YORKSHIRE DALES NATIONAL PARK AUTHORITY			ITEM 8.1
Committee:	Planning	**Parish:**	Thorpe
Date:	11 July 2023	**Officer:**	Wendy Thompson
Applicant:	Mr John Schindler	**Application No:**	C/70/33
Site Address:	Dowgill Barn, Thorpe, Burnsall, Skipton, BD23 6BJ		
Proposal:	Full planning permission for conversion of barn to form 1 holiday let accommodation with associated access, gateway, parking and installation of solar panels, air source heat pump and package treatment plant		

Purpose of the report

1. To provide further advice to Members on the validity and soundness of the reasons given for determining the above application in accordance with section 10 (b)(3) and (d)(ii) of the Planning Good Practice Guide.

Background

2. The Planning Good Practice Guide guidance applies to all Members when they are involved in the planning process. The aim of the guidance is to provide practical advice to Members when dealing with planning matters to ensure high standards of decision-making and reduce the risk of possible challenge.

3. The guidance includes the following procedure in cases where the Committee is minded make to make a decision contrary to officer recommendation:

   10.3 b) "Where a recorded vote shows an intention to determine an application contrary to policy or/and advice, the matter will stand deferred until the next meeting of the Committee unless there are no substantial doubts about the validity or soundness of the reasons (such to be advised by the Head of Development Management)."

   10.3 d) "Where an application has been deferred under para b) above:

   ii. the officers will provide further advice to the Committee as to whether it is possible to strengthen the validity and soundness of the reasons put forward and setting out appropriate conditions/planning obligations if the proposed decision were to approve the application."

4. At the meeting of the Planning Committee held on the 30th of May 2023, Members were minded to approve the application contrary to Officer Recommendation. A copy of the report from that meeting is attached (as an Appendix) for information.

5. The reasons given by Members for that decision were:

i) The proposed development would improve the condition of a redundant barn (which would otherwise continue to decay and eventually fall down) and bring it back into use as a holiday let;
ii) As a Holiday let it would have less impact on the landscape than as a dwelling in full time permanent occupation.
iii) It would support the viability of a local farming business.

Assessment of reasons

6. The law (Section 38(6) of the Planning and Compulsory Purchase Act 2004) requires that decisions are taken in accordance with the adopted Development Plan unless material considerations indicate otherwise. The Good Practice Guide includes the following:

10.3 "Officers will advise in their report which of the arguments put forward by an applicant, objector or supporter are considered capable of constituting material considerations. Often arguments of a personal kind relating to the circumstances of the applicant are put forward to support an application. Whilst these can be moving and persuasive, personal circumstances cannot outweigh other planning considerations except in the most exceptional circumstances.

Nonetheless, there will be occasions where you may be minded to vote to approve an application contrary to your policies. In this case you must identify clear and substantiated reasons that are capable of constituting material planning considerations.

The decision is ultimately the Committee's. However, it is imperative that the decision that is made identifies relevant planning considerations, and with detailed reasons set out to explain what might otherwise appear to the public to be inconsistency."

7. For this case, the Development Plan is the Yorkshire Dales Local Plan (2015-2030). Although the Local Plan needs to be read as a whole, the most relevant policies to this proposal are: strategic policies SP1(Sustainable development), SP2 (National Park Purposes), SP3 (Spatial Strategy) and SP4 (Development Quality). Also relevant are: L1 (Heritage Assets), L2 (Conversion of traditional buildings – acceptable uses) L3 (Conversion of traditional buildings – building treatment) CC1 (Renewable and low carbon energy), W1 (wildlife sites, species and networks), W2 (Biodiversity enhancement).

