YORKSHIRE DALES NATIONAL PARK AUTHORITY

Committee:	Planning	**Parish:**	Arkengarthdale
Date:	11 July 2023	**Officer:**	Mark Williams
Applicant:	Mr Charles Cody	**Application No:**	R/01/31R
Site Address:	The Charles Bathurst Inn, Arkengarthdale, Richmond, DL11 6EN		
Proposal:	Full planning permission for change of use of land from redundant school playing field to site associated with The CB Inn; erection of building to provide accommodation for staff in connection with The CB Inn and The Punch Bowl Inn; provision of parking and installation of package sewage 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. The Charles Bathurst ('CB') Inn sits on the east side of the minor road through Arkengarthdale, north of Langthwaite. Access is gained directly off the road into an extensive car park to the south of the Inn. A new building housing a biomass plant sits to the north of the car park (Ref R/01/31P).

3. The main Inn building itself is a large two-storey stone building, with those parts nearest the road painted white. It has been much extended over the years, resulting in a building of considerable massing. It has 19 letting rooms and accommodation for 5 staff. The CB Inn currently employs 13 full-time and 24 part-time staff. The Punch Bowl Inn employs 6 full-time and 13 part-time staff.

4. Immediately to the south of the car park is a levelled grassed area which served as a playing field for the former primary school on the opposite side of the road. The school closed in August 2019 rendering the playing field effectively redundant. The former playing field forms the application site.

5. A public footpath runs to the south of the application site, next to the neighbouring property at Croft House.

PROPOSAL

6. It is proposed to erect a one and two-storey building on the site of the former playing field to provide accommodation for staff working at the CB Inn and the Punch Bowl Inn in Feetham, Swaledale, some 3 miles distant.

7. The proposed building would have two 2-storey elements 'bookending' a central single storey element. It would be built of stone with artificial stone slate roofs. The central single storey element would have a flat turf roof and timber boarding to the front and rear elevations. There would be a smaller single storey element of similar design attached to the north gable of the building. The two-storey element to the north would have its ridge parallel to the raod, while the element to the south would have its ridge at 90 degrees to the road. The roadside roof slope of the 2-storey element to the north would have solar panels across its entirety.

8. The proposed building would provide accommodation for staff working at the CB Inn and Punch Bowl Inn. The building would provide five units with a total of 6 bedrooms. The 2-storey element to the south would provide a self-contained 2-bed manager's house over two floors. The 2-storey element to the north would provide two 1-bed aparetments, one to each floor. The central single storey element would house two studio apartments, served by a communal kitchen and laundry. One of these apartments would be fully accessible.

9. Four parking spaces for the proposed units would be provided to the north, at the south end of the existing car park. A new package treatement plant would be installed next to the biomass building.

RELEVANT PLANNING HISTORY

10. The following applications are relevant:

R/01/112 - full planning permission for change of use of field to form playing field. Approved – Conditional 19/10/2001

R/01/31E -retention of first floor extension link to existing Inn. Approved - Conditional 21/02/1997

R/01/31F - full planning permission for the erection of extension to kitchen and dining room. Approved - Conditional 29/10/1997

R/01/31H - full planning permission for i) two storey extension to provide 9 bedrooms ii) external alterations to kitchen and erection of workshop. Approved - Conditional 08/09/1999

R/01/31K - full planning permission for the erection of extension to front bar of Inn. Approved - Conditional 08/09/2000

R/01/31L - full planning permission for erection of a function room and kitchens. Approved - Conditional 13/11/2002

R/01/31M - full planning permission for (i) demolition of Garden Bar and erection of extension to provide administration centre; (ii) demolition of former flat and erection of extension to form additional ground floor bedroom and increase size of first floor bedroom and (iii) erection of detached workshop. Approved - Conditional 26/05/2005

R/01/31N - full planning permission for erection of single storey extension to existing bar area Approved - Conditional 05/06/2014

R/01/31P - full planning permission for erection of a new building to house a 199kW Bio-mass boiler, cycle storage and WC/shower room
Approved – Conditional 19/09/2014

R/01/31Q - Full planning permission for the erection of two-storey building to provide staff accommodation for the CB Inn (manager's house, 2 No. apartments and 4 No. studio flats) and installation of package sewage treatment plant. Withdrawn/Final Disposal 25/08/2022

YD1/1/31C - full planning permission for erection of extensions.Approved - Conditional 16/03/1990

CONSULTATIONS

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

Wildlife Conservation Officer - The application site is a field previously used as the local school football pitch. There is no evidence that suggests that this field is of any significant wildlife interest. The aerial photographs available suggest that it is improved grassland and likely to be botanically-impoverished. This view is strengthened by photographs of the land supplied with the application documentation.

