YORKSHIRE DALES NATIONAL PARK AUTHORITY

Committee: Planning

Date: 26 November 2024

Applicant: Mr & Mrs Brown

Parish: Bishopdale,

Officer: Emma Heron

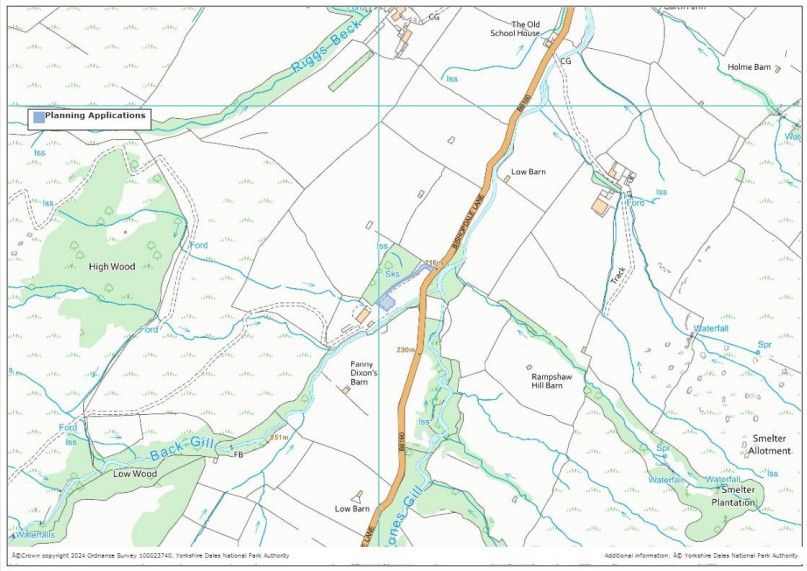
Application No: R/53/27J

Site Address: Land off B6160, Kidstones Gill Bridge, Bishopdale, DL8 3TG

Proposal: Full planning permission for the erection of a 3 bedroom rural workers 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 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. This site is located on the valley floor at the upper end of Bishopdale before the land rises steeply uphill towards Kidstones and Bishopdale Head. The site is accessed via an existing track from the B6160 road. An agricultural shed, and timber chalet are located to the rear of the site, both of which are visible from the main road.

Proposal

4. Full planning permission is sought for the erection of a three bedroomed rural worker's dwelling with an integral garage which is attached to the house via a rural workers changing/utility room. The site forms part of the wider Howsyke Estate owned by the applicants Mr & Mrs Brown.

Estate overview

5. The applicants own in excess of 848 hectares of land, of which 96 hectares has been planted as woodland. 1500 hectares of neighbouring land, which is owned and farmed by others is also occupied by the applicants for shooting purposes only. In addition, 607 hectares of land at Arncliffe and Hawkswick Moors is leased for the shooting rights. Since January 2024, 130 hectares of land has been purchased from the area over which the applicants previously enjoyed shooting rights. The majority of the owned landholdings continue to be occupied by others with their own livestock on share farming arrangements, in exchange for shooting access. The applicants also rely on neighbours to assist with livestock management, such as difficult lambing and calving.

6. Of the above, 279 hectares is in the vicinity of Kidstones Gill Bridge. Livestock at Kidstones Bridge amounts to 200 breeding ewes producing mule lambs (lambed outdoors each spring), 20 suckler cows (calving each spring and housed in the farm building). At the time of the visit, 40 turkeys were kept for the Christmas trade.

7. The site's farm building is 27 metres x 14 metres, and is used to house the cattle over winter, the turkeys, equipment, and the hydro-electric plant.

8. The enterprise employs two full-time workers, one of them lives at Kidstones Gill Bridge in the temporary chalet and as well as gamekeeping and land management tasks, he looks after the cattle and sheep. The other lives at Crooksby close to Howesyke. In addition, neighbouring farmers and others are contracted for fencing and walling, field work and silage making.

