particularly difficult to replace or it offers valuable business diversity and there is some likelihood of the use being required again in the future.’

14. The shop to be converted covers a cumulative floor space of 45m², with the large proportion of the retail unit retained. It is understood that the current art gallery in its entirety employed two people, and it is unlikely that this would reach the employee threshold of five as cited in paragraph 3.49.

15. The retail units on 23-25 Main Street have been marketed by two separate estate agents over a two-year period. The applicant has confirmed that no offers were made to buy the premises, with only limited interest in the site as a rental opportunity. The applicant has specified that the existing cumulative retail space is

relatively large in scale and is without living accommodation with little scope to attract a buyer from outside the local area. Although the proposal would result in a reduction of available retail space, a retail unit over two floors would continue to be available within the Sedbergh High Street Frontage and is intended to be more viable option.

16. It is therefore considered that the reduction in the retail units floor space will not harm the economic vitality of Sedbergh and according to paragraph 3.49 of the Local Plan, as this commercial space would have generated fewer than five jobs, it is not a case that the National Park Authority would normally intervene in accordance with Local Plan policy BE7.

Sustainable Development

17. The site is located in the centre of Sedbergh and is defined as a Local Service Centre within the Local Plan. Policy SP3 is the spatial strategy for the National Park and identifies Local Service Centres as the most appropriate sites for development and, in particular, housing. The proposal to create a local occupancy dwellinghouse in this location is considered to represent sustainable development. The occupancy will be secured by a Section 106 agreement.

Residential Amenity

18. Main street contains a mix of commercial and residential properties. The proposed development is for the creation of a separate self-contained dwelling. The Local Highway Authority has not raised any concerns relating to parking to serve the use. Given the existing retail use and the addition of a one-bedroom dwelling in this part of Sedbergh it is unlikely that this will impact the amenity of the neighbouring properties in accordance with policy SP4.

Impact on the setting of the Conservation Area.

19. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty of planning authorities in that: ‘special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area’ when it considers proposals for development in the Conservation Area’.

20. Sedbergh is noted for its compact historic core with a densely developed pre-C19 town centre, with a wide variety of building types, size and rooflines with narrow streets and windows and doors openings directly onto the street along Main Street and Finkle Street. St Andrews Church and churchyard provide a strong visual link between the densely developed town centre and the parkland landscape and imposing buildings of Sedbergh School to the south and therefore it is desirable to retain its historic significance. The proposed development would only incur minor physical alterations to re-position a door on the west gable and to create a doorway within the front elevation. The alterations can be controlled by condition and will not have any undue impact on the historic significance of this part of the Conservation Area or the setting of the Listed buildings in accordance with Local Plan policy L1.

Impact on the setting of the adjacent listed buildings

21. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

22. St Andrews Church is a grade I listed building and is dated mostly to the 1500's and understood to contain historic fabric from earlier periods. The application site backs onto the churchyard of St Andrews. The proposed alterations to introduce a residential use to the building and the positioning of a doorway close to the access of the churchyard would not have any undue impact on the setting of the church or churchyard. The applicant has confirmed that no external works will be undertaken that would encroach or affect the stone flags and cobbles at the north entrance to the church grounds. The proposed development it unlikely to have any impact on the setting of the historic church of St Andrew and any impact would at most cause less than substantial harm and is in accordance with Local Plan policy L1.

Parish Council Comments

23. Sedbergh Parish Council has commented that whilst they empathise with the current owner and acknowledge that the retail units have been on sale for some time, it is believed that the change of use would potentially leave the remaining retail space no longer viable for the future.

24. The retail unit has been marketed for sale by two separate agents for two years with very little interest. In any case, paragraph 3.49 of the Local Plan, of the justification of policy BE7, suggests a proportionate response in such cases and suggests that a business use employing fewer than five jobs can be lost as part of the ebb and flow of small-scale business uses, where the Authority would not normally intervene**.**

Equality Act

25. 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.

26. 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

27. The proposed development would result in the reduction of the available floor space to serve as a retail unit but would have the benefit of providing a one-bedroom local occupancy dwelling in a sustainable town centre location. Having regard to Policy BE7 and paragraph 3.49 of the Local Plan, it is considered that the proposed development is of such a scale that it would not harm the economic vitality of Sedbergh and is in accordance with policies SP2, SP3, SP4, BE5, BE7, and L1 of the Yorkshire Dales Local Plan (2015-2030).

Recommendation

28. It is recommended that permission is GRANTED subject to a Section 106 agreement restricting occupancy to local occupancy criteria and to conditions including the following:

    Time limit
    Compliance with submitted details.
    Timber doors/details of door openings.
    Informative: PROW remains free from obstruction

Yorkshire Dales National Park Authority

Planning Committee

20 May 2025

Applicant New Roots Holding Company Ltd

Parish Tebay

Officer Nicola Dinsdale

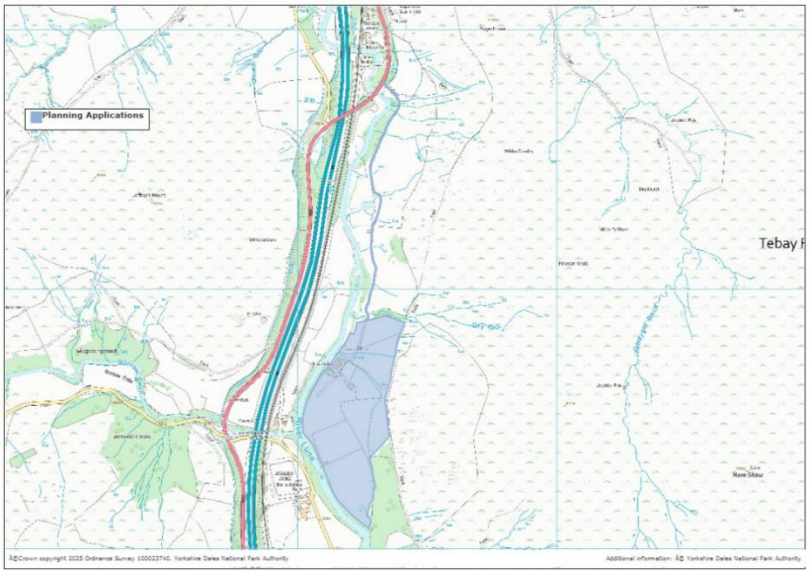
Application No E/15/9B

Site Address Brockholes Farm, Tebay, Penrith, CA10 3XT

Proposal Full planning permission for creation of 'Into the Wilds' visitor attraction and wild animal reserve (part retrospective)

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: in the opinion of the Head of Development Management it is in the best interests of the National Park Authority that the application is considered by the Committee.