Reason 1) The proposed development would improve the condition of a redundant barn (which would otherwise continue to decay and eventually fall down) and bring it back into use as a holiday let;

8. The important contribution that traditional farm buildings make to the landscape is recognised within the Local Plan and the strategy to ensure their retention is encompassed in Policy L2. This is a conservation orientated policy aimed at securing the long-term future use of buildings in a manner that conserves their intrinsic value, their character and appearance. In order to do this, a locational hierarchy has been agreed and formally adopted. This requires the most highly intensive uses such as dwelling houses and short stay holiday lets to be in the most sustainable location, within an existing settlement, group of buildings or farmsteads or in a roadside location.

9. This barn is not in a roadside location but located approx. 40m from the roadside (as measured on the Authority's GIS system). It is not accessed by any form of track but via a

steep hill, or by a flatter access route of about 280m via two fields. The National Park landscape contains approximately 6000 field barns. There are many barns in the National Park that are not roadside and are not served by sealed tracks. In formulating the Authority's policy towards barn conversions Members determined that only those barns in roadside locations or building groups were appropriate for conversion as to allow field barns such as this to be converted would result in an irreversible change to the intrinsic character of the National Park. This approach was found to be sound and in accordance with national planning policy by the Local Plan Inspector.

10. There are other options for the reuse of the barn with a less intensive use such as a camping barn (i.e., basic bothy accommodation / a "stone tent") which would suit this isolated location, and therefore see the retention and repair of the barn, however the provision of an independent self-contained holiday let is too intensive, together with the associated track, parking area, curtilage and new access in this location.

Reason 2: As a Holiday let it would have less impact on the landscape than as a dwelling in full time permanent occupation.

11. It was noted at the meeting that the use of the barn as a holiday let would have less of a landscape impact than its use as a permanent dwelling. This is unlikely to be the case as both types of occupation will require many of the same facilities for domestic occupation, namely the creation of an access and parking area, the creation of a pathway down to the barn, which may need to be lit, the creation of a domestic curtilage and also the potential need for an external storage area to house outside furniture, maintenance equipment and visitors bicycles.

12. The property, whether a holiday let, or permanent dwelling would require a safe off-road parking area. The proposed parking area would involve the removal of a length of wall to create an entrance, the stone boundary wall will be lowered to 1.0m. towards the east to create the necessary visibility splays of 2m x 45m. This is necessary whether the barn is used as a holiday let or a permanent dwelling and would be a highly engineered intervention that would have a harmful visual impact on the rural unspoilt character of this stretch of roadside.

13. Access to the property would be down a long, steep, winding loose surfaced footpath. The applicant has reiterated that this will not be lit in any way, but it is unrealistic to think that there will not be any lighting here; public liability insurance issues raised by applicants on other tourist sites have stated that they need to provide lighting to allow guests to access sites in dark, wet or slippery weather. The impact of this would be harmful to the dark and tranquil setting of the barn and introduce a further harmful impact into the landscape in this area. There are also concerns that the access track may not meet disability or fire access arrangements as required by Building Regulations.

14. The applicant has reduced the size of the curtilage to a small, paved area extending 5m to the south of the barn to be screened by a 1.2m dry-stone wall. This area will contain the heat pump, a storage for bikes and the refuse bins. The red line however includes all the land between the stone wall and the east of the access path. This will be retained as "grassland as existing" and the path will be bounded by a 1.2m high post and rail timber fence and dry-stone wall. As a result, an area of curtilage could be created that fills the land between the wall and the fence and whilst the current applicant may wish to retain it as the existing grassland, this grassland is grazed by sheep. Once the fence is erected, sheep will be kept

out of the land and so the area will be managed and differently and the character and appearance and even the ecological make-up of the area will change.

15. There is very little difference between the landscape impacts of a permanent dwelling and holiday let use. Whilst the applicant has mentioned that they will empty bins by quad bike and undertake other maintenance works and manage the property from their home, this is likely to be untenable as a long term solution. There is no guarantee that the applicant will own and run the property in the long term and a future owner may run the property in a different manner that would require further developments at the barn, which would be difficult to resist.

Reason 3: It would support the viability of a local farming business.

