

**PLANNING COMMITTEE MEETING AGENDA**

**Monday 10th April 2017**

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APPLICANT NAME: COUNTRY HARVEST  
TARGET DECISION DATE: 17/03/2017  
CASE OFFICER: Ian Lunn

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**WARD AND****APPLICATION No.****PROPOSED DEVELOPMENT AND SITE ADDRESS****COWLING  
22/2016/17439***OUTLINE APPLICATION WITH APPEARANCE RESERVED FOR  
PROPOSED 3 NO DORMER BUNGALOWS.**LAND OFF DICK LANE, COWLING.*APPLICANT NAME: MR HUGH BROUGHTON  
TARGET DECISION DATE: 30/01/2017  
CASE OFFICER: Mark Moore

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**This application has been referred to Planning Committee as the application is a departure.****1. Site Description**

- 1.1 The application site comprises a rectangular area of grazing farmland located on the eastern side of Dick Lane, Cowling.
- 1.2 The site measures 79m along its eastern edge and has a road frontage 58m in length. At its widest point (northernmost edge) the site is 25m but is tapered at its southern end.
- 1.3 The site lies immediately adjacent to the southern boundary of a development of 3 dormer bungalows that was recently granted planning permission on appeal. The proposed development would be a continuation of existing residential development located on the eastern side of Dick Lane.
- 1.4 In addition to the new bungalows that adjoin the site there is existing housing situated eastern side of Dick Lane comprised of two, two-storey properties, one a traditional stone built property fronting Dick Lane the other a part stone, part rendered house set back along a shared access and a small group of dwellings, 'Craven Court'. There is a further terraced row of properties to the north-east of the group that fronts onto the main road.
- 1.5 There is a ribbon of residential properties located opposite the site on the western side of the lane which comprise bungalows at the southern end, two of which were built sometime in the early 1990's, and two storey development at the northern end nearer to the junction with the main road.
- 1.6 Beyond the residential development and the application site to the west, east and south there is open countryside comprised mostly of farm land whereas to the north lies a main road and the easternmost part of the settlement of Cowling.
- 1.7 The site is bounded along its frontage by an established hedgerow which is the remaining part of a much larger hedge that previously ran along a substantial part of the eastern side of Dick Lane. There are some trees located towards the southern end of the application site. The remainder of the site is grassed over and generally rises from north to south.  
**Officer note:** The hedgerow at the frontage of the site immediately to the north has been translocated and is subject to monitoring by the planning enforcement team following complaints from the occupiers of neighbouring properties.
- 1.8 The site lies outside of the Development Limits of Cowling in an area defined as open countryside in the Local Plan (the actual boundary of the development limits lies further to the west running to the rear boundaries of properties on Collinge Road and the neighbouring Welbeck House).
- 1.9 The western side of Dick Lane, immediately opposite the site, is located within the Cowling conservation area.
- 1.10 The site is enclosed within a landscape area identified as 'Semi-enclosed Intermediate - Pasture with Wooded Gills & Woodland' in the Craven District Landscape Appraisal (October 2002).

- 1.11 This is described as having a strong character in a 'good-declining' condition i.e. '*generally good landscape condition with signs of localised decline in some areas, for example sections of dry-stone walls*'.
- 1.12 In terms of sensitivity to change the Landscape Appraisal identifies that with a setting confined mainly to valley sides the landscape area is highly visible from large areas of the surrounding landscape and that sites of nature conservation value such as Ancient Woodlands are particularly sensitive to change.
- 1.13 The Landscape Appraisal identifies the following as being significant in terms of conservation/reinforcement:
- Conserve the existing field boundary pattern through conservation of dry-stone walls.
  - Conserve and manage areas of Ancient Woodland/wooded gills/woodland pockets.
  - Restore disused quarry sites sensitively.
  - Conserve and manage the SSSI.

## 2. Proposal

- 2.1 This is an outline planning application seeking approval for the access, landscaping, layout and scale of a development comprising of three detached bungalows located in a linear configuration running north-south parallel to the road.
- 2.2 The appearance of the proposed bungalows and landscaping is a reserved matter.  
**Officer note:** Although appearance is a reserved matter plans have been submitted with the application which indicate that it is proposed to construct dormer bungalows to match the existing newly built development to the north of the site.
- 2.3 The proposed bungalows would be 6.3m to the ridge falling to 2.4m at the eaves and would be set out with the northernmost pair lying parallel with a shared double width entrance leading to attached garages set adjacent to the rear site boundary. The third, southernmost, bungalow would be set at a slight angle with its own single width access and detached garage.
- 2.4 The proposal would entail removal of 10.2m of the existing hedgerow to provide access. The remaining hedgerow would be translocated in order to provide visibility splays.

## 3. Planning History

- 3.1 There is no planning history directly associated with the application site. However, the adjoining site has had planning permission granted on appeal in July 2014 for the construction of three bungalows.

## 4. Planning Policy Background

- 4.1 The National Planning Policy Framework (NPPF).
- 4.2 National Planning Policy Guidance.
- 4.3 Saved Local Plan Policies:-  
ENV1: Development in the Open Countryside.  
ENV2: Requirements for Development in the Open Countryside.  
T2: Road Hierarchy.
- 4.4 The Hedgerow Regulations 1997.

## 5. Parish/Town Council Comments

- 5.1 **Cowling Parish Council:** (comments reproduced in full)

*'History:*

*Application 22/2013/13614 was refused consent on 4/6/2013 and was followed by Appeal APP/C2708/A/14/2213630 which was allowed on a decision dated 23/7/2014. That appeal decision stated the following:*

*The main issues are the effect of the proposal on the character and appearance of Dick Lane and the ecological integrity of the hedgerow.*

*On the character and appearance, the Inspector stated:*

*The development would provide a more cohesive, clearly defined boundary to the pattern of development in the immediate area.*

*And:*

*Whilst I accept that approximately 13.5m (of the ancient hedgerow) would be lost in order to accommodate the two vehicular access points, I am not persuaded that any further loss would be the inevitable consequence.*

*To ensure that only the 13.5 metres would be lost, the Inspector laid down conditions:*

*13) No development shall take place until full details of a hedgerow translocation scheme have been submitted to and approved in writing by the Local Planning Authority and the scheme shall be carried out as approved. These details shall include a comprehensive method statement; a chronology for the proposed works; a replanting strategy; and an irrigation plan.*

*14) No development shall take place until a schedule of hedgerow maintenance, including provision for replanting, for a minimum period of 10 years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. All development shall be carried out in accordance with the approved schedule.*

*An application to discharge conditions 13 and 14 of appeal decision ref. APP/C2708/A/14/2213630 was granted 23 July 2014*

*Regrettably, the conditions have not, as of this date, been met. The Southern site entrance, instead of being the 4.5 meters agreed to on the plan and accepted on the Appeal, is over 10 meters. There are also other gaps in the ancient hedgerow, totalling some 25m instead of the 13.5 stipulated.*

*Reasons for Refusal:*

*This application is for a sporadic 'ribbon' development which requires the removal of more ancient hedgerow. The appeal Inspector was very precise in 2 matters concerning further development:*

- 1. Removal of the ancient hedgerow must be confined to a total of 13.5 meters.*
- 2. The last development provided a more cohesive, clearly defined boundary to the pattern of development in the immediate area.*

*Both NPPF and Saved Local Plan Policy ENV2 state that there should be no development which has an unacceptable impact on the landscape, and landscape features including hedgerows worthy of protection should not be impacted upon. This development clearly breaches both NPPF and ENV1, not merely in the opinion of the Parish Council, but also in the opinion of the Planning Inspectorate.*

*Craven District Council's policy (ENV1) makes further mention on such development:*

*In most cases single depth development (ribbon development) along roads leading out of settlements are also excluded*

*Saved Policy ENV2 states the following:*

*Development acceptable in principle under policy ENV1 will only be permitted where:*

- 1. It is compatible with the character of the surrounding area, does not have an unacceptable impact on the landscape and safeguards landscape features, including stone walls and hedgerows, worthy of protection.*

*This application clearly does not safeguard this protected hedgerow.*

*Policy ENV10 states the following:*

## ENV10. PROTECTION OF TREES AND WOODLANDS

*In considering proposals for development, the Council will seek to safeguard the following from harm or unjustifiable loss:*

*1. A tree or hedgerow protected by a preservation order;*

*The Parish Council considers that the application, if approved, would breach ENV10:1*

*Summary:*

*The Parish Council considers that the application, if approved, would breach Saved Policies ENV1 – ENV2 – ENV10 and NPPF*

*The Parish Council also requests that the developer (following APP/C2708/A/14/2213630) make good the hedgerow as defined by Para. 13 of the Conditions laid down in that Appeal Decision, if necessary by enforcement<sup>2</sup>.*

### 6. Consultations

- 6.1 **NYCC Highways:** Recommend that planning permission is granted subject to conditions relating to the construction of the access/vehicle crossings and suitable visibility splays and restrictions to ensure that the garages are retained for parking of vehicles.
- 6.2 **NYCC SuDS:** No comments.
- 6.2 **CDC Contaminated Land:** No known contaminated land implications associated with the proposed development.
- 6.3 **CDC Environmental Protection:** No objections. Regard should be had for the hours of construction, dust management and use of clean topsoil.
- 6.4 **CDC Tree Officer:** Initially the tree officer raised concerns about the layout which he considered would result in removal of too much of the hedgerow and also commented that the landscaping was appropriate but could be improved by swapping the positions of the proposed planting. His recommendations have been incorporated in revised plans.
- 6.4 **Yorkshire Water:** No objections. If planning permission is to be granted recommend that a condition is attached to require prior approval of the means of surface water disposal.
- 6.5 **Environment Agency:** As the proposal falls outside the scope of issues on which the EA wish to be consulted, the EA recommend using their standing advice in respect of this application. Since the site is not located within a flood zone the EA's standing advice provides no comments. However, having regard to the comments from objectors regarding the presence of a water course near to the site it is proposed to advise the developer that any development needs to comply with the EA standard requirements in relation to flood risk, management of surface water and other sources of flooding.
- 6.6 **Natural England:** No comments.

### 7. Representations

- 7.1 A total of 6 representations have been received and are summarised as follows:
- The proposed bungalows would be highly visible and incompatible with the traditional bungalows on the opposite side of the road. Development should be limited to single storey bungalows with a minimal roof pitch.
  - Proposal would conflict with NPPF and Local Plan Policies and should be refused.
  - Approval would set precedent for further development.
  - Dick Lane has no lighting or footway and is unsuitable for development.
  - There is no demand from within the village for housing of this kind or price.
  - The development would adversely impact on the infrastructure and public services.
  - Development would lead to further closure of Dick Lane.

- Remaining hedgerow is at risk and should be retained.
- Hedgerow on existing development has not been transplanted successfully and does not provide an acceptable boundary as a domestic curtilage.
- Proposal would adversely impact on the conservation area.
- Existing development has led to significant traffic problems and removal of substantial amounts of soil. Proposed development would exacerbate problems and would be a nuisance to local residents.
- Surface water run-off from the existing site has not been dealt with effectively.
- Proposals would result in a loss of privacy to existing properties opposite the site.
- Proposals would lead to road parking which would be a source of danger on such a narrow road.

## 8. Summary of Principal Planning Issues

- 8.1 Principle of development, sustainability and housing land supply.
- 8.2 Layout, scale and visual impact.
- 8.3 Impact on conservation area.
- 8.4 Access and highway safety.
- 8.5 Impact on amenity.
- 8.6 Hedgerow.
- 8.7 Drainage.

## 9. Analysis

### **PRINCIPLE OF DEVELOPMENT, SUSTAINABILITY AND HOUSING LAND SUPPLY**

#### Principle of development

- 9.1 The application site is located outside of development limits in an area of open countryside as defined in the Local Plan and therefore falls to be considered under Saved Local Plan Policy ENV1. Policy ENV1 would be prohibitive of residential development in open countryside other than in very special circumstances which do not apply in this particular case. Accordingly, the development proposal is not supported in principle under the relevant saved policy in the adopted Local Plan.
- 9.2 The Craven District (Outside the Yorkshire Dales National Park) Local Plan was adopted in 1999 and whilst a number of policies within the Local Plan, including ENV1, were Saved in September 2007 (under the Secretary of State's direction under Paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004) they were not prepared under the said 2004 Act.
- 9.3 Paragraph 215 of the 2012 National Planning Policy Framework (NPPF) makes it clear that policies not adopted in accordance with the Planning and Compulsory Purchase Act (2004) need to be considered in terms of their degree of consistency with the NPPF, stating that:  
*'the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given'.*  
As such, where there is any conflict between the Local Plan and the NPPF, the Local Plan would carry limited or no weight, with the greater weight being given to the policies set out in the NPPF.
- 9.4 The main thrust of the NPPF is the overarching presumption in favour of sustainable development; i.e. the general acceptability of proposals against the stated '*three dimensions to sustainable development: economic, social and environmental*'. The NPPF sets out that it is the Government's clear expectation that Local Planning Authorities should deal promptly and favourably with applications that comply with up to date plans. Where plans are out of date. As

is the case with Craven's Saved Local Plan, there will be a strong presumption in favour of sustainable development that accords with National Planning Policy. So paragraph 14 of the NPPF indicates that development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate that development should be restricted.