Application Site

3. Brockholes Farm forms 17.8 hectares of agricultural land, the site comprises a 3-bedroom farmhouse serving the site and 5 holiday lets (with 28 beds in total). The site is located approximately 2.8km to the south of Tebay and is accessed by a long narrow lane extending by approximately 1.3km from the A683. The site is bounded by the River Lune on its west perimeter, with the M6 motorway and west coast railway mainline, situated approximately 120 metres to the west.

4. The site sits within the Lune valley with the land to the east rising steeply towards Tebay Fell (east). The site is within the boundary of Yorkshire Dales National Park, with the Lake District National Park boundary and World Heritage Site, approximately 200 metres to the west. The two National Parks are separated by the M6 motorway and west coast mainline. The Low Borrowbridge Roman Fort and Scheduled Monument is located to the east with the Brockholes Ancient Woodland positioned on the southeast perimeter of the site.

Proposal

5. This application seeks planning permission for creation of what is described as the 'Into the Wilds' visitor attraction and wild animal reserve. The proposal is to provide a visitor attraction for guests to encounter animals at the site with a range of tours and experiences. Originally this was to accommodate exotic animals including white rhino, giraffe, honey badgers, zebras, red panda, sloths and lynx along with a range of native species. A new management plan has been submitted amending the proposal which now excludes the exotic animals. It is now proposed that the site will accommodate a range of sheep, goats, pigs, cow's, chickens, geese and ducks. The previous proposal also included keeping donkeys and reindeer at the site, however these have not been referenced within the proposal.

6. To facilitate the visitor attraction the following development was originally proposed and indicated on a masterplan:
    - Three shepherd huts (visitor accommodation)
    - Two safari huts (visitor accommodation)
    - The conversion of one holiday cottage to form a café.
    - The siting of a cabin to create a welcome centre/ ranger station.
    - Construction of a building to form a giraffe house,
    - A manure midden
    - Stables, huts, and aviaries
    - A Car Park for 55 cars.

- Sustainable Drainage systems (SUDS)
- A bund with hides.
- Pathways, roads, and fenced enclosures
- A gated barrier at the access
- Passing places on the access track

7. A new masterplan has been submitted showing the removal of the giraffe house, safari huts, embankment, the bund, hides, aviaries from the proposal and the re-orientation of the pathways. Also shown on the amended masterplan, is the large surfaced extended rhino turnout area covered in aggregate (retrospective). It is annotated on the plan that this area will be part seeded with wildflower – butterfly and honeybee seed mixtures.

8. The proposals are further complicated by the fact that the applicants have undertaken unauthorised works, ostensibly to implement elements of the proposal. The rhino turn-out area has been created, stables and welcome centre/ranger buildings sited, paths excavated and surfaced, enclosures created, with the safari huts, shepherds' huts on site. In addition, the drainage and surfacing has been laid for the shepherd's huts and the large ponds created as part of the proposed sustainable drainage System (SUDS).

Accommodation and café

9. The site currently has holiday accommodation for 28 guests, within 5 holiday cottages that were converted between 2004 and 2010 (prior to the extension of the National Park to include this area in 2016). Three shepherds' huts are to be located on site. One detailed to the north of the car park, with two positioned to the south of the holiday cottages, each accommodating two guests. The safari lodges that are on the site have been removed from the proposal – they were to have been positioned on the northern perimeter of the site on the edge of the access track with each sleeping up to 6 guests. It is also proposed to convert the holiday cottage, Coombe Cottage to a café, reducing the on-site accommodation by 8 guests. Overall, with the removal of the safari lodges and the addition of the three shepherds' huts, there will be provision for up to 26 guests on site, which would be a net decrease of 2 overnight stays, in comparison to existing available overnight stays on the site.

10. The proposed café on the floor plan indicates seating provision for up to 44 guests within the ground and first floor. It is also proposed to construct an orangery to the south gable elevation of the former barn conversion to provide additional outdoor seating. The café use is detailed as being available for guests residing at the site only and will not be open to passing trade or those from the public right of way.

Visitor attraction use

11. The original Visitor Management Plan envisaged daily visitors to the site. In addition to guests from the onsite accommodation (up to 38 people), there would have been

up to 41 guests on a pre-bookable basis, creating a maximum of 79 guests on site. 17 various tours/encounters were to be offered at intervals throughout day, with the guests residing at the site offered priority booking before any surplus available spaces are offered for public sale on a pre-bookable ticket basis and access would be managed by a QR code at the gate on the access track to the north of the car park. The maximum capacity for any activity was expected to be 12 people.

12. The new 'Into the wilds' Site Management Plan details a much-reduced proposal with visitor experience encounters now only available to those residing at the site. It is understood that the site will not be available to pre-bookable day visitors, resulting in an overall maximum of 26 guests at any one time. The application details that it is envisaged that most guests will stay two nights and 'the encounter's/tours' will be operated based on request and demand, whilst promoting wild animal spotting. No updated details of the available encounters have been provided.

13. The public right of way extends along the side of the River Lune and then, immediately past the site. Although the applicant has confirmed that the site is not available to passing trade, according to the amended Master Plan the public right of way passes along the track through the proposed entrance gate. It is not clear how the café and facilities will be managed to restrict users of the PROW from being able to access the café and the wider site.

Relevant Planning History

14. The following applications are relevant:

E/15/9A Full planning permission for change of use of land and building (in part only) for the keeping and housing of rhinos and creation of hardstanding area. Approved 01/11/2023

S/2004/650 Conversion of barns to three holiday cottages, private sewage plant and amenity area. Approved 28/09/2005

S/2006/762 Creation of two new units for holiday let (one suitable for disabled use). Approved 15/11/2006

S/2007/867 Erection of agricultural building for general purpose/storage and construction of access road to building. Approved 29/10/2007

S/2010/217 Proposed 4 nos. holiday units.Approved 04/10/2010

S/2010/378Creation of new farm access track (retrospective application). Withdrawn 18/08/2010

S/2011/395 Retrospective application for farm and woodland track. Approved 01/12/2011

Consultations

15. The comments of statutory and non-statutory consultees are summarised below. Please note that consultations have not been undertaken a second time for the amended proposal:

The Woodland Trust No response received.