16. Many businesses within the National Park are facing difficult times at the moment owing to the current economic crisis, and uncertainty over the single farm payments and the move to a post Brexit agricultural economy are affecting farming in particular. The applicant currently farms 250 acres of land in sheep and beef cattle, but this has recently been reduced from 340 acres as the landlord has sold off a portion of land. The applicant's family wish to carry on the family business in the future when the applicant retires in the future and this holiday let would assist in ensuring the viability of the farm.

17. Many other farms face similar difficulties and whilst these matters are unfortunate, they are personal circumstances that relate to the applicant. As made clear in the Good Practice Guide, personal circumstances are only relevant in the most exceptional circumstances. The relevant case law on this point is from Great Portland Estates Limited v Westminster CC [1985]:

"Personal circumstances of an occupier, personal hardship, the difficulties of businesses which are of value to the character of a community are not to be ignored in the administration of planning control. It would be inhuman pedantry to exclude from the control of our environment the human factor. The human factor is always present, of course indirectly as the background to the consideration of the character of land use. It can, however, and sometimes should, be given direct effect as an exceptional or special circumstance. But such circumstances, when they arise, fall to be considered not as a general rule but as exceptions to a general rule to be met in special cases. If a planning authority is to give effect to them, a specific case has to be made and the planning authority must give reasons for accepting it."

18. It is clear from the above that such circumstances must be exceptional or special and must therefore be considered only as an exception to the general rule. A specific case must be made out and the planning authority, if they accept it, must give reasons for doing so. There are many farms within the Yorkshire Dales that are facing similar economic difficulties, have many small, remote field barns and have been within families for a long time. These reasons do not apply specifically to this applicant and the circumstances, whilst compelling are not an exception. As the reason concerns personal circumstances it is difficult to advise Members how it could be strengthened without some further information of a more compelling nature from the applicant. Ultimately, Members need to be satisfied that they have evidence before them to enable them reasonably to conclude that the applicant's personal circumstances are exceptional or amount to a special case.

Conclusion

19. The Authority's Local Plan strategy for conserving and enhancing the landscape and cultural heritage of the Park includes Policy L2 which is a conservation orientated policy aimed at securing the long-term future of traditional buildings in a manner that conserves their intrinsic value. The policy has been successful in granting permission for over 200 conversions whilst still conserving the inherent character and visual quality of the landscape. This has largely been achieved by ensuring that only buildings in appropriate locations are permitted for conversion. The proposed conversion of this building to a high intensity residential use and the use of the surrounding land as residential curtilage would conflict with that approach and would not achieve the aims of the policy.

20. It is considered that the conversion of the barn to form a holiday let does not meet the locational requirements of policy L2 as the barn is remote by 40m from the nearest road and not served by an established track as required by the Policy. Furthermore, the proposed conversion, and the creation of an access path, extensive curtilage and parking area in this isolated location, would significantly harm the visual quality and pastoral character of the landscape of this part of the National Park.

21. Whilst a holiday let may support the existing agricultural business to some extent, the public benefit of additional holiday lets is limited.

22. For the reasons set out above Members are advised that Officers consider that reason 1 is neither valid nor sound and that reasons 2 and 3 are not sound. To allow this would result in a departure to adopted local plan policy without convincing reasons which would undermine the application of this important policy. Members are reminded of the legal duty to determine applications in accordance with the Local Plan and the reasonable expectation of the public that the Authority will follow its own policies and determine applications in a consistent manner. However, as the Good Practice Guide makes clear, the decision is ultimately the Committee's.

RECOMMENDATION

23. It is recommended that permission be REFUSED for the following reason:

In the opinion of the Local Planning Authority the proposed development by reason of its isolated location within a field, the proposed conversion works, the creation of a domestic curtilage, access track and turning area, and the domestic paraphernalia and activity associated with the creation of a dwelling would have a significant harmful effect on the scenic beauty and intrinsic pastoral, tranquil, and dark sky qualities of the character of the landscape. As such the proposal is not sustainable development and is contrary to policies SP1, SP2, SP4, L1, L2 and L3 of the Yorkshire Dales Local Plan (2015 - 2030), the Yorkshire Dales National Park Design Guide and the statutory purposes of the National Park (Section 5 of the National Parks and Access to the Countryside Act 1949) and guidance within the National Planning Policy Framework (2021) [para.176].

