

PLANNING COMMITTEE MEETING AGENDA

Monday 28th September, 2015

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

*SKIPTON NORTH
63/2015/15930*

*TWO STOREY REAR AND SIDE EXTENSION AND ATTIC CONVERSION TO
PROVIDE ADDITIONAL ACCOMMODATION*

83 RAIKES ROAD SKIPTON

APPLICANT NAME: MR & MRS S BURRELL

TARGET DECISION DATE: 14/08/2015

CASE OFFICER: Natasha Szuszeko

The application has been returned to Planning Committee having been deferred from the previous meeting (at the request of Members) in order for a site visit to be undertaken. Amended plans have been received since the previous meeting. The plans alter the roof form of the first floor element of the extension from a gable roof pitch to a hipped roof form. It is considered that in doing so the visual 'bulk' of the extension is reduced. Further letters of representation that were reported previously in the 'late information report' have now been included within this report.

1. Site Description

1.1 The application property is a two storey semi-detached dwelling located to the west side of Raikes Road in Skipton. The property is constructed of walls finished in render and stone with a slate roof. The dwelling has a small front garden with only pedestrian access from the front. To the rear is a large garden which has vehicular access via a private road to the south. The land slopes upwards to the north with the neighbouring property to the north at a higher level and the adjacent property's garden area below the application properties garden area.

2. Proposal

2.1 The application seeks approval for the construction of a two storey rear and side extension with attic conversion to provide additional living accommodation.

3. Planning History

3.1 63/2013/13917 – Two storey side and rear extension – Application Withdrawn 28th October 2013.

4. Planning Policy Background

4.1 National Planning Policy Framework (2012)

4.2 Saved Local Plan Policy H20 of the Craven District Council (Outside the Yorkshire Dales National Park Authority) and Appendix F of that document.

5. Parish/Town Council Comments

5.1 Skipton Town Council - No objection. However due to receiving correspondence from a member of the public the group will be asking a CDC Councillor to call it in. – Received 13th July 2015.

6. Consultations

6.1 No technical consultations required.

7. Representations

7.1 13 letters of objection have been received raising the following points;

- The extension would add an extra 75% of space to the existing dwelling, it would curtail the light and view of my property (No.81) and No.85.
- Concerned that the proposal would set a precedent in the area.
- The impact upon immediate neighbours would be huge with considerable loss of light and views and potentially de valuing properties.
- The extension is intrusive and out of context.
- The proposal appears to be at least two thirds the size of the house it is disproportionate in size and cannot be accurately described as an extension. I am not directly affected by the proposal but have lived on Raikes Road for forty five years and do not want to see the area spoiled.
- The side extension is wider than on previous application with the retaining wall only 1m from the path and retaining wall with No.85. The proposed extension would cut out the afternoon light to No.81 Raikes Road throughout the summer. The proposed extension is no improvement on that submitted earlier and conflicts with Saved Policy H20 in many respects. The extension when taken as a whole is visually dominant and overbearing and oppressive when viewed from the windows and gardens of neighbouring properties.
- An extension will push the property into a whole new price bracket and therefore should be refused.

7.2 The application has also received 23 letters of support. Issues raised in support are summarised below:

- The family are being harassed by their neighbours.
- The application has been significantly amended to create compromise.
- The proposals will have no detrimental impact on immediate neighbours. The application property (83) is to the north of no. 81 and 85 is in an elevated position.
- The extension is in keeping with the character of the area.
- A great many of the properties close by have already been extended to the side and to the rear. It seems some objectors mantra is 'do what we say, not what we do'.
- Concerns have been expressed about a precedent being set, but the alternative could be the house remaining unoccupied and falling into a state of disrepair.
- The applicant was born and reared in Skipton and wishes her girls to grow up in a safe environment, including an enlarged kitchen where internet access can be monitored.
- It is hope the Committee will focus on the plans and planning issues rather than what appears to be a concerted effort to deprive this family of a home.
- The family need a house that is suitable for modern day living.
- It is incredible that some objectors complain that the proposed extension will spoil the character of the area, when they themselves have extensions themselves that are out of character.
- It is notable that the adjoining neighbour at 81 has not objected, whilst objections have been made by others much farther away.

(Officer Note: Objections have been submitted by a solicitor on behalf of no. 81).

- The application is only at Committee due to the amount of ‘noise’ that the direct neighbours have managed to orchestrate.
- The supporter makes reference to Article 12 of the 1989 Convention on the Rights of Children.

8. Summary of Principal Planning Issues

8.1 Visual impact of the proposed development upon the character and appearance of the host dwelling and wider street scene.

8.2 Impact of the development upon the privacy and amenity of neighbouring properties.

8.3 Other Issues

9. Analysis

9.1 The National Planning Policy Framework states that LPAs should always seek to secure high quality design and ensure developments are “visually attractive as a result of good architecture and appropriate landscaping”. Permission should be “refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.” Saved Policy H20 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan states that the scale, design, proportion and materials of the extension should respect the original property and not have an adverse effect on the street scene.

9.2 The original property is constructed of wall finished with stone and pebble dash and a slate roof. The proposed extension would be constructed of materials to match these and as such would be considered to be appropriate.

9.3 The proposed rear extension would be a large addition to the property however public views of the rear extension would be limited predominantly to views from private gardens and windows. From the street scene only the side extension would be visible and this is considered to be a moderate size of extension that would not cause significant harm to the character or appearance of the street scene by virtue of its scale or proportion. Given the limited public views of the rear extension it is not considered that it would be of an unacceptable scale or proportion.

9.4 In terms of the design of the side extension it is acknowledged that there are a variety of side extensions within the street scene with differing roof forms. The roof proposed as part of this development would reflect that found on the original property and, whilst different to others in the street scene, would be considered to be suitable.

9.5 The rear extension has been modified to reflect the changes requested as part of an earlier scheme that was withdrawn in 2013. The first floor element will protrude from the rear wall by 3.2m with the ground floor extending by 6m. The design is not traditional, however the roof form is similar with the amended plans showing a hipped roof at ground floor and first floor level, this is considered to ‘soften’ the appearance of the side and rear elevations of the extension given their protrusion from the rear wall. However, as mentioned previously, there are limited public views of the rear of the property and as such the overall design is considered acceptable.

9.6 The proposed extensions would be of an appropriate scale, proportion, materials and design to not have a significant detrimental impact on the character or appearance of the original property or the street scene meeting this requirement of the NPPF and Saved Policy H20 of the Local Plan.

- 9.7 Impact of the development upon the privacy and amenity of neighbouring properties.
- 9.8 The National Planning Policy Framework states that LPAs should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings. Saved Policy H20 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan also states that an extension must not result in any unacceptable loss of privacy and amenity to neighbouring residents.
- 9.9 All windows to the north elevation of the development are proposed to be obscure glazed and as such there would be no unacceptable overlooking to this direction. The rooms behind these obscure windows would be to a bathroom and a utility room. The property also has a long rear garden and the extension is not considered to bring the rear wall of the development unacceptably close to other properties to overlook. No additional windows are proposed to the southern elevation of the residence and as such the proposal is not considered to cause an unacceptable increase in overlooking of the adjoining property.
- 9.10 The rear extension would be to the south west of the original property with the adjoining property lying to the south east and a neighbouring property lying to the north west. Given the location of the adjacent property to the south (No.81) it is unlikely that the proposal would result in an unacceptable overshadowing effect on this property. As noted at point 3.8.1 of Appendix F extensions to the north can have a beneficial effect in some cases providing a private and sheltered area of garden.
- 9.11 Within Appendix F Policy No5 states that when considering proposals for rear extensions the council would not normally approve extensions that project more than 2.5m from the rear wall unless the windows on the adjoining property are located more than 2.5m from the common boundary. Appendix F also states that (para 3.8.2) two storey extensions that project beyond a 45 degree angle taken from the edge of the nearest habitable window on the adjoining property are unlikely to be acceptable.
- 9.12 The extension would protrude more than 2.5m at ground floor level, however, as No.85 is at a higher level it is not considered that the ground floor element will lead to significant overshadowing of the property. At first floor level the extension does not project more than a 45 degree angle taken from the edge of the nearest habitable room windows according to the submitted floor plan and therefore the potential for overshadowing is limited although it may result in some overshadowing of the rear garden later in the day.
- 9.13 Para 5.2.1 in Appendix F states that rear extension should be “designed to avoid physically dominating” neighbouring dwellings. It is acknowledged that the southern elevation facing onto the adjoining property extends some way from the rear wall of the dwelling, however, the amended drawings have altered the roof form to a hipped roof, and this has been done in an attempt to lessen the visual impact upon the neighbouring dwelling. The elevation, to avoid overlooking, would be featureless, however a large proportion of the ground floor element of the extension will not be seen by No.81 given the existing boundary treatments in situ which consist of a rendered wall and mature hedge. Similarly, the north side of the extension is also all but featureless aside a door that will access the newly formed kitchen.
- 9.14 Other Issues
- 9.15 Given the number of objections to the proposal it also seems appropriate to discuss the fall back position. Recent changes to the permitted development legislation allow for rear extensions of up to 6m in the case of semi-detached

dwellings and are dealt with through the prior notification process. Although this proposal is for a two storey extension and therefore the prior notification procedure is not applicable, it is considered that the ground floor element (that has been of some concern given its size) could be constructed under the new legislation. In considering proposals that require planning permission, a pragmatic approach needs to be taken when considering their acceptability and if they could be built without the need for full planning permission.