### Sustainability

- 9.5 As set out above, the NPPF makes it clear that there is an overarching presumption in favour of sustainable development and it is therefore necessary to consider this aspect of the proposal.
- 9.6 No single definition of the term 'sustainable' is present in the NPPF but it does at paragraph 6 outline that the policies set out between paragraphs 18 to 219 '*taken as a whole, constitute the Government's view of what sustainable development in England means*' and it is therefore necessary to consider whether or not the proposals would contravene any of those identified NPPF policies.
- 9.7 In more specific terms the NPPF states at paragraph 55:  
*'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.'*
- It is also stated that LPA's should avoid '*new isolated homes in the countryside*', although this may still be acceptable if special circumstances exist.
- 9.8 The application site is located on the edge of a smaller 'satellite' area of approximately 107 dwellings that lies roughly 0.1 miles to the north-east of the development limits of the main village of Cowling and approximately 0.25 to the village centre. The site is also approximately 2.5 miles to the south-west of the village centre of Crosshills. The proposed development would introduce housing along the eastern side of Dick Lane which would extend to approximately the length of the existing housing on the opposite side of the road and would 'round off' the small settlement which presently sits for the most part to the north side of the main A6068 Keighley/Colne Road and to the western side of Dick Lane.
- 9.9 The site is not directly adjacent to development limit boundaries, but given its location it is not considered that it could be classed as 'isolated'. This is because the site would form part of a 'satellite' area of in excess of 100 dwellings that lies in very close proximity to the main village of Cowling. It is therefore considered that the proposed development is not expressly contrary to NPPF policy (as outlined above). Similarly, the proposals would comply with Paragraph 55 of the NPPF as the development site is on the edge of a small settlement and would in fact support existing services in the nearby Local Service Centre of Cowling.
- 9.10 One aspect of sustainability is the accessibility of a particular site which in this case is no less accessible than the existing development that lies immediately adjacent and opposite the site including the most recent development on the adjoining land. Moreover, the site is in close proximity to a main arterial road which has bus links to Cowling and Keighley to the north-east and to Colne to the south-west. Whilst it is acknowledged that there are few amenities in the larger Cowling settlement it is difficult to argue that this makes the application site unsustainable as the same situation applies to the existing residential development in the immediate area and occupiers of the new dwellings would have access to the same services as existing residents and would have to utilise the same means of accessing those services. Conversely, it could not reasonably be argued that the site is unsustainable due to the pressure on existing amenities and services that it might give rise to.
- 9.11 In summary it is considered that the application site is in a sustainable location and, for the reasons outlined above, it is also considered that the proposals would constitute sustainable development. In coming to this conclusion it is noted that there are other potential housing sites on the edge of the village that are closer to its centre and are therefore in a more sustainable location than the application site. Notwithstanding this, it remains the case that this site is still considered to be sustainable and accordingly, development on the application site is considered to be compliant with the NPPF in principle.



Housing provision:

- 9.12 The Council's Planning Policy team has recently published the November 2016 'Five Year Housing Land Supply Methodology and Report'. This is of some relevance with respect to making decisions on planning applications for new housing development, as is the case here.
- 9.13 Development limit boundaries that were defined by Policy ENV1 of the 1999 Local Plan are now out of date and should not necessarily be given any weight in the decision making process. The NPPF is concerned about sustainable development rather than whether or not it is within a defined spatial limit. In the recent past the Council has both approved and refused applications for residential development in locations that are outside of the development limit boundaries that were defined by Policy ENV1. In Officers opinion this situation remains unchanged. Every application will still need to be assessed on its individual planning merits and its suitability for residential development considered. The NPPF advises that permission for sustainable development should be granted unless the adverse impacts significantly and demonstrably outweigh the benefits. The Council's Five Year Housing Land Supply position will be a relevant consideration in that decision but must be considered in the overall planning balance. However, as stated earlier, Officers would not expect that a refusal of permission could be sustained solely on the grounds that development is not required based upon the November 2016 Five Year Housing Land Supply report.
- 9.14 The conclusion, in relation to the principle of development, sustainability and housing land supply, is that the development proposals are acceptable.

**Layout, Scale and Visual Impact:**

- 9.15 It should be noted that the external appearance of the proposals is a reserved matter and therefore cannot form part of the current assessment of the planning application. Notwithstanding, illustrative plans have been submitted that show the scale and potential design of the proposed three bungalows which would most likely replicate the designs of the newly constructed properties on the adjoining site.
- 9.16 Saved Local Plan Policy ENV2 sets out that where development in the open countryside is considered to be acceptable in principle, it should go on to meet additional criteria set out in the policy. Criterion one states that development should be compatible with the character of the surrounding area, should not have an unacceptable impact on the landscape and should safeguard landscape features, including stone walls and hedgerows, worthy of protection. Criterion two sets out that the design of buildings and structures and the materials proposed should relate to the setting, taking account of the immediate impact and public views of the development.
- 9.17 The NPPF provides policies that relate to 'good design' and is not overly prescriptive regarding what this would actually consist of but does advocate that it is important to ensure that developments reinforce local distinctiveness and are mindful of the scale, density, massing, height, landscape, layout, materials and access of neighbouring buildings and the local area generally.
- 9.18 Of the matters that have been applied for the scale of the proposed bungalows is reflective of the existing development surrounding the site which for the most part consists of single storey properties and would have limited visual impact in comparison to more conventional two storey development in this particular location. Similarly, the linear arrangement, spacing and set back from the road (layout) would all be complimentary to the grain of the existing development that faces the application site and would be the context in which the development would be viewed. The overall layout and scale are in this instance considered to be entirely appropriate for a transitional development on the periphery of an established settlement area.
- 9.19 It is clear that the proposals will impact on the overall appearance of the lane which is a rural byway that is bounded by open grazing land set behind the remaining part of a hedgerow along its eastern side. However, it would be difficult to justify a refusal of the proposed development on visual impact grounds given that it would extend the built envelope along part of the eastern side of the road in a manner that compliments the existing residential development located immediately opposite the application site. Additionally, whilst the proposals would require two

access points and entail the relocation of the existing hedgerow (dealt with in detail later in this report) these changes are not considered to be excessively urban in nature and would not be a significant departure from the predominant character of the lane as it presently exists. It is also considered that the proposed small expansion of the settlement into the adjoining rural land is not of sufficient scale or impact on the wider landscape to constitute grounds for a refusal of planning permission. Overall, it is considered that the proposals comply with both Saved Local Plan Policy ENV2 and the NPPF in terms of layout, scale and visual impact

#### **Impact on the Conservation Area:**

- 9.20 The site lies adjacent to the Cowling conservation area, the boundary of which lies on the opposite side of the road.
- 9.21 The NPPF recognises the importance of ensuring that development proposals do not adversely impact upon the significance of heritage assets, which in this case is the conservation area, and requires that where any harm does arise it is assessed in terms of the scale of that harm and the balance against any benefits that may arise from allowing development to take place.
- 9.22 In this case the significance of the heritage asset could only be harmed in terms of its setting which it is considered would not be affected in any adverse manner given that the development proposed is entirely reflective of existing development both within and adjoining the conservation area. The loss of the rural land that borders the heritage asset is not considered to be sufficiently harmful to constitute grounds for refusal of planning permission.
- 9.23 In coming to the above view it is acknowledged that the Conservation Area is characterised in part by its rural setting. However, the loss of a small area of the farmland surrounding the settlement and erection of the housing proposed would not be considered sufficiently harmful to justify refusal of planning permission.

#### **Access and Highway Safety:**

- 9.24 The proposed access arrangements comprise two access points, one shared and one serving a single property are considered to be acceptable in highway safety terms. No objections have been raised by NYCC Highways subject to compliance with recommended conditions summarised above and it is noted that the application incorporates visibility splays to the specifications of the highways authority.
- 9.25 Concerns raised by objectors regarding the suitability of the road for additional development, in particular the traffic that would be generated by that development, are not shared by the Highways Engineer and it is not considered that a refusal of planning permission on the grounds of highway safety could be justified.

#### **Impact on Amenity:**

- 9.26 The orientation and overall height of the proposed bungalows are such that no issues of overshadowing would occur to any of the existing properties in the immediate vicinity of the site. Interface distances to the houses on the opposite side of the road range between 20m -26m and would not give rise to any problems from loss of privacy or result in an overbearing relationship.
- 9.27 The outlook of the existing housing along the western side of Dick Lane would be affected as they currently face an unbroken line of hedgerow with open fields beyond. However, it is not considered that the impact would constitute grounds for refusal of planning permission as the relationship is acceptable in planning terms and protection of the view currently enjoyed by the residents of the existing properties is not a planning matter.

#### **Hedgerow:**

- 9.28 The proposals would require the relocation and partial removal of an existing hedgerow that fronts the application site.
- 9.29 The application has been submitted with an ecological assessment which concludes that whilst the hedgerow can be categorised as 'important' using indicators laid out in the hedgerow regulations there are no protected species that would prohibit the proposed mitigation works

from being undertaken. The report has been prepared and certified by an appropriately qualified Ecologist.

- 9.30 A number of objections have been raised regarding this aspect of the proposal by the Parish Council and in other letters of representation. In particular there are criticisms of the translocated hedgerow to the adjacent site which it is contended has not been undertaken correctly. The main conclusions are that the removal or translocation of the remaining hedge should not be sanctioned and that it would not be possible to achieve this without substantial or total loss of the hedgerow or a diminishing of its significance and contribution to the overall character of the area.
- 9.31 In this case outright removal of the hedge is not sought but the LPA is required to consider the acceptability of its translocation and partial removal as part of the planning application under consideration. The application has been referred to Natural England who has raised no objections to the proposed development and the information submitted in support of the planning application is considered to comply with the standing advice issued by that particular agency. Consequently, it is not considered that it would be possible to sustain refusal of planning permission on ecological grounds or concerns over the proposed mitigation works.
- 9.32 In coming to this view it is noted that refusal of planning permission cannot be justified in cases where the reason for refusal can be overcome by planning conditions. In this case, the translocation of the hedge would be achievable via a planning condition and would moreover be consistent with the relevant tests set out in planning policy guidance. It is also important to note the conclusions of the Planning Inspector who did not agree that concerns regarding the risks of translocating the hedgerow where sufficient grounds for refusal of planning permission in relation to the appeal against refusal of the adjoining site which were as follows:
- Officer note:** The applicant's agent has submitted a review of the success of the hedgerow translocation at the adjoining site undertaken by a firm of consultant ecologist. The conclusion of the ecologist was that the translocation has resulted in 79% of hedgerow remaining alive. The hedgerow on the existing development site remains the subject of an ongoing enforcement investigation.
- 9.33 In summary it is considered that the hedgerow can be translocated, that this can be achieved via appropriate planning conditions and therefore the value of the hedgerow both ecologically and visually can be retained. On this basis, subject to compliance with a suitable planning condition, it is considered that this aspect of the proposal is acceptable and that there are no grounds for refusal of planning permission on the basis of the loss of the hedgerow.

**Drainage:**

- 9.34 A number of objections have been received that express concerns over problems with drainage of the site. Having regard to the consultation responses from Yorkshire Water, the Environment Agency and CDC Environmental Protection it is clear that there are no objections from the statutory authorities' responsible for these particular matters and that the site could be safely developed subject to compliance with the conditions that they have recommended. Accordingly, a refusal of planning permission based on flooding or drainage issues could not be sustained and would moreover not be supported by the relevant agencies.

**Summary:**

- 9.35 This application raises competing issues that must be considered in the balance. The principal benefit would be the contribution to the Council's five year housing land supply position, albeit by a modest amount.
- 9.36 However, that benefit has to be balanced against the adverse impact, which in particular comprises the development of a green field site which is outside development limits (albeit the relevant policies are not entirely consistent with the NPPF). There are also some potential issues relating to the wider landscape impacts of the proposed development.

- 9.37 Paragraph 14 of the NPPF advises that LPA's should be *'approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless:*
- a) *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
  - b) *specific policies in this Framework indicate development should be restricted.'*
- 9.38 In this case the proposal does not fully accord with the development plan. However, it is considered that the relevant Saved Local Plan policies (in particular ENV1 and ENV2) conflict in some instances with the NPPF (as supplemented by the nPPG) and limited weight can therefore be attached to some aspects of them. In particular the development limit boundaries identified by Saved Policy ENV1, which indicate that this site is within an open countryside location, are wholly out of date. This is therefore considered to be a circumstance where the relevant development plan policies (taken as a whole) are out of date and the NPPF advises in such circumstances that a) or b) as set out above should be followed. However, officer's assessment in this case is that the local policies are not wholly consistent with the approach taken in the NPPF and therefore only very limited weight should be attributed to those policies.
- 9.39 In cases where there are restrictive policies in play (in particular those relating to heritage) the balance needs to be struck under those policies first before the Committee considers the wider question of whether the adverse impacts of granting permission significantly outweigh the benefits so that planning permission should be refused (for the purposes of para 14 NPPF). As set out above officers consider that the development is acceptable having regard to paras. 132-134 NPPF.
- 9.40 In considering whether the adverse impacts of the proposal significantly and demonstrably outweigh the benefits, officers conclude that this scheme will provide new dwellings. Overall, the development would have some minor adverse impacts but it is concluded that the adverse impacts do not significantly and demonstrably outweigh the benefits of providing much needed housing and the proposed scheme is therefore acceptable and benefits from the presumption in favour of sustainable development.

## 10 Recommendation

- 10.1 That planning permission is granted subject to the following conditions:

### Conditions

#### **A. Conditions relating to the approval of reserved matters and time within which development is to begin.**

1. Approval of the details of the external appearance of the buildings (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

2. Plans and particulars of the reserved matters referred to in condition 1 above, relating to the external appearance of any buildings to be erected shall be submitted in writing to the local planning authority for approval, and shall be carried out as approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

3. The development shall be begun before the expiry of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

4. The details to be submitted to and approved in writing by the local planning authority as part of the reserved matters shall include specifications for all materials to be used in the construction of the external surfaces of the buildings hereby permitted. Development shall be carried out in accordance with the approved details.

Reason: To ensure the delivery of sustainable development and facilitate community involvement and informed decision making as explained in the National Planning Policy Framework.

**B. Condition to specify the approved plans:**

5. The development hereby permitted shall not be carried out other than wholly in accordance with the following:
  - Drawing 2016-172-A001A received by the Local Planning Authority 24<sup>th</sup> January 2017.
  - Drawing 2016-172-B050A received by the Local Planning Authority 5<sup>th</sup> December 2016.
  - Drawing 2016-172-B051B received by the Local Planning Authority 24<sup>th</sup> January 2017.
  - The method of hedgerow translocation and mitigation set out in the Extended Phase 1 Habitat Survey Report received by the Local Planning Authority 10<sup>th</sup> October 2016.

The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.

Reason: To specify the terms of the permission for the avoidance of doubt.

Informative: Drawing nos. 2016-172-B052 and B053 detailing Proposed Floor Plans and Elevations are not approved drawings as the appearance of the bungalows is a reserved matter.

**C. Pre-commencement conditions:**

6. No development shall take place until details of a sustainable drainage scheme for the disposal of surface and foul water has been submitted to and approved in writing by the Local Planning Authority. All development shall be carried out in accordance with the approved scheme and retained thereafter.

Reason: To ensure that the site is properly drained.

7. No development shall take place until details showing the verge and footway crossings have been submitted to, and approved in writing by, the Local Planning Authority. All development shall be carried out in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety.

8. No development shall take place until a schedule of hedgerow maintenance, including provision for replanting, for a minimum period of 10 years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. All development shall be carried out in accordance with the approved schedule.

Reason: In the interests of visual amenity and to ensure that the ecological and amenity value of the hedgerow is retained.

