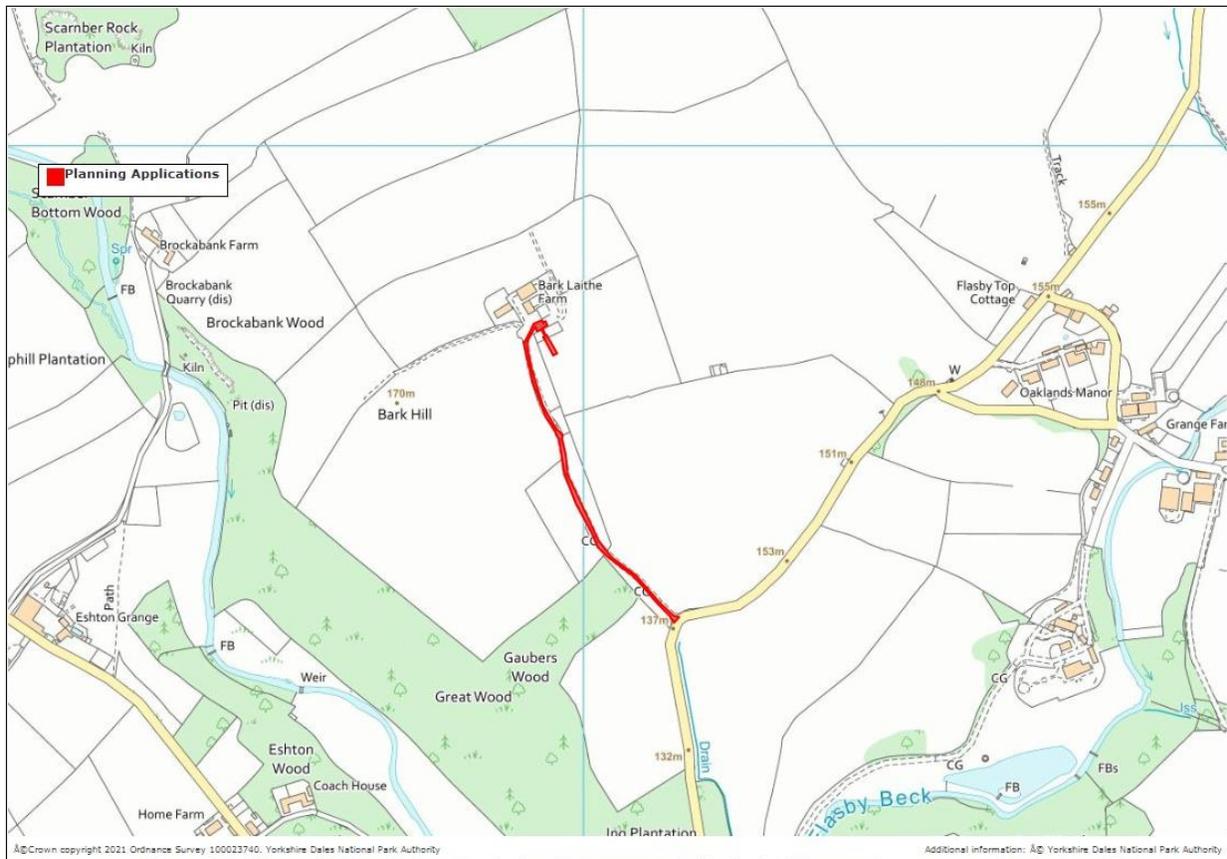


## YORKSHIRE DALES NATIONAL PARK AUTHORITY

<b>Committee:</b>	Planning	<b>Parish:</b>	Flasby with Winterburn
<b>Date:</b>	19 October 2021	<b>Officer:</b>	Wendy Thompson
<b>Applicant:</b>	Mr R D Riley	<b>Application No:</b>	C/29/32L
<b>Site Address:</b>	Bark Laithe Farm, Flasby, Skipton, North Yorkshire, BD23 3QD		
<b>Proposal:</b>	Full planning permission for erection of detached dwelling to provide purpose-built accessible accommodation		



## **REASON FOR COMMITTEE CONSIDERATION**

1. This application has been called to Committee at the request of Mr Foster for the following reason: "...it is an unusual set of circumstances with not only the health grounds but also the animal husbandry arguments".