The boundary of Arkengarthdale, Gunnerside and Reeth Moors Site of Special Scientific Interest (SSSI) is about 100 metres to the west but seems unlikely that development of the site could affect the SSSI because the field is separated from the SSSI by highway and is set

amidst an already existing settlement. The SSSI is a component of the North Pennine Moors Special Protection Area (SPA) but a significant impact on the SPA's qualifying features (breeding birds) seems very unlikely given the location of the proposed development, and screening of the site from the SPA due to existing buildings and blocks of woodland. The SSSI is also part of the North Pennine Moors Special Area of Conservation (SAC) but a significant impact on SAC habitats seems unlikely given location, scale and nature of the proposed development.

Protected species are unlikely to be harmed by development of the site because the habitat is unlikely to support significant populations of any such species.

There could be opportunities for biodiversity enhancement in line with Local Plan Policy W2 but none are mentioned or proposed by the applicants. In this regard, the application could be viewed as being contrary at present to planning policy. Fields adjoining the land are recorded as upland hay meadow in the Authority's habitat GIS layers, but these do not seem to be in the ownership or control of the applicant, so it is assumed that enhancement measures will have to be focussed on the land within the red line. Given that part of the proposed new building will have a green roof comprised of "meadow turf" according to submitted plans, then there is a possibility that a relatively species-rich and interesting sward could be created which could represent some enhancement. However, no details are provided of the nature of the meadow turf, what this comprises, or how it will be established and maintained. The new build would provide opportunities to incorporate bat and bird boxes, but none are shown or mentioned in the application documents.

Natural England – No comment

Area Ranger (Swaledale & Arkengarthdale) - Do not foresee there being any impact on the current route of the adjacent Public Footpath

Fire Officer – Richmondshire - 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.

Chief Environmental Health Officer CEHO - The potential impact on amenity, and likelihood of the development to be affected by, or cause, a nuisance and consider that overall, the impact will be low.

Recommend a condition on Contaminated Land, and Informatives relating to Radon and Houses in Multiple Occupation (HMOs).

Arkengarthdale PC – "The Councillors objected by a vote of four to one to the planning application R/01/331R for the following reasons

- Inadequate spring water supply and excess sewage outflow which could cause pollution.
- Materials not in keeping with the surrounding area, aluminium doors and windows and cedarwood cladding.
- Building on a greenfield site.
- The distance of the proposed building from the CB Inn.
- The loss of a scenic view to the public and residents."

PUBLIC RESPONSES

12. Advertised by site notice. Expiry date: 16th March 2023. Twenty-one (21) objections received.

Grounds of objection**:**

- Harm to landscape of the National Park
- Harm to the Conservation Area
- Loss of views
- Development of a greenfield site
- Materials are out of keeping with the area
- Light pollution
- Noise pollution
- Too far from the CB Inn
- Inadequate water supply
- Drainage
- Outside development limits
- Increased traffic
- Would dominate neighbouring buildings
- Other sites are available
- No essential need
- Could lead to housing on the site

ASSESSMENT

Key Issues:

- Planning policy
- Community Use
- Important Open Space
- Conservation Area
- Residential amenity
- Highways
- Biodiversity
- Drainage
- Parish Council comments
- Equality Act

PLANNING POLICY

13. Local Plan Policy SP2 states that development will be permitted that furthers the statutory National Park purposes. The two statutory purposes of the National Park are to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park and promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.

14. Policy SP4 (Development Quality) sets out various criteria for all new development, including design, transport and amenity.

15. The NPPF states 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. 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. (Para 176).

16. Paragraph 84 of the NPPF states that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. It goes on to say that planning decisions should enable the retention and development of accessible local services and community facilities including public houses.

17. The land on the opposite side of the road, including the former school building and the field to the north, are included in the development limit of Langthwaite. Langthwaite is identified as a Service Village under Policy SP3 (Spatial Strategy) of the Local Plan. According to Local Plan Policy SP3 new development will be located within or adjacent to such settlements. Proposals for development within or on the edge of these settlements should be at a scale that is appropriate to the character and function of the settlement.

18. The application site does lie adjacent to the settlement boundary of the northern part of Langthwaite, albeit this in itself is a bit of an 'outlier' some distance from the main settlement itself. However in the latest draft of the new Local Plan (Consultation No. 6 – 'Land for Housing Development') the application site is included within the development limit. Although the consultation period for this document has now closed it still at a very early stage and can be afforded no weight in considering this application.

19. Local Plan Policy C2 (Rural Exception Sites) allows for small-scale affordable housing schemes on land adjacent to the development boundaries of local service centres such as Langthwaite. Although the premise for the development is driven by a lack of affordable housing in the area the proposal is not for affordable housing.