9. Development shall not begin until the access to the site has been set out and constructed in accordance with the following requirements:

- i) Any gates or barriers shall be erected a minimum distance of 4.5m back from the existing highway and not open in such a way that they would cause an obstruction to the carriageway;
- ii) The gradient of the two proposed access points from the highway shall not exceed 1 in 10 over a distance of 4.5m from the point at which they join the highway;
- iii) No unbound material capable of being dragged onto the highway shall be used in the surface of the site access within 4.5m of the highway boundary; and
- iv) Provision to prevent the discharge of surface water from the development onto the highway shall be constructed in accordance with details submitted to, and approved in writing by, the Local Planning Authority and maintained thereafter for this purpose.

10. No development, including construction or related ground works but excluding any works necessary to construct the proposed accesses and translocate the existing hedgerow, shall take place until the visibility splays specified on the approved plan are provided. Once created the visibility splays shall be maintained clear of any obstruction and retained thereafter.

Reason (for conditions 9 and 10): In the interests of highway safety.

#### **D. Other conditions:**

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), no fences, gates or walls shall be erected within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts onto a road.

Reason: To ensure the appropriate boundary treatment of the site.

#### Statement of Positive Engagement: -

In dealing with this application Craven District Council has sought to approach the decision making process in a positive way, in accordance with the requirements of paragraphs 186 and 187 of the NPPF. In particular the Council has: -

- engaged in pre-application discussions
- requested amended design approaches / information to address the planning issues which have arisen in relation to dealing with this application.
- accepted additional information / changes to the scheme post validation

#### Discharge of Condition(s)

1. The developer should note that in addition to the need to submit an application for approval of the reserved matters condition nos 6, 7 and 8 above will require a further application to be submitted to enable the District Council to formally discharge the conditions.

In order to avoid unnecessary delays it is advisable for the developer to discuss the details required to discharge the conditions with any relevant statutory Authorities' (other than the Local Planning Authority) e.g. NYCC Highways, the Environment Agency etc. for comment and/or recommendations prior to their formal submission to the District Council for approval.

2. Please note that any samples of materials that require approval should be made available for inspection either on the site or another suitable location and not brought to or delivered to the Council Offices unless specific arrangements to do so have been made with the relevant planning case officer.

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**WARD AND****APPLICATION No. PROPOSED DEVELOPMENT AND SITE ADDRESS**

**BENTHAM**  
**08/2016/17386**

VARIATION OF CONDITION 2 & 4 OF PREVIOUS APPROVAL  
08/2016/16863 TO ALLOW A REVISED SITE LAYOUT AND ALLOW  
CARAVAN 1 TO BE OCCUPIED AS PERMANENT LIVING  
ACCOMMODATION BY A SITE WARDEN.

TOLL BAR GARDENS, WENNINGTON ROAD, LOWER BENTHAM.

APPLICANT NAME: MR JOHN BEARD  
TARGET DECISION DATE: 28/02/2017  
CASE OFFICER: Andrea Muscroft

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**This application has been referred to Planning Committee as the previous approval 08/2016/16863 was determined at Committee in accordance with the Council's Scheme of Delegation.**

1. Site Description

- 1.1 The application site comprises of a former horticultural nursery and adjacent field located in open countryside to the west of Low Bentham. The site has been cleared of the dilapidated buildings/rubble and existing hardstanding. New soil has been deposited on site and the installation of concrete bases for the location of holiday caravans have taken place.
- 1.2 To the north of the site is a railway embankment, to the south the B6480 and the River Wenning beyond. To the west of the site is located Gate House and its curtilage and to the east a residential property known as Glebe House and its garden area.
- 1.3 The site is in open countryside, outside of development limit boundaries identified by the Local Plan.
- 1.4 The significant majority of the site is within Flood Risk Zone 2, with the very western extremity of the application site is also within Flood Risk Zone 3.
- 1.5 The site also lies within a Coal Low Risk Area.

2 Proposal

- 2.1 The proposal is seeking variation of condition 2 & 4 of previously approved application for a caravan site (ref: 08/2016/16863) to allow revised site layout and to allow caravan 1 to be occupied as a permanent living accommodation by a site warden.
- 2.2 Condition 2: Amended Condition: The approved plans comprise the Location Plan and Site Layout Plan received by the Local Planning Authority on 18<sup>th</sup> April 2016. The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.  
*Reason for condition was to specify the permission and for the avoidance of doubt.*
- 2.3 The application seeks to vary condition 2 to specify an alternative approved plan.
- 2.4 The key changes to the approved layout comprise of the following:-
  - Repositioning of caravan 3, 13, 14, 15, 16, 17, 21 & 22.
  - Revised vehicle layout within site.
  - Repositioning of parking spaces for caravans 4, 16, 17, 18, 19, 20 & 21.
  - Increase in size of caravan 1.
- 2.5 Condition 4. Amended Condition: The caravans hereby approved shall be used for holiday accommodation purposes only and shall not be occupied for any other purpose. In particular the accommodation shall not be used as the sole or principal residence by any of the occupants.

*The owners/operators shall maintain an up-to-date register of the names of all owners and occupiers of individual properties and of their main home addresses and shall make this information available at all reasonable time to the Local Planning authority.*

*Reason for condition was for the avoidance of doubt as this is an open countryside location where new dwellings would not normally be viewed as acceptable in planning policy terms.*

- 2.6 The proposal is seeking a variation to condition 4 to for a change of use of caravan 1 to permanent residential accommodation for on-site warden.
- 2.7 **Officers Note:** Since the grant of planning approval ref 08/2016/16863 some works have commenced on site including: the removal of outbuildings, the raising of ground levels to the west of the site, the installation of services and the construction of concrete bases.
- 2.8 **Officers Note:** During the course of the application, amended plans have been submitted showing alterations to the parking arrangements for caravans 4, 12, 18 & 20
- 2.9 The proposal proposes to plant a hawthorn hedge along the northern and western boundaries. In addition, the proposal seeks to thicken the existing hawthorn hedging that fronts onto Wennington Road.
- 2.10 The existing fencing to the east and west of the entrance gate would be replaced with a 1.5m stone wall that falls down to 1m. In addition, a new entrance gate would be installed. It is also proposed to cobble the area in front of the entrance gates.
- 2.11 The proposal also seeks to position in the far southeast corner is an underground gas storage facility.
- 2.12 **Officers Note:** No amendments are sought in relation to the previously approved vehicle/pedestrian access to and from the site.

### 3 Planning History

- 3.1 08/2006/6658. Change of use of land for the siting of 19 caravans / chalets. Withdrawn prior to determination.
- 3.2 08/2006/6868 – Change of use of the land to allow the siting of 19 holiday caravans. Approved December 2006.
- 3.3 08/2009/10133 – Discharge of conditions 3, 6 & 7 of approved permission 08/2006/6868 – Approved February 2010.
- 3.4 08/2016/16863 - Variation of conditions 2 and 4 of previously approved application for a caravan site (08/2006/6868) to allow revised site layout (increasing the number of caravans from 19 to 26) and revised wording for the holiday occupancy restriction – Approved July 2016.

### 4 Planning Policy Background

- 4.1 Saved Local Plan Policies ENV1, ENV2 and EMP16 of the Craven District (outside the Yorkshire Dales National Park) Local Plan.
- 4.2 The National Planning Policy Framework – NPPF
- 4.3 Planning Practice Guidance – PPG.

### 5 Parish/Town Council Comments

- 5.1 **Bentham Parish Council:** No objection to the proposal.

### 6 Consultations

- 6.1 **CDC Contaminated Land Officer:** No known contaminated land implications regarding this proposed development.
- 6.2 **CDC Environmental Protection:** No comments, but advises the applicant the need to comply with Craven District Council's Model Standards 2008 for Caravan Sites in England.
- 6.3 **Environment Agency:** No comments received at the time of compiling this report.
- 6.4 **HSE:** Does not need to be consulted on any development on this site.



- 6.5 **Network Rail:** Have reviewed the information and have no objection to the proposal. However, to ensure that the proposal will not have an adverse impact on the operational railway/Network Rail tracks the applicant is advised that a BAPA (Basic Asset Protection Agreement) will need to be agreed between the applicant and Network Rail and that the applicant will be liable for all costs incurred by Network Rail in facilitating this proposal. The BAPA will be in addition to any planning consent.
- 6.6 The applicant is advised of the need to submit directly to Network Rail a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway. The applicant/developer is to submit the RAMs directly to:  
AssetProtectionLNWNorth@networkrail.co.uk
- 6.7 The applicant is also advised of the need to serve a Party Wall Act 1996 notification on Network Rail and will be liable for all costs incurred by Network Rail in facilitating the Party Wall works. The applicant/developer should email the notice (and a plan of the proposal site) to:  
OperationPropertyLNW@networkrail.co.uk
- 6.8 The applicant must ensure that the proposal during construction, after completion of works and as a permanent arrangement, does not affect the safety, operation or integrity of the operational railway/Network Rail Land or our infrastructure.
- 6.9 The applicant is advised that Network Rail will need to review all excavation and earthworks within 10m of the railway boundary to determine if the works might impact upon the support zone of our land and infrastructure.
- 6.10 **NYCC Highways Authority:** No objection
- 7 Representations
- 7.1 No third party representations have been received.
- 8 Summary of Principal Planning Issues
- 8.1 Principle of development
- 8.2 Key considerations in the determination of this application are the acceptability of the revised layout, visual impact of the proposal on the character and appearance of the rural countryside, impact of changes to the layout on neighbouring properties and highway issues.
- 9 Analysis
- 9.1 Principle of development**
- 9.2 This application is to vary conditions on an existing planning permission (ref. 08/2016/16863). Therefore the principle of providing holiday accommodation on this site has been established by the previous permissions and deemed acceptable in principle.
- 9.3 Visual impact.**
- 9.4 Saved Policy ENV2 states that development acceptable in principle under policy ENV1 should only be permitted where it is compatible with the character of the surrounding area and does not have an unacceptable impact on the surrounding area. The design of structures should also relate well to the setting taking into account of the immediate impact and public views of the development.
- 9.5 Saved Policy EMP16 also has a requirement that proposals satisfactorily blend into the landscape. Paragraph 17 of the NPPF also recognises the intrinsic character and beauty of the rural countryside.
- 9.6 The caravan site lies adjacent to Wennington Road, to the west of Low Bentham in the open countryside.
- 9.7 Since the grant of permission (ref: 08/2016/16863) the site has been subjected to some operational works including the clearing of existing hard standing/dilapidated greenhouses/outbuildings and static caravan, an increase in ground levels, the installation of services and the construction of concrete bases. In addition, previous natural screening that was located along the eastern boundary has been replaced with a 2m timber fence. In addition,

previous natural screening located along the northern boundary and some along the western boundary have also been removed.

- 9.8 In terms of visibility, adjacent to the northern boundary lies the elevated Railway line with land raising beyond and as such the site would be visible when travelling by rail. Whilst the site would be visible when travelling along Wennington Road, the existing hedging along the southern boundary does provide some natural screening. However, to further improve the existing screening along the southern boundary the applicant has stated that they seek to plant additional Hawthorn plants along the southern boundary. Turning to the eastern boundary there is an existing timber fence that combined with Glebe House provides an acceptable level of screening when travelling westwards along Wennington Road. In contrast, when travelling eastwards past The Gate House the site is partially visible.
- 9.9 However, it is considered that this visual impact is compensated by the proposed implementation planting along the southern boundary fronting onto Wennington Road. Similarly, the proposed planting along the northern and western boundaries with a native hedgerow would in time provide additional screening to the site. To ensure that the proposed landscaping is undertaken it is considered necessary to attach appropriate conditions.
- 9.10 Details shown on the submitted site layout plan indicate that a curved stone wall will be constructed with a maximum height of 1.5m falling to 1m at the entrance of the site. The presence of stone boundary walls of an appropriate scale is a common feature within the area. Therefore, to ensure that this element of the proposal does not appear visual prominent or obtrusive it is prudent to attach an appropriate condition requiring further details of both the proposed wall and gates.
- 9.11 Whilst some details have been forthcoming with regards to the external appearance of the proposed caravans plots 5 & 6. Previous planning permission 08/2016/16863 imposed a condition requiring further details in relation to the design of the proposed caravans and associated infrastructure. As such it is considered necessary to attach a condition to deal with this outstanding issue.
- 9.12 In conclusion, the site is currently unsightly as a consequence of existing works being undertaken on site. However, whilst some of the proposed landscaping would take some time to mature, the planting to the northern and western boundaries combined with the reinforcement of the existing hedgerow would help to mitigate the visual impact of the development. As such it is considered that the proposed revised layout is not considered contrary to the requirements of Saved Policies ENV2 and EMP16 of the Local Plan and the guidance contained within the NPPF.
- 9.13 **Neighbouring amenity.**
- 9.14 To the east of the site is Glebe House which is understood to be a residential home for children attending Cedar House School and to the west Gate House.
- 9.15 The revised proposed layout shows the repositioning of caravan 3 at a distance of approx. 8.5m from the Gate House a reduction of approximately 6m from the previously approved separation distance. It is also acknowledged that due to the orientation of caravan 3 that there may be a window facing towards Gate House. However, it is considered that given the separation distance combined with the proposed hedging along the joint boundary and the holiday use of the caravans that there would be no unacceptable loss of privacy to the occupiers of this property.
- 9.16 It is also acknowledged that the site adjacent to Gate House has been subjected to some changes in land levels. However, these changes have not resulted in any significant increases in land levels that would result in the proposal appearing dominate/overbearing or give rise to any unacceptable overshadowing of any habitable rooms of amenity spaces of this property. Furthermore the proposed planting along the boundary with Gate House would further ensure that the occupants of this property do not experience any unacceptable loss of privacy.
- 9.17 Turning to any potential impact on Glebe House the revised site layout shows caravans 12a to 17 situated approximately between 2.5m > 3m from the joint boundary with Glebe House. Whilst the original separation distance has been reduced, it is considered that the current separation

distance combined with the installation of a 2m timber fence and the holiday use of the caravans that occupants of this building would not experience any unacceptable loss of privacy. Similarly, given the existence of the timber fencing the proposed development would not appear overbearing or result in any unacceptable overshadowing of any habitable rooms or amenity spaces of this property.

**9.18 Highway issues.**

9.19 Conditions attached to the original ref: 08/2006/6868 with regards to the construction of visibility splays have been implemented. However, since the grant of planning approval 08/2016/16863 the approved vehicle route through the site and parking arrangements have been amended (details in paragraph 2.4). Notwithstanding this change NYCC Highways have been consulted with regards to the current proposal and have raised no objections to the proposal. Furthermore, the Councils Environmental Team Officer has raised no objections subject to the proposed vehicle layout being constructed to the Council's Model Standards 2008 for Caravan Sites in England. To ensure compliance it is considered appropriate to attach a condition to control this matter. It is therefore considered that the revised proposal would not create any conditions contrary to highway safety.

