

**PLANNING COMMITTEE MEETING AGENDA**

**Monday 9<sup>th</sup> May 2016**

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

*BENTHAM  
08/2015/15917*

*USE OF LAND FOR STATIONING OF UP TO 2 CARAVANS FOR  
RESIDENTIAL OCCUPATION/USE BY A SINGLE GYPSY FAMILY AND USE  
OF EXISTING BUILDINGS AS UTILITY BLOCK/STABLES AND STORAGE  
BARN (RETROSPECTIVE APPLICATION).*

*CLAY BARN WATERSIDE POTTERIES BENTHAM MOOR ROAD HIGH  
BENTHAM LANCASTER*

APPLICANT NAME: MR & MRS ROBERT DUGDALE

TARGET DECISION DATE: 24/12/2015

CASE OFFICER: Mark Moore

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**This application is referred to the Planning Committee for a decision as it seeks a full planning permission following a temporary planning permission originally granted by the Planning Committee in June 2006 and renewed following further consideration by the Committee in 2010 and again in 2012.**

1. Site Description

- 1.1 The application site, known as Clay Barn, is located on the southern side of the River Greta off the north-east side of Bentham Moor Road to the south of Burton-in-Lonsdale. Waterside Potteries and Willow Cottages is situated approximately 80m to the east of the application site and comprises a small group of 7 residential properties.
- 1.2 The site comprises a roughly rectangular plot of land measuring between 40 to 45m in width and 20 to 25m in depth which is partially grassed and partially covered with a hardstanding area. The site boundaries are defined by post and rail fencing although there is a low level stone wall across the site frontage. The access to the site is located to the north-west corner of the site and opens onto a shared (un-adopted) access which also serves Waterside Potteries.
- 1.3 In addition to the immediate application site the applicant owns the land to the east, west and south of the site forming a large triangular area bounded between the shared access to the north and the continuation of Bentham Moor Road (Skipton Gate) to the south.
- Officer note:** Although not shown on the submitted application the applicant's agent has confirmed that the applicant also owns the shared access.
- 1.4 The site faces towards the River Greta to the north and onto a grassed slope leading up to Bentham Moor Road to the south. It is located outside of Development Limits in open countryside as defined in the adopted Local Plan.
- 1.5 Buildings on the site comprise a modern, enclosed agricultural barn constructed of blockwork, timber and profiled sheeting which is situated to the eastern end of the site and a smaller wooden building located immediately to the south of that. The larger building is described as a barn and is used for general storage purposes and stabling whilst the smaller building is used as a utility shed.
- 1.6 In addition to the buildings the site is occupied by a large static caravan and there is also a touring caravan which is generally kept at the western end of the site. The open area below the static caravan has been enclosed with blockwork and a raised patio and steps have been constructed along its frontage. The site has a hard

standing area forward of the static caravan and barn which is directly accessed from the un-adopted road serving Waterside Potteries.

2. Proposal

2.1 This application seeks planning permission for the following:

*'Use of land for the stationing of up to 2 caravans for residential occupation/use by a single gypsy family and use of existing buildings as utility block/stables and storage barn'.*

Specifically, permission is sought to retain the existing development and use of land on a permanent basis by the applicant and his immediate family. The application is accompanied by a statement prepared on behalf of the applicants by a planning consultant.

**Officer note:** The application as originally submitted sought to remove conditions 1 and 2 of the previous temporary planning permission (Ref: 08/2015/15917) that expired on 1<sup>st</sup> July 2015. The removal of those conditions would have allowed unrestricted permanent occupation of the site. The application was publicised and consulted upon, but it subsequently transpired that insufficient supporting information provided with the application meant it had to be treated as invalid. The original planning permission (Ref: 08/2015/15917) had subsequently lapsed and therefore an application to remove conditions 1 & 2 (with the correct supporting information) could no longer be considered. This application is now therefore submitted on the basis of retaining the existing development and use of the land on a permanent basis by the applicant and his immediate family. Amended application forms and supporting information has been received and new publicity / consultation undertaken.