## **APPLICATION SITE**

2. Bark Laithe Farm lies approximately 435m to the north of the Gargrave-Flasby road and is accessed via a long concrete track. The site comprises a farmhouse, a large traditional farm building and a range of agricultural buildings and a stable block.
3. The farmhouse is a large, detached dwelling which was granted planning permission in 1988 as a rural workers dwelling. It is built of stone and has a slate roof and timber windows in stone mullions. It has the form of a traditional Dales farmhouse and has an attached double garage on the eastern side. Internally, the approved plans show a lounge, kitchen, dining room, utility room, cloakroom, and hallway on the ground floor and four bedrooms and two bathrooms on the first floor.
4. The site also includes a large, traditional agricultural barn that has been converted to an office use under a planning permission granted in 2005. This is a two-storey barn, and the approved plans show that a large part of the surrounding farmyard is allocated for car parking for this use. There are also two modern agricultural buildings, an area of open hard standing, external storage area and a modern timber single storey stable block. The proposed dwelling is to go on the site of the stable.
5. Bark Laithe farm is a 28ha grassland farm, and the applicant keeps a small flock of sheep, as well as taking in other sheep to fatten over autumn and winter. Another farmer takes a silage cut from the land in the summer. The holding also comprises 3 other parcels of land in Thorpe, Sutton in Craven and Embsay and the grazing rights on these have been sold to others. It is understood that the maintenance of these are with the applicant.

## **PROPOSAL**

6. This application seeks full planning permission for the erection of a detached dwelling to provide purpose-built accessible accommodation for the applicants. A report has been submitted that notes that the applicant and his wife are elderly and suffer mobility problems and that the current house at Bark Laithe is unsuitable as the bedrooms and bathrooms are on the first floor
7. The application has been submitted owing to the special circumstances of the applicants. It has not been submitted as an rural workers dwelling under Policy C3 and an agricultural appraisal of the holding has not been provided. Furthermore, the application has not been submitted under Section 80 of the National Planning Policy Framework (2021), which allows for new dwellings in the countryside subject to one of a set of five criteria being met. No evidence or information to support the application under these terms has been provided either. The applicant has offered to "tie" the new dwelling to the main house in such a way as the two

properties are maintained under one ownership, and the larger farmhouse rented out to someone who complies with the agricultural occupancy condition.

8. The proposed dwelling would be located on the site of the existing timber stables and it is understood that the design of the building has taken its inspiration from the building it is to replace and from the surrounding utilitarian agricultural buildings. The dwelling would have a footprint of 15m x 6.5m and would have a very low monopitch roof of 2.7m, looking almost flat, with a standing seam roof made of a material with the appearance of lead or zinc. It would be built of stone and would have a narrow strip of charred larch vertical timber boarding on the upper walls.
9. The proposed front (northwest) elevation would face into the farmyard and would be predominantly stone with a solid timber door and three small square windows and one long strip window in the upper timber wall. The rear (southeast) elevation would comprise a large, glazed element measuring 2.5m x 7.7m and a solid part with two windows, a small square window in the upper wall and a large horizontal window in the stone wall. The side (southwest) elevation would be stone with a floor to ceiling window in it and the northeast side elevation would have four slender floor to ceiling windows.
10. Externally the curtilage would include a small area of paved patio and a two-space car park surfaced with crushed limestone.

#### **RELEVANT PLANNING HISTORY**

YD/5/29/32A – Outline application for a rural workers dwelling

Approved 26/05/1988

YD5/29/32B – Reserved matters application for rural workers dwelling

Approved 12/09/1988

YD5/29/32C – Alterations and extension to dwelling and use of land as domestic curtilage

Approved 04/02/1993

YD5/29/32D – Extension to house to provide swimming pool and conservatory

Approved 14/06/1993

C/29/32H – Change of use of barn to form retail showroom, workshop, storage and office

Approved 18/10/2005

C/29/32K/GPDO – Extension to existing livestock building

No objection 31/01/2017

#### **CONSULTATIONS**

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

**Fire Officer – Craven** – No objection

**CEHO - Craven DC** – No environmental protection issues  
No contaminated land issues  
Water is supplied by an existing borehole.