**9.20 Rewording of condition 4 to allow the occupation of caravan 1 for permanent residential accommodation for on-site warden.**

9.20 The condition was attached with the intention of preventing the permanent residential occupation of the caravans on this site.

9.21 The current proposal is seeking to a change of use of caravan 1 to site manager's residential accommodation. Whilst the provision of holiday accommodation on this site has been established by previous permission and deemed acceptable in principle, the principle of providing a managers residential accommodation on the site now needs to be considered.

9.22 The agent on behalf of the applicant has provided a supporting statement which outlines the duties that would be conducted by the on-site manager including out-of hour's arrivals and departures, maintain log of residents and dealing with any emergencies that occur. Although at the present time it is unclear as to who would occupy the proposed caravan. However, the document also advises that the caravans may be purchased by individuals for their own use as well as rented by holiday makers.

9.23 The joint owner currently resides in Stafford, a 250 mile round trip from Toll Bar Gardens. Whilst his business partner lives locally, there are medical reasons why he would be unable to undertake the duties of warden.

9.24 It is recognised that the provision of on-site warden's accommodation would improve the efficiency of the enterprise once it commences by reducing the requirement for the joint owner to make repeat trips to the site. Also that a continuous presence on site may also provide some future guests the reassurance of additional security with regards to their caravans being left unattended on site.

9.25 However, whilst the application site has benefited from previous permissions to create a holiday caravan park, none of these permissions have been fully implemented. As such, the site is not operational and therefore no evidence has been provided with regards to the financial viability of the holiday park. As such, it cannot be established that there is a functional requirements for a permanent on- site presence in connection with the caravan holiday park. Furthermore, it has not been adequately demonstrated that the tasks proposed could not be undertaken by a non-resident worker.

9.26 Therefore, for the reasons outlined above, the information provided by the applicant has failed to demonstrate an essential need for an on-site residential presence in connection with the caravan park. As such it is considered that the wording of the condition remains unaltered.

**9.27 Conclusion.**

9.28 Paragraph 14 of the NPPF advises that LPA's should be 'approving' development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

*Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*

*Specific policies in this Framework indicate development should be restricted.*

- 9.33 In this instance, it is considered that there are no adverse impacts with regards to the revised layout that significantly and demonstrably outweigh the overarching presumption in favour of sustainable development contained within paragraph 14 of the NPPF. However, with regards to the change of use of caravan 1 for living accommodation for site warden it is considered that it has not been demonstrated to the Council's satisfaction that there is a functional need sufficient to warrant a permanent residential unit on the caravan site. Furthermore, insufficient evidence has been put forward by the applicant to explain why a non-resident worker could not undertake the proposed tasks.

## 10 Recommendation

- 10.1 Recommend approval of the variation of condition 2 of planning approval 08/2016/16863 subject to the following conditions.

- 10.2 **Officer's note:** It is necessary to re-attach any relevant conditions attached to the original permission as this is a grant of a new planning permission.

### Conditions

1. **Condition Deleted:** (Condition 1 of 08/2006/6868) was a time limit condition, but as development has commenced it is no longer applicable).
2. **Amended Condition:** The approved plans comprise of the following:  
Location Plan received by the Local Planning Authority on 3<sup>rd</sup> January 2016  
Site Layout Plan received by the Local Planning Authority on the 14<sup>th</sup> March 2017.  
TBR EID5-6 for Plots 5 & 6 received by the Local Planning Authority on the 20<sup>th</sup> March 2017.  
The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.  
Reason: To specify the permission and for the avoidance of doubt.
3. **Amended Condition:** Prior to their first installation on site details of the design of the static caravans (no 1-4 & 7-26) including associated amenity areas (e.g. decking areas) and the materials and external finishes to be used in the construction of their external surfaces shall be submitted to and approved in writing by the Local Planning Authority. Only the approved static caravans shall be used on the site, and no replacement, or variation of size, siting or appearance shall be undertaken. The development shall be carried out in accordance with the approved details.  
Reason: In the interests of the visual amenities of the area.
4. **Amended Condition:** The caravans hereby approved shall be used for holiday accommodation purposes only and shall not be occupied for any other purpose. In particular the accommodation shall not be used as the sole or principal residence by any of the occupants. The owners/operators shall maintain an up-to-date register of the names of all owners and occupiers of individual properties and of their main home addresses and shall make this information available at all reasonable time to the Local Planning authority.  
Reason: For the avoidance of doubt as this is an open countryside location where new dwellings would not normally be viewed as acceptable in planning policy terms.
5. **Condition Deleted:** (This condition is now duplicated by amendments to condition 4).
6. **Amended Condition:** Unless alternative details are first submitted to and approved in writing by the Local Planning Authority, the development shall be implemented in accordance with the highway safety details that were approved under discharge of conditions application 08/2009/10133 to meet the requirements of condition 6 of planning ref. 08/2006/6868.

NOTE: You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

Reason: To ensure a satisfactory means of access to the site from the public highway, in the interests of vehicle and pedestrian safety and convenience, and to ensure compliance with Local Plan policies EMP16, T2 and T3.

7. **Amended Condition:** Visibility splays approved under discharge of conditions application 08/2009/10133 (to meet the requirements of condition 7 of planning ref. 08/2006/6868) shall be retained for the duration of the development. Any amendment to the approved details shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety to provide drivers of vehicles using the access road to the site & public highway with a standard of inter-visibility commensurate with the vehicular traffic flows & road conditions, and to ensure compliance with Local Plan policies EMP16 and T2.

8. **Amended Condition:** Prior to the first use of the development details of the off street parking and turning / manoeuvring arrangements shall be set out in accordance with the Craven District Council's Model Standards 2008 for Caravan Sites in England and submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the provision of satisfactory off street parking in the interests of highway safety and to ensure compliance with Local Plan policies EMP16, T2.

9. Prior to the first use of the site a pedestrian access to the adjoining B6480 shall be installed at the eastern end of the site in accordance with details that have previously been submitted to and agreed in writing with the Local Planning Authority.

Reason: In the interests of pedestrian safety and to ensure compliance with Local Plan policies EMP16, T2.

10. **Amended Condition:** A scheme of soft landscaping for the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include means of boundary planting, planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment): schedule of plants noting species, plant supply sizes and proposed numbers/densities where appropriate; an implementation programme. All details in the approved scheme of landscaping shall be carried out in the first planting season following the first use of the development. Any trees or plants that within a period of 5 years die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar species (unless otherwise agreed in writing with the Local Planning Authority).

Reason: To achieve a satisfactory standard of landscaping in the interests of the amenities of the area and to ensure compliance with Local Plan Policies EMP4 and R6.

11. **Additional Condition:** Prior to its first installation details of the design, nature, position and intensity of any external lighting to be provided as part of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The approved lighting shall be installed in the approved positions and shall thereafter be satisfactorily retained at all times.

Reason: To safeguard the character and appearance of the surrounding area, in accordance with the requirements of saved Local Plan Policies ENV1, ENV2 and EMP16 of the Craven District Council (Outside the Yorkshire Dales National Park Authority) Adopted Local Plan.

12. **Additional Condition:** A scheme of hard landscaping works for the site shall be submitted to and approved in writing by the local planning authority. The details shall include: means of enclosure including construction of any walls/fencing, car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; proposed and existing functional services above and below ground; and an implementation programme;. All hard landscape works shall be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the surrounding area, in accordance with the requirements of saved Local Plan Policies ENV1, ENV2 and EMP16 of the Craven District Council (Outside the Yorkshire Dales National Park Authority) Adopted Local Plan.

13. **Amended Condition:** The development hereby approved shall be carried out in conformity with the details contained within the Flood Risk Assessment and retained thereafter.

Reason: To ensure that Flood Risk is satisfactorily addressed.

14. **Condition Deleted:** (Condition 14 required prior approval of the construction of a trespass proof fence in the interest of railway safety).

15. **Additional Condition:** Prior to the first use of the caravans full details of the refuse and recycling storage facilities have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved and retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse.

16. **Additional Condition:** The existing hedgerow fronting onto Wennington Road shall be retained and properly maintained. Any hedgerow shrub which is removed or dies within 5 years of the completion of the development shall be replaced during the next planting season by a shrub of a species and size which shall first have been agreed in writing by the Local Planning Authority.

Reason: To protect the hedgerow in the interest of visual amenity.

17. **Additional Condition:** The external surfaces of each of the caravans hereby approved shall be one of four colours/finishes as detailed on the LP Canexel colour sheet received by the Local Planning Authority on the 9<sup>th</sup> February 2017. The four agreed colours/finishes are Pine Forest, Dutch Green, Granite or Acadia.

Only the approved colours shall be used on the site, and no variation shall be undertaken without the prior written approval of the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: In the interest of the amenity of the area.

18. **Additional Condition:** Prior to their first installation on site details of the materials and external finishes to be used in the construction of The Londinium caravans as submitted for plots 5 & 6 shall be submitted to and approved in writing by the Local Planning Authority. Only the approved static caravans shall be used on the site, and no replacement, or variation of size, siting or appearance shall be undertaken. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area.

### **Informatives**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining. Further information is also available on The Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority). Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com)

The applicant is advised that the grant of this planning approval does not override the need to comply with the fire regulations for caravan site. Please contact the North Yorkshire Fire & Rescue Service for further information. Their address is Thurston Road, Northallerton, North Yorkshire, DL6 2ND (tel: 01609 780150).

The applicant is advised that a BAPA (Basic Asset Protection Agreement) will need to be agreed between the applicant and Network Rail and that the applicant will be liable for all costs incurred by Network Rail in facilitating this proposal. The BAPA will be in addition to any planning consent.

The applicant is advised of the need to submit directly to Network Rail a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway. The applicant/developer is to submit the RAMs directly to:

[AssetProtectionLNWNorth@networkrail.co.uk](mailto:AssetProtectionLNWNorth@networkrail.co.uk)

The applicant is also advised of the need to serve a Party Wall Act 996 notification on Network Rail and will be liable for all costs incurred by Network Rail in facilitating the Party Wall works. The applicant/developer should email the notice (and a plan of the proposal site) to:

[OperationPropertyLNW@network.rail.co.uk](mailto:OperationPropertyLNW@network.rail.co.uk)

The applicant must ensure that the proposal during construction, after completion of works and as a permanent arrangement, does not affect the safety, operation or integrity of the operational railway/Network Rail Land or our infrastructure.

The applicant is advised that Network Rail will need to review all excavation and earthworks within 10m of the railway boundary to determine if the works might impact upon the support zone of our land and infrastructure.

The applicant is advised that installation, storage and maintenance of Gas should comply with Craven District Council's Model Standards 2008 for Caravan Sites in England. The HSE website, [www.hse.gov.uk](http://www.hse.gov.uk), provides details and information about the various legislative requirements and contacts if further information is needed. In addition the trade body for LPG suppliers, uk LPG, [www.lpga.co.uk](http://www.lpga.co.uk), also has information which may be of use

Anyone being employed by a site owner to carry out work on gas (including natural gas) or oil installations should be suitably qualified to do the work. The HSE pages contain details of some of the schemes. The Communities and Local Government website contains details of various certification schemes which may apply. The details of these schemes can be found at [www.communities.gov.uk](http://www.communities.gov.uk)

#### Statement of Positive Engagement: -

In dealing with this application Craven District Council has sought to approach the decision making process in a positive way, in accordance with the requirements of paragraphs 186 and 187 of the NPPF. In particular the Council has: -

- engaged in pre-application discussions
- accepted additional information / changes to the scheme post validation

#### Discharge of Condition(s)

1. With regard to Condition Nos. 3, 8, 10, 11, 12, 13, 14 & 15 above please note that it will be necessary to submit a formal application to discharge the conditions. Any samples of materials that require approval should be made available for inspection either on the site or another suitable location and not brought to or delivered to the Council Offices unless specific arrangements to do so have been made with the relevant planning case officer.

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**WARD AND****APPLICATION No. PROPOSED DEVELOPMENT AND SITE ADDRESS**

INGLETON &  
CLAP  
49/2017/17701

CONVERSION OF A PARTIALLY REBUILT REDUNDANT SHIPPON BUILDING TO FORM A SINGLE DWELLING (RESUBMISSION OF REFUSED APPLICATION 49/2016/17022)

WILLOW TREE, AUSTWICK.

APPLICANT NAME: MR D. SHACKLETON

TARGET DECISION DATE: 02/03/2017

CASE OFFICER: Andrea Muscroft

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**The proposal is presented to Planning Committee as the original planning proposal ref: 49/2016/17022 was considered by Planning Committee on the 26<sup>th</sup> September 2016.**

1. Site Description

- 1.1 The application relates to a former agricultural Shippon located adjacent to Willow Tree House a large detached dwelling in the parish of Lawkland. The building lies to the east of the dwelling and is single storey.
- 1.2 The site lies outside of any recognised development limits defined by the Local Plan and also lies within the Forest of Bowland AONB.

2. Proposal

- 2.1 The proposal is a resubmission of a previously refused proposal (49/2016/17022) that was considered by Planning Committee on the 26<sup>th</sup> September 2016. A minor amendment has been made to the scheme with the partial retention of an internal spine wall.
- 2.2 Additional information contained within the Supplementary Planning Statement has been included which involves an examination of both the written report to Committee and the manner in which the proposal was presented to members by officers of the Committee Meeting on the 26<sup>th</sup> September 2016. In summary, the statement considers that due to the misrepresentation of the previous application created by officers, that the members were misled when they considered the original application.
- 2.3 The proposal is seeking full planning permission for the conversion of a redundant shippon building to form a single dwelling (resubmission of refused application 49/2016/17022) The Local Planning Authority previously refused application 49/2016/17022 for the following reason:
- As a consequence of unauthorised major reconstruction of the existing Shippon the building is now incapable of being converted to residential accommodation and as such the development proposed is a new dwelling in the open countryside. The proposed dwelling given its remote location fails to comply with the main aims and objectives of sustainable development and with no special justification fails to comply with saved local policies. It is therefore considered that this development is unacceptable in principle as it constitutes sporadic unjustified development in a rural open countryside location and this adverse impact is considered to outweigh the benefits of approving development. As such the proposal is contrary to the requirements of Saved Policy ENV1 & H8 of the Craven District (outside the Yorkshire Dales National Park) Local Plan and the aims and objectives of the NPPF including the NPPF's core planning principles of preventing development that would be harmful to the intrinsic open character of the countryside.*
- 2.4 **Officers Note:** Following receipt of the re-submission the agent was advised via email on the 16<sup>th</sup> & 25<sup>th</sup> January and again on the 6<sup>th</sup> February 2017 that the description of the proposal was incorrect. Substantial rebuilding of the shippon has already been undertaken and in officers opinion due to the extent of the rebuilding of the Shippon the proposal should be more appropriately treated as a new building in the open countryside as the original building has been substantially demolished. On the 7<sup>th</sup> February 2017 an email was received from a Mr C Sharpe



(acting on behalf of Gary Hoerty Associates) acknowledging that the building had been partially rebuilt but disputing that works comprised of '*unauthorised major reconstruction*'. Therefore, whilst it would have been preferable to reach an agreement with regards to the description, ultimately the Local Planning Authority must be satisfied that the description is accurate. No agreement was received from the agent with regards to the amended description.