2.2 The applicant Mr Robert Dugdale and his family, which comprises his wife and seven children (aged 1-18), first occupied the site in October 2004. At this time there was no planning permission authorising the use of the land although this was regularised in June 2006 with a temporary planning permission to retain a touring caravan on the site and the smaller building, which was in use as a domestic shower/toilet block.

2.3 The permission specifically granted:

*'Change of use of land to private gypsy site to allow applicant and immediate family to occupy existing caravan on the site and retention of existing building used as a domestic shower/toilet block'.*

2.4 In 2007 a further application was submitted, on this occasion seeking to vary a restrictive condition on the previous approval in order to allow a static caravan to be retained on the site in place of the touring caravan. This variation was allowed and the applicant subsequently brought a static caravan onto the site. As this permission sought only to vary a condition the use of the site was still subject to the time limitation imposed on the original approval which expired in June 2008.

2.5 In 2008 an application was submitted which sought a further extension of the use of the land, specifically to vary a condition imposing time limits on the occupation of the site to enable the applicant to extend his planning permission for a further five year period. The further extension of the use of the land was proposed as a temporary personal permission limiting the occupation of the land to the applicant and his immediate family.

2.6 Following consideration of the above application planning permission was granted for a further 5 years but was back dated to the expiry date of the previous temporary permission.

- 2.7 In coming to the decision to grant a further temporary planning permission the Council took into consideration the advice of the then extant circular 01/2006 'Planning for Gypsy and Traveller Caravan Sites'. The circular required local authorities to consider applications for gypsy/traveller sites favourably if there were no other overriding reasons to refuse and if the authority could not demonstrate that it had sufficient sites available to meet its identified needs in relation to gypsy/traveller sites.
- 2.8 At that time the Authority had a shortfall of gypsy/traveller sites and it was therefore considered appropriate to grant a further temporary planning permission pending the outcome of the emerging Local Development Framework (LDF). Specifically, it was anticipated that sites would be allocated within the LDF and that it would then be appropriate to reconsider the use of the application site.
- 2.9 It also should be noted that the condition preventing the siting of both a static and a mobile caravan on the land referred to in paragraph 2.4 was not re-attached as it was contrary to planning guidance and was therefore considered to be unreasonable. The condition was subsequently removed from the decision on the 2008 planning application. Mr Dugdale has therefore since been allowed to keep both a static and a touring caravan on the site.
- 2.10 In 2011 a further application was submitted and granted for a temporary period expiring in July 2015. The basis for the temporary permission was that it was anticipated that the Local Plan would be delivered before expiry of the permission and that it would include allocated sites which would meet the needs of the applicant and his family.

**Officer note:** The current application was submitted in its original form before the most recent temporary permission had expired. However as explained earlier in this report, due to a procedural problem the application was subsequently treated as invalid, re-commenced in an amended form, and fresh publicity / consultation undertaken.

- 2.11 The current application now seeks permission on a permanent basis for the use of the site for occupation by any gypsy or traveller. The description of development submitted by the applicant's agent does not suggest that a personal permission is sought, rather the permanent occupation of the site as a 'single residence' gypsy/traveller site on a permanent basis.
- 2.12 It is clear from the submitted location plan and site layout that the application relates to the site as described in previous planning applications which includes:
- A barn
  - A stable/utility shed
  - A static caravan
  - A touring caravan

### 3. Planning History

- 3.1 5/8/512 – Retention of agricultural building for cattle, feed, hay, straw and implements. Approved February 1992.
- 3.2 5/8/589 – Erection of dwelling house. Refused October 1996.
- 3.3 08/2005/5537 – Change of use to private gypsy site to allow applicant and immediate family to occupy existing caravan on the site and retention of existing building used as a domestic shower/toilet block. Approved for 2 years June 2006.