9.16 The fact that the proposal may set a precedent is not considered to constitute sufficient grounds for refusal. Each property and proposal is judged upon its own planning merits; similarly the potential effect upon the market value of dwellings is not considered a material planning consideration and as such little weight can be given to this concern.

9.17 Conclusions

9.18 To conclude, 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 so 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 subject to conditions.

11 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 approved plans comprise 'Proposed Ground Floor Plan 238/5A' received by the Local Planning Authority on the 19th June 2015 and 'Existing First Floor Plan 238/3A' 'Existing Ground Floor Plan 238/2' 'Existing Elevations 238/4A' Received on 21st July 2015 and Amended Drawings 'Proposed First Floor Plan and Elevations 238/10B' 'Site and Roof Plan 238/11A', Received on 10th September 2015 and Amended Drawings 'Proposed Loft Floor Plan 238/7B' and 'Proposed Sections 238/9B' Received by the Local Planning Authority on 16th September 2015. 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. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason: To ensure that the proposed development is of a high quality and appropriate appearance in the interests of the visual amenities of the locality.

4. The detailing of the windows shall be of the same form of construction, materials and finish as those on the existing building.
Reason: In the interests of the appearance and character of the building.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification) no windows or doors other than those shown on the approved drawings shall be installed in the north elevation of the extension hereby approved.
Reason: To safeguard the residential amenities of the occupiers of adjoining property.
6. Prior to their first installation the ground floor and first floor windows in the north elevation of the side extension shall be fitted with obscure glazing (minimum Level 5 obscurity). The development shall be maintained with such obscure glazing at all times thereafter.
Reason: To protect the amenity of the occupants of the nearby residential properties and to accord with Saved Policy H20 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.

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: -

- 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

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

*EMBSAY W EASTBY
26/2015/16037*

*OUTLINE APPLICATION WITH SOME MATTERS RESERVED FOR THE
ERECTION OF 9 NO. DWELLINGS*

LAND TO THE EAST OF LAUREL CROFT EMBSAY SKIPTON

APPLICANT NAME: MR M, J & R BROOKSBANK

TARGET DECISION DATE: 15/09/2015

CASE OFFICER: Mark Moore

This application is referred to the Planning Committee by the Development Control Manager due to the significant public interest in the development proposal and the fact that this is a further re-submission following previous refusals of planning permission that were considered by the Committee.

1. Site Description

- 1.1 The application site comprises an approximately 0.21ha area of land located on the eastern side of Laurel Croft, Embsay.
- 1.2 The site falls in level from south to north and adjoins Embsay Village Hall to the north. To the east the site is bounded by a distinctive double row of planting that runs through the centre of a larger, enclosed area of undeveloped land that partially fronts onto Main Street.
- 1.3 Public views of the site are limited to the views from the junction of Laurel Croft onto Main Street and from Laurel Croft which is a cul-de-sac that has sheltered housing located on its western side.
- 1.4 The site is entirely grassed over and partially enclosed by dry stone walling and the boundaries are defined by stone walling.
- 1.5 The site is located within Development Limits and the Embsay Conservation Area. The boundary with the Yorkshire Dales National Park lies on the opposite side of Main Street to the north of the site.

Officer note: The application site forms part of a larger area defined as an important open space under Policy BE1 of the Local Plan. However, this is not a saved policy.

- 1.6 A Grade II listed war memorial is located within a small publicly accessible area that lies to the east of the village hall facing onto Main Street.
- 1.7 To the east (rear) of the site there is a double row of trees that line either side of a disused (and overgrown) access/driveway. Although not individually protected the trees are protected by virtue of their location with the Embsay conservation area.
- 1.8 The site lies within the outer consultation zone (400m) of the Nether Kellet gas pipeline.

2. Proposal

- 2.1 This is an outline planning application for a development comprising 9 residential units in a mix of 2 and 3 bedroom terraced two-storey properties. Only the landscaping is a reserved matter.
- 2.2 The development is a revised re-submission following refusal of earlier applications (Ref: 32/2014/14631 and 32/2014/15324) and comprises a much reduced site (from 0.74ha to 0.21ha) covering the western part of the original site and a

corresponding reduction in the overall number of proposed dwellings from 21 units in the first application, 14 units and the second and now 9 units.

- 2.3 Access to the site is from Laurel Croft. The proposed housing would be a staggered terrace running parallel to the road. Parking spaces are proposed forward of units 5, 6, 8 (2 spaces) and 9 which would have a parking space and an attached single garage. A further 7 parking spaces would be provided in a court located at the northern end of the site immediately to the rear of the village hall which would be accessed off Laurel Croft. This area would also include space for bin storage. In total there are 13 parking spaces proposed to serve the 9 houses.
- 2.4 The proposed houses would be constructed to give the appearance of pairs of connected semi-detached properties and would be constructed in stone with stone window surrounds, painted windows and doors and blue slate roofing. Black photo voltaic panels are specified on the plan but are not shown on the drawings and are not referred to any of the accompanying planning statements.
- 2.5 Each of the proposed houses would have both front and rear gardens. It is proposed to reduce the height of the wall fronting Laurel Croft to 1.2m, to construct a 1.2m high stone wall to the southern boundary of the car parking area and to construct 1.5m high bin storage enclosures adjacent to the rear of the village hall. Other boundaries are to be defined by a mix of steel railings and post and rail fencing.
- 2.6 Although not applied for some landscaping is shown on the submitted plan comprising tree planting to the rear of the northern end of the site.
- 2.7 It is proposed to provide 40% affordable housing (4 units) as part of the development.

3. Planning History

- 3.1 26/2005/5348: Tree Works – Clean through two parallel hedge lines of principally Beech, to remove dead/stunted trees, light crown lift to 3 metres & clear away from overhead telephone lines. Removal of no more than 25% of the trees, and no reduction of height of the trees retained. Approved June 2005.
- 3.2 26/2014/14631: Construction of 21 dwellings and new access. Refused September 2014 for the following reasons:
1. *The proposed development would lead to an increase in the number of vehicles using the junction of Laurel Croft with Main Street where clear visibility of 60m cannot be achieved along the public highway (Main Street) in a westerly direction from a point 2m from the carriageway edge measured down the centre line of Laurel Croft and consequently traffic generated by the proposed development would be likely to create conditions prejudicial to highway safety. This Highway Safety impact is considered to be severe and it is therefore considered that the proposals do not comply with the planning guidance within NPPF.*
 2. *S72 of the Planning (Listed Buildings & Conservation Area) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. It is considered that the proposed development would “significantly and demonstrably” harm the Embsay and Eastby Conservation Area through the loss of open space that makes an important contribution to the character, appearance and significance of the designated heritage asset and would therefore conflict with the guidance in the National Planning Policy Framework.*

3.3 26/2014/15324: Construction of 14 no. dwellings and new access (resubmission of refused application 26/2014/14631). Refused February 2015 for the following reasons:

1. *The Local Planning Authority considers that clear visibility of 30 metres cannot be achieved along the public highway in a westerly direction from a point 2.4 metres from the carriageway edge measured down the centre line of the junction of Laurel Croft/Main Street and consequently traffic generated by the proposed development would be likely to create conditions prejudicial to highway safety. This highway safety impact is considered to be severe and it is therefore considered that the proposals do not comply with the planning guidance within NPPF.*

2. *Sn72 of the Planning (Listed Buildings & Conservation Area) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. It is considered that the proposed development would "significantly and demonstrably" harm the Embsay and Eastby Conservation Area through the loss of open space that makes an important contribution to the character, appearance and significance of the designated heritage asset and would therefore conflict with the guidance in the National Planning Policy Framework.*

4. Planning Policy Background

4.1 **Saved Policies in the Craven District (Outside the Yorkshire Dales National Park) Local Plan:**

The Local Plan policies that have been 'saved' (under the Planning & Compulsory Purchase Act 2004) and are relevant to the current application are: -

H4: Residential Development within the Development Limits of Villages.
ENV10: Protection of Trees & Woodland.
T2: Road Hierarchy.

4.2 **National Planning Policy Framework (NPPF)**

4.3 **National Planning Policy Guidance (nPPG)**

5 Parish Council Comments

5.1 **Embsay with Eastby Parish Council:** Object to the application on the following grounds:

1. The site is not a 'preferred site' as set out in the current CDC draft local development plan.

2. Two previous applications for housing development on this site have been rejected within the last 14 months due to reasons which have not been addressed by this new application. The Parish Council considers that it is unlikely any revised scheme can suitably overcome these existing, primary limitations.

3. The site is located within Embsay Conservation area which Craven District Council itself identified in 1986 as being an important area of open land which contributes significantly to the character of the Conservation Area. The nature, use and appearance of the site have not changed since then. Any development of the site would significantly detract from that open

nature and subsequently have a damaging effect on the character of the area. This would be particularly evident from the car park entrance which forms the principal entrance to the Yorkshire Dales National Park from within the village.

4. The proposal will result in increased vehicular use of the junction between Main Street and Laurel Croft where visibility is acknowledged to be substandard. Subsequent road safety limitations will be intensified due to the car park entrance directly opposite, the frequency of use of which is significantly increasing, especially for short term purposes (e.g. school and nursery drop off purposes).

5. Use of Laurel Croft by construction vehicles and for material deliveries will create serious congestion problems. Large vehicles using the Laurel Croft /Main St junction will increase the levels of hazards for other road users. The proposed site does not allow for adequate facilities for materials storage, contractors accommodation and off road parking without major disruption to the adjacent land outside the application site and which forms an essential element of the Conservation Area. Use of this land in conjunction with construction and attempts at subsequent re-instatement will result in long term major damage to the character of the area due to the time necessary to adequately re-establish the current mature nature of the associated land.