If Members are minded to grant permission, it is recommended that permission should be granted subject to conditions based on the following:

Time limit

Plans condition

Approval of materials

Removal of permitted development rights

Control over external lighting

Approval of landscaping

Provision of wildlife enhancement measures

Highways requirements

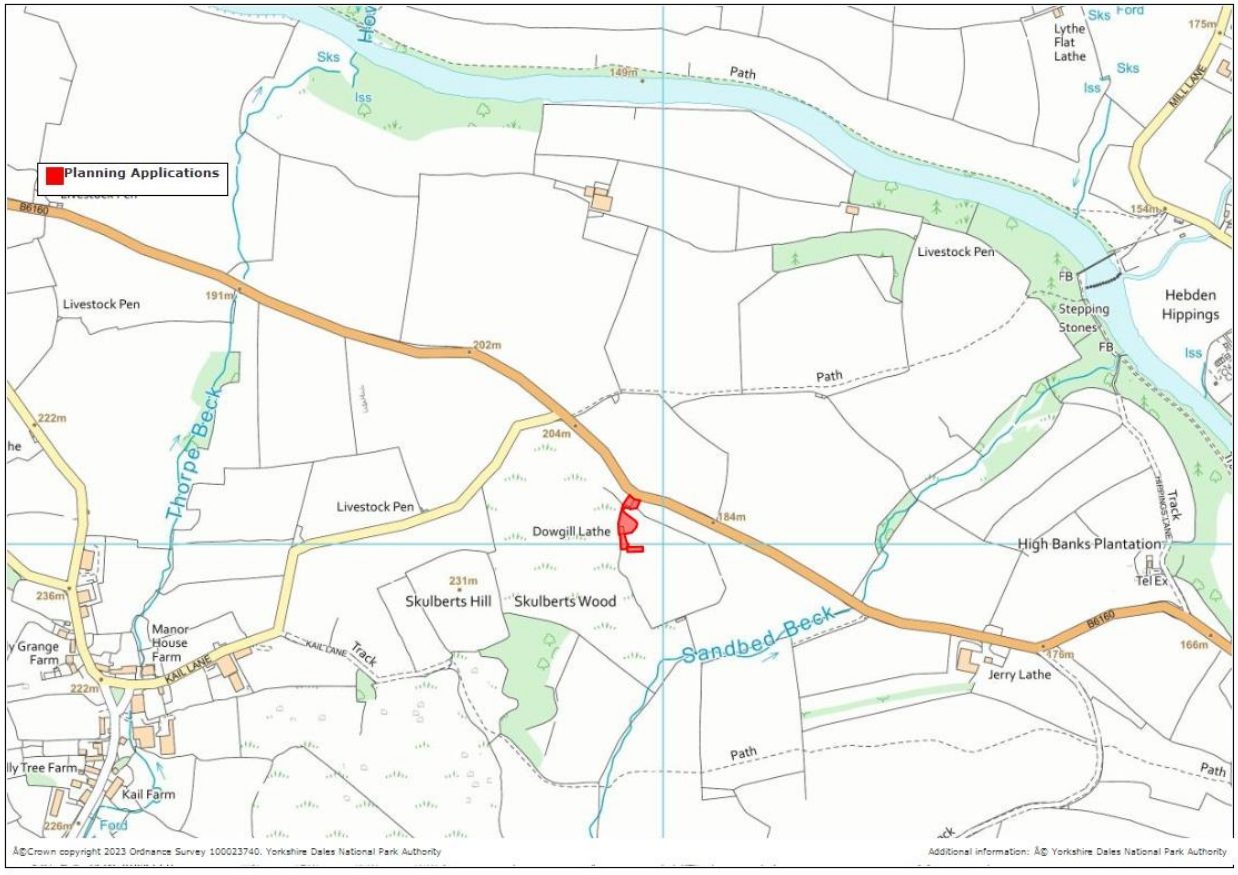
Wendy Thompson
Senior Planning Officer

Date 11th July 2023

Background documents: Committee report of 30th May 2023 , application ref C/70/33 – See Appendix