20. The other exception for housing development outside the prescribed development limits is housing for rural worker's (Policy C3). The justification for this policy (para 4.18) explains that this it is designed to accommodate the need for housing in the open countryside where it is essential for worker in agriculture, forestry or other rural-based enterprises. While the CB Inn is clearly in a rural location, it is not considered to be a 'rural-based enterprise' for the purposes of Policy C3. The justification for Policy SP3 (para 2.17) makes it clear that rural enterprises should derive their primary inputs from the land. Accordingly, it is considered that the proposed development would not comply with the requirements of Policy C3.

21. While the proposed development is clearly for a residential use it does not fall easily within Local Plan Policies dealing with residential development.

22. Local Plan Policy BE1 (Business development sites) states that the expansion or redevelopment of existing business uses on sites in or adjacent to listed settlements will be permitted subject to satisfying the requirements of Policy SP4.

23. Local Plan Policy BE4 (New build live/work units) allows for the erection of live/work units inside housing development limits or within some allocated business sites and vacant industrial sites. Proposals on other sites outside the development limits will need to be supported by evidence of need for a business unit with ancillary living accommodation and evidence that such a unit would be viable.

24. Under the terms of Policy BE4, proposals for live/work development will also need to meet the following criteria:

    a) the residential use will be ancillary to the business use;

    b) the occupancy of the living area will be restricted to a person working full-time in the business.

25. The proposed development would be intrinsically linked to the needs of the businesses at the CB Inn and Punch Bowl Inn and essentially involves the erection of a residential annex. As such Local Plan Policies BE1 and BE4 are considered to be more relevant than those policies dealing with housing development.

26. The proposed development can be seen as an expansion of an existing business in line with the aims of Policy BE1. Furthermore, it is intrinsically linked to the needs of the existing business, and occupation would be ancillary to the business use, albeit in a separate building. A Section 106 agreement could restrict occupancy of the proposed accommodation to the existing business, thus fulfilling the requirements of Policy BE4.

COMMUNITY USE

27. Local Plan Policy C9 (Existing Community Facilities) states that development that would result in the loss of, or have an unacceptable adverse effect on, an existing community facility will not be permitted unless it can be demonstrated that:

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

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

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

28. The supporting statement says that once the school closed the land was offered to the Parish Council but no alternative community need could be identified. Ownership subsequently reverted to the applicant's business. This would seem to meet criteria a) of Policy C9, i.e. the site is no longer needed for a community use.

29. Given that the school has been closed for nearly 3 years, it is debatable as to whether the former 'playing field' is in any event an 'existing' community facility to which Policy C9 would apply. It is therefore considered that the proposed development meets the requirements of Policy C9.

IMPORTANT OPEN SPACE

30. The site is designated as Important Open Space for the purposes of Local Plan Policy C13. Within such areas development will only be permitted where they will not result in the loss of, or significantly harm, their qualities or functions. For spaces designated because of their sporting or recreational value, any loss of or significant harm to their qualities and functions will only be permitted if it can be demonstrated that the space is no longer needed, or a suitably located replacement of at least equivalent standard is secured.

31. However it is apparent that the site was designated while in use as a playing field by the school opposite. The school closed in 2019 and so the land is no longer in that use. The site is also relatively modest in size and not capable of being used as a playing field for formal sport. It is considered that the space is no longer needed and as such the proposed development of the site would not represent a significant loss in terms of sporting or recreational assets in the area.

CONSERVATION AREA

32. The site is located within the Swaledale & Arkengarthdale Barns and Walls Conservation Area. Section 72 places a duty on planning authorities in that 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that Area' when it considers proposals for development in the Conservation Area.

33. Local Plan Policy L1 (Heritage Assets) states that development proposals that affect a heritage asset will be permitted provided they conserve or enhance its significance. Proposals that result in less than substantial harm to a designated heritage asset will only be permitted where it can be demonstrated that the public benefits of the proposal clearly outweigh the loss of significance. This echoes advice in Para 202 of the NPPF.

34. The proposed development would fill part of an existing gap which currently affords views across and into the Conservation Area. The fact that the building is set down in relation to the road level and has a single storey central element helps to mitigate this impact to some extent. Nevertheless, it is considered that the proposed development would cause less than substantial harm to this designated heritage asset.

35. This harm needs to be considered in the context of the Conservation Area as a whole. The Swaledale & Arkengarthdale Barns and Walls Conservation Area covers an extensive area and was designated primarily for the traditional farming landscape of isolated field barns set within fields bounded by dry stone walls. While the application site sits within this wider landscape, it forms a gap between sporadic roadside development, similar other gaps that can be found along the minor road through Arkengarthdale. So whilst the gap affords a high quality view across the valley, it is by no means unique and a similar view can be gained across the car park a few metres to the north. For that reason the harm caused to the Conservation Area is considered to be less than substantial.

36. In terms of its built form, the siting, massing and design of the proposed development are considered to be acceptable. In some respects the building mirrors the school opposite.