SABIC UK Petrochemicals – No response

Police - No objection Welcomes the contents of the Planning Statement at 5.2.19 relating to (crime prevention and compliance in line with Policy DEV5 of the Eden Local Plan) and 5.2.21 (boundary treatments, access control and management of the existing Public Right of Way). Also of interest is Item 3.1.10 (External lighting) and recommends security measures for the buildings on site: Safari Lodges and Staff Accommodation

Trees & Woodlands Officer - The proposed tree planting and woodland enhancement and mitigation needs a more detailed landscaping plan detailng the species, numbers and size at time of planting, aftercare, etc. If any of the enclosure fencing is within 15 metres of the Ancient Woodland edge, which is not easy to determine as the plans are not accurate, then an arboricultural impact assessment and method statement would be required. Further information is required relating to the area identified for re-wilding and landscape enhancements as any changes here might well have some implications for the boundary edge of the Ancient Woodland.

Senior Historic Environment Officer - The archaeological desk-based assessment confirms the site has high archaeological potential because of the presence of a known Iron age/Romano-British settlement site, the close proximity of the Low Borrowbridge Roman fort and an area of ridge and furrow ploughing earthwork amongst other recorded sites and features. All these factors would indicate the high probability that other, related, below ground remains may survive here.

The application indicates that extensive areas of the site will be impacted by the creation of the infrastructure of the proposed wildlife park, including the creation of embankments and SUDS waste management, new trackways and enclosures, rewilding actions and the creation of substantial passing places on the existing access track to the site.

It is recommend that a geophysical survey be undertaken across the site. This should focus on the areas of ridge and furrow to detect the presence of earlier remains below the visible earthworks, identified as Clough Green settlement. Based on the results of this work it may be necessary to undertake trial trenching of any geophysical anomalies that may be identified.

Based on the results of the desk-based assessment and walkover survey, the locations of above ground archaeological and heritage features are known however we have no information on the nature and complexity (or otherwise) of surviving below ground archaeological features. This is needed to advise on appropriate archaeological mitigation should the scheme proceed. In the absence of this information the application does not comply with the requirements of para. 207 of NPPF (Dec 2024).

Wildlife Conservation Officer - No ecological grounds for objection

United Utilities Water Ltd No response received

Westmorland & Furness Council No response received

Local Access Forum No response received

Lake District National Park Authority Objection. "The proposed development would have an adverse visual and landscaping impact on the setting of the Lake District National Park."

Please see full comments on the Authority's website/extranet, also referred to in the body of the report below.

Penspen - NW Ethylene Pipeline - No objection

British Pipeline Agency - No objection The BPA pipeline(s) is not affected by these proposals

Natural England - No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Active Travel England – Standing advice only.

Head of Visitor Services - The Yorkshire Dales National Park has relatively low numbers of visitor attractions and this particularly applies to wet weather attractions which provide visitors with alternative activities during their visit. This can also increase the length of stay. Overnight visitors spend more than day visitors, and this includes accommodation and food which can have a positive impact on the local economy.

The suggested limits on visitor numbers and plans for pre booked ticketed access only for day visitors in addition to the staying visitors who are already on site is a good way to manage the numbers and traffic disruption to the site. However, a stable number of pre-bookings and occupancy levels would be required throughout the year to remain viable. How will these numbers be monitored and reported?

So with this in mind, the scale of this proposed visitor attraction appears to be quite modest for an attraction of this nature. Is there a longer term aspiration to expand the site?

The links with the Dark Skies are welcome. There are opportunities to tell the story of Dark Skies and the effect on nighttime nature and wildlife whilst showcasing dark sky friendly lighting. The statement states that this will be achieved in an area to the north of the site. These features are also welcome, is there an interpretation strategy for the site which addresses signage and information boards or QR codes?

- Habitat and site trails around the site
- Bird and bug spotting activities
- Bird garden
- 26 bird and bat boxes would be installed around the site to encourage and enhance the number of species found at the site.
- Visitor pack, recommending local restaurants / walks and places to explore within the local area, including the Yorkshire Dales, during their visit.

Bookable Experiences are very popular at the moment. Are there plans to tap into a third party booking platform? Cycle parking is noted but no mention of secure storage and electric charge points. There is a brief mention of accessibility, are there opportunities to improve access within the site and possibly offer off road 4wd wheelchairs which could be hired onsite.

Will the café be open to anyone or just those booked in for events, admissions or staying visitors? How many jobs (fte's) will be generated at the facility? There may be opportunities for local specialists (Dark Skies, Nature walks, archaeology, etc).
And finally is there an economic impact assessment for this project?

Area Ranger (Western Dales) - From the North, Public Footpath 367001 passes along the access track to the farm then moves onto pasture land before the buildings. The walked line does not follow the definitive line at this point. The PROW must remain open and available to users during works. Materials or machinery must not be stored on the PROW. There is no defined width on the Definitive Statements meaning that the assumed width of the PROW is the full breadth of the unobstructed track which must not be infringed upon during or after construction.

While the PROW indicated on the issued plans show the PROW following the edge of the River Lune, the walked line of the PROW is situated nearer the holiday cottages. We would welcome the opportunity to discuss diverting the line of the PROW where it passes behind the holiday cottages as the route is not particularly easy, and there are opportunities for improvement.

Environment Agency – No objection. The site lies partly within Flood Zones 2 and 3, with a medium / high probability of flooding from rivers. A wild animal reserve and visitor attraction, is considered to be a 'less vulnerable' land use and it is therefore necessary for the application to pass the Sequential Test and to be supported by a site- specific

flood risk assessment (FRA), which can demonstrate that the 'development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall'.

An FRA by RG Parkins & Partners Ltd, referenced K41043.FRA/001A and dated 27 September 2024, has been submitted in support of the application. We are satisfied that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented. There are no flood risk objections to the development as proposed.

Chief Env. Health Officer - No objections. There would be a requirement for the operator to comply with environmental health legislation which could have implications on the plans and the planning permission. The shepherd huts and safari tents will require a licence under the above legislation and will be required to comply with the model conditions in regards to spacing and facilities etc. including adequate fire protection provision. The premises will be required to apply for a Zoo Licence once planning permission is granted as a number of the species on the proposed stock list are not normally domesticated in the UK. The Legislation contains requirements in relation to construction of suitable sized enclosures, perimeter fencing, Fire arms provision and suitable storage facilities, welfare requirements of heating, water and feed provision etc.

Environmental Protection The water supply is sourced from a spring supply from the fell. The integrity of the initial holding tank is compromised due to its age and should be replaced or repaired. The extra demand for a café and additional accommodation will need to be evaluated by a competent water engineer. It is likely that a storage tank in addition to the spring collection tank will be required. It is understood that the animals are provided water but from a separate source after the spring tank. No objections with regards to proposed storage of animal waste or foul drainage potentially affecting the water supply.