YORKSHIRE DALES NATIONAL PARK AUTHORITY

Committee:	Planning	**Parish:**	Thorpe
Date:	30th May 2023	**Officer:**	Wendy Thompson
Applicant:	Mr John Schindler	**Application No:**	C/70/33
Site Address:	Dowgill Barn, Thorpe, Burnsall, Skipton, BD23 6BJ		
Proposal:	Full planning permission for conversion of barn to form 1 no. local occupancy dwelling or holiday let accommodation with associated access, gateway, parking and installation of solar panels, air source heat pump and package treatment plant		



REASON FOR COMMITTEE CONSIDERATION

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

APPLICATION SITE

2. Dowgill Barn is an unused, isolated field barn sited approx. 40m from the B6160 Linton – Burnsall Road. It is located at the bottom of a steep hill and is partially dug into this hill. It is built of stone and has a stone slate roof. It has one window in the northern side, a door and small forking hole in the eastern side and a small blocked up window on the western and southern sides. The barn is of some age, having been built in the late 18C and extended in the mid 19C and whilst is not listed, it is a non-designated heritage asset.

3. The barn is located on a stone walled field boundary and access is gained through a field gate from the road. There is no direct access and no existing track leading to it and one must walk along a field boundary and then back up to the barn to access it. It has no external enclosed space or croft but there are remains of a short length of wall to the south which may have formed a partial enclosure in the past. The barn is wholly isolated within the landscape and there are no other buildings nearby.

4. Adjacent to the road, is an existing pull-in and a field gate leading to a small, compacted area at the western end of the field which may have been used for the storing of hay bales. The field then opens out into pasture grazed by sheep and is bounded by dry-stone walls. An overhead electricity line crosses this field.

PROPOSAL

5. This application seeks full planning permission for the conversion of the barn to form a local occupancy dwelling or holiday let accommodation with a new associated access, a new gateway, parking area and the installation of solar panels, air source heat pump and package treatment plant.

6. The proposal would create a small two-bedroomed dwelling, with a living, kitchen and dining room on the ground floor and two bedrooms with en-suite shower rooms on the first floor. The drawings do not show any internal storage spaces and the proposed dwelling is quite compact, the ground floor living area being 51m2 and the upper floor being 28.52m2. Externally, the small blocked up opening will be extended to form a full height glazed opening on the eastern elevation and the opening on the northern elevation will be reglazed as a side hung opening casement window. The openings in the western and southern elevation would be reglazed. Three rooflights are proposed in the southern elevation and a row of solar panels is shown running along the ridge of the building. Wild bird boxes are to be installed on each end of the building. The curtilage extends 21m to the south of the barn and there would be a stone flagged paved area close to the barn which would site the air souce heat pump and the bin store. The curtilage is also shown as extending up the hill to the north, filling the gap between the dry stone wall to the west and the proposed footpath and the parking area at the top of the hill.

7. There is no proposed vehicular access to the building, but a new pedestrian footpath is shown running in an S shape down the hill from the proposed parking space. A new access from the B6160 is shown which would require the lowering of the dry-stone wall to 1.0m in height to create the necessary visibility splays of 2m x 90m . A new 5m x 5.5m bitmac surfaced access would be created and the remainder of the parking area surfaced with crushed limestone. Two car parking spaces would be provided in an area directly to the west of the turning area created by removing a section of stone wall. From the turning area, a new gate in the field boundary wall and a footpath would be created. The applicant has confirmed that this would not be lit.