**Building Chief Technical Officer** – Must comply with building regulations

**NYCC Highways** – No objection

**Clerk to Flasby-with-Winterburn PM** – Not received

## **PUBLIC RESPONSES**

12. This application was advertised by a site notice displayed on 10<sup>th</sup> August 2021 . No letters of representation have been received.

## **ASSESSMENT**

Key Issues:

- Principle of development
- Need for the dwelling
- Visual and landscape impact
- Parish Meeting comments

## **PRINCIPLE OF DEVELOPMENT**

13. The National Planning Policy Framework (2021) (Framework) states that the purpose of the planning system is to “contribute to the achievement of sustainable development” (para 7) and to this end, three overarching objectives have been identified and all proposed development needs to demonstrate these to achieve it. These are economic, social, and environmental objectives with their aims stated. In the case of this application, the most pertinent is the environmental objective which requires all development to "to contribute to protecting and enhancing our natural, built and historic environment".
14. With specific reference to National Parks, the Framework states "Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads, and Areas of Outstanding Natural Beauty, 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 these designated areas should be limited" (para 176).
15. This echoes the first statutory purpose of a National Park which is to "Conserve and enhance the natural beauty, wildlife and cultural heritage".
16. 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 criteria is provided in paragraph 80.

- 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.

No case has been made for the application to be considered under any of these policy exceptions.

17. The adopted development plan is the Yorkshire Dales Local Plan (2015-2030). Policy SP1 part (c) of the Local Plan requires new development to contribute positively to the built environment by having regard to the site context and conforms to the Yorkshire Dales National Park Design Guide. Part (d) requires new development to "conserve or enhance the landscape character of the National Park through the use of high-quality design, appropriate landscaping". The Design Guide does allow for modern and contemporary design but requires that architects and designers closely study the context of a site, considering the landscape, the locality and the site. The Guide states "The challenge for designers is to produce a confident, innovative design that functions well, respects its context and is visually attractive"
18. Policy SP3 is a spatial strategy policy which requires new development to be within or adjacent to a list of settlements unless there is a justifiable reason why another location is more sustainable. Proposals must demonstrate that: a) The location is necessary for a land-based function b) The development is necessary for the provision of public utilities or infrastructure; c) The development is ancillary to an existing use of the site d)The location is appropriate in relation to other Local Plan policies. It is considered that parts a), c) and d) apply to this case.
19. Policy C3 is the only policy that allows, subject to special circumstances, the approval of new dwellings within the open countryside. These relate to rural workers dwellings and a very clear and well-established process of assessing the need for such dwellings has been developed, which is supported by appeal cases and case law. The applicant has made it clear that this application is not to be considered as a new rural workers dwelling to serve this holding, but that the special circumstances of the applicant be considered in this case.
20. Policy C8 refers to the provision of accommodation for elderly and vulnerable adults and permits development that provides such accommodation through any of three ways. In this case, the most pertinent is part a) which allows such development through the adaption or extension to the existing housing stock, subject to the design requirements of Policy SP4. In

this case, whilst the applicant has been asked if the possibility of extending or adapting the main farmhouse no reply has been provided or evidence submitted to say why it is not possible to do so.