Consideration should be given to fencing off a larger portion of land to protect the spring collection tank from faecal matter from livestock or horses. The LA has carried out a recent risk assessment of the water supply and will require a Water Safety Plan. Before occupation of extra accommodation and the opening of the café the water provided must be wholesome and safe to drink. To comply, additional water filtration for the extra users on the supply will likely be required. The new accommodation and café will need a satisfactory water sampling test by the Local Authority before opening.

Highways – No objection. Initially an objection was rasied: The proposed development would result in an intensification of use and the access would need to be designed to current highway standards which would require details that the visibility splays of 215m in both directions to support the utilisation of an access onto a section of road with a speed limit of 60mph can be achieved.

The existing access road to the proposed facility is private and the applicant has indicated that modifications will be implemented along its length to implement passing places.

It is noted that in the Transport Statement the consultants have proposed that the achievable visibility splays of 158.3m would be acceptable however the LHA would not support a reduction in the visibility splays without supporting Speed survey data where the actual 85th percentile speeds recorded over 7days support a reduction in visibility splays to date this detail has not been provided, and with this in mind the LHA would not be in a position to support the planning application.

The one other element which would also need more detailed evaluation would be the initial access area off of the public highway, this area would need to be a minimum of 5.5m wide for the first 10 to accommodate conflicting traffic movements inclusive of larger vehicles which would likely be servicing the facility, the reason for this would be to avoid vehicles sitting stationary on the public highway which is designed the A685, while waiting for vehicles leaving/joining the public highway from the proposed access and egress point.

The local Highway Authority responded further following receipt of a speed survey as follows:
The Local Highway Authority no longer holds an objection on highway grounds, but would advise that the proposed access junction would need to be improved to accommodate the proposed development and ensure that traffic entering and exiting have a safe area to pull off the public highway. The speed survey indicates that the actual 85th percentile speed of traffic is less that than the permitted speed limit and as such the LHA would support a reduction in visibility splays as indicated. Conditions and informative are recommended.

Lead Local Flood Authority (LLFA)- No objection. The Flood Risk assessment and drainage strategy provided details invasive ground investigation and assessment of potential flood risk. The FRA provides a detailed strategy to deal with surface water discharge via attenuation to the River Lune a designated Main River, the only point for consideration would be the proposed outfall design which would ultimately need to be agreed with the Environment Agency prior to installation but may benefit from being a section of open channel rather than being piped directly to the edge of the river this would arguably assist with future maintenance of the outfall and reduce the risk of potential blockages or restrictions which would require access into the River Lune.
The LLFA would request a Surface water Construction Management plan

Tebay Parish Council - Objection to the application on the following grounds:
1. The access from the main A685 road is poor, with a lack of visibility splays at the entrance. Vehicles travel at speed along the road here and there is a bend in the road leading to poor visibility in both directions.
2. The development, especially the giraffe enclosure, would be visible from the road and the public right of way, as well as from the M6 motorway. The structures are not

thought to be in keeping with this very special landscape. It is not clear how the new buildings would be screened from view.
3. Further detail is needed on the type of enclosures (eg. fencing) to be erected. Presumably substantial structures would have to be put in place to contain the animals.
4. There is a lack of clarity on the measures to be put in place to minimise visitor traffic by providing links to public transport.

Highways England - No objection. The proposed animal reserve is designed to accommodate up to 41-day visitors at any one time under a worst-case scenario. These visitors are assumed to arrive predominantly by car, with an average of two visitors per vehicle, requiring 21 car parking spaces. This parking provision accounts for the worst-case scenario, ensuring sufficient capacity even if all 41 visitors attend simultaneously. It should be noted that no more than 41 visitors will be present unless the holiday accommodation units are vacant, or guests do not utilise their allocated encounters.

Regarding holiday accommodation, it is anticipated that each unit will be occupied by either a family or a single group travelling together in one vehicle, typically accommodating up to five individuals per car. Parking requirements are calculated on the basis that units with up to four beds will require one vehicle, while units with five or more beds may require two vehicles. The development includes two units with four beds (two vehicles) and three units with more than four beds (six vehicles), resulting in a total requirement of eight vehicles for the accommodation units.

Public Responses

16. This application has been advertised by site notices placed at the site dated 20th December 2024. The application has also been advertised within the Cumberland and Westmorland Herald. Please note that the amended proposal has not been readvertised.

17. Twenty-six individual (non-generic) public responses have been received objecting to the proposal with one letter of support. A further 1044 generic letters were received from individuals and received through an online web address Campaigns for Freedom for Animals.

    In summary the concerns raised included
    - The landscape impacts.
    - Undermines special qualities of the National Park, contrary to YDNPA Management Plan.
    - Highway safety and an increase in vehicular traffic.
    - The introduction of non-native species in otherwise agricultural landscape.
    - Light pollution.
    - The use of Salterwith Bridge (to the south) for parking and access on PROW.
    - Not appropriate site for visitor attraction zoo.
    - Although adjacent to M6 and railway, this is a stunning landscape that gives a sense of tranquillity.

- The access to two National Parks and the impact of the proposal on the Yorkshire Dales and Lake District National Parks.
- Flood risk.
- Impact on native species and ecosystem, conflicting with nature/ damage to land.
- Sporadic placing of huts/sheds/ fences/ tracks, safari huts and shepherds' huts.
- Impact on the Scheduled Ancient Monument and out village.
- Animal welfare.
- Conflict with users of the PROW.

Assessment

Key Issues:

- Principle of development
- Landscape Impact
- Impact on the Setting of the Lake District National Park
- Unauthorised Development
- Highways and access
- The Management Plan
- Disabled Access
- Archaeology
- Ecology and BNG
- Trees
- PROW
- Sustainability
- Parish Council comments
- Equality Act

Principle of Development

18. The Levelling Up and Regeneration Act (2023) states that relevant authorities, '….in exercising or performing any functions in relation to or so as to affect land in any National Park to seek to further the purposes [specified in section 5(1)] of the National Park and if it appears that the is a conflict between those purposes, must add greater weight to the purposes of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprises in the National Park.' [Section 245].

19. National Planning Policy Framework 2024 (para 189) states "Great weight should be given to conserving and enhancing the landscape and scenic beauty of National Parks, …… which have the highest status of protection in relation to these issues". The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively

located and designed to avoid or minimise adverse impacts on the designated areas.

20. With reference to “Building a strong, competitive economy,” in particular “Supporting a prosperous rural economy,” the NPPF at paragraph 88, encourages the development of agricultural and other land based rural businesses; sustainable rural tourism and leisure developments which respect the character of the countryside. Paragraph 89, of the Framework goes on to state that “it is important to ensure that development is sensitive to its surroundings.”