6. Laurel Croft is being increasingly used as a kerbside parking facility, particularly in conjunction with events held in the Village Hall due to the limited size of Main Street car park. The proposed development will inevitably result in additional kerbside parking by residents of and visitors to the new development. Increases in congestion will cause heightened problems in access for emergency services to the elderly housing at Laurel Croft. Demand for use of the Village Hall, with less available parking, will fall, with a correspondingly adverse effect on the viability of the Hall. In turn, the community structure will suffer as the Hall is one of the primary community hubs of the parish.

7. The open outlook on to a field from the rear of the Village Hall will be adversely affected. The current outlook is a material factor which contributes to the use of the hall for wedding receptions and other ceremonies. An outlook over the rear gardens of a terrace of houses would be neither similarly scenic nor necessarily tranquil. Hall bookings would again be likely to be adversely affected and the viability of the Hall reduced with a similar adverse impact on the community.

Also, in connection with established use of the Hall, concern must be expressed as to the risk of late evening noise and disturbance to residents close by. The two distinct neighbouring uses are incompatible.

8. The village school is at peak capacity. Provision of additional family homes is not therefore viable unless additional local provision is made for primary school children. Availability of primary school places in Skipton will dilute the strong community spirit which centres round the village school. It

is understood Craven District Council has no current policy relating to s.106 developer funding of school enlargement in conjunction with housing development, therefore the current proposal is unsustainable.

9. The proposal includes surface drainage proposals to connect to a combined sewer and to soakaway(s). The former does not accord with sustainable drainage principles. In this Parish, problems are compounded due to the tendency of the substandard combined sewerage system at the lower (southern) end of the village to surcharge during and immediately after heavy rain. Further discharge of surface water into the system will therefore only increase the frequency and level of current problems. Soakaway drainage in this locality is an unlikely possibility – there is a very heavy impervious clay subsoil at depths of little more than 300 to 600mm below the surface. Water under current green field run off rates often stands in surface depressions during and after heavy rain. It is IMPERATIVE that before considering this matter any further, satisfactory details are made available which demonstrate the suitability of the site to be capable of being drained to meet Sustainable Drainage System requirements. A consent requiring a SuDS drainage system is not an option – the application states that landscaping is the only reserved matter in this submitted scheme.

10. The site is not, as claimed by the applicant, unused. It forms part of a small farm business and is used for livestock grazing and as a hay meadow. Clearly untrue statements of this nature bring into question the reliability of other statements in the application.

In summary, the Parish Council urges the District Planning authority to fully consider the above views and to support its opinion that the proposal should be refused consent on the grounds of significant adverse impact on highway safety, incompatibility with the status and character of the parish Conservation Area, inadequate surface drainage proposals and lack of sustainability of the scheme in connection with the Village Hall, the immediate locality and the local school to the overall detriment of the broader community of the Parish.

6 Consultations

- 6.1 **CDC Environmental Health:** Has not responded to this application but in response to previous application which incorporated this site EH has advised that there are no contaminated land issues in relation to this site. Recommended that a sustainable drainage scheme is submitted for approval in order to prevent the increased risk of flooding, improve water quality, wildlife habitats and the amenity of the surface water drainage system. Finally, EH suggested that the operating times of the construction site should be limited in order to reduce the potential for noise nuisance to nearby properties.
- 6.2 **CDC Strategic Housing Officer:** The site exceeds the threshold of 5 dwellings at which affordable housing provision is required under the Council's interim approach to Negotiating Affordable Housing Requirements, adopted May 212.

The council's target is 40% affordable housing by number, subject to financial viability, i.e. 4 affordable dwellings as part of a scheme of 9 dwellings total. Under national policy approved 28 November 2014 there was no requirement for on-site affordable housing on this site and none is shown within the indicative layout. This policy has since been quashed by the High Court however and is no longer applicable.

The indicative layout is for 5 no. 3 bed houses and 4 no 2 bed houses. These dwellings are not huge, but the two beds are larger than would be required as affordable homes and the need to provide smaller affordable house types will require a new indicative scheme. The affordable housing mix required on a site of 9 dwellings is:

- 1 no. 1 bed house (60sm)
- 2 no. 2 bed houses (70sm)
- 1 no. 3 bed house (85sm).

The SHMA 2011 identifies a shortfall of 17 affordable homes per year in Embsay with Eastby, each year from 2011 to 2017. To date no affordable homes have been delivered in this ward.

- 6.3 **NYCC Highways:** The Highway Authority has had regard to the applicant's Transport Assessment and other additional supporting information, but does not agree that the development is acceptable with respect to highway safety. Consequently the highway authority recommends that planning permission is refused for the following reasons:
1. Unsatisfactory visibility at the junction of Laurel Croft/Main Street.
 2. The roads leading to the site are by reason of their poor alignments/ poor junctions and lack of turning are considered unsuitable for the traffic which would be likely to be generated by this proposal.
- 6.4 **The Environment Agency:** EA standing advice in this case identifies the management of surface water run-off as the main flood risk issue and states that drainage from new development must not increase flood risk either on-site or elsewhere. The advice states that Government policy strongly encourages a sustainable drainage system (SuDS) approach to achieve these objectives.
- 6.5 **Yorkshire Water:** Recommend that if permission is to be granted conditions should be attached to require approval of details of separate systems of drainage for foul and surface water on and off-site and the means of dealing with the outfall of surface water.
- 6.6 **NYCC Historic Environment Team:** Refer to previous comments. It is advised that a condition is attached to require that a scheme of archaeological mitigation recording is undertaken in response to the ground-disturbing works associated with this development proposal. This should

comprise an archaeological watching brief to be carried out during excavations for new foundations and new drainage or services, to be followed by appropriate analyses, reporting and archive preparation. This is in order to ensure that a detailed record is made of any deposits/remains that will be disturbed.

- 6.7 **CDC Arboriculturist:** The new houses are proposed at a distance of between 24 and 29 metres from the line of trees to the east and a steel railing fence at a distance of 10 metres. There is also a grasscrete car parking area to the north of the site at a distance of 11 metres from the trees. The arboricultural report requires that these trees need a root protection zone of up to 6.9 metres radius so the proposal is acceptable on all of the above counts. Tree protection fencing should be conditioned to BS 5837 (2012).

Whilst indicative planting is shown this can be confirmed in detail as a reserved matter.

- 6.8 **Historic England:** Embsay is an ancient settlement, mentioned in the Domesday Book. Laurel Croft is one of several pasture paddocks which front onto Main Street and Pasture Lane, carrying the surrounding agricultural fields into the heart of the settlement and together helping to impart a predominantly rural appearance to the conservation area. As such it makes a strong contribution to the significance of the conservation area.

Development of this site would cause some harm to the conservation area by reducing an area of open green space at the heart of the village. However, this scheme represents a much reduced development and the proposed layout enables some aspects of the rural appearance of the conservation area to be retained.

We recommend that your Council satisfies itself that any public benefits of this proposal outweigh the harm in this case, in accordance with Chapter 12 of the *National Planning Policy Framework*.

Paragraph 131 of the *National Planning Policy Framework*, notes that local authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. Paragraph 132 notes that any harm or loss should require clear and convincing justification. Paragraphs 133 and 134 refer to weighing the loss of significance to a designated heritage asset (in this case the conservation area) against the public benefits of the proposal.

If your Council is minded to entertain this proposal, the choice of materials, the detailing and also the boundary and landscaping treatment will be critical to minimising the harm to the conservation area and its setting. Any consent would need to be very carefully conditioned to cover these matters. If consent is granted we would also expect a condition to be applied to the effect that the strip of field retained behind the War Memorial would remain undeveloped and under grass, with an appropriately designed screen of

native trees and bushes (the details of which to be agreed with your Council) to soften views from Main Street and the War Memorial of the car park and houses.

In summary, HE recommends that subject to your Council being satisfied that any public benefits of this proposal outweigh the harm to the conservation area they consider that this application can be determined in accordance with the NPPF. If the Council is minded to grant consent then we recommend conditions are applied as discussed above.

6.9 **CDC Conservation Consultant:** Agrees with the very thorough assessment of the heritage assets and conclusion in applicants Heritage Statement. The latest scheme will reflect the historic character of dwellings/building groups in the conservation area and therefore will not cause harm. Also agrees with Historic England that the rear of the war memorial needs screening/safeguarding and vehicle parking surfaces kept more rural than urban.

6.10 **The Yorkshire Dales National Park Authority:** The development will result in the loss of an open field within the village, which does contribute to the open core of the village. However, with some amendment, it is considered that the development could be accommodated without significant harm to the character and appearance of the Conservation Area. In particular it is important that the backdrop of the historic old street is preserved and a visual gap maintained between the historic core and the modern development further south and east. This can be achieved through relating the development to the distinctive traditional terraces along Main Street, as proposed, and by ensuring that to the north, south and east of the site the land remains undeveloped and 'green', to retain the open rural backdrop.

