YORKSHIRE DALES NATIONAL PARK AUTHORITY **ITEM 6**

Committee: **PLANNING**
Date: **30 January 2024**

Report: **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.

5. All location plans are reproduced from Ordnance Survey Maps with the permission of Her Majesty's Stationery Office. Crown Copyright Reserved. Licence Number LA08905L-0001.

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.

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Index of Applications

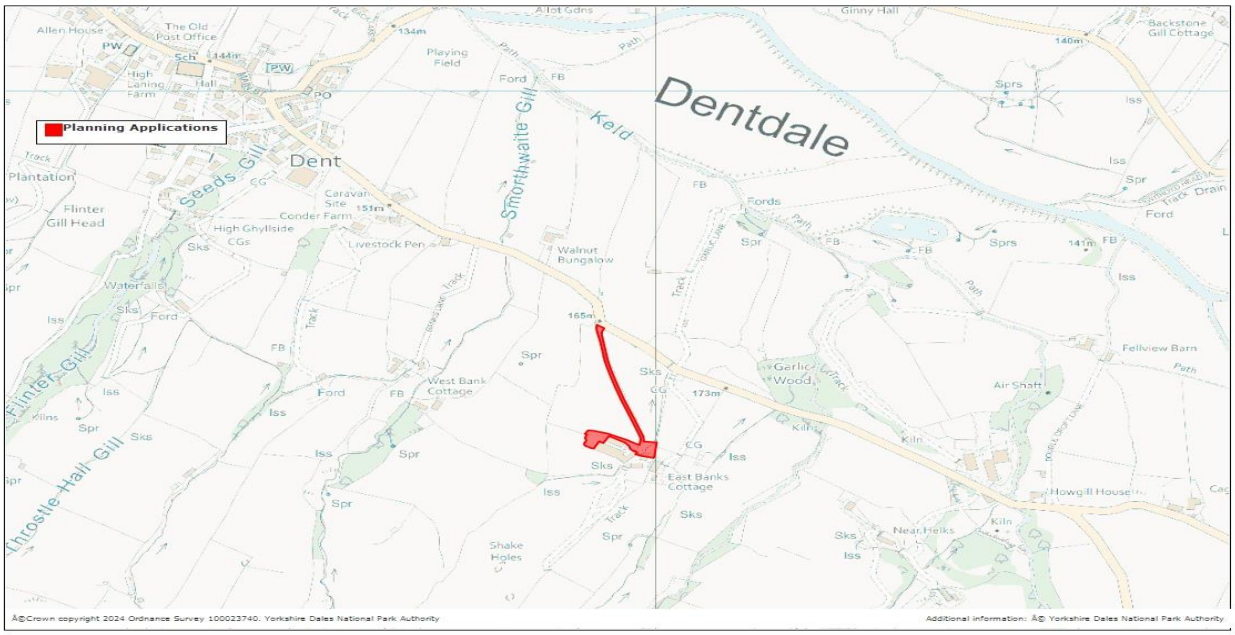
LIST NO	PARISH	APPLICATION NO	APPLICANT(S)	LOCATION
1	Dent	S/01/22L	Townson	East Banks Farm, Dent, Sedbergh, LA10 5QT

YORKSHIRE DALES NATIONAL PARK AUTHORITY

Committee:	Planning	**Parish:**	Dent,
Date:	30 January 2024	**Officer:**	Mark Williams
Applicant:	Mr A Townson	**Application No:**	S/01/22L
Site Address:	East Banks Farm, Dent, Sedbergh, LA10 5QT		
Proposal:	Full planning permission for erection of outbuilding to provide farm WC/utility and secure storage; grading and levelling of site and erection of retaining walls and fences; provision of timber cladding to concrete retaining walls; creation of parking area and level storage areas (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: the Parish Council recommendation is contrary to the decision which the Head of Development Management proposes to take.

APPLICATION SITE

3. East Banks Farm lies about 1km southeast of the village of Dent. The farm sits up the hillside just below the open fell. Access is gained via a single lane concrete track which leads up the hill from a minor road leading southeast out of Dent.

4. The farm comprises a group of traditional and modern farm buildings. The farmhouse and two traditional barns which sit to the front on either side, are all listed in their own right. To the northwest are two modern farm sheds.

PROPOSAL

5. The application seeks retrospective planning permission for various works which have been carried out on the farm, viz;

    - erection of an outbuilding to provide farm WC/utility and secure storage
    - grading and levelling of site and erection of retaining walls
    - creation of parking area and level storage areas

6. The outbuilding is a small stone lean-to structure built against an existing wall to the side of one of the traditional barns. It has a door in the northwest gable and a white uPVC window in the front elevation. The gable to the southeast sits on the boundary with the neighbouring property. The building houses a shower, WC and laundry facilities.