21. Furthermore, the NPPF (para 135) requires Local Planning Authority’s to ensure that new developments comply with a set of criteria. Most pertinent are parts (a) and (c). Part (a) requires new development to “function well and add to the overall quality of the area, not just short term, but over the lifetime of the development;” and part (c) requires new development to be “sympathetic to local character, history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change”.

22. Paragraph 187 of the NPPF details that planning policies and decisions should contribute to and enhance the natural and local environment by: (a) protecting and enhancing valued landscapes, sites of biodiversity or geological; b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

23. Paragraph 207, relates to heritage assets and required the applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

24. Policy EC4 of the Eden Local Plan 2014-2032, is the most relevant part of the Local Plan as it relates to Tourism Accommodation and Facilities and specifies that ‘Large scale tourism proposals that would result in a substantial increase in visitor numbers will only be permitted if the following criteria are met: i)The development proposed improves the range or quality of tourism accommodation. and facilities in the area. ii) The site is close to the strategic road network. iii) They offer substantial economic benefits to the district. iv) The development offers the highest possible standards of siting, design and landscaping. v) The traffic generated by the proposal will not have an unacceptable impact on nearby settlements or the local network. vi) Arrangements have been made to provide access by means other than the private car. vii)The tranquillity and dark skies associated with the open countryside are not compromised.

25. The policy also relates to small scale tourism development relating to farm diversification, development within a town and key hub, the re-use of existing buildings or previously developed land, or the proposal relies in the specific geographic resource or countryside location. Small tourism development will be permitted for temporary accommodation (caravan, camping, and chalets sites where the a) site is screened by existing topography and vegetation, b) suitable access and parking arrangements are defined on site that does not give rise to unacceptable impacts on the local road network either through traffic generation from the site itself or through cumulative impacts alongside other sites, c) the development is capable of being removed without damage or material change to the land on which it is sited.

26. Local Plan policy DEV1 relates to the development principles and specifies that a positive approach will be taken in considering development proposals that reflects the presumption in favour of sustainable development and will work proactively to support development that improved economic, social and environmental conditions in the area.

27. Furthermore, policy DEV3 relates to Transport, Accessibility and Rights of way and specifies that ‘new development will be encouraged in areas with existing public transport availability, or in areas where new development is likely to lead to the creation of available public transport. Developments likely to generate severe adverse travel impacts will not be permitted where they are in isolated or difficult to access locations unless an overwhelming environmental, social, or economic need can be demonstrated.

28. Development will be refused if it will result in a severe impact in terms of road safety and increased traffic congestion and development should provide safe and convenient access for pedestrians, cyclists, and disabled people.

29. Most pertinent is policy DEV5 which supports high quality design, which reflects local distinctiveness. All development proposals will be expected to perform highly when assessed against best practice guidance and standards for design, sustainability, and place making. Development will be supported where it meets the each of the ten

criteria set out below: The development should i) show a clear understanding of the form and character of the district's built and natural environment, complementing and enhancing the existing area. ii) Protects and where possible enhances the district's distinctive rural landscape, natural environment, and biodiversity. iii) reflects the existing street scene through use of appropriate scale, mass, form, layout, high quality architectural design and use of materials. iv) Optimises the potential use of the site and avoids overlooking. v) Protects the amenity of existing residents and business occupiers and provides an acceptable amenity for future occupiers. vi) Uses quality materials which complement or enhance local surroundings, vii) Protects features and characteristics of local importance. viii) Provides adequate space for the storage, collection and recycling of waste. ix) Can be easily accessed and used by all, regardless of age and disability. x) Incorporates appropriate crime prevention measures. Proposals will be expected to demonstrate that they adhere to the design principles set out in the Eden Design Guide.

30. ENV10 relates to the Historic Environment and specifies that great weight will be added to the conservation and enhancement of the historic environment, heritage assets and their setting, which help make Eden a distinctive place. All proposals are required to conserve and where appropriate enhance the significance of Edens heritage assets and their setting. All development proposals affecting the historic environment, heritage assets and their settings (including where there is the potential of unknown archaeological assets) will need to be accompanied by an assessment of the significance of the asset and its setting and how it will be affected by the proposed development.

Landscape Impact

31. The site is located within the basin of the Lune gorge and is identified in the Cumbria Landscape Character Guidance and Toolkit, categorised as having a large scale, dramatically enclosed landscape, with the discordance between its rough and wild fells, alongside the presence of the roman road and fort, with the M6 motorway. The locality is considered to be an invigorating and beautiful landscape and possibly the most dramatic section of motorway in the country. The unenclosed moorland, contrasts with lower-level farms and undeveloped pastoral landscape that is sensitive to changes in land management and development that is likely to affect the pastoral character of the locality. Brockholes Farm along with other farmsteads are seen within the plateau having patterns of stone walls which separate lowland pasture and fell sides reflecting historic pastoral management of the land. Despite proximity to the M6 motorway corridor, a strong sense of isolation, wildness and tranquillity is apparent due to the openness and perception of naturalness of the fells, enhanced by the relative absence of settlements or dwellings and night-time light pollution.

32. The site is visible from the A683, the M6 motorway and west coast mainline and is most prominently seen in elevated views from the open access land from the Howgills and Tebay Fell to the east and Jefferies Mount and Birk Knott within the Lake District National Parks Authority's boundary. When viewed from these vantage

points the development including the buildings, shepherds' huts, large car park along with tracks and pathways, enclosures, sheds and passing places positioned along the access, external lighting, along with any associated development would be highly visible forming a prominent and discordant feature in the pastoral landscape that would have a more contemporary form that otherwise seen in the locality. The natural undeveloped character of the site would be wholly undermined by this intrusive form large scale development.

The rhino building and extended rhino turnout area.

33. The rhino shed is an existing agricultural building that was erected when Brockholes was a working farm. There is an extant planning permission for a change of use of the building (ref. E/15/9A) that allows rhinos to be housed in the building with an associated small area (144m²) surfaced and enclosed for use as a turn out. The permission did not allow a visitor attraction or zoo type use at the site. It is understood that rhinos have not resided at the site and a licence would be required to keep wild or exotic animals and therefore although the building has been adapted the building has remained in agricultural use.

34. To the east of the rhino building, and most visible is a large area of hardstanding has been created, which is detailed on the masterplan as a rhino turnout area and now forms part of the proposal. This is significantly larger than the turn out area originally permitted. This hard standing is currently surfaced in aggregate and will be part seeded with wildflower and butterfly and honey been seed mixtures. The extended turnout area has a very stark appearance and is easily noticeable especially in views looking into the site and has a significantly harmful landscape impact.