The proposed car park is welcomed as a means of avoiding a car dominant street scene. The car park also represents an opportunity to maintain an open gap between the village hall, the war memorial and the new development. The treatment and landscaping of the car park should ensure that it retains a rural character and provides for a 'green' backdrop to the street (Main Street). Historic England has recommended grasscrete or similar. A surface such as this may work depending on the level of use, but it is also recommended that the means of enclosure and landscaping emphasise the rural nature of the village (i.e., drystone walls and soft native planting within the car park). Whilst the planting belt between the car park and war memorial is welcomed, the Authority's Trees and Woodlands Officer has indicated that this narrow strip of planting may not be dense enough to be effective.

It is also recommended that the rear gardens be shortened to align with the eastern boundary of the car park. This will have several benefits to the proposal; the open setting of the important avenue of trees to the east of the site will be maintained; the land to the east of the gardens will retain an open undeveloped feel (as inevitably the rear gardens will need to accommodate sheds and outbuildings); the trees will not overhang gardens which otherwise could result in pressure for their removal or cutting back

and; the planting belt proposed (adjacent to the car park) could be extended further south and maintained as a single group. The treatment of the garden boundaries should reflect the rural character of the Yorkshire Dales. To this end stone walls are preferable to parkland fencing.

7. Representations

7.1 A total of 56 responses have been received, 55 object to the proposals (including 1 petition with 12 signatures) and 1 is in support.

The comments are summarised as follows:

- Development would result in loss of last green space in the historic part of the village.
- Proposed houses are not in keeping and would dominate the skyline behind the village hall.
- Site is not vacant but in use as grazing land by a local farmer.
- Proposed building materials would not be suitable
- Infrastructure in village cannot cope with increased population.
- School and local nursery cannot accommodate children.
- Junction of Laurel Croft and Main Street does not comply with highway regulations or the NPPF.
- Revised application is just a foot in the door to get development built on larger site.
- Objections raised in response to the previous application still stand.
- The site is important to the village as undeveloped open space.
- Development would damage the character of the village, the setting of the war memorial and the conservation area.
- Development would lead to increased flooding problems.
- Sewerage works is not adequate to deal with increased outflows.
- Bus services to and from the village are not adequate to serve the proposed development.
- Increased traffic will result in road safety issues particularly with elderly occupiers of Laurel Croft.
- The development has inadequate parking.
- Site is not part of the village plan.
- No environmental impact study has been done.
- No wildlife survey/site is of ecological value.
- Loss of views.
- Impact on village hall due to loss of parking space and proximity of proposed bin storage area which in close proximity to village hall kitchen.
- Housing would overlook the private play area available to the pre-school playgroup that use the village hall and also limit the benefit of the existing open space.
- Previous developments in Embsay and empty housing indicate that there is limited demand or need for new housing.
- Proposals impact on the character and appearance of the Conservation Area.

- There are no employment opportunities in the village. Development would adversely impact on the village economy.
- The site is of archaeological interest and should be evaluated before permission is granted to develop.

7.2 The one letter in support of the application comments as follows:

- There is a clear and obvious need for additional housing in the local area and Craven District as a whole.
- There will be no increased highways risk at the junction of laurel Croft/Main Street.
- Development offers an opportunity for those seeking a starter home or smaller family size home.
- Development is sympathetic to the surroundings and rural aspect of the village.

7.3 Comments have been submitted by the Police Architectural Liaison Officer in which it is recommended that;

- Remote parking is reconsidered and in-curtilage parking provided.
- That adequate security is in place during construction of the development.

Officer note: For the purposes of this report it is only possible to provide a brief summary of the comments that have been made. The objections can be viewed in full on the Council's website.

8. Summary of Principal Planning Issues

8.1 The principle of residential development at this location.

8.2 Affordable housing provision.

8.3 The effect of residential development on the character and appearance of the area and heritage assets.

8.4 Residential amenity issues.

8.5 Highway issues.

8.6 The impact of development on drainage and flood risk.

8.7 Impact on trees.

9. Analysis

The principle of development:

9.1 Following the Coalition Government's abolition of The Yorkshire and Humber Plan (Regional Spatial Plan) on 22 February 2013 the 'development plan' comprises the Craven District (Outside the National Park) Local Plan. Further to the Secretary of State's direction in September 2007 (under Paragraph 1 (3) of Schedule 8 to the Planning & Compulsory Purchase Act 2004) the County Structure Plan and a number of Local Plan policies of the

adopted Local Plan were deleted. Therefore, the remaining Local Plan Policies referred to form the 'Saved' policies in the Direction.

- 9.2 Saved Local Plan Policy H4 is supportive in principle of small scale development within the development limits of villages. The policy includes a number of detailed criteria against which development proposals should be assessed. However, it is considered that the policy cannot now be given full weight as the Local Plan was adopted in 1999 and was not prepared under the Planning & Compulsory Purchase Act 2004. Paragraph 215 of the new National Planning Policy Framework (NPPF) states that policies not adopted in accordance with the 2004 Act 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'*. Therefore, where there is any conflict with the Local Plan the Local Plan policies carry limited or no weight and the application should be assessed against the new Framework.
- 9.3 The main thrust of the NPPF is an overarching presumption in favour of sustainable development. This reaffirms 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 and that where plans are out of date, there will be a strong presumption in favour of sustainable development that accords with national planning policies.
- 9.4 In view of the above it is necessary to consider whether or not the application site is sustainable. No single definition of the term 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.
- 9.5 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'.
- 9.6 The application site is located within the main settlement and it is considered that it is sustainably located and that the principle of developing the site for housing is therefore not at issue. In coming to this view the positive approach towards sustainable development advocated by the NPPF is noted.
- 9.7 The replacement local plan has yet to be finalised and therefore carries very limited if any weight. At the Craven Spatial Planning Sub Committee meeting on 3rd June 2014 members agreed draft preferred sites for allocation to be consulted on as part of the Pre-Publication Draft Local Plan for Craven (outside of the Yorkshire Dales National Park) in late 2014. In Embsay the emerging minimum annual figure for development is 3 dwellings per annum to provide for 45 dwellings over a 15 year Local Plan period. The conclusion of the Spatial Planning Committee was that there are two preferred housing sites, Ref Nos: EM013 and EM016, both of which are

located on Shires Lane. One of these sites has recently been granted outline planning permission for the construction of circa. 34 dwellings (Ref: 26/2014/14518) with an extension of the site being approved under an additional outline approval to increase the total to 45 dwellings (Ref: 26/2014/15244).

- 9.8 The application site at Laurel Croft is not a preferred site that might potentially be brought forward for development in Embsay. However, the emerging policy can be given very limited weight and the Council's decision on this specific application must be considered on its own merits having regard to the relevant national and Saved Local Plan policies currently in force.
- 9.9 In May 2015 the Council published a Five Year Housing Land Supply Methodology and Report covering the period 1 April 2016 to 31 March 2021. The report sets out the Council's five year land supply calculations. The report indicates that the Council has more than the five year requirement and can demonstrate 124.6% or 6.23 years, which also more than meets the NPPF requirement for an additional 20% buffer. However it is not considered that this is a reason to resist development on the site. The site is located within the village centre and residential development on this land is clearly acceptable in principle. The proposed scheme for 9 dwellings is minor in nature and would not have any unacceptable material impact that reasonably could be argued would result in an oversupply of housing land.
- 9.10 In summary, it is considered that the proposal is in line with the broad objectives of the NPPF in that it has economic benefits and reflects the general need and demand for housing in the area. The development would potentially be contrary to the spatial vision for the village and District in the emerging Local Plan, but this is of very limited weight given the status of the emerging spatial vision. In conclusion, having regard to the NPPF, the proposal is considered to be acceptable in principle.
- 9.11 In coming to the above view it is noted that the application site is situated on land that was defined as important open space under Policy BE1 of the Local Plan. This policy has not been saved and therefore has no weight. However, the requirement under the NPPF is to assess the significance of any heritage assets, in this case the Embsay Conservation Area and the nearby listed memorial, and to come to a view on whether or not the proposal will impact upon that significance to an unacceptable degree in which case planning permission should not be granted. This issue is dealt with later in this report.

Affordable housing provision:

- 9.12 It is proposed that the development would yield 9 dwellings and provide 40% affordable units equating to 4 affordable properties. These are proposed to be comprised of either 2 or 3 bedroom units or a mix of the two types.

Officer note: In the formal consultation response Strategic Housing have indicated a mix of 1, 2 and 3 bed properties but have since agreed with the applicant's agent that 2 and 3 bedroom properties would be acceptable. The

exact composition of the affordable units would be subject to agreement with CDC Strategic Housing prior to finalising a Sn106 Planning Agreement and could be subject to changes following an assessment for viability or altered evidence of housing need.

- 9.13 This proposal should therefore provide a number of affordable units on the application site to meet affordable housing needs and this contribution is a material consideration.
- 9.14 It should be noted that other schemes have recently been approved or are proposed in Embsay that, if implemented, could make a contribution to affordable housing for the Embsay with Eastby Ward. However, this is not a reason to dispense with the requirement for affordable housing on this site as the other schemes ultimately may not be delivered.
- 9.15 Should it transpire at a later date that the affordable home requirement for the Ward has been met then it would be possible for the Local Planning Authority to enter into discussions with the developer with a view to securing a commuted sum in lieu of on-site provision.
- 9.16 It is considered that in terms of the provision of affordable housing there are no objections to the proposed scheme. If permitted, a condition can be used to control the means and level of provision.