### 3. Planning History

3.1 49/2016/17022 – Conversion of a redundant Shippon building to form a single dwelling with associated off street parking. Refused for the reason set out in paragraph 2.3 above.

3.2 **Officers Note:** A separate barn is located directly to the north of the application premises and a separate application has recently been submitted and permitted to convert that barn (Planning Ref. 49/2016/17020). The barn to the north remains intact and is can still be converted (unlike the application premises that has been substantially demolished and a new building erected).

### 4. Planning Policy Background

4.1 Saved Policies ENV1, ENV2, H8 and T2 of the Saved Craven District (outside the Yorkshire Dales National Park) Local Plan.

4.2 The National Planning Policy Framework – NPPF

4.3 Planning Practice Guidance - PPG

### 5. Parish/Town Council Comments

5.1 **Lawkland Parish Council:** The parish resubmits the comment it made on 18 July 2016 on the original application. The applicant has given great thought to the planning of this project with respect to suitability to its situation . It is an imaginative use and transformation of a redundant farm building, to be used as a holiday let. The parish supports the application.

**Officer note:** The application refers to a dwelling not a holiday let.

### 6. Consultations

6.1 **Electricity Northwest:** Do not object to the application, but comment that the proposal could have an impact on their infrastructure and any costs associated with the need to divert apparatus would usually be borne by the applicant. The consultation response provides information for a developer working in the vicinity of their infrastructure that can usefully be attached as an informative to any grant of planning permission.

6.2 **Forest of Bowland:** No comments received at the time of compiling this report.

6.3 **NYCC Footpaths Officer:** No comments received, but if approved it is recommended that an informative is attached with regards to the adjacent PROW as previously requested.

6.4 **NYCC Highways:** No objection subject to the use of appropriate conditions relating to the retention of parking spaces.

6.5 **United Utilities:** No comments received at the time of compiling this report.

### 7. Representations

7.1 No third party representations received at the time of compiling this report.

### 8. Summary of Principal Planning Issues

8.1 Principle of development.

8.2 Visual Impact of the development.

8.3 Impact of the development on neighbouring properties with regards to amenity and privacy.

8.4 Highway issues.

8.5 Biodiversity.

### 9. Analysis

9.1 **1. Principle of development.**

- 9.1 Saved Policy ENV1 is supportive of development in the open countryside subject to meeting certain criteria. These include that development should be small scale and where it clearly benefits the rural economy; helps to maintain or enhance landscape character; is essential for the efficient operation of agriculture or forestry; or is essential to the needs of the rural community. The policy aims and objectives are broadly compliant with the NPPF.
- 9.2 Also of relevance is Saved Policy H8 that seeks to bring back into use neglected or under used rural buildings for residential accommodation subject to meeting a set criteria. These include that the building is structurally sound and capable of the proposed re-use without major rebuilding; that the building is large enough to provide sufficient accommodation for the reasonable requirements of a normal household without the need for substantial extensions or alterations; that any scheme of alterations are kept to a minimum so as to retain the essential character of the building and the surrounding area and that any proposed domestic curtilage should be minimal, unobtrusive and capable of being screened. Whilst the requirement that a building is capable of conversion without major or complete reconstruction is not directly replicated in the NPPF it is considered that for a building to be re-used it is inherent that the main elements of the structure would be retained as part of any conversion scheme. If a proposal required the major or complete reconstruction then this would amount to a new building as opposed to the re-use of an existing one. As such it is considered that this policy is broadly consistent with the objectives of the NPPF.
- 9.3 In this instance the proposal relates to the “conversion” of a former Shippon to residential accommodation, providing three bedroom accommodation over one level. During the site visit it became apparent that the majority of the building had recently been subject to a considerable amount of dismantling and rebuilding comprising of the rebuilding of a large section of the northern elevation, all of the southern elevation including an increase from the original height, the redesigned eastern entrance, the partial rebuilding of the western elevation including an increase from the original height. The submitted Supplementary Planning Statement also makes reference in paragraph 2.17 to the increase in height and in paragraph 2.18 acknowledges that that the rebuilding has resulted in an alteration to the appearance of the building.
- 9.4 It is acknowledged that a section of the original northern and western elevation were still present. Previously the applicant stated that these remaining walls would also be taken down and rebuilt with the remaining roof also being replaced. However, the submitted plan ref: Sha/704/2211/01 now shows the retention of the opening to the western elevation. The plan nevertheless, still indicates that the northern elevation would be subject to some alterations with the existing three windows being replaced with two larger window openings.
- 9.5 However, the document maintains that the works undertaken constitutes repairs and not the construction of a new dwelling in the open countryside. Notwithstanding this statement, the Council consider that with regards to the requirements of Sec 55 of the 1990 Act that covers the rebuilding and other structural alterations to a structure, that the level of works undertaken fall outside of the scope of maintenance. Furthermore, as confirmed by the agent (paragraph 2.18 of the Supplementary Planning Statement) the works undertaken have materially affected the external appearance. Therefore in the officers opinion the works as defined by the 1990 Act Sec 55 comprise of building operations and thus planning approval would have been required for the construction of a new dwelling in the open countryside.
- 9.6 As such it is considered that the proposal is not a conversion of an existing building, but given the level of rebuilding already undertaken it is for the erection of a new residential dwelling in the open countryside. As such the proposal fails to meet the requirements of Saved Policy H8 in that the re-use of buildings in the countryside will be permitted provided that the buildings are capable of conversion without major reconstruction.
- 9.7 This assessment is supported by the recent enforcement appeal decision ref: APP.C2708/C/15/3016579 for the retention of an unauthorised new building in the open countryside located at Land at New Laithe, Bank Newton, Skipton. The 2016 appeal decision considered the issue of whether works undertaken constituted as rebuilding/repair works to an existing building or as the construction of a new building. The appeal decisions conclusion, outlined that were works which entailed demolition, rebuilding, structural alterations and

additions that operational development within the meaning of section 55 of the TCPA 1990 had taken place. As such the works undertaken on site when considered against the Planning Inspectorates assessment amount to the partial rebuilding of the original structure and in officers opinion go beyond what might reasonably be considered repair.

- 9.8 The submitted plan ref: Sha/704/2211/01 and the Planning Statement make reference to the rebuilding of a wall projecting off the eastern section of the proposal not requiring planning approval. It is officer's opinion that as the wall measures over 2m in height that planning permission is required for this element and thus forms part of the application under consideration.
- 9.9 At the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. For decision making this means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless; any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.
- 9.10 Section 6 of the NPPF deals with the need to deliver a wide choice of high quality homes. To achieve this paragraph 51 of the NPPF advise LPA to bring back into residential use empty buildings. However, paragraph 55 also advises that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It continues by stating that LPA should avoid new isolated homes in the countryside unless there are special circumstances such as where the development would re-use redundant or disused buildings would lead to an enhancement to the immediate setting.
- 9.11 The application site is isolated and lies within a remote part of the countryside. The site is not ideally located to access key services or facilities with occupiers of the dwelling dependent upon private transport to meet basic needs. It is considered therefore that the development fails to comply with the main aims and objects of the NPPF in terms of sustainable development.
- 9.12 With regards to Saved Policy ENV1 it is acknowledged that the proposal would be considered to be small scale but given the degree of rebuilding, would amount to a new house in the countryside with no special justification. It is therefore considered that the development fails to meet the requirements set out in the Local Plan.
- 9.13 In conclusion, the proposed development would constitute inappropriate development in the open countryside and therefore fails to meet the requirements of Saved Policies ENV1 & H8 of the Local Plan. Furthermore, whilst some original fabric remains the level of rebuilding amounts to the creation of a new building and cannot reasonably be considered as the reuse of the building. As such the proposal fails to meet the special circumstances required by paragraph 55 of the Framework to justify new homes in the countryside.
- 9.14 **2. Visual Impact of the development on the AONB.**
- 9.15 Development acceptable in principle under Saved Policy ENV1 will only be permitted where the development is compatible with the character of the surrounding area, does not have an unacceptable impact on the landscape and safeguards landscape features. The design of buildings and structures and the materials proposed relate to the setting; taking account of the immediate impact and public views of the development.
- 9.16 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. Great weight should be given to conserving landscape and scenic beauty in AONB's which have the highest status of protection in relation to landscape and scenic beauty.
- 9.17 The applicant currently lives adjacent to the site in a large detached dwelling with the former Shippon located to the east of the dwelling. A further large agricultural barn is located to the north of the application site (see planning history). A section of the north, east & west elevations has been rebuilt and also the southern elevation using traditional stone. The proposal also

includes replacing the current cement roof with natural blue slate roof tiles. To provide a private amenity area, an area of land to the south of the building has been excavated and a low level retaining wall constructed to provide a raised garden area backing onto an existing field boundary wall. To the east of the building a further area has been excavated to provide both a paved amenity area and parking for two vehicles.

- 9.18 It is accepted that the works undertaken and those proposed would have a some visual impact on the AONB and if approved would introduce a dwelling with all the potential trappings associated with residential accommodation which could be considered at odds with the tranquil character of the AONB. However, notwithstanding this, the site is remote and partially screened by the surrounding rolling upland landscape. In addition, adjacent to the site exists a large detached residential dwelling with associated residential amenity areas and a further detached barn that historically has been granted permission for its conversion to residential accommodation (not implemented). As such, on balance it is considered that the proposal would not have such an unacceptable harmful effect on the visual and landscape character of the AONB to warrant a refusal.
- 9.19 With regards to the materials it is considered that those already used in the rebuilding of the building and those proposed are of a high quality ensuring that the development would make a positive contribution to the open countryside.
- 9.20 In conclusion, the design, scale, appearance and use of traditional materials would not result in any unacceptable harm on the visual and scenic beauty of the AONB. It is therefore considered that the proposal meets the aims and objectives of the NPPF.
- 9.21 **3. Impact of the development on neighbouring properties with regards to amenity and privacy.**
- 9.22 As referred to previously the application site lies within a remote part of the countryside with nearby neighbours separated from the site at distances exceeding 200m. As such the proposed development would not result in any adverse conditions to the occupiers of these dwellings. The relation between this development proposal and the barn conversion permitted to the north is acceptable.
- 9.23 In terms of residential accommodation it is considered that the proposal would provide sufficient accommodation to meet the needs of any future occupants. In addition, the proposal would provide private amenity space.
- 9.24 **4. Highway issues.**
- 9.25 Saved Policy T2 is supportive of development that does not have a negative impact on the existing highway system.
- 9.26 In this instance, the proposal would not make any changes to the access directly off the High Street but would provide on-site parking. NYCC Highways have been consulted and have not objected to the proposal on highway safety grounds. As such the proposal is not considered to be contrary to the requirements of Saved Policy T2 of the Local Plan.
- 9.27 **5. Biodiversity.**
- 9.28 NPPF states that planning decisions should avoid harm to biodiversity and consent should not be granted where there would be significant harm without adequate mitigation strategies in place. If significant harm cannot be prevented or mitigated against then permission should be refused.
- 9.29 A Bat, Barn Owl & Nesting Bird Survey generated by 'envirotec' Ecological Consults has been submitted. The document states that the building is of negligible significance to bats with no evidence of Barn Owls or nesting birds.
- 9.30 Based on the information submitted, the Council has assessed the submitted details using Natural England's Standing Advice Species sheet for Bats together with its flow chart for 'Guidance on how to assess a bat survey and mitigation strategy'. Based on the information submitted, the LPA are of the opinion that the proposal would not have a significant impact on species or habitats on the application site or the surrounding area subject to the appropriate

ecological mitigation measures being applied during construction. It is considered that there are no grounds to refuse planning permission over concerns in relating to impact on ecology.

9.31 **Conclusion.**

9.32 Paragraph 14 of the NPPF advises that LPA's should be 'approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

*Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*

*Specific policies in this Framework indicate development should be restricted.*

9.33 In this case it is considered that whilst there would be some benefits arising from the proposal with regards to the provision of housing. However, when weighed against the inappropriateness of a new dwelling in the open countryside located in an unsustainable location combined with no special circumstances necessary to justify the development the adverse impacts do significantly and demonstrably outweigh the benefits of approving the scheme. As such the proposal should be refused.

10 Recommendation

10.1 Refusal.

Reasons for Refusal

1. As a consequence of unauthorised major dismantling and reconstruction of the existing Shippon the proposal amounts to the creation of a new dwelling house in the open countryside and cannot be considered as the reuse of the building. Furthermore, the proposed dwelling given its remote location fails to comply with the main aims and objectives of sustainable development and with no special justification fails to comply with saved local policies. It is therefore considered that this development is unacceptable in principle as it constitutes sporadic unjustified development in a rural open countryside location and this adverse impact is considered to outweigh the benefits of approving development. As such the proposal is contrary to the requirements of Saved Policy ENV1 & H8 of the Craven District (outside the Yorkshire Dales National Park) Local Plan and the aims and objectives of the NPPF including the NPPF's core planning principles of preventing development that would be harmful to the intrinsic open character of the countryside and paragraph 55 of the Framework that requires special circumstances to justify new homes in the countryside.

Statement of Positive Engagement: -

In dealing with this application Craven District Council has sought to approach the decision making process in a positive way, in accordance with the requirements of paragraphs 186 and 187 of the NPPF.