#### NEED FOR THE DWELLING

21. The applicant has acknowledged that the case is unusual inasmuch as they have a very specific need for the new dwelling relating solely to personal circumstances. When considering an application which relates to the personal circumstances of individuals, the key consideration for the Local Planning Authority is whether these circumstances are sufficiently exceptional and overriding to set aside the usual planning policy considerations and can these specific needs only be possibly met the proposed development in the proposed location.
22. Based on the information submitted, the desire to build a new property on this site is understandable, however there is no medical or other evidence that has been submitted which explicitly states that the need could not be met elsewhere, or, through the adaptation and remodelling of the ground floor of the existing farmhouse. Concern over future decreasing mobility with age is neither exceptional nor particularly unusual and it could be simply too often cited as a justification for new dwellings on land outside the housing boundaries by the population at large. Moreover, it is not considered that there is evidence of any personal needs submitted which are unusual, which indicate exceptional demands or constraints which could only be satisfied by this particular development of this site.
23. The applicant has acknowledged that the case is not one that should be considered under Policy C3 which covers rural workers housing, even though this is the only exception to acknowledged policy that seeks to steer new housing towards existing, identified, settlements.
24. The applicant wishes to tie this property with a legal agreement to the existing farm holding and this has been done in the past when second dwellings have been approved on farm holdings. There is, however, no proven need for an additional second dwelling to serve this farm, and as the applicant acknowledges, this application is not for such a dwelling.
25. Whilst the circumstances of the applicant are unfortunate, there simply is not a need that is exceptional to allow for this departure from adopted and well supported development plan policies and it is contrary to Policies SP1, SP2, SP3, and C3. Furthermore, there is no evidence to clearly demonstrate why the existing house cannot be altered or adapted to suit the needs of the applicant which would then comply with Policy C8.

#### VISUAL AND LANDSCAPE IMPACT

26. The proposed dwelling would be sited within the farm and office yard complex. It would be a long, low building which would echo the form of the stable building which it would replace. The proposed materials are stone and timber which are consistent with the traditional Dales vernacular. Whilst contemporary design is welcomed within the National Park, the proposed development does not relate in any way to the surrounding buildings and takes no visual or aesthetic reference from them. The Yorkshire Dales National Park Design Guide allows for innovative and distinct responses to the landscape which respond positively to the landscape and built context of the site however this does not. Its closest building is the adjacent stone barn and whilst a pastiche of a Dales dwelling would also look at odds in this location, the flat

roof, the large plate glass windows, mixed size of other windows and the mixed wall materials do not respond to its setting

27. The proposed large picture windows face out of the farmyard southeast towards the surrounding fields. As a consequence there would be a high level of light spill from these new windows that would contribute to undermining the dark skies of the National Park. Whilst it is not within the core zone, it would introduce a large area of light pollution where currently there is none. Within the farmyard, the barn has office hours use, and the agricultural buildings offer limited light spill. This proposal therefore has the potential to introduce a harmful light polluting development into the National Park contrary to local plan policies SP1 and SP4.

#### PARISH MEETING COMMENTS

28. None received at time of writing.

#### CONCLUSION

29. Whilst the circumstances of the applicants are unfortunate, the personal needs stated are not of such an exceptional level that could justify setting aside adopted, well established and consistently applied development plan policies. The applicant has not put forward any compelling reason why the existing house cannot be adapted or extended to allow for the existing property to be made suitable for their needs. Furthermore, the proposed design, form and chosen materials are at odds with the surrounding buildings, and whilst being contemporary do not appear to take any reference from the surrounding buildings and are unrelated in visual terms from them. As such the proposal is contrary to Local Plan Policies SP1, SP2, SP3 and SP4, advice contained within the Design Guide and the National Planning Policy Framework (2021).

#### RECOMMENDATION

30. It is recommended that permission be **REFUSED** for reasons based on the following:
1. In the opinion of the Local Planning Authority, the personal circumstances of the applicant are not of such an exceptional level that adequately justify the need for a second dwelling at this location. In the absence of compelling material considerations, there is no justification to allow the proposal that conflicts with Policies SP1, SP2, SP3, SP4 and C3 of the Yorkshire Dales Local Plan (2015-2030) and the guidance within the National Planning Policy Framework (2021) [paragraphs 176 and 80]. These policies seek to safeguard the character of the open countryside by preventing unjustified housing development.
  2. In the opinion of the Local Planning Authority, the proposed dwelling, through its design, location and form, would result in significant harm to the character and appearance of the wider landscape and dark skies of the National Park. As such the proposal is contrary to policies SP1, SP2 and SP4 of the Yorkshire Dales Local Plan (2015-2030), the Yorkshire Dales National Park Design Guide and the Statutory Purposes of the National Park and the guidance in paragraph 129 of the National Planning Policy Framework (2021)