The impact on the character and appearance of the area and heritage assets

- 9.17 The application site is partially enclosed by existing development and fronts onto the public highway of Laurel Croft. The existing site is not publicly accessible and does not have any amenity or direct recreational value beyond its appearance as an unbuilt area of land within the main settlement and its contribution towards the overall character of the heritage asset of the Embsay conservation area.
- 9.18 The site was originally identified in the Local Plan as an important open space under Policy BE1 but as this is not a saved policy no weight can be attached to that designation. Nonetheless, as the site lies within the Embsay conservation area which is a designated heritage asset there is a requirement under the NPPF for the significance of the heritage asset to be considered and in particular to consider whether the harm caused by the proposals, if any, would outweigh the normal presumption in favour of sustainable development. Equally, it is necessary to undertake the same appraisal in relation to the listed war memorial that lies near to the application site.
- 9.19 In the Embsay with Eastby Conservation Area Appraisal (June 1986) refers to a number of important open spaces. Under 'community spaces' two areas were identified one of which was described:

'Area around War Memorial on Main Street. This is a small but important area which surrounds an important feature within the village'.

Under the same appraisal the application site was identified and described as follows:

'Field to the south of (behind) the village hall. An area of open rough pasture bounded by a stone wall and containing hedgerow with several larger trees. Important in maintaining an open rural character in an area otherwise dominated by modern housing'.

The application site is separated from the war memorial and therefore does not impact upon this site directly. However, consideration must be given to the impact upon its setting. With regards to the larger area the application would result in loss of part of the open space and partial enclosure of the open aspect on Laurel Croft.

- 9.20 Given the NPPF policy requirement the Conservation Advisor has undertaken an informal assessment of the site in order to consider firstly, the significance of the open space and secondly, whether the proposed development would, in his opinion, adversely impact upon that significance to an unacceptable degree.
- 9.21 The comments of the Conservation Advisor are set out earlier in the report and are, in summary, that he can see no objections to the principle of the site being developed as, in his opinion, it is not significant within the context of the historic core of the village or the setting of the Conservation Area. He does however identify a need to screen/safeguard the setting of the listed war memorial and to ensure that the surface of the proposed parking area is kept more rural than urban.
- 9.22 The comments received by Historic England (HE) and the YDNPA have also been noted, both of whom previously objected to the proposed development of the larger areas of open space but have now amended their stance. Considering each in turn:
- 9.23 In summary, HE has commented that in their opinion the development would cause some harm to the conservation area by reducing the area of open green space at the heart of the village. However, they acknowledge that the scheme is much reduced and that the proposed layout enables some aspects of the rural appearance of the conservation area to be retained.
- Officer note:** EH had previously expressed the opinion that a revised scheme that was restricted to the Laurel Croft frontage alone would be likely to be acceptable.
- 9.24 To summarise, HE acknowledge the significance of Embsay as an historic settlement and in particular note the importance of the open space (pasture paddock) in terms of the contribution towards maintaining the rural context of the core of the village and also in maintaining a visual break between that and the more modern development to the south.
- 9.25 HE identify some key NPPF policy requirements namely;
- paragraph 131 relating to the need to take account of the desirability of sustaining and enhancing the significance of heritage assets;
 - paragraph 132 that requiring clear and convincing justification for any harm to or loss of a heritage asset; and,

- paragraphs 133 and 134 setting out the need to weigh any loss of significance of a designated heritage asset (in this case the Embsay conservation area) against the public benefits of the proposal.

- 9.26 The overall conclusion reached by HE is that they would have no objections to the application provided the Council is satisfied that any public benefits derived from allowing development to take place would outweigh the dis-benefit of the harm to the significance of the conservation area that would take place. HE qualify their response by commenting that any approval should include conditions to ensure that the strip of field retained behind the war memorial remains undeveloped and that there is a screen of native trees and bushes to soften the views from Main Street and the war memorial of the houses and associated car park.
- 9.27 The YDNPA is supportive of the scheme commenting in some detail on the positive aspects of the scheme such as; relating of the design to the traditional housing on Main Street; maintenance of the undeveloped nature of the remaining open space; car park to reduce on-street parking and the incorporation of a 'green' backdrop.
- 9.28 Some recommendations have been made by the YDNPA that in their opinion would improve the scheme i.e. enhanced landscaping; shortened rear gardens and use of stone walling as opposed to railings and/or post and wire fencing.
- 9.29 Notwithstanding the above comments the YDNPA do not raise any major objections to the revised proposals.
- 9.30 In terms of the officer assessment of the application it is considered that the reduced scale of the development (compared to the previous submissions) has undoubtedly lessened the overall impact but would still represent a diminution of the significance of the open space in terms of its contribution to the overall character and appearance of the conservation area. In Officer opinion whilst harm is caused to the Conservation Area, the harm that is caused is less than substantial
- 9.31 The requirement under the NPPF is to consider whether or not the less than substantial harm that is caused is outweighed by any benefits arising from the proposals. In this case it is acknowledged that none of the consultees, two of whom previously opposed development of the larger application sites, are now raising strong objections to the revised scheme, HE in particular having indicated in a previous consultation response that development limited to the Laurel Croft frontage would be acceptable. The overall conclusion is that the harm previously identified as being substantial, and therefore part of the grounds on which the Council previously refused permission, no longer exists.
- 9.32 In terms of the balance of benefits against dis-benefits it is acknowledged that the current housing position is such that it would be difficult to argue an overwhelming need to provide housing, but equally the positive benefits of providing housing development (as strongly advocated by the NPPF) as well affordable housing provision, cannot be overlooked. Given the reduced impact (dis-benefit) of the revised scheme it is now considered that it would not now be possible to make a compelling case that the loss of significance

of the conservation area is substantial enough to successfully argue that this would override the benefit of allowing development to take place.

- 9.33 Accordingly, and having regard to the Council's previous decision it is considered that the revised scheme, which would still result in the loss of part of the existing open space, has successfully overcome the previous reason for refusal.
- 9.34 In summary, given the other benefits of the scheme it is considered that the proposal would not unacceptably impact upon the significance of the heritage asset of the Embsay and Eastby Conservation Area and the development is considered to be acceptable with the requirements of Sn 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national planning policy as set out in the NPPF.

Impact on amenity

- 9.35 In terms of residential amenity the proposed layout would not impact upon any existing dwellings to an unacceptable degree.
- 9.36 Specifically, the proposed plots which front onto Laurel Croft would be sufficiently distant from the existing development on the opposite side of the road that no outlook, overshadowing or privacy issues would arise.
- Officer note:** Some concerns were expressed by objectors that the uses within the village hall would clash with the proposed development but it is not considered that the nature of the uses that the village hall would typically be put to would necessarily be incompatible with residential development. Similarly the proximity of the proposed bin store to the village hall is not considered to be grounds to refuse planning permission.
- 9.37 It is considered that overall the proposed design and layout would provide a satisfactory standard of residential amenity and would not give rise to an unacceptable impact on the amenity of neighbouring properties. Accordingly the proposals are considered to be compliant with planning policy in terms of amenity issues.

Highways issues:

- 9.38 Saved Local Plan Policies H4 and T2 are permissive of development proposals that are appropriate to the highway network where, amongst other things, they do not:

Policy H4:

- create conditions prejudicial to highway safety or;

Policy T2:

- generate traffic in excess of the highway network;
- create any new or greater use of an access onto a primary, district or local distributor road unless the access is acceptable in terms of design and road safety; and,
- regard is paid to the highway impact and potential for improvement to the surrounding landscape.

- 9.39 Section 4 of the NPPF contains guidance on transport and land use planning, including the promotion of sustainable transport choices and reducing travel by car. Paragraph 32 of the NPPF states that planning decisions should ensure that :
- ‘safe and secure access to the site can be achieved for all people’*
- and,
- ‘Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe’.*
- 9.40 The weight that can now be attached to Saved Local Plan policies that relate to housing supply (e.g. H4) is now limited. With respect to T2 it is broadly in line with the NPPF policy, although it is acknowledged that the NPPF is arguably more permissive of development and greater weight should be given to the policy within the NPPF. The key policy test is therefore that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 9.41 There are representations from local residents concerning traffic safety issues stemming from traffic generation, local road conditions and pedestrian safety. It is considered that the general arrangement of the proposed housing is acceptable in highway safety terms. However, NYCC Highways has objected to the proposal on the grounds that satisfactory sightlines cannot be achieved at the junction of Laurel Croft with Main Street. Specifically that visibility splays of 2m x 30m cannot be achieved in a westerly direction at the junction and that this would create conditions prejudicial to highway safety.
- 9.42 In addition to the above NYCC Highways has commented that the existing turning head at Laurel Croft is not large enough and therefore does not help vehicles generated by the proposed development that would travel further than the new access/turning area proposed behind the village hall.
- 9.43 On the basis of the above concerns NYCC Highways recommend that planning permission should be refused.
- 9.44 A Highways Statement has been submitted with the application which was prepared by HY Consulting in July 2015 on behalf of the applicant. The statement assesses the risks at the junction of Laurel Croft/Main Street to be very low and concludes that the development proposals are acceptable in terms of highway safety for the following reasons:
- Low volumes of traffic associated with existing and proposed uses within the vicinity of Laurel Croft.
 - Low speeds of traffic along Main Street.
 - Embsay is characterised by restricted visibility and road widths but results in zero personal injury accidents throughout the village.
 - Minor mitigation comprising moving give way line to the east of the junction forward by 500mm
- 9.45 The access from Laurel Croft to Main Street forms part of the adopted highway and in effect the objections of NYCC Highways to the proposal on

highways safety grounds reflect upon the adequacy of the junction which forms part of that adopted highway. NYCC Highways have commented on the proposed junction modification stating that the 500mm change would only increase visibility by approximately 1m.