The parking area

35. The large car park positioned within the slightly elevated field to the east of the buildings and will be accessed by a gateway from the access track, over the existing culverted stone flagged clapper bridge. The parking area would be positioned within an agricultural field, on the sloping land to the rear of the farmhouse and surfaced with a geo grid grass. The car park area slopes from the northeast at its highest point to the southwest and falls by approximately 5 metres from its highest point. The applicant has confirmed that no excavations would be undertaken to reduce the land levels.

36. The carpark and individual parking areas serving two shepherd's huts, will provide up to 55 parking spaces. The proposal suggests that a pedestrian only zone would exist around the cottages. However, this is the only route serving the site and no details have been submitted to indicate the extent of this area or how it would operate in connection with the business. The introduction of the large-scale parking area, along with the appearance and reflectivity of the parked cars on the sloping

land, will be visible in more distant views and appear as incongruous features in an otherwise isolated and fairly modest farmstead.

37. In addition, given the proposed reduction in the number of guests and scaled back operation detailed within the revised management plan for 26 guests and up to 12 staff, no information has been provided that details the requirement for such an extensive parking area to accommodate up to 55 cars on site.

The access track.

38. The very narrow access lane leading from the A685 is the only vehicular access to serve the site. The track extends by approximately 1.3km from the highway to the yard area is single track, detailed as being approximately 2.4 metres wide and up to 4.8 metres wide in places. The track has been used as a hard surfaced area for feeding cattle during the winter months. The track is largely unmade with a thin covering of tarmac covering the surface in places and is very agricultural in appearance, akin to a simple farm track. The northern part of the track leading from the highway, has a severe almost sheer drop down to the River Lune, with the land immediately below the track close to the access showing possible signs of land movement. The track currently has two passing places along its length and due to its width and the topography of the site, is challenging when meeting oncoming traffic.

39. No specific details have been submitted that indicate that the track will be upgraded, however the proposal includes an additional six passing places that will be positioned at approximately 200 metre intervals along its length. Each passing place would be 10 metres in length by 5.5 metres in width and tapered off towards the track for 10 metres at either side. The area will be surfaced in aggregate and due to the steeply rising land levels along parts of the track, some relatively extensive excavation and levelling works would be required to create a suitable level surface for some of the passing places. The creation of the formalised passing places will create a more formalised access, significantly increasing the prominence of an otherwise simple farm track that is wholly inappropriate for a visitor attraction and has a harmful impact on its landscape setting contrary to Local Plan policies DEV3, DEV5 and EC4.

The safari lodges and shepherds' huts

40. The safari lodges have now been omitted from the scheme. The proposed shepherds' huts are of a modest size, measuring 5.1 metres by 2.3 metres and would be finished in a dark green. One shepherd hut would be situated to the north of the parking area with the two others to the south of the cottages. The most northernly would be sited in an elevated position, above the height of the access track and would be served by an access track and parking area that will be highly visible in public views. The other two units, although visible, are situated at a lower

level and are seen more in context with the existing operations at the site. However, due to the limited screening and degree of separation from other buildings within the site, the shepherds' huts, along with any associated paraphernalia, parking, and external lighting would further increase the prominence of the site and would have a harmful landscape impact.

The Ranger station.

41. The ranger station is already in position and is situated at the centre of the site accommodating the welcome centre, ranger station, office, and activity area. The building is a prefabricated structure, covered with a grass roof and measures approximately 6.4 metres by 4 metres with eight glazed panels facing south. The site management plan has indicated that the ranger station will only be used between the hours of 10am and 3pm and that there will not be any power source to serve the unit. However, given that the building is detailed to be an office and welcome centre it appears highly likely that an electricity supply would be required to serve the unit.

42. The ranger station due to its position, modern prefabricated design, and almost full-length glazing facing south, is highly prominent in distant views and contributes to the clutter of structures proposed which would have a negative impact on the visual quality and landscape character of the area, which will be further eroded in any views of the site in the hours of darkness.

Stables, shelters and huts

43. Two stable buildings and basic field shelters/huts are to be situated on the land to serve the enclosures. The timber stables are currently on site and will be re-sited to enclosure 1 and in enclosure 6. In addition, field shelters are to be placed within the enclosure fields. The land is detailed as being divided by deer fencing (up to 2 metres in height), although no specific details have been provided to show how each enclosure will be used or any specific requirements for additional fencing, boundary treatments or buildings to accommodate the different species. Although it is acknowledged that the fences can be constructed up to 2 metres in height under the provisions of part 2 of the Town and Country Planning (General Permitted Development Order) 2015 (as amended) it is the cumulative impact of the development including the sporadic siting of the sheds, shelters, etc together with the fenced enclosures that would detract from the character and appearance of an otherwise pastoral farmed landscape.

Manure Store

44. The proposed building to serve as a manure midden has already been constructed directly adjacent to the southeast gable elevation of the rhino building and opens onto an existing hardstanding area. This building is seen in context with the existing building and is acceptable in this location.

Other development

45. A sustainable drainage system (SUDS) has already been excavated and installed at the site. In addition, there are pathways and tracks (approximately 2 metres wide)

proposed. With the exception of some parts, these are mostly installed and have incurred some minor excavation works and surfacing with aggregate. The introduction of the small field enclosures and surfaced tracks along with the introduction of the sheds, shelters, the fences creating field enclosures, would have a harmful impact in their own right and cumulatively will negatively change the relatively undeveloped agricultural character and appearance of the land.

All year around use

46. The site will be used all year round, the amended proposal has not provided details to show the extent of the agricultural use, or if the existing building and small shelters are sufficient to reasonably keep the wide range of animals all year and if this will be a viable farm business. Furthermore, no specific details have been provided that indicate what the 'Into the Wilds' visitor attraction as it is amended offers in terms of tours and activities. The proposal at this time only extends to limited development and it can only be assumed that given the intention to keep a wide range of animals at the site, that further buildings and development will be required to facilitate the use, further eroding the character and appearance of the area.

47. Given the existing farmed but relatively undeveloped character of the land, the proposal represents a significant intensification in use, in terms of built development (buildings, car park, tracks, access passing places, fenced enclosures etc) and the significantly increased level of human activity at the site (traffic, parking, café, lighting etc). The proposal would have an adverse visual impact arising from the clutter of structures and cars which, together with the intensified level of activity during day and night would undermine the intrinsic character (sense of drama, isolation, wildness, tranquility, etc) of this part of the National Parks landscape contrary to the first Statutory Purpose of the National Park and Local Plan policies DEV5, E4.