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**WARD AND  
APPLICATION No. PROPOSED DEVELOPMENT AND SITE ADDRESS**

**INGLETON &  
CLAP  
18/2016/17343**      *RE-CONSTRUCTION OF COLLAPSED BARN TO FORM B1 WORKSPACE  
AND ANCILLARY LIVING ACCOMMODATION (PREVIOUSLY APPROVED  
AS A CONVERSION UNDER PLANNING REFERENCE 18/2015/15791)*

*BENCE BARN, KEASDEN ROAD, CLAPHAM.*

APPLICANT NAME: MR G & MRS K WALLBANK

TARGET DECISION DATE: 06/12/2016

CASE OFFICER: Sam Binney

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**The applications is being heard by Planning Committee as it has been deferred for consideration from 19<sup>th</sup> December 2016 Committee Meeting. The application was presented previously at the request of Councillor Ireton due to considerable public interest and support for this application and therefore he would like it to be determined in the public arena.**

1. Site Description

- 1.1 The application site is located off Keasden Road; this road serves a number of other agricultural buildings, farmsteads and dwellings within the area along with smaller villages including Keasden and further to Mewith near Bentham. The structure remaining on site comprises a part of the north-east gable, part of the north-west elevation, part of the south west elevation (only 7 sq. m. of the original 32 sq. m.). The south east elevation no longer exists. The structure has no roof, although the roof trusses and slates remain on site.
- 1.2 The land and building to which the application relates is located within the Forest of Bowland Area of Outstanding Natural Beauty.

2. Proposal

- 2.1 The application seeks planning permission for the re-construction of a collapsed barn to form B1 workspace and ancillary living accommodation (previously approved as a conversion under planning reference 18/2015/15791). A revised structural engineer's report concludes that the limited amount of walling on site would have to be demolished and only a small section of internal wall has the potential to be retained.
- 2.2 The proposal would provide three bedroomed accommodation with a ground floor studio and gallery. This includes the footprint of the original barn, together with an additional mono-pitched single storey extension to the south-west to form a studio and lobby/WC. The submitted scheme is ostensibly the same as approved in 2015, save for the minor relocation of a door and an additional rooflight.

3. Planning History

- 3.1 18/2015/15791 - Conversion of redundant agricultural barn to B1 workspace with ancillary living accommodation. Approved 03/07/2015.

**Officer's Note:** A structural report was submitted with that application that identified a limited amount of rebuilding. The extent of the works on site exceed what was authorised by the 2015 permission and now cannot be considered as a conversion.

4. Planning Policy Background

- 4.1 National Planning Policy Framework (2012)
- 4.2 Saved Local Plan Policies ENV1 and ENV2 of the Craven District Council (Outside the Yorkshire Dales National Park Authority) Adopted Local Plan.

**Officer's Note:** While it is considered that the building can't be converted but moreover re-built using the remaining walls, policy EMP9 technically wouldn't apply. The criteria outlined within the policy however do remain relevant.

## 5. Parish/Town Council Comments

5.1 Clapham-cum-Newby Parish Council: Comments due 29/03/2017.

**Officer's Note:** When originally considered as a conversion at the planning committee of 19<sup>th</sup> December 2016 the parish council were in support of the plans.

## 6. Consultations

6.1 United Utilities: No comments received.

6.2 NYCC Highways: No objections and visibility is acceptable. Condition recommended for private access/verge crossings.

6.3 AONB Planning Officer: No comments received at time of compiling the report. Due 08/11/2016.

## 7. Representations

7.1 The application is subject to a re-consultation due to more of the building having been demolished/collapsed. No letters were received during re-consultation, but the following was received during the original consultation:

7.2 26 letters of representation have been received, all in support of the application. 1 letter was from the applicant, and 2 were sent as duplicates. A summary of the representations is outlined below;

- The barn is derelict and an eyesore in a beautiful dales landscape and could be an attractive building providing a home for a local family.
- A business opportunity to benefit the local area.
- Unfair to halt conversion of this barn.
- The scheme would improve quality of life for the applicants.
- The scheme will allow for improved running of the farm.
- Representations have been received from agents acting on behalf of the applicant for the original application. While the circumstances are unfortunate they consider that the LPA should have predicted the outcome in considering the application.

**Officer's Note:** The application was considered on the basis of the evidence submitted on behalf of the applicant and considered as a conversion with limited rebuild. Officer's cannot be expected to disregard professional submission and predict that more extensive demolition and rebuild would take place.

## 8. Summary of Principal Planning Issues

8.1 Principle of the development.

8.2 Impact of the development upon neighbouring properties.

8.3 Highway Issues.

## 9. Analysis

### 9.1 **Principle of development.**

9.2 The National Planning Policy Framework promotes sustainable development and highlights at paragraph 17 core planning principles encourages the reuse of existing resources including the conversion of existing buildings. This point is reiterated at paragraph 3 of the NPPF "Supporting a prosperous rural economy" which states that development plans should support the: - "Sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings."

9.3 Paragraph 55 of the Framework also identifies the need to promote sustainable development within the countryside, advising that housing should be placed where it will enhance and maintain the vitality of rural communities. It goes onto add that new isolated homes in the countryside should be avoided unless there are special circumstances. One such circumstance

is the re-use of redundant buildings that would lead to the enhancement of the immediate setting.

- 9.4 The application site is isolated and lies within a remote part of the countryside. The site is not ideally located to access key services or facilities with occupiers of the dwelling dependent upon private transport to meet basic needs. It is considered therefore that the development fails to comply with the main aims and objectives of the NPPF in terms of sustainable development.
- 9.5 Saved Policy EMP9 has been considered previously but with very little weight due to the extent of the collapse/demolition. As there has been further demolition/collapse, it is officer's opinion that the proposal still can't be considered under these policies. Therefore, the main provisions of the analysis of the acceptability of the scheme in principle should be based on policies ENV1 and ENV2.
- 9.6 Saved Policy ENV1 is in regard to development in the open countryside. There are 4 main criteria that state when development is acceptable. Development will only be permitted where it:
1. Clearly benefits the rural economy;
  2. Helps to maintain or enhance landscape character;
  3. Is essential for the efficient operation of agriculture or forestry; or
  4. Is essential to the needs of the rural community.
- 9.7 The proposal is for a live/work unit for the applicant for her painting work and to utilise some of the space as a studio/gallery to showcase some works. This small unit would therefore deliver some element of money into the local economy. Keasden has little facilities to it so the inclusion of a gallery/studio could benefit the local economy.
- 9.8 The scheme is situated within the Forest of Bowland AONB and paragraph 115 of the NPPF attaches great weight to conserving landscape and scenic beauty in the AONB. It is not uncommon in the AONB or indeed in the open countryside to see "controlled ruins" where farm buildings fall into disrepair and the materials are recycled and reused elsewhere. Although the remaining structure could be considered to detract from the character of the landscape the reconstruction of a controlled ruin could be repeated and it is clear from paragraph 55 of the NPPF that the intention is to re-use existing buildings, not to use the fact that a building previously existed on site to justify a new house.
- 9.9 With regards to Saved Policy ENV1 it is acknowledged that the proposal would be considered to be small scale but there is no evidence to show that the development is required for the efficient operation of agriculture or forestry. The proposed development would be for a local family but is not considered to be essential to the needs of the rural community. As the scheme is not acceptable in principle by virtue of saved policy ENV1, the provisions of ENV2 do not apply.
- 9.10 It has been agreed between the applicant's agent and the Local Planning Authority that the building is no longer a conversion in any form. Therefore Saved Policy H8 is no longer of any relevance. This policy concerns the conversion of traditional rural buildings for residential use. As approximately 5% of the original building would remain for this proposal (an internal wall) it is considered too great to be deemed a conversion as it required substantial rebuilding.
- 9.11 Whilst the requirement that a building is capable of conversion without major or complete reconstruction is not directly replicated in the NPPF it is considered that for a building to be re-used it is inherent that the main elements of the structure would be retained as part of any conversion scheme. If a proposal required the major or complete reconstruction then this would amount to a new building as opposed to the re-use of an existing one. As such it is considered that this policy is broadly consistent with the objectives of the NPPF.
- 9.12 In conclusion, the proposed development would constitute inappropriate development in the open countryside and therefore fails to meet the requirements of Saved Policy ENV1 of the Local Plan or the objectives of the NPPF.



9.13 **Impact of the development upon neighbouring properties.**

9.14 The National Planning Policy Framework states that Local Planning Authorities should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings. The Local Plan also states that developments should protect the amenities of neighbouring properties.

9.15 In this instance the structure is located within a relatively isolated location with no immediate neighbouring properties that are likely to be affected by the development. It is not considered that the proposal would result in an unacceptable impact upon the privacy or amenity of any dwellings within the locality given the separation distances between them in this isolated rural location.

9.16 **Highway Issues.**

9.17 North Yorkshire County Council have suggested conditions should the application be approved. It is not considered that the development would lead to a significant increase in vehicles using the existing road which is of a good standard and lightly trafficked. The development is not considered prejudicial to highway safety.

9.18 **Conclusion.**

9.19 Paragraph 14 of the NPPF states that a presumption in favour of sustainable development should be seen as the 'golden thread' running through both plan making and decision taking. In terms of decision making, this key paragraph within the Framework goes on to state 'approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out- of- date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.'

9.20 In this case it is considered that there would be some benefits arising from the proposal with regards to the provision of a live/work unit. However, when weighed against the inappropriateness of a new dwelling in the open countryside located in an unsustainable location, the adverse impacts significantly and demonstrably outweigh the benefits of approving the scheme. As such the proposal should be refused.

10. Recommendation

10.1 To refuse planning permission.

Reasons for Refusal

1. Due to further collapse which occurred at this site and a recent structural engineer's report the structure is incapable of being converted to a live/work unit and as such the development proposed is a new dwelling in the open countryside. The proposal given its remote location fails to comply with the main aims and objectives of sustainable development and is not in accordance with saved local plan policies. It is therefore considered that this development is unacceptable in principle as it constitutes sporadic unjustified development in a rural open countryside location and this adverse impact is considered to outweigh the benefits of approving development. As such the proposal is contrary to the requirements of Saved Policy ENV1 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and the aims and objectives of the NPPF including the NPPF's core planning principles of preventing development that would be harmful to the intrinsic open character of the countryside.

Statement of Positive Engagement: -

In dealing with this application Craven District Council has sought to approach the decision making process in a positive way, in accordance with the requirements of paragraphs 186 and 187 of the NPPF.

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**WARD AND****APPLICATION No. PROPOSED DEVELOPMENT AND SITE ADDRESS**

*WEST CRAVEN  
17/2017/17744*

*PROPOSED TWO STOREY EXTENSION TO SOUTH ELEVATION &  
REPOSITION OF PREVIOUSLY APPROVED UTILITY & GARAGE  
EXTENSION.(RESUBMISSION)*

*APPLEGARTH, BEECH HILL ROAD, CARLETON.*

APPLICANT NAME: MRS EVA CUTLER

TARGET DECISION DATE: 30/03/2017

CASE OFFICER: Sam Binney

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**This application has been referred to Committee by Councillor Mason who is concerned about the impact of the development on the Conservation area and residential amenity.**

1. Site Description

- 1.1 'Applegarth' comprises a large detached modern two storey dwelling that is accessed via a shared drive from Beech Hill Road, Carleton.
- 1.2 There are neighbouring dwellings situated to the northeast (Long Acre) the east (Webster House) and to the south a large detached property converted to separate residences. A residential estate lies further to the east of the site.
- 1.3 The application site is within the Development Limits of Carleton.

2. Proposal

- 2.1 The application seeks planning permission for a two-storey side extension to the south elevation, and the repositioning of the previously approved garage and utility extension.

3. Planning History

- 3.1 17/2004/4956 - First floor extension over flat roofed garage. Approved 28/01/05.
- 3.2 17/2011/11293 - Construction of first floor extension above existing attached garage and rear balcony. 2no. Roof lights to be inserted into the west elevation. Approved 16/06/2011.
- 3.3 17/2014/14492 - Proposed Double Garage With First Floor Store Above And Single Storey Link Utility Room. Existing Garage Conversion To Form New Kitchen. Proposed 4 No. Dormer Windows And Proposed Conservatory. Withdrawn 29/05/2014.
- 3.4 17/2014/14783 - Re-Submission Of Previous Planning Application Ref: 17/2014/14492 For Proposed Double Garage And Link To Utility Room, 4 No. Dormer Windows And Proposed Conservatory. Approved 14/08/2014.
- 3.5 17/2016/16794 - Proposed conservatory. Approved 31/05/2016.
- 3.6 17/2016/17563 - Proposed two storey extension. Withdrawn.

4. Planning Policy Background

- 4.1 Saved Local Plan Policy H20 and Appendix F.
- 4.2 National Planning Policy Framework.
- 4.3 National Planning Practice Guidance.

5. Parish/Town Council Comments

- 5.1 Carleton-in-Craven Parish Council: Objection on the grounds that the proposed utility and garage extension would dominate the neighbouring property resulting in loss of visual amenity.

6. Consultations

- 6.1 NYCC Highways: No objection.

## 7 Representations

7.1 1 letter of representation has been received. A summary of the objection is outlined below;

- The proposal will be visible from the public footpath.

**Officer's Note:** The public footpath is in excess of 35m from the amended garage location at its nearest point to the north.

- Trees are nearby which could fall on the proposed garage.
- The drawing of the east elevation of the garage has not been altered and shows as two storeys.

**Officer's Note:** Since receiving the above comment, amended plans have been received showing the east elevation as single storey.

- The steps down from original plan are no longer present.
- No indication of a retaining wall to front elevation of house or utility room to accommodate slope.

## 8 Summary of Principal Planning Issues

8.1 Visual impact of the development.

8.2 Impact of the development upon neighbouring amenity.

8.3 Tree Issues.

8.4 Highway issues.

## 9 Analysis

9.1 **Visual impact of the development.** Saved policy H20 of the Local Plan states that planning permission will be granted provided that the scale, design, proportion and materials are such that they respect the original property and do not have an adverse impact on the street scene. The NPPF additionally advises that the Government attaches great importance to the design of the built environment and good design is a key aspect of sustainable development.

9.2 There are two elements to the proposals; a two storey extension, and a linked garage. Considering each element in turn:

Two storey extension:

9.3 The extension will be constructed to the south side elevation and project a distance of 3.3m from the side wall of the original dwelling and to a length of 5.8m. This is to be in place of the previously approved conservatory but to smaller dimensions. The construction as a garden room, despite being smaller in footprint, will be larger overall as it will include a first floor element to provide a dressing room for the attached bedroom. The extension is designed to appear subservient to the main dwelling and would be constructed of matching materials. This section of the proposal would receive limited views from public viewpoints but will be apparent from the public right of way to the west of the site. It is considered that the development would have a minimal visual impact on the surrounding area.