- 3.4 08/2006/6962 - Variation of condition 2 of planning permission Ref 8/2005/5537 to allow one static caravan to be placed on site (instead of a touring caravan) and erection of wooden building for domestic storage purposes. Approved February 2007.
- 3.5 08/2008/8736 – To vary condition on 08/2005/5537 so that permission is granted to run for a further 5 years. Approved June 2010 (permission granted was backdated to expiry of previous approval and therefore this permission expired on 1<sup>st</sup> June 2011).
- 3.6 08/2011/11988 - Change of use for stationing of caravans for occupation by a single gypsy family and use of building as utility block. Approved in July 2012 for a temporary period expiring on 1<sup>st</sup> July 2015.

4. Planning Policy Background

4.1 **National Planning Policy Framework**

4.2 **National Planning Policy Guidance**

4.3 **Planning policy for traveller sites (DCLG: August 2015)**

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

ENV1: Development in the Open Countryside.

ENV2: Requirements for Development in Open Countryside.

H17: Single Residential Caravans and Mobile Homes.

H18: New Sites and Extensions to Sites for Residential Caravans and Mobile Homes.

T2: Road Hierarchy.

4.5 **CDC Traveller Housing Needs Survey (January 2013)**

4.6 **CDC Gypsy and Traveller Household Formation and Growth Rates (March 2015)**

5 Parish/Town Council Comments

5.1 Bentham Town Council:

*'The Council agreed that this site was a continuing frustration, with the same conversation being generated at regular intervals with no apparent resolution. Indeed it was suggested that the letter sent to you in October 2011 could be more or less recycled again!*

*Once again the current planning permission for temporary use expired on the site on 1 July, consequently the land should no longer be occupied and should already be in the process of being restored to the agricultural land that it was prior to occupation. As this restoration was supposed to be in accordance with a scheme approved in writing prior to the event it would appear that once again Craven Planning has been in dereliction of its duty – as has so often happened with this particular applicant in the past.*

*The current application does not supply any plans for the site (again) and the supporting planning statement is extremely vague in its outline of the continuing use of the site. This application seeks to remove the current, now expired conditions 1 & 2 – namely that the residential occupation of the land can only be carried out by Mr Dugdale and his dependants for a temporary period, and that upon cessation of the permission the land shall be returned to agricultural use.*

*The letter from Mrs Heine requests that permission be given on a permanent basis, not just to Mr Dugdale and his family but for 'any Gypsy Traveller without reliance on personal limitation'. This new proposal is a significant departure from the now expired temporary permission and would allow for any number of gypsies to use the site. Condition 3 does limit the number of caravans on the site, but as every other planning application for this site has been retrospective there is nothing to say that it will be upheld.*

*Residents of Waterside Potteries are particularly concerned about this as Mr Dugdale, as owner of Clay Barn, also owns the lane into Waterside Potteries and all the land up to the other properties' boundary fences - meaning that these dwellings would effectively be on the gypsy site should it be given permanent status.*

*This proposed change of conditions is further creeping development of a site outside the development limits which would not normally be allowed by saved policy ENV1, and Council questions whether this discussion would have been had with any other family. Craven Planning has already declared this site unsuitable on more than one occasion. Craven appears to have done nothing in the interim to find a suitable gypsy site. If it was unsuitable for one gypsy family it cannot be a suitable permanent site for several. The Council would therefore recommend very strongly that this application is refused'.*

5.2 Although within Bentham Parish the site is actually on the outskirts of the village of Burton-in-Lonsdale.

5.3 **Burton-in-Lonsdale Parish Council:** Objects to the application commenting as follows:

1. *'It should be noted that the details given in the application form and supporting statement appear to be contradictory and confusing when considering the application. The Description of Proposal at section 5 of the application is for 'stationing of caravans for occupation by single Gypsy families and use of building as a utility block'. At section 6 the requested removal of conditions 1 and 2 is 'to make permission permanent for occupation by any Gypsy-Traveller'. These quotations conflict with the supporting Planning Statement prepared by Ms Heine which states 'Change of use for stationing of caravans for occupation by a single gypsy family and use of building as utility block'. Approval of the application as submitted creates ambiguity which could lead to an unlimited number of caravans being introduced in the future with retrospective applications being very hard to deny if the permanent permission applied to 'any gypsy/traveller'. This application should therefore be rejected as the site is not suitable for additional caravans.*
2. *The application is vague: it does not define the exact number of families or people, nor their relationship to the applicant, nor the number of caravans, vehicles, etc.; there is potential for increased/unlimited traffic flows, increased waste management issues and pressure on a limited site, already deemed unsuitable for permanent occupation, and not accounted for in this application.*