Impact on the Lake District National Park

48. The site although within the Yorkshire Dales is located approximately 200 metres from the boundary of the Lake District National Park which is designated as having an exceptionally high value landscape. The M6 forms the main approach to the two National Parks and forms a dramatic picturesque landscape with the Howgills to the east and the steep inclines of Jeffery's Mount and Birk Knott to the west at either side of Borrowdale beck. The application site is highly visible both from the M6 and especially in elevated views from the steeply rising open access land. The Lake District is noted for its exceptional natural and cultural landscape value and is designated as a UNESCO World Heritage Site. The proposed development and subsequent use of land in connection with the 'Into the Wilds' visitor attraction, would be seen in views to and from the National Park and when viewed in this context would have a harmful impact on the historic and cultural setting of the Lake Districts protected landscape and World Heritage Site.

49. The site is close to the Birkbeck Fells Common, Bretherdale and Borrowdale Fells Area of Distinctive Character as defined by the Lake District National Park Landscape Character Appraisal SPD. This Area of Distinctive Character is situated at the eastern edge of the Lake District National Park and extends beyond the park boundary to the east, forming part of the National Park's setting and seen together with the area of the Yorkshire Dales National Park as a single landscape.

50. The amended proposal has an expansive extent proposing the introduction of a multiplicity of enclosures, small buildings spread across the site together with associated paths, and the intended introduction of numerous visitors around the site and on the land. The physicality of the development would result in a noticeable change to landscape and would result in visual effects that would be harmful to the views from the Lake District National Park across its setting.

51. In addition to the physical works the changes associated with the proposed land use, including potential changes in land management necessary to support the proposed use would be perceived as unusually at odds with the normal characteristics of this traditional farming landscape, are likely to negatively affect perceptual aspects of landscape character derived from the traditional pastoral uses and grazing resulting in harm and would have an adverse visual and landscaping impact on the setting of the Lake District National Park.

Unauthorised Development

52. Several elements of the proposal have already been undertaken to facilitate the 'Into the Wilds visitor attraction and are unauthorised. These works include the creation of a large hardstanding area to the east of the giraffe house, the manure midden, the siting of the ranger station and the stable blocks positioned to the north of the site. In addition, that pod element of the safari lodges and balcony/decking area are positioned on site in addition to the shepherds' huts that are currently positioned within the yard area. Further works has been undertaken to install the drainage and aggregate bases of two of the shepherds' huts. In addition, pathways and access tracks have been created within the fields and surfaced with aggregate with small bunds created alongside using the turf and topsoil. The proposed development already undertaken does not strictly accord with the details contained within the Masterplan.

53. The Authority has repeatedly advised the applicants to cease these unauthorised works and has opened an enforcement investigation. A further report on enforcement will be brought to next Committee meeting.

Highways

54. Paragraph 115 of the National Planning Policy Framework (2024) relates to transport and highways and specifies that In assessing sites that may be allocated for development, or specific applications for development it should be ensured that a safe and suitable access can be achieved for all users and adds further at d) that any significant impacts on the transport network, or impact on highway safety can be

cost effectively mitigated to an acceptable degree. In addition, at Paragraph 116, 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

55. The national design standard for visibility at the access requires splays to a minimum of 2.4 metres by 215 metres. The A685 at this point has a speed limit of 60mph and the visibility at the access is much less than that the design standard. The submitted Transport Statement indicates that the current visibility achieved at the access is 2.4m by 158.3 to the north (towards Tebay) and 2.4m by 153.1 metres to the south.

56. A speed survey has been submitted that details that the actual average speed of vehicles passing the site at the entrance is approximately 46 mph and has demonstrated that 85th percentile speed limits can be applied reducing the required visibility splays to 120 metres in both directions. Westmorland and Furness Council has commented that based on the findings of the speed survey it has no objection to the proposal. However, the Highway Authority has requested that the access with the highway would need to have a minimum width of 4.8 metres for a length of 10 metres of hard surfacing to avoid vehicles sitting stationary or queuing on the public highway. The proposed access accords with Local Plan policy DEV3 and the NPPF.

Archaeology

57. The site is located approximately 30 metres to the west of the Low Borrowgbridge Roman Fort positioned on the opposite side of the River Lune. The fort is a designated Scheduled Monument (Ref. 1007240), that is detailed to have been occupied during the Ramano-British Period. In addition to the west and within the site is the Low Borrowbridge Settlement, dated to the Roman/ Medieval period. Evidence is seen of embanked enclosures c.15 m^2 with drystone wall structures. There is also evidence of early field systems and north and a possible trackway and leading towards the fort and a potential river crossing.

58. The Authority's Senior Historic Environment Officer has commented that the site has high archaeological potential due to the presence of a known Iron age/Romano-British settlement site, and the close proximity of the Low Borrowbridge Roman fort (Scheduled Monument number: 1007240) along with an area of ridge and furrow ploughing earthwork remains (asset 31) as well as other recorded sites and features, that all indicate a high probability that below ground remains may survive. The proposal includes engineering operations that are likely to affect archaeological features on the site, and affect the setting of the Roman Fort and Scheduled Ancient Monument. The applicant has been advised of the requirement for a geophysical survey and trial trenching of any geophysical anomalies to gain an informed understanding of surviving underground archaeological features, the likely impact of any proposed changes including re-wilding, along with appropriate mitigation or avoidance measures.

59. Much of the works have already been undertaken at the site without any consideration of archaeological features which as a result may have been lost. The proposal does not meet the requirements of Local Plan policy ENV10 and paragraph 207 of the NPPF.

Ecology and BNG

60. This application has been supported by an Ecological assessment by SK Environmental Solutions Ltd, outlining the proposal and to fulfil the requirements of BNG. Further information has been requested to clarify the various elements and to ensure that the BNG will meet the 10% net increase in biodiversity. There appears to be a discrepancy in particular with the large hardstanding area to the north of the rhino building that is detailed on the BNG proposals plan as 'modified grassland'. The Authority's Wildlife Conservation Officer has commented that there are no ecological grounds for refusal and that the applicant is required to submit a management plan to the Authority for approval before work commences.

61. Local Plan Policy ENV1 requires new development to avoid any net loss in biodiversity and geodiversity where possible to enhance existing assets. The proposal details the installation of 26 Bat/ bird boxes to be fitted to the trees within the site. In addition, as no specific details have need submitted to detail the enhancement measures within the amended proposal including the seed mix within the rhino area, tree planting or re-wilding and therefore a full assessment cannot be made, contrary to Local Plan policy ENV1.