9. The shooting enterprise is significant. It begins with grouse in mid-august then pheasant and partridge up to the end of January. 8,000 poults are brought in during summer, reared in pens up to autumn, and then fed throughout late autumn and winter by the gamekeepers. Up to 25 shoots with 10 guns per shoot day, during the season. Employment for shoot days is drawn from the local community.

Background

Howesyke

10. At the Planning Committee meeting on 15th October 2024, Members resolved to approve application R/58/65G subject to a S106 legal agreement rescinding the right to development two semi-detached rural workers dwellings that were approved under a 2017 planning permission, R/58/65C.

11. R/58/65C is the extant planning permission that included two new rural workers dwellings. If that development were to be built out it would bring the total number of dwellings on the estate to three (including the existing dwelling at Crooksby).

12. The applicant's intention is to retain their right to build two new rural workers dwellings. One of these would be at Howesyke, and one would be re-located to Kidstones Gill Bridge (the site the subject of this application).

Kidstones Gill Bridge

13. In 2014, planning permission was granted for an upgraded vehicular access and track, and a replacement agricultural building at Kidstones Gill Bridge (R/53/27).

14. In 2016 planning permission was granted for a hydro-electric system at Back Gill and an amended version of the new agricultural building (R/53/27B). Then in 2019, planning permission was granted for the change of use of a mezzanine floor in the agricultural building to provide welfare facilities for personnel involved in agricultural, forestry and shooting enterprises on the estate (R/53/27D). A further part-retrospective planning permission was granted in 2020 for minor changes to the building details, and the access and track.

15. Also in 2019, retrospective planning permission was granted retrospectively for the temporary siting of a chalet to house a rural worker for a period of one year (R/53/27E). At the time, the applicant advised that the occupant of the temporary accommodation would move back to Howesyke on completion of the permanent accommodation. The siting of the chalet has since been unauthorised, except for a

period of one year between March 2023, and March 2024, when a further one year temporary permission was granted (R/53/27H).

16. An application for a permanent rural worker dwelling at Kidstones Gill Bridge, was registered in July 2021 (R/53/27G). With this application, an agricultural appraisal demonstrated that the labour requirements for the landholding associated with Kidstones Gill Bridge alone, approached 1 full-time worker. However, the matter of the extant approval for two rural workers dwellings at Howsyke was not resolved during the application process. It was therefore withdrawn in 2022.

Relevant Planning History

17. The following applications are relevant:

Application site (Kidstones Gill Bridge)

R/53/27 Full planning permission for creation of access gateway, upgrade of access track. Conditional approval 2014.

R/53/27A Full planning permission for construction of 35kW high head hydro system utilising the waters of Back Gill; comprising intake weir and Coanda screen, 1070m underground pipe to a Turgo turbine housed within a 9sqm area of a proposed agricultural building and underground electricity cable. Withdrawn 2016.

R/53/27B Full planning permission for construction of 35kW high head hydro system utilising the waters of Back Gill; comprising intake weir and Coanda screen, 1070m underground pipe to a Turgo turbine housed within a 9sqm area of a proposed agricultural building and underground electricity cable. Conditional approval 2016.

R/53/27D Full planning permission for change of use of part of existing agricultural building to provide welfare areas for use by personnel involved in the existing agricultural, forestry and shooting enterprise, installation of toilet and hand wash facilities and package treatment plant. Conditional approval 2019.

R/53/27E Full planning permission for siting of temporary accommodation on site during the development of permanent accommodation at Howsyke (retrospective). Conditional approval 2019.

R/53/27F Section 73 application to vary/remove conditions 1, 2, 3, 4, 7, 8 & 9 of R/53/27 (full planning permission for creation of access gateway, upgrade of access track and erection of replacement agricultural building (part retrospective). Conditional approval 2020.

Application site (Howesyke)

R/58/65C Full planning permission for erection of extension to existing farmhouse with incorporation of adjoining barn into the domestic accommodation; erection of 2 semi – detached rural workers cottages, conversion of barn to short – term holiday lets with associated garages; extension of existing site office to provide kitchen facilities and erection of 2 agricultural barns. Approval subject to conditions and S106 agreement 2017.

