Yorkshire Dales National Park Authority

Committee: Planning

Date: 28 May 2024

Applicant: Winterburn Cottages Ltd

Parish: Flasby with Winterburn

Officer: Wendy Thompson

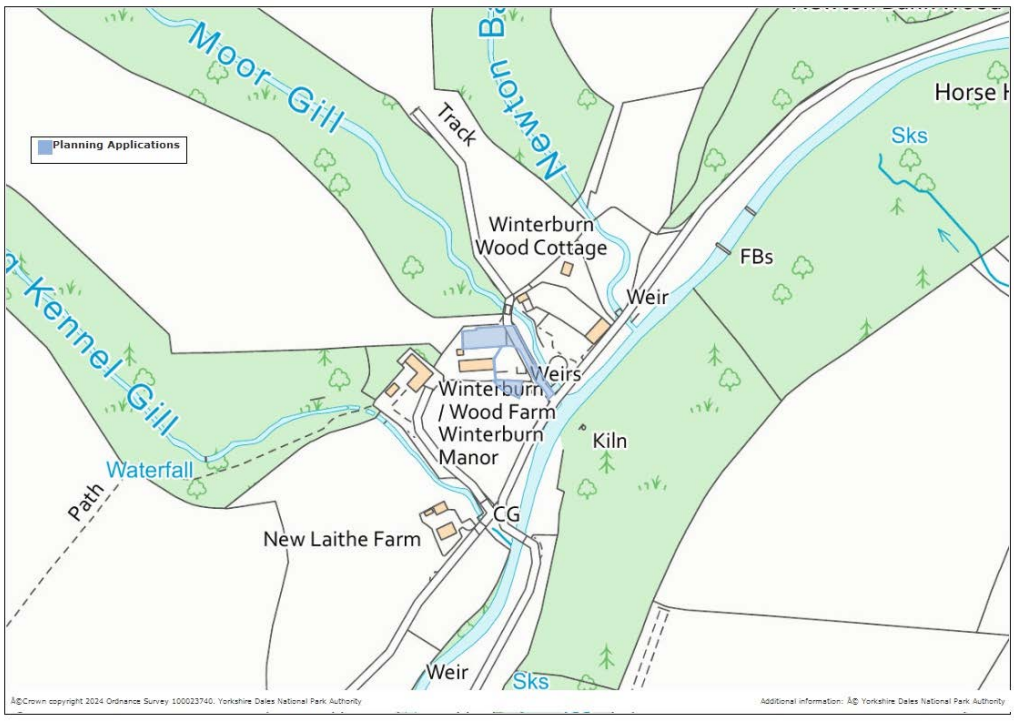
Application No: C/29/34A

Site Address: Winterburn Wood Cottages, Winterburn, Skipton, BD23 3QT

Proposal: Full planning permission for erection on 1 no. detached single storey dwelling for local occupancy or holiday let

Purpose of Report

1. That Members REFUSE planning permission for the above development in accordance with the recommendations below.



Reason For Committee Consideration

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

Application Site

3. The applicant owns Winterburn Wood Cottages which is a complex of several buildings – a row of holiday cottages and two houses which are currently in the process of being renovated and extended. There are three other applications for developments on these properties before the National Park Authority. It is understood that the site is a long redundant farm. It lies to the north of Winterburn and is accessed along a private track, also a public footpath, which runs from the hamlet up to the reservoir. The application site lies to the west of this track and would be partially visible from it, in oblique angles.

4. The site itself is a former tennis court to the rear of the cottages, which has been disused for some time. The Design and Access statement shows it having a tarmacked surface and a stone retaining wall around two of the sides. It is now used as a builder's store, the materials and equipment used for the site's ongoing redevelopment.

Proposal

5. This application seeks full planning permission for the erection of 1 no. detached single storey dwelling for local occupancy or holiday let use. The proposed dwelling would be a contemporary design with sustainable features such as high performance insulation and glazing, solar and PV panels and low energy lighting.

6. The house would be L shape in form with three bedrooms and bathrooms in one side and an open plan kitchen, dining and living room in the other side. The house would be single storey and have a stone clad wall on the southern elevation, the remainder of the walls would be timber clad. On the inner facing walls, there would be full height windows, to be set under a deep overhang. The roof would be flat and planted with a grass sedum roof.