RELEVANT PLANNING HISTORY

8. There are no former applications at this site.

CONSULTATIONS

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

Wildlife Conservation Officer – Not received

Highways – Not received

Fire Officer - Craven – Objects to the application . The proposals/plans show insufficient detail for the North Yorkshire Police, Fire and Crime Commissioner Fire and Rescue Authority to determine if the requirement B5 of Schedule 1 to the Building Regulations 2010 (as amended), access and facilities for the fire service will be met.

Environmental Health - Suggests unexpected contaminiation condition. The new dwelling will be served by a private borehole supply and will require risk assessing and sampling prior to completion for which charges will apply.The supply will require suitable treatment which MUST include a pre-filter, fail-safe UV and any other treatment deemed necessary either at a central point treating all water being supplied OR at point of entry into the property.

Building Control - All work is to be carried out, to ensure compliance with the Building Regulations 2010.

Thorpe Parish Meeting - After a lengthy and detailed discussion when all aspects of the application were examined the 15 attendees voted unanimously in favour of supporting the development of Dowgill Barn.

A further four residents who were unable to attend asked that their support for the application should be registered.

The reasons for the support are as follows.

1.The Barn is situated in a secluded almost hidden position.

2.The building is not suitable for present day farming methods and therefore redundant.
Due to lack of maintenance the fabric of the building is deteriorating and will eventually become a ruin.

3. In order to warrant the considerable cost of preserving the building an economic viable use must be found.

4.The proposed design and development will enhance the visual amenity of the locality and provide a sustainable use for the barn.

5. The applicant has a proven track record of sympathetic development and maintenance of redundant farm buildings.

PUBLIC RESPONSES

Neighbour/interested parties' responses received: 7

10. Advertised by site notice displayed on 12/04/2023 . Seven replies have been received which support this application. Summarised the points raised in them area as follows:

- The barn is hardly visible and would enhance the locality.
- Farmers need to diversify their business to remain viable and boost their incomes.
- The parking is unobtrusive.
- Being almost hidden, it would not affect the surrounding environment.
- It would make a beautiful home.
- It is a shame to see the barn go to waste.
- It will not be detrimental to the village or damage the community.
- It will boost tourism.
- The barn is not suitable for modern agriculture.

ASSESSMENT

Key Issues:

- Planning policy
- Landscape and visual impact
- Impact on ecology
- Renewable energy
- Parish Council comments
- Equality Act

PLANNING POLICY

11. The National Planning Policy Framework (NPPF 2021) sets out the purpose of the planning system: to contribute to the achievement of sustainable development. In setting out what is sustainable development the Framework requires 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.” [para.176]

12. The Framework also directs planning authorities to avoid the development of isolated homes in the countryside unless certain circumstances apply. The circumstances listed include - "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" and "the development would re-use redundant or disused buildings and enhance its immediate setting." [para.80]

13. The Yorkshire Dales Local Plan (2015-30) compliments the Framework and aims to deliver sustainable development in the National Park context. It aims to achieve the conservation and enhancement of traditional buildings (heritage assets) by allowing them to be adapted or converted to new uses, providing the building and its landscape have the capacity to absorb them.

14. Local Plan Policy L1 considers development affecting heritage assets. Traditional buildings may be designated as Listed Buildings or are considered to be ‘heritage assets’ despite not being designated. Proposals affecting undesignated heritage assets will be permitted where their significance will be conserved. Where harm may result from a proposal applicants should demonstrate that reasonable efforts have been made to minimise harm and make provision for suitable recording. The barn is of some age and would be considered appropriate for conversion as it is a traditional building. A detailed

Historic Building Recording report has been submitted with the application that discusses its history and notes features of interest within the building.