R/58/65F Section 73 application to vary conditions 2, 14 and 15 of R/58/65C (Full planning permission for erection of extension to existing farmhouse with incorporation of adjoining barn into the domestic accommodation; erection of 2 semi – detached rural workers cottages, conversion of barn to short – term holiday lets with associated garages; extension of existing site office to provide kitchen facilities and erection of 2 agricultural barns). Conditional approval 2020.

Consultations

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

Chief Technical Officer Richmondshire DC No comments received

Upper Dales division No comments received

Fire Officer - Richmondshire No observations at the planning application stage.

Clerk to Aysgarth & District PC The Parish Council agreed to support this plan subject to the following:

- Planning for two rural workers cottages only, one in each location at Howesyke and Kidstones Gill Bridge (therefore the two workers cottages approved under R/58/65C to be rescinded)
- Both planning permissions (R/58/65G and R/53/27J) subject to a S106 agreement
- No further extensions to the temporary accommodation at Kidstones Barn (R/53/27H), and its permanent removal from the site.

Trees & Woodlands The proposed development does not appear to impact any existing trees.

Highway Authority The visibility to both directions is obscured. At this location splays of x=2.4m and y=215m is required. A crossover in bound materials in accordance with the standard specification for a crossing of this nature is required.

Public Responses

Public responses received at the time of writing: 16

19. The application was advertised by site notice on 9th September 2023 and neighbours notified. There have been 15 objections. These are from eight separate households, and one from the Association of Rural Communities. The relevant objections are summarised:
    - No justification to house a worker at Kidstones Gill Bridge, this is not an independent farm
    - There is existing appropriate accommodation at Howesyke, which is not inconvenient for travelling between sites
    - The hydro system is operated remotely, maintenance is only needed weekly, and there is no wider community benefit from it.
    - Overdevelopment of a rural and beautiful area.
    - There is already a permission for houses at Howesyke, which is a more suitable location and this should be considered as a completely different and remote location.
    - The proposal is just to move the gamekeeper from a country Estate.
    - The gamekeeper travels between the two site frequently, and to other sites in the same ownership
    - Visual and landscape harm
    - Harm to biodiversity due to the gamekeepers chalet and hunting facilities
    - Permission would set a dangerous precedent for Bishopdale and the National Park
    - Access alterations require planning permission
    - The farming enterprise is run by a local farmer
    - The proposal will result in Howesyke being a holiday centre, the farmhouse can accommodate 18 guests
    - Bishopdale is becoming commercialised as a result of these developments
    - Light pollution and heavier traffic

20. A letter of support has been received from the suppliers of the hydro scheme, setting out the daily maintenance requirements for the plant. The Richmondshire Ramblers Association advise that adjacent footpaths should be kept clear and usable at all times.

Assessment

Key Issues:

- Principle of development
- Visual and landscape impact

- Nature Recovery
- Sustainability
- Parish Council comments
- Equality Act

Principle of development

21. 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 Local Plan (the development plan). The most relevant policies are:

    SP2: National Park purposes
    SP3: Spatial strategy
    SP4: Development quality
    C3: Rural workers' housing
    W1: Wildlife sites, species and networks
    W2: Biodiversity enhancement

22. 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.

23. Paragraph 182 of the National Planning Policy Framework (NPPF) (2023) makes clear that great weight should be given to conserving and enhancing the scenic and natural beauty in National Parks. The Levelling Up and Regeneration Act 2023 introduces a revised duty on relevant authorities to "seek to further the specified purposes of National Parks".