7. The proposed dwelling would take up roughly half of the tennis court site and the remainder will become its curtilage. A large, enclosed garden is proposed to the west which will contain fruit trees and vegetable plots and a greenhouse is also proposed. To the east, at the front of the house, two car parking spaces and additional garden are proposed.

Relevant Planning History

8. The following applications are relevant:

YD5/29/34 Full planning permission to used paved area as tennis court
Approved - 25/03/1988

Consultations

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

Fire Officer – Not recieved

Trees & Woodlands - There is a mature tree on the western boundary of the development. Due to the existing stone retaining wall and changes in levels and surface here it is likely that the majority of the feeder roots extend into the open field to the northwest. However, any inadvertent damage done to the canopy or roots of the tree during development works could in effect push the tree into decline and kill it. A tree care plan to show the root protection area of the tree, and how it will be protected during the development is requested.

Head of Visitor Services – Not received

Flasby-with-Winterburn PM - "As Chairman of Flasby & Winterburn, I am writing to you both in regards to the proposed planning at Winterburn Wood.

I believe that the improvements from what it is now, would be beneficial to everyone in the community as the properties have been neglected over the years.

The eco house (on the tennis court) will not be noticed as is well hidden."

Chief Environmental Health Officer – Suggests conditions relating to contaminated land, domestic top soil, waste collection and hours of construction

Environment Agency – No objection

Highways - There are no local highway authority objections to the proposed development.

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

Area Ranger - Proposed development does not affect the PROW

Public Responses

Public responses received at the time of writing: 1

10. Application was advertised by a site notice displayed 24th April 2024. A summary of the single response:
    - A site notice was not put up.
    - Objects to the design of the house
    - Is concerned that the flood risk assessment was carried out in dry weather.
    - The package treatment plant is on land not within the applicant's ownership.

Assessment
Key Issues:

- Planning Policy
- Visual Impact
- Sustainability
- Nature Recovery
- Parish Council comments
- Equality Act

Planning Policy

11. The National Planning Policy Framework (2023) establishes that the purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes in a sustainable manner. Achieving sustainable development is described as meeting three objectives – economic, social and environmental (paragraph 8). Sustainable development is delivered through adherence to policies in local plans and in the Framework.

12. Furthermore the Framework establishes that "great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks which have the highest status of protection in relation to those issues" (para. 82). The Framework includes reference (at footnote 63) to the 2010 Circular English National Parks and the Broads, which is extant Government policy, and provides further guidance about planning in National Parks. At para 78 the Circular states that "The Government recognises that the Parks are not suitable locations for unrestricted housing……The expectation is that new housing will be focussed on meeting affordable housing requirements, supporting local employment opportunities and key services." National Park Authorities are also directed to include policies in their local plans that "pro-actively respond to local housing needs."

13. With specific reference to rural housing, the Framework steers new residential development towards existing villages and settlements to maintain and enhance existing communities. It is quite clear in stating that unless very specific circumstances are met, planning decisions should avoid the development of isolated homes in the open countryside. A list of 5 specific circumstances are provided in paragraph 84:-

a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside.
b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets.
c) the development would re-use redundant or disused buildings and enhance its immediate setting.
d) the development would involve the subdivision of an existing residential dwelling; or
e) the design is of exceptional quality, in that it is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

14. No strong case has been made for the application to be considered under any of these policy exceptions. The applicant has stated that as the development would enhance the immediate setting of the site that it accords with part(e). This does not apply however as the proposed design has to be of exceptional quality, truly outstanding or innovative, and whilst the proposed design is modern and contemporary it does not have the high design standard and innovation that the Framework requires.

15. The Yorkshire Dales Local Plan (2015-2030) delivers sustainable development through its Spatial Strategy (Policies SP3 and C1). The scenic quality of the landscape and its protection leave very few opportunities for the provision of new housing and so the strategy focusses on delivering affordable housing and local occupancy housing through site allocations and by restricting new housing to sustainable locations within settlements that have key services. New development is directed to within or adjacent to local service centres, service villages and small settlements listed in the Local Plan. Winterburn is not listed as it is essentially a very dispersed collection of dwellings/holiday homes and farms without key services.

16. Policy C2 ‘Rural exceptions sites’ provides an exception to the spatial strategy by allowing small scale affordable housing to be permitted on land, or through the conversion of buildings, in locations outside of settlements. The aim is to address unmet need for locally affordable housing.