15. Policy L2 allows traditional buildings to be changed to residential and employment uses in certain locations (in existing settlements, building groups, or suitable roadside locations). Intensive uses will not be appropriate in buildings that are isolated in the landscape and a change of use will only be allowed in isolated buildings where there would be no material alteration to the exterior of the building or its surroundings. Traditional buildings that are not roadside or within a group of buildings may only be suitable for conversion if served by an established (since 1 July 2014) unsealed road or track but that is subject to the impact on the landscape. The applicant has commented that the barn is " near enough roadside for a holiday let in particular… The site ownership abuts a highway – a sealed metalled road. The barn is in close proximity and therefore fulfils Policy L2 and footnote 27 (sic)."

16. The barn is sited 40m from the B6160 and there is no existing track to the barn. Aerial photographs suggest that there has never been an access track to the barn, as required by Policy L2 and clarified by footnote 31. It is therefore considered that the barn is not served by a historic track that would comply with the clear and direct locational requirements of this policy. The policy is quite clear in allowing for roadside barns to be converted rather than barns isolated within a field – this restriction was formulated for the obvious reason to conserve the landscape and is a key element of the policy. Despite the applicant's assertion the barn, being 40m from the road is clearly not a roadside barn.

17. Policy L3 considers the building treatment for the conversion of buildings. 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 to provide ancillary storage and services. As the building is so small there is a very strong likelihood that some form of external storage building will be needed for storing maintenance equipment, outdoor gear, renewable energy equipment etc. and it is clear that the barn and its setting cannot accommodate such a building. Alterations to allow for the creation of any new curtilage, highway access, access roads must be sensitive to the traditional character and appearance of the buildings and should not adversely affect the immediate or wider landscape setting of the building. Whilst the actual conversion of the building is sensitive, the external proposals – the curtilage, the footpath, the parking area and the creation of the access would adversely affect both the immediate and wider setting of the barn as well as introducing a new land use in the parking area at the top of the hill which would be visually unrelated to any existing development contrary to Policy L3.

18. A proposal to convert a traditional building to a new use must satisfy the requirements of all three policies and will be discussed below.

LANDSCAPE AND VISUAL IMPACT

19. This is a small, traditional field barn in an isolated location. Field barns are a significant landscape feature of this part of Wharfedale, forming one of the defining elements of the Yorkshire Dales National Park. The National Park has been designated for its important landscape value, with the first statutory purpose being to "Conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park" and field barns are an integral part of the cultural heritage of the Yorkshire Dales. The justification for Policy L2

reiterates that this is a conservation- orientated policy aimed at securing the long-term future of traditional buildings in a manner that conserves its intrinsic value. It is not a policy to encourage new housing or to provide additional tourist accommodation. There are clear parallels between this case and Gayle Lane Barn (R/56/518A) which was refused by Members at the Planning Committee on 2nd August 2022 (following a dismissed appeal case) in terms of its impact on the landscape and the location of the barn.

20. The barn is roughly halfway between Burnsall and Thorpe but, owing to the distance and undulating topography it is not visually or physically associated with either settlement, it is an isolated barn within a rural setting. The proposed conversion of this barn would not only change the appearance of the building, but also the land around it, introducing a residential use to the undeveloped, pastoral landscape of this part of Wharfedale. The land contained within the application site has the potential to become manicured and domestic, as would be expected with a garden. It is realistic to expect that occupants would want the usual domestic paraphernalia such as garden furniture, play equipment, external storage buildings, renewable energy and off grid plant machinery, and the planting of gardens with shrubs, trees and hedges. This would significantly and permanently change the relationship the former agricultural building has with the farmed landscape. Whilst permitted development rights can be removed for outbuildings and surfaces, many domestic items do not require planning permission and it would be unrealistic and unreasonable to control such things through conditions.