- 9.46 NYCC Highways also comment that the 10m x 2m splay to the west falls short of the standard which would call for a splay of 30m x 2m.
- 9.47 Given the concerns raised by NYCC Highways regarding highway safety, the proposals are not considered to be in accordance with the NPPF as safe and suitable access to the site cannot be achieved and the highway safety impact is considered to be severe.

Drainage and flood risk:

- 9.48 Local residents have expressed concern about the ability of the site to be drained both with respect to surface water and foul drainage although the site is not identified as being within a flood plain or an area of flood risk.
- 9.49 In this case it is considered that the technical issues relating to drainage from the site can be appropriately dealt with by conditions that would require the prior approval of a drainage system that would have to meet with the requirements of both Yorkshire Water and the Environment Agency.
- 9.50 On this basis it is considered that the proposed development can be dealt with in an appropriate manner and that a refusal of planning permission on the basis of drainage or flood risk cannot be justified.

Impact on trees:

- 9.51 There are a number of trees in the vicinity of the application site that contribute positively to the amenity of the area. The development has been assessed by the Council's arboriculturist who has advised that distances between the development and trees that require protecting are acceptable. If approved conditions can satisfactorily control this matter.
- 9.52 It is therefore considered that the development is acceptable in terms of the impact on trees.

Other matters:

- 9.53 Construction traffic, noise and disturbance to residents have been raised as a concern. These matters typically are issues that would be dealt with under Environmental Health legislation should they arise during the construction phase of development and do not provide grounds to refuse planning permission.
- 9.54 The NYCC Historic Environment Team has not objected and has confirmed that the desk based archaeological investigation submitted with the planning application is acceptable. They have however requested a condition requiring an archaeological watching brief during the construction works.
- 9.55 Concerns have been raised over the lack of infrastructure in the village to cope with increased housing. In particular it has been stated that the local school cannot accommodate any more pupils. Whilst it is acknowledged that the facilities in the village are limited it is not an entirely isolated community and has access to a wide range of services and facilities in Skipton which is

nearby and accessible to residents. With regards to the local school CDC has received no request from the NYCC Education Authority for a financial contribution in respect of this application and such a contribution could not be insisted upon.

- 9.56 Other objections comment on the impact to tourism in the locality. In planning terms this is a very subjective opinion which would be difficult to justify as grounds to refuse planning permission. The view of officer's is that tourism is not likely to be affected to any significant extent by the proposed development.
- 9.57 There are criticisms that there is no ecological report accompanying the planning application as well as claims that there are protected species present on the application site. The site has no identified ecological constraints and it is considered that there is insufficient evidence to indicate that a survey of protected species is necessary in this particular instance. Notwithstanding, should the Council be mindful to grant planning permission and it would be appropriate to attach a condition to require ecological survey work to be undertaken prior to the commencement of development if this is considered to be necessary.
- 9.58 Representations from local residents have made reference to the site being in use as grazing land however the land is not classified as being of high agricultural value and a reason for refusal on this basis could not be sustained.

Conclusion

- 9.60 The Government advises that where plans are out of date, there will be a strong presumption in favour of sustainable development that accords with national planning policies. Paragraph 14 of the NPPF states that where the development plan is absent, silent or relevant policies are out-of-date permission should be granted 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 where specific policies in the Framework indicate that development should be restricted.
- 9.61 The site is within the village of Embsay which is a settlement with some local facilities and good access to neighbouring Skipton. Residential development in this location is in principle given support by the NPPF and there is a strong presumption in favour of sustainable development. The contribution that the development would make to housing supply and affordable housing is also an important consideration in the assessment of the application.
- 9.62 Permitting the development would however have adverse impacts on highway safety and the Council is being advised by the Highway Authority that the development should not proceed for highway safety reasons. It is considered that these adverse highway safety impacts outweigh the benefits of permitting the development proposal and therefore refusal of the application is recommended.

10. **Recommendation**

That planning permission is refused.

11. Reasons for Refusal

- 11.1 The Local Planning Authority considers that clear visibility of 30 metres cannot be achieved along the public highway in a westerly direction from a point 2m metres from the carriageway edge measured down the centre line of the junction of Laurel Croft/Main Street and consequently traffic generated by the proposed development would be likely to create conditions prejudicial to highway safety. This Highway Safety impact is considered to be severe and it is therefore considered that the proposals do not comply with the planning guidance within NPPF.

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.

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

SKIPTON EAST
63/2015/16040

RETENTION OF STONE ARCH TO FRONT OF PROPERTY

38 LONG MEADOW SKIPTON

APPLICANT NAME: MR ADAM MORTIMER

TARGET DECISION DATE: 05/10/2015

CASE OFFICER: Mark Moore

This application is referred to the Planning Committee for a decision at the request of Cllr Harbron on the grounds of public interest and the potential effects on the street scene.

1. Site Description

- 1.1 The application site is the front (northern) roadside boundary of a residential property located at 38 Long Meadow, Skipton.
- 1.2 The property is a modern built semi-detached property that has an inclined front garden rising up to road level.
- 1.3 The site is located within Development Limits.

2. Proposal

- 2.1 Retrospective planning permission is sought to retain an archway that has been constructed in the front garden of 38 Long Meadow. The archway is sited adjacent to the footpath and is constructed in stone. It is supported on two columns and has an overall width of 1.5m with a 0.9m wide gap.
- 2.2 Although no details have been provided by the applicant it is understood that it is intended to construct a stone boundary wall either side of the archway. Provided the wall does not exceed 1m in height it would constitute permitted development and could therefore be erected without the need for planning permission.

3. Planning History

- 3.1 5/63/856: Single storey lounge extension: Approved December 1979.
- 3.2 63/2011/12250: Construction of two storey side extension and alterations to house and patio and the installation of solar panels to rear elevation. Approved January 2012.
- 3.3 63/2012/12656: Non-material amendment to previous approval to extend the new gable end past the roof line to form a parapet with stone kneelers and coping stones. Approved June 2012.

4. Planning Policy Background

- 4.1 **Saved Policies in the Craven District (Outside the Yorkshire Dales National Park) Local Plan.**

H20: Extensions to Existing Dwellings

Appendix F: Residential Extensions.

4.2 **The National Planning Policy Framework**

4.3 **National Planning Policy Guidance.**

5. Parish/Town Council Comments

5.1 **Skipton Town Council:** Objection to the retention of the arch which is totally out of keeping with the street scene.

6. Consultations

6.1 **NYCC Highways:** No objections.

7. Representations

7.1 There are 3 letters from third parties (including one from 'Regent Residents Group').

7.2 The comments are as follows:

- Stone arch is not in keeping with other gardens and garden features within the estate in its appearance or materials.
- Arch will devalue neighbouring properties.
- There has been no consideration of the geography of the property as the structure stands at the same level as the first floor window of the house further accentuating the inappropriate design and positioning.
- No planning permission was sought prior to construction.
- The property owner is a tradesman who uses his front garden as a storage area for his building materials. Constant untidiness brings the area down and restricts the sale of neighbouring properties.

Officer note: The storage of building materials is currently under investigation by the Council's Enforcement Team.

8. Summary of Principal Planning Issues

8.1 Visual impact, impact upon amenity and highway safety.

9. Analysis

9.1 Saved policy H20 and Appendix F of the Local Plan relate specifically to house extensions but are applicable more generally to domestic alterations and improvements. The policy requirements principally seek to ensure that development should be in keeping with the character, scale and design of the original property and should not have an adverse effect on the character of the street scene. Equally, development should not result in a loss of amenity to neighbouring residents or result in any highway safety issues.

9.2 NPPF policies are less prescriptive than the Local Plan policy but nevertheless do make reference to good design which it states should '*contribute positively to making places better for people*'. The NPPF advocates that proposals which help to raise the standard of design in an area should be supported whilst conversely permission should be refused for development of poor design that '*fails to take opportunities available for improving the character and quality of an area and the way it functions*'.

- 9.3 It is considered that the broad aims and objectives of the Saved Local Plan policy are broadly consistent with those of the NPPF and for that reason the policy can be afforded weight.
- 9.4 In consideration of the application to retain the archway it is necessary to come to a view on how consistent the development is with the policy requirements outlined above. Those policy requirements are, in summary, the visual impact of the archway, the impact upon the amenity of the area and highway safety.
- 9.5 The application site is located within a modern estate which has an 'open-plan' aspect i.e. with relatively few walls or fences to the property boundaries adjoining the public highway. There are some exceptions to this and examples can be seen of low stone walls and fence panels of varying heights elsewhere within the estate which cumulatively have eroded the open-plan aspect to a degree.
- 9.6 Notwithstanding the above the overriding characteristic of the estate remains open-plan and the other instances of boundary enclosures are not directly comparable to the application site. For example, in some cases fences enclose rear gardens where more privacy is needed than for a front garden, others are not excessively tall or visually intrusive or have been set back so that they do not adjoin the highway and are therefore permitted development. In other cases boundary enclosures have been formed by hedgerows and are outside of the scope of planning control. Most significantly however is the fact that there are no stone arches elsewhere within the estate and therefore the structure that has been built, and consideration of whether or not it is acceptable, is without precedent.
- 9.7 Considering the key planning policy requirements it is considered that the location, scale and design of the archway are such that it represents an incongruous feature that is out of character with the wider street scene and that it does not accord with the design and construction of either the host property or the neighbouring development. In coming to this view it is acknowledged that the quality of the stone and the construction of the archway are of a good standard and also that it would be part of a stone boundary wall which is yet to be constructed. It is also acknowledged that the purpose of planning control is not to exercise personal preferences or to inhibit development unless the dis-benefits outweigh the benefits of allowing development to take place.
- 9.8 In this case it is considered that the development is of an inappropriate scale and design in the context of this site and that for the reasons set out above it fails the Local Plan and NPPF policy requirements and therefore cannot be approved.
- 9.9 With regards to impact on amenity it is not considered that there are any issues arising from overshadowing or loss of privacy. However, it can be argued that the incongruity of the archway is such that this could be perceived to contribute to a general loss of visual amenity. Whilst this is very subjective it is considered that the impact on visual amenity arising from the incongruous scale and design of the structure is not consistent with

Local plan policy and the NPPF and therefore constitutes a further ground on which to refuse planning permission.