17. The focus on affordable housing for local needs in the Local Plan is to the exclusion of new housing for holiday accommodation or second homes or open market housing. Communities within the National Park suffer from the high number of under-occupied dwellings (more than 20% of the housing stock) that are used as holiday lets or second homes. The small contribution to the local economy arising from a holiday let is outweighed by the loss to the local economy, key services and the sustainability of communities arising from the loss of a permanently occupied locally affordable dwelling. This application is for both local occupancy and holiday let and therefore contrary to Local Plan policy.

18. The only other exception to the spatial strategy is found in Policy C3 which allows new dwellings in the open countryside for rural workers where there is an essential need to live on the land. The applicant has made it clear that this application is not to be considered as a new rural worker dwelling.

Visual Impact

19. The proposed dwelling would have, at best, a neutral visual impact. The site is a tennis court to the rear of the applicant's holiday cottages which is discreetly located within the wider landscape. The low-profile single storey building would sit below the height of the holiday cottages to the north and would project by 1.2m above the height of the rear retaining wall. The design is such that the large, glazed doors would face into the site, and any light spill from these openings would be minimised by the deep overhang. The proposed grassed / sedum roof would further reduce the visual impact of the dwelling. The modern contemporary design would not be overtly visible from any public view points. Given the discreet nature of the site and the design of the building the proposal would not be a visual enhancement but would rather have a neutral effect.

Sustainability

20. The proposed house has been designed towards carbon neutrality and adopts some sustainable building methods and technologies (insulation, solar panels, low energy lighting) which are positive elements but are not necessarily innovative as they are becoming more widely applied. Whilst in many terms the proposal is sustainable in its construction and carbon footprint, its location is outside of a defined housing settlement and does not deliver a social benefit. The proposed development does not see the re-use of a redundant building which is in need of visual improvement as required by the NPPF para 84 as a sustainable way of reusing untidy sites or enhancing the immediate setting of the building. Although the application includes local occupancy and could provide a home for someone with links to the National Park, as required by Annex 5 of the Local Plan, there is also a significant likelihood that it could be solely used as a holiday let given its location within the applicant's complex of holiday cottages and would therefore have only a limited positive economic benefit which would be outweighed by the harm caused from the loss of a permanently occupied or affordable dwelling.

Nature Recovery

21. The proposed dwelling includes a range of biodiversity enhancement opportunities, and if the application were compliant with the fundamental housing policies, then it is likely that further tree planting and landscaping could be forthcoming in order to comply with Policy W2.

Parish Council Comments

22. The Chairman of Flasby and Winterburn Parish meeting supports this application commenting on its visual impact stating that it "will not be noticed as is well hidden." The visual impact of the dwelling has been addressed above.

Equality Act

23. 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.

24. 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

25. The proposal to build a local occupancy house or self-contained holiday let in this location conflicts with the National Planning Policy Framework and the adopted development plan, specifically the Spatial Strategy (Policy SP3). Policies C1, C2 and C3 are the relevant housing policies in this case and do not apply as the proposal is for a dwelling in a location outside of nearby settlements and is not for affordable housing or for a rural worker which could justify an exception to the policy. There are some elements of this application that are positive; the design adopts sustainable construction techniques and will have a neutral impact on the wider landscape. However the proposal conflicts with the policies of the Local Plan and the Framework that aim to deliver sustainable development in sustainable locations, and it will not deliver a tangible social benefit by providing locally affordable housing. As such the proposal is not sustainable development as defined in the Framework.

26. To allow the proposal would set a precedent for permitting development in unsustainable locations and the Authority would have difficulty in resisting further such applications. Similar proposals have been received in recent years and permission refused. Further development of this type would undermine the Authority's Spatial Strategy, the sustainable development objectives of the Framework, and would have a negative effect on the natural beauty of the National Park.

Recommendation

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

In the opinion of the Local Planning Authority, the proposed dwelling is not sustainable development being contrary to the spatial strategy of the Yorkshire Dales Local Plan (2015-2030) and the policies contained in the National Planning Policy Framework (2023) (paras. 82-84). The site is not a sustainable location for further housing development and the proposal would not deliver small scale locally affordable housing. To allow the proposal would set an undesirable precedent for permitting development in unsustainable locations that would undermine the objectives set out in paragraph 8 of the Framework and would not further the first Statutory Purpose of the National Park set out in the National Parks and Access to the Countryside Act 1949 (section 5).