RESIDENTIAL AMENITY

37. Policy SP4 seeks to protect the residential amenities of occupants. The two nearest properties are Mill to the south and the former school across the road. The latter has recently been granted planning permission for conversion to a dwelling including two B&B bedrooms and this development is underway (Ref R/01/29E). The proposed building is sufficiently distant from the former school to not lead to any loss of residential amenity through overlooking, overbearing or loss of light. While it is the case that the view from this property will be detrimentally affected, this is not a material planning consideration.

38. The nearest neighbour is Croft House to the south. This sits about 24m from the south gable of the proposed building, with a tall conifer hedge on the boundary. The proposed building would have one obscure glazed window in the facing gable and so would not result in any overlooking or loss of privacy. Given the distance and angle between the two buildings it is further considered that the proposed development would not harm the residential amenities of t this neighbour through overbearing or loss of light.

HIGHWAYS

39. Policy SP4 requires that all development proposals should not prejudice highway safety. At the time of writing a response has not been received from the Highway Authority. Given that the proposed development has adequate access and parking it seems unlikely that the Highway Authority would raise an objection to the proposed development, but any response will be reported at the meeting.

BIODIVERSITY

40. Policy W2 states that new development that would have an impact on biodiversity will be required to make an appropriate on-site contribution to wildlife enhancement. The Wildlife Conservation Officer is of the opinion that on-site contributions could be provided. These include creating a species-rich sward on the green roof and the provision of bat and bird boxes. These measures could be secured by planning conditions.

DRAINAGE

41. Foul drainage from the proposed building will be directed a new package treatment plan next to the current plant to the east of the car park. Surface water will be directed to further land drains in the field to the northeast of the application site.

PARISH COUNCIL COMMENTS

42. The Parish Council makes the following points:

Inadequate spring water supply. No evidence has been provided to suggest that current water supplies are inadequate. The CB Inn itself has two 500l collection tanks and is positioned above other outlets.

Excess sewage outflow which could cause pollution. The proposed development will have a dedicated package treatment plant of sufficient capacity.

Materials not in keeping with the surrounding area aluminium doors and windows and cedarwood cladding. The proposed building would be predominantly of stone with reproduction stone slates. The mix of more contemporary materials is considered to be appropriate and not to harm the character or appearance of the Conservation Area.

Building on a greenfield site. Although the application site has been 'developed' as a school sports pitch (including a change in levels) it is essentially a greenfield site which will disappear as a result of the propsoed development. This issue is addressed in the section considering the impact of the proposed building on the open gap in the Conservation Area.

The distance of the proposed building from the CB Inn. The proposed building is within easy walking distance of the CB Inn.

The loss of a scenic view to the public and residents. As discussed above, the loss of public views within the Conservation Area is a material planning consideration. There is no doubt that the proposed building would result in the loss of part of the view across the valley to the east, although the extensive open space provided by the car park would still afford such views. As discussed above it is considered that this partial loss of view constitutes less than substantial harm to the designated heritage asset.

EQUALITY ACT

43. The Authority has a duty under s.149 of the Equality Act 2010 to have regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant characteristic and persons who do not share it. The relevant characteristics are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation.

44. It is considered that there are no overt reasons why this proposal would affect anyone with the protected characteristics such that the application should be permitted or refused on equality grounds.

CONCLUSION

45. The proposed development does not fit easily with the Local Plan policies, but it is considered that Local Plan Policies BE1 and BE4 offer support for what is essentially the expansion of an existing business which employs a relatively large number of people.

46. With the closure of the school the former playing fields no longer have a community function which underpinned its designation as an Important Open Space. It is therefore considered that Local Plan Policies C9 and C13 carry little weight and are outweighed by the social and economic arguments in favour of the development.

47. It is acknowledged that the proposed development will cause very limited harm to the character and appearance of the Conservation Area, specifically the partial loss of the view across the valley to the east. However this harm is considered to be less than substantial and is outweighed by the social and economic benefits arising from the proposed development in accordance with paragraph 202 of the NPPF and Local Plan Policy L1.

48. In summary the social and economic benefits of the proposed development are considered to be in line with the business and employment policies of the Local Plan. These benefits are further considered to outweigh the less than substantial harm caused to the Conservation Area and the application is therefore recommended for conditional approval, subject to a s106 agreement retricting occupancy to the businesses at the CB Inn and Punch Bowl Inn.

RECOMMENDATION

49. It is recommended that permission is GRANTED subject a S106 agreement restricting occupancy to staff accommodation for the CB Inn and Punch Bowl Inn, and to conditions based on the following:

Time limit

Approved plans

Approval of Materials

Implementation of Landscaping

Restriction on external lighting

Measures to deal with any contaminated land

Use as staff accommodation only

Biodiversity enhancement

Tree protection measures