3. *Previously, the site was given temporary permissions personal to the applicant only, as it was deemed unsuitable for a permanent site for safety and locational reasons. The applicant stated in support of his application 08/2011/11988: 'I made this application for myself and my family and at no time will any other family be allowed to live on my property'. The applicant now appears to wish making the site permanent and extend the permanent use to any Gypsy family (our italics). There have been no changes either to safety or the site location, since the most recent permission granted in 2012. Because of the unsuitability of the site for permanent occupation, the number of caravan units (both static and mobile) should be limited to a total of two. The site's use should also be limited to that of the applicant and his immediate family (i.e. partner and children).*
4. *Whilst the site is outside a designated development area, in 'open country', it is, nonetheless, adjacent to six other dwellings, themselves established, in accordance with local planning regulations, many years before the temporary gypsy site. The gypsy site was established by erecting structures and then seeking planning permission after construction. The physical features of the application site limit the amount of space available to accommodate both humans and horses.*
5. *To date, there are three gypsy sites in Craven District listed in the most recent draft Craven District Plan: one authorised permanent, one unauthorised and one temporary site, that of the Clay Barn Field, Waterside Potteries. It is included in the current draft District Plan as a temporary gypsy site; there is no assumption in the document that the site should become permanent, as suggested in the application's supporting statement, and, because of the draft District Plan's status, cannot be used to support the application. The most recent Gypsy and Travellers Accommodation Assessment of 2012 stated there appeared not to be any need for additional accommodation.*
6. *Whilst the applicant is well-accepted by the local community, the potential increased numbers of site occupants would lead to an imbalance between the current permanent residents of Waterside Potteries and those on the gypsy site; unless managed sensitively, there is potential for friction between the two communities, if they became out of balance.*
7. *The family connections to the locale relate to not only the temporary Clay Barn site, but also a permanent site at Melling, Lancashire, some 3 to 4 miles away; increased traffic flows to/from the site may obstruct other residents' access to/from their properties. Waterside Potteries is a cul-de-sac; the applicant owns the entire access road leading from Bentham Moor Road to the other residents' boundaries with the application site, not 80 metres away as stated by the Planning Department. The restricted nature of the access has the potential to lead to friction between the two communities, should difficulties regarding use of the track arise, preventing enjoyment of the access road amenity by either the residences or the gypsy site'.*



6. Consultations

6.1 **CDC Environmental Health:** No objections.

6.2 **CDC Housing Services:**

*'Under the duties contained within the Housing Act 2004 all LAs must assess the need for Gypsy and Traveller sites in their area and to develop strategies to meet that need.*

*Craven District Council commissioned Opinion Research Services (ORS) to undertake a Traveller Housing Needs Study with the objective of providing:*

*a) up to date evidence about the accommodation needs of Gypsies and Travellers and Showpeople in Craven during the period until 2028 in five year sections covering 2013-2018, 2018-2023 and 2023-2028.*

*b) Proposed targets for future provision in Craven to address the identified need*

*The assessment concluded that:*

*"The estimated extra site provision that is required now and in the near future for Craven will be one pitch to address the requirements of the household on a site with temporary planning permission. The main private site in Craven is likely to see a balance of in and out migrants and formation and dissolutions and hence is unlikely to generate additional need while the only unauthorised site does not require planning permission. There is no evidence of any household wishing to live on a public site in Craven.*

*..... the estimated extra provision that is required for Gypsies and Travellers in Craven is one pitch on a private site in the Northern area of the district. This requirement is for a family who will see their temporary planning permissions expire in 2015. "*