Linked garage:

9.4 The overall height of the garage measured from the ground level of the main house would be 5m falling to 3m at eaves level. However, due to the topography of the site which falls in level to the north-east the structure would be higher relative to the ground levels when viewed from the rear. The garage has been retained the dimensions from the previously approved linked garage and is considered to be proportional to the main house in terms of its massing and height. The garage has been rotated to be perpendicular with the front of the dwelling. This moves the garage further away from the neighbouring property to the north-east.

9.5 For the reasons set out above it is considered that the proposed extensions and alterations to the property are acceptable. The proposal is considered to represent good design in accordance with the requirements of the NPPF.

- 9.6 In terms of visual impact the property is located off a private drive and is not viewed in the context of a conventional street scene. The layout of the site and surrounding properties are such that there is no established building line, moreover, the garage would be on the site of a former garage that has been demolished.
- 9.7 **Impact of the development upon neighbouring amenity.**
- 9.8 The two storey extension is not considered to have a detrimental impact upon neighbouring properties. Due to the distance between the site and neighbouring properties to the south, the two storey extension is not considered to cause any overlooking or privacy issues. Additionally, any shadowing caused by the development will be cast across the applicant's own property and therefore not affect neighbouring amenity.
- 9.9 The proposed repositioned garage will be sited further from the nearest neighbouring property 'Long Acre' approximately 20m to the south-west of that property. 'Applegarth' is in an elevated position
- 9.10 Long Acre has its principal elevation facing towards the rear of the proposed garage and also has a conservatory on its gable end but does face an 'L' shaped section of walling that appears to be the remnant of the garage that previously occupied the site. This walling would need to be removed in order to accommodate the proposed garage.
- 9.11 In this case it is necessary to consider whether or not the proposed garage in its revised form would result in an unacceptable loss of amenity to the neighbouring residents by virtue of visual impact. In particular the relationship of the proposed garage to Long Acre which is the nearest of the neighbouring properties needs consideration. The garage is to the same size as previously approved but is rotated to be sited marginally further away from the neighbouring property.
- 9.12 It is the case officer's view that the garage is of an acceptable scale which, whilst visible to the neighbouring property, would not be sufficiently overbearing to warrant refusal of planning permission. The reduced scale of the garage and the orientation relative to the neighbouring bungalow are such that it is considered there would not be an unacceptable degree of overshadowing.
- 9.13 **Officer note:** As with the previous submissions it is considered that the submitted plans are insufficiently detailed and fail to adequately address the change in levels across the site. It is therefore considered appropriate for the Council to attach a condition to ensure that the ground level of the garage is set below that of the existing house. To this end it is proposed to attach a condition requiring the submission of detailed ground levels of the garage prior to the commencement of development. It is considered appropriate to exercise control over this element of the scheme.
- 9.14 **Conclusion**
- Paragraph 14 of the Framework indicates that development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted. In this case it is considered that the proposals would not be harmful to the existing character and amenities of the surrounding area as to justify withholding planning permission. The living conditions of neighbouring occupiers would not be harmed by any substantial loss of privacy, sunlight or general outlook. In conclusion, it is considered that the requirements of the NPPF and Saved Local Plan Policy are met and that there are no reasonable grounds to withhold planning permission.
- 10 Recommendation
- 10.1 To grant planning permission.
- Conditions
1. The development hereby permitted shall be begun not later than the expiration of three years beginning with the date of this permission.
- Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990.

2. The development shall not be carried out other than wholly in accordance with the following:
  - Drawings 236.12 Rev B and 236.13 Rev C received by the Local Planning Authority on 02<sup>nd</sup> March 2017.

The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.

Reason: To specify the permission for the avoidance of doubt.

3. Notwithstanding the details on the approved plans full cross-sections and details of the ground levels of the garage extension and link building hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall subsequently be undertaken in accordance with the approved details.

Reason: In the interests of residential amenity

Statement of Positive Engagement: -

In dealing with this application Craven District Council has sought to approach the decision making process in a positive way, in accordance with the requirements of paragraphs 186 and 187 of the NPPF. In particular the Council has: -

- engaged in pre-application discussions
- requested amended design approaches to address the planning issues which have arisen in relation to dealing with this application.

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**WARD AND****APPLICATION No. PROPOSED DEVELOPMENT AND SITE ADDRESS****SKIPTON EAST  
63/2017/17693***ERECTION OF FENCE CONNECTING EXISTING SIDE GARDEN FENCE TO DRIVEWAY, INSTALLATION OF PATIO DOORS AND WINDOW, CONSTRUCTION OF RAISED PATIO AREA, REDEVELOPMENT OF SIDE GARDEN AND ERECTION OF SIDE PATIO DOOR STONE STEPS ( RETROSPECTIVE APPLICATION)**3 AIREDALE AVENUE, SKIPTON.*

APPLICANT NAME: MR ANDREW HOSKING

TARGET DECISION DATE: 28/02/2017

CASE OFFICER: Katie Chew

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**This planning application has been called into planning committee by Councillor Harbron due to the amount of public interest.**

**1. Site Description**

- 1.1 The application site is a corner plot at the junction of Airedale Avenue and Wharfedale Closet. The property is a semi-detached 2 dormer bungalow with hardstanding, driveway and small garden/amenity area to the front. To the rear of the property is a small triangular shaped garden area which is enclosed by a high timber fence. To the northern side of the property (in which the application relates) is another small garden/amenity area. There is a joint timber fence on the boundary between the property and the neighbouring property on Wharfedale Close. The property has off street parking but no garage as this has been converted to ancillary living accommodation
- 1.2 The application site is within Development Limits and is not located within a Conservation Area.

**2. Proposal**

- 2.1 The application seeks retrospective planning approval for the erection of a 1.8 m. fence enclosing the part of the front and side garden of the dwelling; the installation of a set of patio doors to the northern elevation of the former garage and window to the rear; the construction of a raised patio area within the front/side garden; the redevelopment of the side garden and the erection of stone steps from the former garage down into the garden which is approximately 1.5 m. lower than the floor level.
- 2.2 The timber fence links to the fence on the joint boundary that was installed by both owners of No. 3 Airedale Avenue and 1 Wharfedale Close. The patio doors and window are in white UPVC and were installed by the previous owners of the property. The steps leading down from the patio doors into the garden (to the north) are made from Yorkshire stone with a black metal railing. The new raised patio area is also made from Yorkshire stone and is accessed by a number of steps. It is important to note that the patio area is set below street level.

**3. Planning History**

- 3.1 5/63/362 – Erection of attached garage. Approved 28<sup>th</sup> May 1976. A condition was attached to this decision which stated that the garage shall be used for domestic purposes only.
- 3.2 5/63/362/A – Proposed conservatory. Approved 21<sup>st</sup> May 1990.
- 3.3 5/63/362/B – Construction of bedroom extension over garage. Refused 21<sup>st</sup> February 1996. This application was approved at appeal on the 9<sup>th</sup> July 1996.
- 3.4 The above application was approved under appeal (APP/C2708/A/96/264868/P8) on the 9<sup>th</sup> July 1996. Within this decision condition 2 was attached which identified that ‘no windows, other than

*those shown on the front elevation of the submitted plans, shall be inserted into the proposed extension without the prior consent in writing of the local planning authority'.*

**Officer Note:** Upon finding this information it was agreed with the applicant that it would be best to amend the proposals description to include permission for the window (inserted to the rear elevation) and the set of patio doors located on the northern elevation which were installed prior to them purchasing the property. This therefore meant that the application had to undergo another consultation period. Further research has identified that the condition applies to the upper floor only and the patio door and window do not require consent.

#### 4. Planning Policy Background

4.1 National Planning Policy Framework (2012)

4.2 Planning Policy Guidance (2012)

4.3 Saved Local Plan Policy H20 of the Craven District (Outside of the Yorkshire Dales National Park) Local Plan.

#### 5. Parish/Town Council Comments

5.1 Skipton Town Council – Comments received 14<sup>th</sup> February 2017. Skipton Town Council objects as they believe that it is overdevelopment on a small site. There are insufficient sight lines for traffic, overshadowing of the neighbours and the proposals detract from the street scene. Members also raised concerns as to whether or not building regulations have been met.

#### 6. Consultations

6.1 NYCC Highways – Comments received 2<sup>nd</sup> March 2017. Highways state that although visibility has been reduced, it is still acceptable from a distance of 2m from the edge of the road. Furthermore, the fencing could be removed and replaced with a hedge under permitted development and this would have the same effect. Therefore highways do not object to this application.

#### 7. Representations

7.1 A number of representations have been received, these are outlined below:

7.2 2 supporting comments have been received from the owners of 2 Airedale Avenue and 4 Airedale Avenue, who believe the works that have been carried out are to a good standard and enhance the property.

7.3 3 neighbour representations have been received in objection to this application from the occupiers of 1 Wharfedale Close, 12 Wharfedale Close that may be summarised as follows:-

- The conversion of the garage to living space included the installation of a set of patio doors and a window which was positioned approximately 50cm higher than the original, this impacts on the neighbours privacy as it overlooks the rear garden, kitchen and conservatory of No. 1 Wharfedale Close;
- The construction of a wooden platform leading out from the existing conservatory of 3 Airedale Avenue with a flight of approximately 8 wooden steps down to the rear garden. The platform impacts on the privacy of No. 1 Wharfedale Close as anyone standing on the platform has a clear, elevated and unobstructed view into the rear bedroom windows, rear garden, kitchen and conservatory;
- The construction of a timber fence to the front of the property is far too tall and restricts the views when turning out of the close. It also does not match the existing fence which separates 3 Airedale Avenue and 1 Wharfedale Close. It does not fit in with the open plan nature of the gardens and property frontage, it will set a precedent regarding future requests;
- The construction of the raised patio area causes implications on privacy as it overlooks the side garden and driveway of No. 1 Wharfedale Close. It also looks into their landing window. There are also concerned about water run-off as the property sits in an elevated position;

- The construction of steps, balcony and wrought iron railings to the side of the former garage wall has implications on No. 1 Wharfedale Close's privacy as anyone standing on this balcony has an unrestricted and elevated view directly into their side garden and driveway, rear garden and conservatory living space, as well as the landing window.

**Officer Note:** In response to the above representations the conversion of the garage to a liveable room is allowed under permitted development rights and therefore this does not need to be dealt with under this application as PD rights have not been removed on this property. A window was installed within the converted garage, alongside a set of patio doors which look out over the side garden. Details on the potential impact that these may have on neighbouring properties is discussed further into the report. In regards to the wooden steps located to the rear of the property these are only a temporary construction and the applicant has discussed this with the enforcement team and it has been agreed that these are to be taken down if approval is gained for the stone steps located on the north elevation. This is due to the wooden steps only being constructed as a fire escape to the rear. The impacts that the timber fencing and raised patio area may have on neighbouring properties is discussed further into the report. A further 2 representations has been received from 1 Wharfedale Close, the first outlines that details received within the representation from 4 Airedale Avenue are factually incorrect, as this is not a material planning consideration it has not been discussed in full above. The second representation approves the amended description for the application and provides further clarification of the application sites development.

## 8. Summary of Principal Planning Issues

- 8.1 Impact of the proposed development upon the privacy and amenity of neighbouring properties.
- 8.2 Visual impact of the proposed development upon the character and appearance of the area.

## 9. Analysis

### **Impact of the proposed development upon the privacy and amenity of neighbouring properties.**

- 9.1 The application property is surrounded by other residential properties to the south (Airedale Avenue) and west (Wharfedale Close). In general the properties are well spaced and screened by hedging, trees and fencing, however, due to the nature of the layout of these properties the rear gardens do overlook one another. Views from the garden to the rear are across the rear gardens of properties located on Airedale Avenue and Hurrs Road. To the front views are across properties located on Airedale Avenue, Wharfedale Close and Wensleydale Avenue. As highlighted above the properties are well spaced and well screened from one another.
- 9.2 The nearest properties with the potential to be affected are; 1 Wharfedale Close, 2 Wharfedale Close, 2 Airedale Avenue and 4 Airedale Avenue. No. 2 Wharfedale Close is located to the north of the application site across the road from the property. It looks out on to the new fencing and the patio doors and stone steps. Due to the distance between the properties and the road acting as a buffer it is deemed that the impact on the property is not substantial enough to recommend refusal. Nos. 2 & 4 Airedale Avenue are located to the east of the site across the road from the property. They look out on to the timber fencing, prior to this development the properties would have looked out on to hedging and trees, this provided screening from both Nos. 2 & 4 Airedale Avenue as does the new timber fence. Although the outlook has changed the impact has not. As discussed previously supporting letters have been received from Nos. 2 & 4 Airedale Avenue regarding the proposals.
- 9.3 No. 1 Wharfedale Close is most likely to be impacted by the proposals more than any other property as this dwelling borders the boundary in which the site has been developed. The application site is set higher than 1 Wharfedale Close, this is due to the sloped topography of Airedale Avenue, although the properties are angled away from each other with No. 3 Airedale Avenue positioned looking to the east, and No. 1 Wharfedale Close positioned looking north. The rear window which replaces an existing window (albeit has been raised by approximately 50cm) was installed by the previous occupiers of the property, it looks out on to No. 1 Wharfedale Close's garden and conservatory, however, No.3 Airedale Avenue already has a number of windows alongside a conservatory which all currently look out on to the rear of the



property, furthermore these are not liveable rooms such as bedrooms, or living rooms and therefore it cannot be said that the impact on privacy is substantial enough to recommend that the permission is refused. The raised patio is set below street level and from undertaking a site visit to the property, once stood on the raised platform it is not possible to see into No. 1 Wharfedale Close's side garden due to the fencing constructed by both neighbours disrupting the views. In regards to the landing window, the distance between the window and the raised patio is enough to deem that the impact on privacy for the occupiers of No. 1 Wharfedale is low and as this is not a liveable space as described above the impact is not substantial enough to recommend refusal. The patio doors and steps replace a window that previously existed within this elevation, and although they do look out over No. 1 Wharfedale Close's driveway and side garden, it cannot be said that they look directly into the rear garden and conservatory living space of this property, and therefore they do not look into any liveable spaces.

- 9.4 The fence which has been installed has been identified by No. 1 Wharfedale Close as causing impacts on visibility when trying to exit their driveway as highlighted within the NYCC response above, although visibility is reduced, it is still deemed as being acceptable and therefore Highways do not object to the application.
- 9.5 It is considered that proximity and scale of the development will not unacceptably detract from the existing living conditions and general amenities of any neighbouring occupiers complying with the requirements of Saved Local Plan Policy H20.