24. Paragraphs 83 & 84 of the NPPF promote sustainable development in rural areas by directing housing where it will enhance or maintain the vitality of rural communities and avoid the development of isolated homes in the countryside unless one or more prescribed circumstances apply. In this case, a) an essential need for a rural worker

25. Policies SP3 and C3 of the Local Plan only permit new residential accommodation in the open countryside where it can be demonstrated that:
    a. the functional needs of an essential rural-based enterprise requires that a full-time worker must live at that location,
    b. there are no other options such as another dwelling in the applicant's control, building conversion or sub-division,
    c. The enterprise will not have been instrumental in disposing of another dwelling in the preceding three years,

d. The dwelling will be within an existing building group,
e. The dwelling's size should be commensurate to the needs of the enterprise and justified by evidence.

a. *Existing functional need*

26. The independent agricultural consultant engaged by the Authority, has reviewed the work requirements of the estate, which is described at paragraphs 5 – 9 above. He has taken account of the fact that the functional need is much reduced because of the reliance on adjoining farmers providing livestock care. The conclusion is that there is still a significant functional need in relation to the game rearing enterprise, with intensity of need during periods or bird rearing and livestock birth. Also, that there is a need for a worker to live on site at Kidstones Gill Bridge, to deal quickly with emergencies in the interest of the wellbeing of animals, the efficient running of the holding, for overall security and as poaching deterrent.

27. The labour requirement at Kidstones Gill Bridge, he concludes, exceeds 1 full-time worker, and that the labour requirements across the entire estate are met by the existing 2 full-time gamekeepers in Bishopdale, and the part-time gamekeeper at Arncliffe & Hawkswick Moors.

b. *Other options, such as another available dwelling, subdivision or conversion.*

28. The above makes a strong case for a new dwelling at the application site, in respect of an essential functional need. The chalet is the only other available option at that location; however it is temporary, does not benefit from planning permission, and is unacceptable in landscape terms. There are no other dwellings or buildings suitable for conversion at the site. Taken alone, there is an essential need for a full-time worker to be resident at the application site, to meet half of the needs of the enterprise, and locationally, in terms of the work undertaken there.

29. In theory there is an alternative option to granting planning permission for this dwelling. That is, the extant planning approval for two dwellings at Howesyke. However, as there is a significant functional need for a dwelling at Kidstones Gill Bridge and the applicant has agreed to rescind the right to build the second dwelling at Howesyke, (subject to a S106 legal agreement), that alternative is not considered to be a suitable, or available option, subject to the timing of granting permission to coincide with the rescinding of rights.

c. *The enterprise will not have been instrumental in disposing of a dwelling the preceding 3 years.*

30. The applicant has not disposed of any buildings within the last 3 years that could have satisfied the now identified need.

d. *The dwelling will be located within or adjoining an existing group of buildings*

31. The proposed dwelling would be on land immediately adjoining the hard-surfaced yard, the mixed use agricultural shed, and would be served by the well-established access and track. It would be visually well-related to the existing site

e. *The dwelling's size should be commensurate to the needs of the rural enterprise.*

32. The proposed dwelling is large, providing 170 square metres of accommodation over two floors, but includes a farm utility/changing room, and an attached garage that are generally required for the rural work.

33. Local Plan Policy C3, para 4.25 notes that approval of new rural workers dwellings can lead to the sale of existing farmhouses, thus creating further pressure for additional essential worker housing. The Authority's normal practice therefore, is to tie existing houses on the estate as rural worker occupancy only. In this case, Crooksby is already a tied dwelling, and Howesyke farmhouse is established as a holiday let that is mainly associated with the shooting arm of the enterprise. For this reason, a legal agreement is recommended to ensure that the proposed dwelling at the application site cannot be sold or leased separately to the wider estate.

34. In summary, there is an established functional need for a permanent dwelling at the application site in accordance with policy C3 of the Local Plan. However, if Members are minded to approve, the timing of granting planning permission should coincide with the signing of the S106 agreement rescinding the right to build both approved dwellings at Howesyke.