9.10 No objections to the application have been raised by NYCC Highways and it is not considered that the development gives rise to any highway safety issues.

10. Recommendation

10.1 That planning permission is refused for the following reason:

11. Reasons for Refusal

11.1 The location, scale and design of the stone archway are such that it represents an incongruous feature that is out of character with the predominantly open-plan aspect of the wider street scene and does not accord with the design and construction of either the host property or of the neighbouring residential development. For these reasons it is also considered that the unauthorised structure has an adverse impact of the visual amenity of the street scene and that of the occupiers of neighbouring residential properties. As such the development is considered to be contrary to the requirements of Saved Policy H20 of the Craven (Outside the Yorkshire Dales National Park) Local Plan and 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.

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

AIRE VAL W LOTH
21/2015/15681

PROPOSED AGRICULTURAL WORKERS DWELLING AND CREATION OF
NEW ACCESS

LAND ADJACENT TO WOODSIDE FARM CONONLEY WOODSIDE
CONONLEY KEIGHLEY

APPLICANT NAME: MR AND MRS STEVEN LEEMING

TARGET DECISION DATE: 08/06/2015

CASE OFFICER: Gemma Kennedy

This application has been referred to Planning Committee at the request of Councillor Patrick Mulligan for the following reasons;

“I believe the grounds for refusal are tenuous. The main reason seems to involve questions regarding the “financial viability” of the farming business run by the applicants. This business has been going for nigh on 29 years under the stewardship of the same family, so it seems to me it has a track record of viability. I also believe it is in the public interest that this application goes before the Planning Committee. There have been no objections to the proposals from local residents, and the application is supported by Cononley Parish Council.”

1. Site Description

- 1.1 The application site is located in open countryside to the north of Cononley, in the Cononley Woodside area, which consists of several dwellings and farmsteads. Cononley Woodside is located on a valley side, with Woodside Lane cutting through; as such the land slopes steeply up to the west and down to the east from the highway. The application site is part of a 22 hectare parcel of land, upon which there is an agricultural building currently used for cattle. There is also a poly tunnel on the site used for housing and lambing ewes, which does not have planning approval. As well as owning the 22 hectares at Cononley Woodside, the family also own 10 hectares in Carleton, and rent a further 61 hectares located near Carleton, Elslack and Broughton.
- 1.2 The site is served by two access tracks from Woodside Lane, however they are both substandard in terms of visibility at the junction with the highway.

2. Proposal

- 2.1 Full planning permission is sought for the construction of an agricultural workers dwelling along with the creation of a new vehicular access off Woodside Lane. The dwelling would have four bedrooms and a double garage and be constructed from natural stone walling with an artificial stone roof. The proposed dwelling extends to 293 sq. m.

3. Planning History

- 3.1 5/21/256 – Erection of dwelling for agricultural worker. Refused 14/09/1999.
- 3.2 5/21/257 – Erection of agricultural livestock building for accommodation of feed and livestock. Approved 28/07/1999.

- 3.3 21/2003/3693 – Proposed slurry store, new livestock building and mobile home. Refused 11/02/2004.
- 3.4 21/2014/15310 – Proposed agricultural workers dwelling. Withdrawn 29/01/2015.
- 4. Planning Policy Background
- 4.1 Saved Policies ENV1 and ENV2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.
- 4.2 The National Planning Policy Framework (NPPF) and national Planning Practice Guidance (nPPG).
- 5. Parish/Town Council Comments
- 5.1 Cononley Parish Council: “The Council had no objections regarding the new proposed access scheme and therefore resolved to support the application with the restriction that the agricultural tie should stay in place.” Received 17/08/2015.
- 6. Consultations
- 6.1 NYCC Highways Authority: Recommend approval subject to conditions. Received 01/05/2015.
- 6.2 Agricultural Appraisal conclusions: “There is a clearly established existing functional need in relation to the landholdings adjacent to Woodside Farm, Cononley for 1 full time worker actively involved in the management of the holding, to be resident on or immediately adjacent to it. I have calculated the labour requirement on this farming unit and can advise that there is a total existing calculate labour requirement of about 1.2 full time workers. This business has been established for many years, but may struggle to be financially viable in terms of sustainability for a permanent dwelling. Appeal decisions under the NPPF require a business to be sustainable to support a permanent dwelling. At the present time the existing dwellings available to this farming business are too far from the farm steading to meet the existing functional need.” Carried out by AG & P Jackson, Chartered Surveyors and Land Agents May 2015 on behalf of Craven District Council
- 7. Representations
- 7.1 None received
- 8. Summary of Principal Planning Issues
- 8.1 The principle of development; visual impact; neighbouring amenity; highway safety.
- 9. Analysis
- 9.1 **Policy background;**
- 9.2 The application site lies outside development limits, and therefore falls to be assessed under Saved Local Plan Policies ENV1 and ENV2. Saved Policy ENV1 seeks to protect the character and quality of the open countryside from being spoilt by sporadic development by restricting development to small scale proposals appropriate for the enjoyment of the scenic qualities of the open countryside and other appropriate small-scale development having a rural

character. Where this is the case, development must also clearly benefit the rural economy; help to maintain or enhance landscape character; be essential for the efficient operation of agriculture or forestry; or be essential to the needs of the rural community.

- 9.3 Where development is acceptable in principle under Saved Policy ENV1, it must also comply with Saved Policy ENV2, which sets out criteria relating to design, materials and traffic (amongst other things).
- 9.4 In terms of national planning policy, paragraph 14 of the NPPF sets out that at its heart is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. It goes on to state that for decision making this means (unless material considerations indicate otherwise); 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 NPPF as a whole, or, specific policies in the NPPF indicate development should be restricted.
- 9.5 Paragraph 28 of the NPPF “planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood 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; promote the development and diversification of agricultural and other land-based rural businesses.
- 9.6 Paragraph 55 of the NPPF sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the *essential need for a rural worker to live permanently at or near their place of work in the countryside*.
- 9.7 The Craven District (Outside the Yorkshire Dales National Park) Local Plan was adopted in 1999, and it was therefore not prepared under the Planning & Compulsory Purchase Act 2004. Paragraph 215 of the National Planning Policy Framework (NPPF) states that policies not adopted in accordance with the 2004 Act need to be considered in terms of their degree of consistency with the NPPF “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 with the local plan, the local plan policies carry limited or no weight and the application should be assessed against the new Framework.
- 9.8 With regards to Saved Policy ENV1, this policy places significant importance on the presence of development limits. As the development limits were defined in 1999 (and have not been reconsidered or altered since), this aspect of policy ENV1, in terms of considering the principle of development outside development limits, is out of date, and the development limit boundaries that were defined in relation to this policy carry very limited weight in the decision

making process. However, Policy ENV1 also has an objective of seeking to protect the scenic qualities of the open countryside and preventing harm to landscape character. The policy does not conflict in this respect with the NPPF that includes similar aims and objectives and therefore the policy has some limited weight.

- 9.9 Saved Policy ENV2, whilst linked to Saved Policy ENV1, sets out general planning considerations for development in the open countryside, which are considered to be broadly in line with the NPPF. This policy therefore carries some weight in the decision making process.
- 9.10 The criteria within the applicable Saved Local Plan Policies, and the NPPF, will be considered in further detail in the following sections of the report.