7. To the front of the outbuilding the hillside has been levelled to form two flat areas. The uppermost area has a gravel surface while the lower area is grassing over. Both areas are currently being used for the storage of wrapped bales.

8. An area of land to the front of one of the modern farm sheds has also been levelled. This provides level access to the adjacent field to the northwest and to the open fell. A retaining wall has been erected built from stained timbers. A timber cabin, which was to be sited in this area, has been removed from the application.

9. The application is therefore retrospective, and seeks permission for works which have already been completed.

RELEVANT PLANNING HISTORY

10. The following applications are relevant:

    S/01/22 - full planning permission for erection of agricultural building. Approved – Conditional 29/12/1994

    S/01/22B full planning permission for the erection of agricultural building. Approved – Conditional 21/07/1998

    S/01/22C - full planning permission for creation of new access and road (excavated materials from new road to be used to landscape old road). Approved – Conditional 18/10/2005

    S/01/22G_ full planning permission for erection of agricultural building over existing yard
    Approved - Conditional 11/10/2011

    S/01/22K - Full planning permission for change of use of part C3 dwelling to serviced visitor accommodation; together with retrospective installation of sewage treatment plant

CONSULTATIONS

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

Area Ranger (Western Dales)

Public Footpath 516025 passes to the south of the proposed development site. The PROW must remain open and available to users during works. Materials or machinery must not be stored on the PROW.

Police - Cumbria/Eden

Recommends crime preventon measures to protect dwellings and storage areas against forced entry.

Fire Officer - South Lakeland

Should the property be used for the purpose of a short-term holiday let, the property will at that stage be subject to the requirements of the Regulatory Reform (Fire Safety) Order 2005.

Highways - Westmorland & Furness Council

The proposal will involve a slight intensification of use of the existing access, the number of vehicles using this access will increase by two. Would appreciate if the applicant could show the maximum achievable visibility splays for the access set back 2.4m from the nearside carriageway edge. This is so whether we can determine that the visibility splays are suitable to support the intensification of the existing access.

(commenting on amended plans):

Confirm that previous response made to this application should still apply.

Dent PC

It was noted that Highways were still waiting for information from the applicant and the committee agreed that this was required.

It had been brought to the attention of the committee that there was already some noise pollution from the dogs that were on site and it was felt that this would only increase if more dogs were kept on site during training sessions.

The Council has concerns about the intended use of the site and the potential for further development and would make reference to it's own policy on "Holiday Let" accommodation regarding sustainability in the parish.

It was also noted that a uPVC window had been installed in the utility building.

The Council's comments on other applications at this property apply equally to this application and the Council therefore objects to this application.

PUBLIC RESPONSES

Public responses received at the time of writing: 2

12. Advertised by site notice. Expiry date: 27th October 2023. Two responses received, objecting on the following grounds:

- proposed timber cabin could become a holiday let *(now removed from the application)*

- concern that the traditional barns would be converted to holiday use and impact on new package sewage treatment plant
- improved signage needed from minor road
- concern over use of two areas of levelled land for caravans/motorhomes
- loss of view from stacked bales
- risk of bales rolling down the slope
- outbuilding could be used to service caravans/motorhomes
- uPVC window should be dark-stained timber
- use of one of the modern sheds for keeping sheep dogs and associated noise

ASSESSMENT

13. Key Issues:

- Principle of development
- Heritage
- Landscape
- Residential amenity
- Highways
- Nature Recovery
- Parish Council comments
- Equality Act

PLANNING POLICY

14. Local Plan Policy SP2 (National Park purposes) states that development will be permitted that furthers the statutory National Park purposes of:

    a) Conserving and enhancing natural beauty, wildlife and cultural heritage;

    b) Promoting opportunities for the understanding and enjoyment of the s0pecai qualities of the National Park by the public.

    Development that prejudices these purposes will not be permitted, although an exception may be made where development can demonstrate an overriding need and the harm can be mitigated or, as a last resort, compensatory measures can be agreed.

15. Policy SP4 sets out a range of development quality requirements for all forms of development, including design expectations, transport-related considerations, safety and amenity issues and environmental safeguarding. With reference to design, development should be sympathetic and complementary to the site, its surrounding context and landscape setting.

HERITAGE

16. Local Plan Policy L1 (Heritage assets) states that development proposals affecting a designated heritage asset will be permitted provided they conserve or enhance its significance.