Trees

62. The site is bound by a line of mature trees along the riverbank of the Lune and has several mature trees within the grounds. In addition, Brockholes Ancient Woodland bounds the site to the southwest. The proposal details that all trees within the site are to be retained and that 760 metres of native hedgerow will be planted along with .77ha of woodland and scrub planting undertaken. The Authority's Trees and Woodlands Officer has requested that an arboricultural statement and tree care plan is submitted to detail the impact of the development on the existing trees within and adjacent to the site as well as any potential impact of the development or proposed re-wilding on the semi ancient woodland. In addition, the proposed planting detailed on the masterplan scheme, does not indicate the species, the number of trees and their size at the time of planting or details of their ongoing maintenance.

63. In addition, it is also understood that there are several Ash trees located along the riverbank to the west of the site that are likely showing signs of decline through Ash dieback, which will eventually be lost resulting in the loss of amenity value and screening of the site. The proposal offers little in the way of screening of the site and does not conserve or enhance the sites distinctive landscape character and is contrary to Local Plan policy ENV2.

Residential Amenity

64. The closest property to the site is Low Borrow Bridge positioned approximately 50 metres to the west of the site on the opposite side of the River Lune. The proposed development and use although being partially screened by the existing trees that line the banks of the river will be seen. In addition, there are a further 6 properties in close proximity within the Lune gorge. Several objections have been received from residents in relation to safety concerns (from the original proposal due to exotic animals), the increase in traffic and increased parking on the narrow lane at Salterwith bridge, the management of the site, and other issues addressed above.

65. Currently the small area at Salterwith bridge can accommodate one or two cars on the narrow road and any increase in parking is likely to have a harmful impact on the amenity of the local area. The proposal given the nature of the use, the number of visitors attracted and the level of development is likely to have a detrimental effect on the amenity of the nearest residents.

PROW

66. Public Footpath no. 367001 passes along the full extent of the access track to the farm then passes to the east onto pastureland and along the riverbank towards Salterwith bridge to the south. The Area Ranger has commented that the access route is considered to be full width of the track and should remain unobstructed at all times. The Ranger has also commented that there is a slight variance in the route of the footpath, and a gate has been placed incorrectly that does not strictly correspond with the definitive route. The applicant can apply to divert the right of way, which can be addressed as a separate issue under different legislation.

67. Public concerns have been raised that members of the public will park within the small pull in area and on the roadside of the narrow lane close to Salterwith Bridge, where the PROW accesses the land from the south and runs alongside the animal's enclosures leading towards Brockholes Farm before accessing the farm track. In addition, it is apparent that the gated access that enables access guests by a QR code. This gate as indicated on the masterplan is on the PROW, and it therefore appears likely that the public will be able to access the site on foot. Although the proposal indicates that the café and site will purely be accessible purely for pre-booked guests it is not clear how this would be managed.

<u>Accessible Pathways</u>

68. The proposal includes some provision for overnight stays and accessibility for disabled users at the site. Although no details of any adaptive features contained within the cabins have been included, two shepherds' huts have provision for onsite disabled parking. In addition, the proposal details that the routes within the site will be assessable although this was not noticeable from the site visit – the unauthorised pathways have aggregate surfacing which can be hazardous for wheelchair users and people with sensory impairments. To provide suitable pathways loose materials are to be avoided and should provide a firm, non-slip level surface (with a gradient of no more than 1:20 and of a suitable width. The proposed aggregate finish although if

compacted could enable some access, appears unlikely to be suitable as an accessible pathway contrary to local plan policy DEV3 and paragraph 88 of the NPPF.

Parish Council Comments

69. Tebay Parish Council has been consulted and has objected on grounds of issues that are addressed above.

Equality Act

70. 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.

71. It is considered that the proposal raises issues over access for persons with disabilities and the recommendation reflects the Authority's concern over these issues.

Conclusion

72. The proposed 'Into the Wilds' visitor attraction would form a result in a large-scale tourism development including the construction of sheds, huts shelters, the ranger station, the safari lodges and shepherds' huts, the conversion of a holiday cottage to a café, SUDs, embankment, hides, tracks, pathways, enclosures, car parking and passing places.

73. The site is prominently visible within the landscape of the Lune Valley that forms the transport corridor between the Yorkshire Dales and Lake District National Parks. The proposed development in this location would form a prominent and visually discordant feature in an otherwise underdeveloped pastoral landscape of high visual quality. The physical development and attendant activity would harm the intrinsic character of the area by undermining the qualities of drama, wildness, and tranquillity.

74. The proposal is contrary to the first statutory purpose of the National Parks, inconsistent with the guidance in the National Planning Policy Framework (para. 189) and contrary to policies DEV1, DEV3, DEV5, EC4, ENV1, ENV2, ENV10 of the Eden Local Plan (2014-2032).

Recommendation

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

1.In the opinion of the Local Planning Authority, the proposed visitor attraction, physical development comprising shepherds' huts, car park, passing places, extended rhino hard standing, tracks and pathways, external lighting and other associated development, and the intensification in activity at the site, would result in significant harm to the visual quality and intrinsic character of the National Park landscape. The cumulative effect of the extent and visual clutter of development would detract from the scenic drama and underdeveloped pastoral quality of the landscape and the qualities of drama, wildness and tranquillity that contribute to the intrinsic character of the area. The site is not well screened and is prominent from the M6 motorway, the West Coast Main line railway, the Lake District National Park, public footpath (367001), and Open Access Land, located to the east and west and would be seen in wider landscape views looking into the National Park. The proposal is not sustainable development and is contrary to policies EC4, DEV5, of the Eden Local Plan (2014-2032), and the guidance within the National Planning Policy Framework (2024) (para. 189 in particular) and the first statutory purpose of National Parks (S.5 National Parks and Access to Countryside Act 1949).

2. In the opinion of the Local Planning Authority the narrow access route to the site, poor surface treatment and steep embankments falling to the River Lune, is wholly unsatisfactory, and potentially unsafe, as an access route to serve the site for public uses. As such the proposal would harm highway safety and is contrary to the guidance in the National Planning Policy Framework (2024) and to policy DEV3 of the Eden Local Plan (2014-2032).

3. In the opinion of the Local Planning Authority the proposed engineering operations are likely to result in harm to archaeological features on the site and to the character and setting of the Low Borrowbridge Roman fort, a Scheduled Monument. In the absence of a geophysical survey the impact on heritage assets cannot be fully considered. As such the proposal is not sustainable development and is contrary to policy ENV10 of the Eden Local Plan (2014-2032), the guidance within the National Planning Policy Framework (2024) and the first statutory purpose of the National Park (S.5 National Parks and Access to Countryside Act 1949).