Principle of the development including the agricultural justification;

- 9.11 The application has been submitted with an ‘Agricultural Dwellinghouse Appraisal.’ Within this document reference is made to Planning Policy Statement 7 (PPS7) “Sustainable Development in Rural Areas.” Whilst this national policy has now been deleted and therefore carries no weight, in the absence of any detailed guidance within the new NPPF on how to establish whether there is an essential need for a new dwelling for a rural worker, it is considered that the detailed advice within Annex A of PPS7 is of assistance. For example in an appeal decision (APP/E0915/A/13/2191262) “the parties agreed that the application of the functional and financial tests set out in Annex A (of PPS7) continue to be good practice.”
- 9.12 The functional test is to establish whether it is essential for the proper functioning of the enterprise for a worker to be readily available at most times. The financial test considers the length of time the business has been established, its profitability, whether it is financially sound and whether it is likely to remain so.
- 9.13 The Local Planning Authority has commissioned a report on the proposed agricultural workers dwelling, undertaken by Mr Alan Jackson who has carried out similar assessments and reports for Craven previously.
- 9.14 Functional need:
- 9.15 The first consideration is whether there is a clearly established existing functional need for an agricultural workers dwelling on the site. The report carried out for the Local Planning Authority considers that there is a case for this. At present the following livestock are kept on the landholdings; 250 breeding ewes, 50 gimmer shearlings, 8 tups, 75 purchased store lambs for fattening, 20 suckler cows, 10 calves bought in to rear as store cattle. The report states that as livestock will need to be checked on a daily basis and any sick animals cared for often outside normal working hours, there is a need for a worker to be resident on the holding.
- 9.16 Another aspect of the functional need is whether there is a requirement for a full time worker on the farmstead. The report considers that based on current livestock numbers and cropping practices there is a total calculated labour requirement of about 1.2 workers. There is therefore a functional need for a full time worker to live on the holding.
- 9.17 Financial viability:

- 9.18 The generally accepted method of considering financial viability (as set out in Annex A to the former PPS7) is to examine whether *“the unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so.”*
- 9.19 Alan Jackson in his report to the Council states that *“I am aware that the NPPF requires an essential need to be demonstrated but does not specifically require a financial test.”* He goes on to state that based on a judicial review of Northumberland County Council and Embleton Parish Council, he is of the opinion that a *“Planning Authority may have regard to the financial position but needs to decide how much weight to attach to those financial aspects.”*
- 9.20 This view is supported by ‘Development Control Practice’ (a planner’s reference document, which sets out case law and best practice); *“Although the NPPF does not require a financial test to be passed, as was the case in PPS7, any business which is commercially unsuccessful may be deemed to not be sustainable. The rural enterprise and the activity concerned should therefore normally be financially sound and should have good prospects of remaining economically sustainable for a reasonable period of time, usually at least 5 years...In order to determine whether a need is both essential and permanent inspectors have found that it is not only necessary to establish whether there is a physical need for someone to be on-site at most times, but also whether the operation itself has reasonable long term prospects such that it can be regarded as permanent. Therefore, whilst a ‘financial test’ of the kind previously identified in the now cancelled PPS7 does not feature in the NPPF, it has been found that there is no reason to discount it as a potentially useful tool in assessing whether permanent residency would be justified.”*
- 9.21 Appeal decisions since the introduction of the NPPF also support this approach; in 2013 an Inspector agreed that the low income generated by a plant business was insufficient to support a permanent dwelling and dismissed the appeal (APP/E0915/A/13/2191262). In March 2015 the Secretary of State of the DCLG called in an appeal decision, dismissing an appeal for the retention of an agricultural workers dwelling. Whilst other issues were considered, one of the reasons for dismissing the appeal was that the low income from the farming enterprise was considerably less than a target profit of £18,000 agreed at the appeal hearing.
- 9.22 In the application at Cononley Woodside the family farming business has been in operation for considerably more than 3 years (30 years in this instance) and so meets the first aspect of consideration. The report commissioned by the local planning authority considers that a net farm income after all expenses such as feed, fertiliser and property maintenance, should be at least equivalent to an average agricultural workers minimum wage, which was £16,500 per annum. In October 2013 ‘The Agricultural Wages Board’ was disbanded and therefore minimum wages are no longer set for the industry. However, the report suggests, based on alternative evidence and figures, that the average income of an agricultural worker is approximately £18,000 to £20,000 per annum.
- 9.23 Mr Alan Jackson requested copies of the farming accounts, which have been provided and date back to 2011, and he has used these unaudited accounts to

assist with his report. The accounts have also been made available to the case officer, however due to the sensitive financial information in these documents these are exempt from public viewing. The accounts show that the 'personal drawings' or wages taken from the farm are significantly below the average income of an agricultural worker. Similarly, the operating profit (whilst higher than the 'personal drawings') still remains significantly lower than the average income of an agricultural worker.

- 9.24 The report commissioned by the Council states that based on the net annual farm income that this business is likely to achieve, and the current numbers of livestock and cropping practices, this farming business may struggle to achieve financial viability. The applicants have since provided a 'projected income' if sheep stock increased from 250 to 760 – and if the stock was sheep alone (i.e. no cattle). This would provide a higher income than the average agricultural workers wage. However, it is unclear how this figure has been reached, as whilst the number of sheep would be tripled, the personal drawings are shown to increase by a figure of 8 (based on the highest personal drawing figure of the last four years). Furthermore, the cost of tripling the flock would be significant.
- 9.25 The Local Planning Authority is therefore not satisfied that the current operation of the farm, or its projected operations, would generate sufficient income to make the construction and maintenance of a large new dwelling sustainable. The risk is that a permanent dwelling is permitted and the business fails to support it, resulting in an isolated dwelling in the open countryside which ties the dwelling to the business by an agricultural occupancy condition that cannot be complied with, albeit that occupancy conditions do not tie a house to a specific holding. The proposal is therefore considered to fail to accord with the requirements of Paragraph 55 of the NPPF, which sets out that such dwellings will only be permitted in special circumstances.
- 9.26 It may be the case that, at some point in the future, justification can be made for a temporary residential structure on the site (possibly leading onto a permanent structure in the long term) should an application be submitted. However, based on the current accounts and farming operations a new permanent dwelling is not justified in this instance.

Visual impact of the proposed development;

- 9.27 The NPPF states that Local Planning Authorities should “*Take account of the different roles and character of different areas....recognising the intrinsic beauty of the countryside and supporting thriving rural communities within it*”. The NPPF also advises that Councils should also look to contribute to and enhance the local environment by “*protecting and enhancing valued landscapes*”
- 9.28 Saved Policies ENV1 and ENV2 seek to protect the character and quality of the open countryside by only permitting small scale development appropriate to the scenic qualities of the countryside. The design of structures should relate well to the setting taking into account of the immediate impact and public views of the development.

- 9.29 The proposed dwelling is of an acceptable design; traditional in terms of its general form and appearance, with features including a chimney and porch. The use of natural walling, and artificial stone roof slates will result in a development that is visually appropriate in an open countryside location.
- 9.30 The dwelling would be located in an elevated position above Woodside Lane, and would be visible from this highway. Whilst in an open countryside location, situated adjacent to an existing farm building, the purpose of this new dwelling would be clear in terms of it serving an agricultural purpose. From farther afield the dwelling would also be visible from the A629 Keighley Road (to the east); set against the valley side, and adjacent to the existing agricultural building, the proposed dwelling would not appear out of context with its surroundings.
- 9.31 Due to the elevated nature of the application site above Woodside Lane, and the need to provide a new safe access to the agricultural holding, a significant opening would be formed in the valley side, at its maximum having a width of 16 metres alongside Woodside Lane, narrowing to a minimum of 3 metres. The proposal will involve the removal of dry stone walling, self-seeded trees, and hedgerows, but will also involve the planting of new landscaping, and the installation of new dry stone walls and post and rail fencing (it is unclear from the plans where the walls and fencing are proposed, but a condition of consent could require the submission of further details of these). The works proposed to create a new access would have a significant impact on the character and appearance of part of the roadside along Woodside Lane. However, a balanced consideration needs to be made on the need for providing a new safer access to serve the farm holding and dwelling, versus those impacts.
- 9.32 **Highway safety;**
- 9.33 NYCC Highways Authority has been consulted on the application, and has raised no objections on highway safety grounds. The proposal is therefore considered to be acceptable in terms of highway safety.
- 9.34 **Conclusion;**
- 9.35 Paragraph 14 of the NPPF sets out that where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted 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.
- 9.36 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. The three dimensions of sustainable development, as set out at paragraph 7, are economic, social and environmental.
- 9.37 The proposed agricultural workers dwelling would meet the social dimension, by providing a new house for the applicants. From an economic perspective the new agricultural workers dwelling would allow the continued operation of an existing farming business; it has been recognised that there is a functional need for an agricultural worker to be resident on this site. However, from an alternative economic perspective the farming business is not considered to be generating sufficient income to support a new dwelling on this site; to allow a

new dwelling on this basis would be unsustainable (i.e. based on the information submitted to the Local Planning Authority, it is not considered that the existing farming business cannot sustain a new dwelling).

- 9.38 In terms of visual impact, or the environmental role of sustainable development, one of the core principles of the NPPF sets out the need to recognise the intrinsic character and beauty of the countryside. Where the principle of development is accepted, then the visual impacts of the construction of a new dwelling and the creation of a new highway access in an open countryside location would be outweighed by the benefits of providing that new dwelling (i.e. to serve the farm business) and access (to improve highway safety). However, in this instance the principle of development cannot be supported, and therefore the benefits of the development cannot outweigh the adverse visual impacts.
- 9.39 In this instance, the benefits of granting planning permission would be fulfilling a functional need for a full time agricultural worker to reside on the holding. The adverse impacts of granting planning permission would be that the financial case put forward for the business is not sufficiently robust to justify the proposed dwelling. It is considered that permitting an agricultural workers dwelling under these circumstances would be economically unsustainable, therefore failing to meet the general principles of the NPPF with regards to sustainable development. Furthermore, with the general principle of the dwelling not supported, then the visual impacts of the development (in terms of the construction of a new dwelling in an open countryside location, along with the significant works proposed to create a new access) cannot be outweighed by the benefits of the development.
- 9.40 In conclusion the adverse impacts of the development significantly and demonstrably outweigh the benefits, and the proposal fails to accord with paragraph 14 of the NPPF.

10. Recommendation

10.1 Refuse

11 Reason for refusal

- 11.1 The Local Planning Authority is not satisfied that the existing farming enterprise is financially sound and has good prospects of remaining economically sustainable for a reasonable period of time to the extent that the construction of a large new permanent agricultural workers dwelling in this open countryside location should be permitted. The proposal therefore fails to accord with the aims and objectives 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. In particular the Council has additional information to help to address the planning issues which have arisen in relation to dealing with this application.