Visual and landscape impact

35. The proposed dwelling would be sited on land in front of the existing hardstanding and cubicle building and on a slightly lower ground level. Its frontage would be prominent along the north to south approach along Bishopdale Lane for a distance of approximately 300 metres. From this vantage point it would also provide screening of the modern agricultural cubicle building, and any potential future proposed development on the hard-standing. A number of individual trees would be planted in front of the dwelling, to break up views towards it over time, and extensive existing planting around the site perimeter also helps to ground the development into a slowly maturing development site. In general, it would be viewed with a surrounding backdrop of hillside and woodland planting. Given its formal traditional farmhouse style with drystone boundary walling, it would be prominent from some

positions, but not out of place in the landscape. It would accord with policy SP4 of the Yorkshire Dales Local Plan, and the Yorkshire Dales Design Guide.

Nature recovery

36. The site lies within a wildlife corridor (woodland and watercourse), suitable for species such as bats and otters that are sensitive to the introduction of artificial light. Any external lighting would therefore need to be carefully controlled and a condition would be required to restrict this if planning permission were given. The house itself would be sited on agriculturally-improved ground that is likely to be species poor, and of limited value for wildlife. The proposal includes a landscaping scheme of native trees and hedgerow, and the house would incorporate three built in bat boxes or sparrow terraces (to be required by condition if permission were granted). The proposal is considered to be in accordance with policies W1 and W2 of the Yorkshire Dales Local Plan.

Highway safety

37. The proposed dwelling would be sited off the existing access track that leads from the hardstanding to the main Bishopdale road. This splayed access was created from a former standard field access as part of application R/53/27 (2014), and modified as part of a later permission R/53/27F (2020). In both these applications the Highway Authority raised no objections to the splay in its current form.

38. The application proposal is identical to the previous applications in respect of the access. In this latest application however, the Highway Authority has now commented that visibility splays of x=2.4 metres and y=215 metres are required.

39. The access is well-established, serving a working rural enterprise and there would be no intensification of its use, as the dwelling would replace the existing chalet. The lane is single track and narrow, such that traffic speeds are low in the vicinity of the site. It is considered that the access in its current form is acceptable having regard to highway safety, however if permission were granted this should be subject to conditions requiring the first 10 metres to a sealed surface, and a surface water drainage scheme to be installed. The proposal is considered to comply with policy SP4 of the Local Plan.

Parish Council comments

40. The Parish Council support the proposal subject to the provision of two rural workers cottages only, (one at Howesyke and one at Kidstone Gill Bridge), a S106 agreement, and the permanent removal of the temporary accommodation at Kidstones (R/53/27H).

41. This is as per Officer recommendation.

Equality Act

42. 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.

43. 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

44. Policy C3 aims to prevent avoidable house building outside of settlements but allows dwellings for rural based workers where there is a demonstrable functional need for the dwelling. There is a functional need to locate a dwelling at the application site.

45. The application is in effect, the re-location of a second dwelling that already has consent, to a site that is a well-established centre of operations. It is also considered to be acceptable in visual impact terms. It is recommended that as well as being restricted to occupation by a rural worker only, a S106 legal agreement is also secured preventing the dwelling from being sold or leased separately from the wider estate.

46. Timing of granting planning permission is critical to ensure that it coincides with the completion of the legal agreement rescinding the right to build the dwellings approved under R/58/65C (the 2017 permission). For this reason, the recommendation is to delegate authority to the Head of Development Management to approve, subject to conditions.

Recommendation

47. It is recommended that authority be delegated to the Head of Development Management to approve, subject to a S106 agreement tying the dwelling to the estate, and conditions based on the following:

- Three years to implement the permission
- To be built in accordance with the approved plans and details
- Dwelling to be occupied only by an agricultural/estate worker
- Unauthorised chalet to be removed within one month of first occupation
- Permitted development rights removed
- Lighting scheme to be agreed
- Hard and soft landscaping details to be agreed
- Materials/details/samples to be agreed
- Access to be sealed surface for first 10 metres measured from carriageway edge prior to construction of the dwelling
- Scheme of biodiversity enhancements required
- Dwelling to be powered by the hydro-electricity plant so far as is reasonably practicable