21. The applicant has confirmed that a vehicular access is unnecessary which may be the case for a holiday let but is unlikely to be practical for a permanently occupied local occupancy dwelling. However, the proposal includes the creation of a foot path down the hill to the barn which would be surfaced with limestone gravel. Whilst the applicant has said this would not be lit, it is difficult to see how this can be used safely without some form of lighting for when it is dark, wet or slippery. Whilst Dark Sky compliant lighting may be available, the visual impact of even low-level lighting in this location, would be harmful to the dark and tranquil nature of this setting. There are also concerns that the pedestrian access arrangements may not meet building regulations standards for disability access or meet fire access standards and further comments on these points are awaited.

22. The proposed development proposes the formalisation of an area of rough hardstanding to form a parking and turning area. The existing access will be widened, and the stone boundary wall will be lowered to 1.0m. to create the necessary visibility splays of 2m x 45m (in each direction). This would be a major intervention that would have a harmful visual impact on the rural unspoilt character of this part of the National Park by introducing a designed and engineered feature into the landscape which seemingly does not relate to any nearby development.

ECOLOGY

23. The application has been accompanied by an initial bird and bat scoping survey which concluded that there was no evidence of bat roosting or bat activity within either the interior or exterior fabric of the building.

24. The applicant has proposed wild bird boxes at the top of each gable, and these would be secured by a planning condition to ensure that the development complies with Policy W2.

RENEWABLE ENERGY

25. The proposal includes the installation of solar panels and the use of an air source heat pump for the building. These accord with the aims of Policy CC1 which encourages the use of such technologies where they do not affect the special qualities of the National Park.

PARISH COUNCIL COMMENTS

26. Thorpe Parish Meeting supports the application for the reasons outlined in Para 9 above. The issues of location and design have already been addressed above. The Parish Meeting suggest that the proposed use of the barn is the only one suitable as the barn is not suitable for any other purpose and a viable economic use must be found. Planning policy does support the reuse of such buildings to ensure that they are preserved where possible , however this is balanced against the wider impacts of the development. There is a schedule of possible uses for barns within Policy L2 that allows for the re-use of most barns depending on their location but this location does not have the capacity to accommodate such a highly intensive use such as is proposed.

EQUALITY ACT

27. 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.

28. 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

29. The Authority's Local Plan strategy for conserving and enhancing the landscape and cultural heritage of the Park includes Policy L2 which is a conservation orientated policy aimed at securing the long-term future of traditional buildings in a manner that conserves their intrinsic value. The policy has been successful in granting permission for over 200 conversions whilst still conserving the intrinsic character and visual quality of the landscape. This has largely been achieved by ensuring that only buildings in appropriate locations are permitted for conversion. The proposed conversion of this building to a high intensity residential use and the use of the surrounding land as residential curtilage would conflict with that approach and would not achieve the aims of the policy.

30. It is considered that the conversion of the barn to form a dwelling does not meet the locational requirements of policy L2 as the barn is not served by an established track as required by the Policy. Furthermore, the proposed conversion, and the creation of an access path, extensive curtilage and parking area in this isolated location, would significantly harm the visual quality and pastoral character of the landscape of this part of the National Park. It is therefore considered that the application is contrary to Policy SP1, SP2, SP4, L1, L2, and L3 of the Yorkshire Dales Local Plan (2015-2030), guidance contained within the Yorkshire Dales National Park Design Guide and the National Planning Policy Framework 2021 (para 176).

RECOMMENDATION

31. It is recommended that permission be REFUSED for the following reason:

In the opinion of the Local Planning Authority the proposed development by reason of its isolated location within a field, the proposed conversion works, the creation of a domestic curtilage, access track and turning area, and the domestic paraphernalia and activity associated with the creation of a dwelling would have a significant harmful effect on the scenic beauty and intrinsic pastoral, tranquil, and dark sky qualities of the character of the landscape. As such the proposal is not sustainable development and is contrary to policies SP1, SP2, SP4, L1, L2 and L3 of the Yorkshire Dales Local Plan (2015 - 2030), the Yorkshire Dales National Park Design Guide and the statutory purposes of the National Park (Section 5 of the National Parks and Access to the Countryside Act 1949) and guidance within the National Planning Policy Framework (2021) [para.176].