**Visual impact of the proposed development upon the character and appearance of the area.**

- 9.6 The NPPF stresses that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development. However, decisions should not attempt to impose architectural styles or particular tastes.
- 9.7 The Council's Saved Local Plan Policy H20 states that the scale, design, proportions and materials of the extension should respect the original property and that any proposed development should not have a significant affect upon the street scene or wider surrounding area. Similarly the privacy and amenity of neighbouring residents should not be significantly compromised. Development should also provide a good standard of amenity for existing residents.
- 9.8 A flat topped vertical close boarded timber fence measuring approximately 1.8m borders the dwellings boundary to the east and wraps around along the boundary to the driveway of the property. The patio doors and window are in white UPVC, the steps leading down from the patio doors into the garden (to the north) are made from Yorkshire stone with a black metal railing. The new raised patio area is also made from Yorkshire stone. The materials used within the proposals are considered acceptable as they match what is already used within the existing property.
- 9.9 Although Airedale Avenue/Wharfedale Close can be said to have open frontages, a number of properties currently have hedging and fencing albeit not as high as that developed at 3 Airedale Avenue to the front of their properties. It is also possible under Permitted Development rights that neighbours in the future could construct fencing around their properties up to 1m if they desire without planning permission. Therefore, it cannot be considered that this 'open plan frontage' exists or will exist in the future. The application site is located on a prominent corner within the estate; examples can be found slightly further afield from Airedale Avenue on Moorview Way and Hurrs Road in which (approx.) 2m high fencing has been constructed on other dwellings located in prominent locations and on corners of streets that also have a 'open frontage' feel. It is understandable that the applicants would look to redevelop the side garden to become a more liveable space than what was there previously due to the overlooking in the rear garden. The proposal is considered to be of a scale and design comparable and proportionate to the existing dwelling.
- 9.10 Airedale Avenue is made up of a number of properties that vary in age and design. The front of the property can be seen from Airedale Avenue, Wensleydale Avenue and Wharfedale Close. The rear of the property is hidden from public view, but can be seen by neighbours where their gardens adjoin No. 3 Airedale Avenue's garden.

9.11 It is not considered for the aforementioned reasons that the development would have an unacceptable detrimental impact upon the character and appearance of the street scene of Airedale Avenue. The proposal does not conflict with the guidance in the NPPF and Saved Policy H20 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.

9.12 Conclusion

9.13 Paragraph 14 of the Framework indicates that development should be approved unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted. In this case it is considered that the proposals would not be harmful to existing character and amenities of the surrounding area. The living conditions of neighbouring occupiers would not be harmed by any substantial loss of privacy, sunlight or loss of general outlook. In conclusion, it is considered that the requirements of the NPPF and Saved Local Plan Policy are met and that there are no reasonable grounds to withhold planning permission.

10. Recommendation

10.1 Grant planning permission subject to conditions.

Conditions

1. The approved plans comprise:

- 'Site Location Plan';
- 'Block Plan';
- 'Front Elevation (Existing);
- 'Front Elevation (Proposed);
- 'Side Elevation (Existing); and
- 'Side Elevation (Proposed).

Reason: To specify the permission and for the avoidance of doubt.

Statement of Positive Engagement: -

In dealing with this application Craven District Council has sought to approach the decision making process in a positive way, in accordance with the requirements of paragraphs 186 and 187 of the NPPF.

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**WARD AND****APPLICATION No. PROPOSED DEVELOPMENT AND SITE ADDRESS**

INGLETON &  
CLAP  
45/2017/17741

INSTALLATION OF MODULAR BUILDING FOR USE AS AN ADDITIONAL  
SALES AREA AND AN EXTENSION TO THE EXISTING CAR PARK.  
(THORNTON IN LONSDALE PARISH)

COUNTRY HARVEST FARM SHOP, NEW ROAD, INGLETON.

APPLICANT NAME: COUNTRY HARVEST  
TARGET DECISION DATE: 17/03/2017  
CASE OFFICER: Ian Lunn

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**This application is presented to Planning Committee at the request of Councillor Lis due to the level of public interest.**

1. Site Description

1.1 The Country Harvest Farm Shop is a retail outlet which lies to the immediate south of the junction of New Road (the A65) and the A687. It occupies an isolated position within the open countryside although the villages of Thornton-in-Lonsdale and Ingleton each lie approximately one kilometre away to the north east and south east respectively. The site is currently occupied by a single storey natural stone and slate building with a car park to the front (north east) and side (north west).

2. Proposal

2.1 Planning permission is sought to site a freestanding single storey modular building to the side (north west) of the main premises. The proposed building is a flat roofed timber clad structure extending to approximately 172 sq. m. and approximately 3.4 m. high. This is to be used for additional retail sales. Approval is also sought to construct an extension to the existing car park to the rear (north west side) of this building in order to provide a further 29 spaces.

2.2 The applicant has submitted a Planning Statement in support of their proposals in which they state in summary:-

- a) that the enlarged retail premises will not adversely affect the vitality or viability of Ingleton, a view supported by the Inspector at a previous appeal,
- b) that the development will benefit the local economy both socially and economically. This will include the creation of 2 full time and 4 part time jobs,
- c) that the building is to be clad in natural cedar which should help it to blend into the surrounding landscape,
- d) that the proposal will satisfy current planning policy,
- e) that the National Planning Policy Framework, which overrides the requirements of saved policy R1, advises that the sequential test should not be applied to small scale rural development such as this,
- f) that the proposal will not give rise to any highway safety concerns. The extended car park is to be accessed from the existing parking area not directly from the adjoining roads; and the use is unlikely to generate significant additional vehicular movements to and from the site,
- g) that this site occupies a relatively isolated position so the proposal will not adversely affect the amenities of neighbouring properties,
- h) that the proposal will not adversely affect existing trees.

3 Planning History

3.1 5/68/78 - Part conversion & extension of service station to form restaurant and dwelling. Approved 1985.

- 3.2 5/68/78/A - Change of use of service station to caravan site. Refused 1985.
  - 3.3 5/68/78/B - Erection of two dwellings at service station. Refused 1987.
  - 3.4 5/68/78/C - Siting of 3 caravans for a temporary period of 6 months at service station. Refused 1987.
  - 3.5 5/68/78/D - Redevelopment of service station to include new showrooms, motorists shop, workshops, offices and dwelling. Approved 1988.
  - 3.6 5/68/78/E - Extension and part conversion of service station to form motorists shop and dwelling. Approved 1989.
  - 3.7 5/68/78/F - Demolition of existing vacant garage and erection of one storey shop selling farm produce and other ancillary items. Approved 1997. Conditions on this approval state that not less than 50% of the floorspace is to be used for the sale of agricultural produce received direct from the farm or received following minimal processing necessary to render the produce suitable for retailing. Not less than 25% be used for the sale of ancillary food items and not more than 25% be used for the display and sale of craft items.
  - 3.8 5/68/78/H - Proposed removal of the restrictive conditions on the premises that control the goods sold. The application was refused in 1998 as the site was in the open countryside and the scheme would not have been permitted without the imposition of the restrictive conditions. There was not considered to be any change in circumstances that would direct the Council to a different conclusion on this matter.
  - 3.9 5/68/78/J - Construction of extension to form café/ restaurant and kitchen with storage over. Approved July 1998.
  - 3.10 68/2005/5953 - Extension to 'Country Harvest' farm shop to provide additional retail space – The application was refused 23<sup>rd</sup> January 2006 (Proposal contrary to adopted retail policy; Would have represented a form of unsustainable development in this isolated open countryside location; Insufficient information was supplied in order to enable the highway implications of the proposal to be properly judged). The proposal was allowed on appeal 15<sup>th</sup> December 2006 but never implemented and subsequently lapsed. The permission imposed limits on retail sales including limitations on goods sold to farm produce, ancillary food items and crafts.
  - 3.11 68/2009/9619 - Renewal of planning permission 68/2005/5953 for the extension to 'Country Harvest' Farm Shop – Approved 29<sup>th</sup> August 2009 – Same retail restrictions imposed – Not implemented and now lapsed.
- 4 Planning Policy Background
- 4.1 National Planning Policy Framework – Sections 2, 3, 7 and 11.
  - 4.2 Saved Local Plan Policies ENV1, ENV2, R1, R2 and T2 of the Craven District Council (Outside the Yorkshire Dales National Park Authority) Adopted Local Plan.
- 5 Parish/Town Council Comments
- 5.1 Thornton in Lonsdale Parish Council:- The PC have no objection to the increase in retail space and car parking; there was concern that the proposed wood cladding/ external wood is not in keeping with the existing stone building. It is felt that a stone structure similar to the existing building is preferable.
- 6 Consultations
- 6.1 NYCC Highways:- No objections subject to conditions
  - 6.2 CDC Environmental Health:- No objections
- 7 Representations
- 7.1 None.

## 8 Summary of Principal Planning Issues

- 8.1 The principle of the development; The impact of the proposal upon the setting of the host building and the appearance of the surrounding open countryside; The impact of the development upon highway safety.

## 9 Analysis

### Principle

- 9.1 Given the nature of this proposal, and the location of the site within the open countryside, it is considered that it needs to be considered initially against the requirements of saved policies ENV1, ENV2 and R1 of the Local Plan and Section 2 of the National Planning Policy Framework. It is considered that it would fail to satisfy the requirements of these for the following reasons:-
- a) Section 2 of the National Planning Policy Framework identifies town centres as being the preferred location for 'main town centre' uses such as shops, then edge-of-centre sites, and then out-of-centre sites. This is essentially echoed by Policy R1 of the Local Plan. This site lies outside of all of these in an isolated position within the open countryside and no adequate sequential test has been carried out to justify the development in this location.
  - b) the development is clearly not required for the operation of an agricultural or forestry business,
  - c) the development is not one that could reasonably be viewed as small in scale,
  - d) it is contended that the development would detract from the rural character and scenic quality of the area (for reasons outlined below).
- 9.2 The agent, in their supporting statement, claims:-
- a) that Policy R1 has been overridden by the terms of the NPPF, and
  - b) that the sequential test does not apply to small scale rural development such as this.
- However, whilst claim (a) is not disputed claim (b) is. This application proposes approximately 172 square metres of additional retail floor space which is similar to that proposed by the previous applications to extend the building. Despite the agent's view to the contrary this is considered to represent a significant addition given the floor area of the existing premises (554 square metres in total - 388 square metres of A1 retail and 166 square metres of A3 Restaurant and Café use). With this in mind it is considered that some sort of sequential assessment of this proposal needs to be made. None has been and consequently it is considered that the additional retail floor space proposed by this application has not been justified in this location.
- 9.3 The existing shop is a popular destination for visitors and sells a variety of goods including those normally found in a farm shop. With this in mind, and in the absence of any information to indicate otherwise, it is considered that enlarging the existing retail floor area as proposed would likely lead to increased patronage of the shop. This, it is contended, would have a detrimental effect upon the viability and vitality of existing retail centres nearby. The proposal is therefore considered to be contrary to current adopted retail planning policy.
- 9.4 In coming to this view consideration has been given to the fact that the premises have previously been the subject of planning approvals (since expired) for similar sized retail extensions to this one (see 'Planning History' section above). However, in both cases the initial recommendation was to refuse the proposal on retail policy grounds albeit in each case that recommendation was overturned:-
- a) In the first case at appeal, the Inspector taking the view that allowing additional retail sales from this site would not result in material harm to the viability and vitality of nearby retail centres and would satisfy the sequential preferences of the then PPS6 subject to the restrictions being imposed on goods sold, and
  - b) In the second case by the Planning Committee who took the view that the outlet made a positive contribution to tourism and employment in the area, that there was no evidence of it

adversely affecting trade in Ingleton, and that nothing appeared to have significantly changed since the granting of the previous approval at appeal.

Despite this the proposal as submitted clearly does not meet the requirements of current adopted retail policy. Consequently, despite the above approvals it is considered that a recommendation of approval of the current application could not currently reasonably be justified on policy grounds.

The impact of the proposal upon the setting of the host building and the appearance of the surrounding open countryside

- 9.5 The new building will occupy a prominent position fully visible to users of the A65 and the A687. It will be quite a large single storey structure measuring approximately 18 metres (length) x 9.6 metres (width) x 3.4 metres (height). It is also to be constructed of materials that will not, it is contended, reasonably harmonise with the stone and slate of the host building namely horizontal cedar cladding under a flat roof. It is considered that a building of this form and design located in such a prominent position, would unduly detract from the setting of the main building and from the appearance of the surrounding area in general. A further refusal of this proposal on visual amenity grounds is therefore also recommended.
- 9.6 The extended car parking area will be significantly less prominent as it will be hidden behind a hedge. Consequently, this element of the proposal is considered to be acceptable in design and scale terms.

The impact of the development upon highway safety

- 9.7 The proposal is considered to be acceptable in pure highway safety terms:-
- a) the layout of the extended parking area is considered to be adequate, the spaces being of the required size with sufficient aisle widths between the respective rows to allow cars to satisfactorily manoeuvre into and out of them,
  - b) vehicular access to this area is to be gained from the existing car park so the proposal should not give rise to any direct additional vehicular movements onto the adjoining highways,
  - c) it is not envisaged that this proposal will lead to a significant increase in vehicular movements to and from the premises.

The proposal has been considered by County Highways who raise no objections provided that the additional car parking spaces are retained at all times solely for use in conjunction with the enlarged premises. In the event of this application being approved this could reasonably be required by condition.

9.8 Conclusion

- 9.9 The proposal is considered to be unacceptable for the reasons set out above. It is considered to be acceptable in all other respects, or could be rendered so through the imposition of suitable conditions. However the policy and visual amenity concerns outlined above are considered to outweigh all other considerations in this instance. Accordingly refusal is recommended.

10. Recommendation

- 10.1 That planning permission be refused for the following reasons.

Reasons for Refusal

1. It is considered that the proposed expansion of the existing retail activities has not been justified in this out-of-centre open countryside location and would have a detrimental effect upon the viability and vitality of nearby retail centres. The proposal is therefore considered to be contrary to the provisions of Saved Policies R1 and R2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and Section 2 of the National Planning Policy Framework.
2. It is considered that the proposed building, because of its size, design, position and prominence, would unduly detract from the setting of the main retail building and from the

character and appearance of the surrounding countryside in general. The proposal is therefore considered to be contrary to the provisions of Saved Policies ENV1, ENV2 and R2 of the Craven District Council (Outside the Yorkshire Dales National Park Authority) Adopted Local Plan and Sections 7 and 11 of the National Planning Policy Framework.

#### Statement of Positive Engagement

In dealing with this application Craven District Council has sought to approach the decision making process in a positive way, in accordance with the requirements of paragraphs 186 and 187 of the NPPF. However, it has not proved possible to negotiate a satisfactory scheme in this instance.