17. The application sites are within the setting of the three listed buildings on site; the farmhouse and two barns. All the completed works sit to the front of the listed buildings. The outbuilding is attached to an existing wall adjacent to a listed barn, but not to the barn itself. The building is of a modest scale built from sympathetic materials (subject to the window frames being timber) and is not considered to detract from the setting of the listed buildings. Similarly the levelling of land to the front of the listed buildings is not considered to harm their setting.

LANDSCAPE

18. The outbuilding has been built against an existing stone wall and is viewed against this backdrop. Subject to the uPVC frames being replaced with timber, it is considered that the outbuilding does not have a detrimental impact on the wider landscape.

19. The newly levelled areas will be used for agricultural purposes in association with the existing farm and do not appear unduly incongruous. The removal of areas of grassed slope has had a minor detrimental impact on the immediate landscape, but a negligible impact in public views. The timber retaining wall had been dark-stained and is not a significant feature in the wider landscape.

RESIDENTIAL AMENITY

20. Local Plan Policy SP4 (Development quality) requires all development proposals to respect the amenities of neighbours.

21. The storage of bales on the levelled land adjacent to the boundary with the neighbour will inevitably lead to a loss of some of the view from this property while bales are being stored. However this is a private, not public, view and the effect of the development on a view is not a material planning consideration. Furthermore bales will only be stored on site for a few months of the year. As there is some concern over the round bales coming loose and rolling down the hillside, in the interests of public safety it is considered prudent to add a condition limiting the storage of bales to no more than two bales high.

22. The issue of dog noise arising from the kennels is not material to this application and the question of whether a new use (requiring planning permission) has been established is being investigated separately (see Parish Council comments below).

HIGHWAYS

23. The Highway Authority originally sought further information on available visibility splays on the basis of the additional accommodation proposed in the original application. This has now been removed so there would be no increase in the living accommodation provided on site. The Highway Authority was notified of this amendment but has reiterated its original comments.

24. Given that the application is now wholly retrospective and does not represent an intensification of the use of the site, the Highway Authority has been asked if it still requires this additional information. An update will be provided at the meeting, but it seems likely that the Highway Authority would have no objection to the works that have been carried out.

NATURE RECOVERY

25. Local Plan Policy W2 states that new development that would have an impact on biodiversity will be required to make a proportionate on-site contribution to wildlife enhancement. The works have all been completed and made no provision for wildlife enhancement. However this can be addressed by requiring a modest contribution (e.g. bird/bat boxes) by condition.

PARISH COUNCIL COMMENTS

26. The Parish Council mention several items of concern which are considered in turn.

27. Use of the site for holiday accommodation. There seems to be a concern that the newly- levelled areas of land could be used for the stationing of caravans or camper vans. It is agreed that this could have a detrimental impact on the landscape and the amenities of the neighbour. However the applicant has confirmed there is no intention to open the site to caravans or other holiday uses, and a condition can easily prohibit such uses.

28. Noise arising from dogs. A site meeting with the applicant confirmed that 12 kennels had been erected within one of the modern farm buildings. At present this houses around 10 dogs, but numbers can vary depending on breeding success. The kennels occupy less than 50% of the building.

29. The keeping of some sheepdogs is only to be expected on a working farm and is usually considered ancillary to the main agricultural use. Nevertheless, there may be cases where the intensity of the operation is such that it can no longer be considered ancillary and planning permission is required for a change of use to a mixed use. Such circumstance would most likely apply to commercial kennel operations. The kennels on this site are not a separate commercial operation, being more in the nature of a hobby or 'side-line' for the applicant. However, it does represent quite an intense use, with a maximum of 12 kennels and ancillary facilities available within the building.

30. Officers are considering whether this use is sufficient to constitute a change of use of the building requiring planning permission. An update will be given to Members at the meeting.

31. Of the works included in this application, only the new outbuilding has any relationship with the keeping of dogs on site. This includes a shower and laundry facilities, which will be used for laundry arising from the kennels and for washing the dogs themselves.

32. uPVC window in the outbuilding. The applicant has been asked to replace this with dark- stained timber, as stated on the submitted plans. This can be enforced by means of a planning condition.

EQUALITY ACT

33. 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.

34. 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

35. The works which have been carried out appear to be reasonably necessary for the purposes of agriculture and the efficient running of the farm enterprise. Subject to conditions the development would not cause significant landscape harm nor detract from the residential amenities of the neighbour.

RECOMMENDATION

36. It is recommended that permission/consent is GRANTED subject to conditions including the following:

- Approved plans (as amended to delete reference to the cabin)
- Levelled areas no to be used for stationing of caravans, camper vans etc
- Storage of bales limited to 2 bales high
- Replace uPVC window frame with dark-stained timber within 6 months
- Installation of bat/bird boxes within 6 months