*Based on the evidence of assessed need if the Council sought to refuse permission for this site then we would as a direct consequence cease to meet the accommodation needs of the Gypsy & Traveller community. We would subsequently have an identified need for one pitch.*

*The evidence is specific in identifying that the need is for the household on the "site with temporary planning permission" and for that reason we would not recommend the removal of Condition 1 – restricting residential occupation of the land only by Mr Robert Dugdale and his resident dependants. This restriction ensures that the identified need of this family evidenced in the Gypsy & Traveller Accommodation Assessment is met and also by granting permission for this household is meeting the potential homelessness duty as detailed in the Housing Options Response below'.*

In relation to alternative housing options Housing Services has concluded:

*'.....the applicant is likely to be found culturally adverse to bricks and mortar accommodation, and the duty of the local authority would then be to ensure that a site was made available to him, on both a temporary and*

*permanent basis, but this does not necessarily have to be in the local authority area.*

*If the Council sought to discharge it's duties by providing bricks and mortar, on the basis that there is no site available then I believe that this would be 'Wednesbury' unreasonable i.e. a decision to which no reasonable authority could have come to<sup>1</sup> as the applicant is at present occupying land that could be made available to him as a site, and would be successfully challenged'.*

**Officer note:** The full response of the Housing Services Team is attached as Appendix 1 to this report.

6.3 **Electricity North West:** Site has no impact on the electricity distribution system infrastructure or other ENW assets.

6.4 **NYCC Highways:** Comment that it is County Council policy that where an access serves more than 5 dwellings, that access shall be made up to adoptable standard. The applicant does not own or control the means to provide an adoptable estate road.

**Officer note:** This latter statement is incorrect as it is apparent that the applicant owns the shared access road.

NYCC Highways recommend that planning permission is refused for the following reason:

*'The Planning Authority considers that the roads leading to the site are by reason of their poor alignments/ poor junctions / insufficient widths / poor condition / unsuitable gradients and lack of footways/lighting/turning area considered unsuitable for the traffic which would be likely to be generated by this proposal'.*

## 7. Representations

7.1 The Council has received responses which both object to and support the application.

**Officer note:** Due to the aforementioned procedural problem with the initial application and a revised description of the development consultations were undertaken twice for the application. The following is a summary of all the comments that have been received and adjustment made for duplicated letters/addresses.

7.2 There are a total of **48 letters objecting** (9 comments are from objectors who had commented prior to the re-consultation) and a written statement prepared by a solicitor acting on behalf of objectors.

The comments raise objections to the application on the following grounds:

- The application would give rise to highway safety issues on Bentham Moor Road which has no footpath and is not suitable for children to walk along.
- The site is located in open countryside and would be contrary to Saved Local Plan policies ENV1, ENV2, H17 and H18.
- A gypsy site on a narrow cul-de-sac lane a few metres from the residences of Waterside Potteries is not appropriate.

- Site is not well located for access to local services and is not high quality and does not protect or enhance the natural, built or historic environment and is therefore contrary to the NPPF.
- There has been no community engagement with the local community contrary to the NPPF.
- If permission were to be granted this would set a precedent for the land surrounding the site and in general across the district.
- Applicant has a large family and it is likely that once the children are no longer dependent on Mr Dugdale they will wish to live on the site in the family group but in separate caravans.
- If permission is not restricted to Mr Dugdale personally it is possible that site may be sold on to others in due course as a gypsy site making its future more uncertain.
- Present conditions control the site but removal of these will not do so.
- A remaining condition to limit the number of caravans is insufficient on its own and will be subject to applications to vary in the future.
- Local residents have been tolerant of this traveller site in the hope and expectation that it would eventually be returned to its previous use as an agricultural field and on the understanding that it was accommodating one family. They have rights including not being part of an extended traveller site which could potentially happen due to the ownership of the access lane by the applicant.
- The applicant has a long history of not abiding by the conditions set down under temporary permissions and the making retrospective applications.
- If Council is to approve application situation should remain one family, one fixed dwelling and one travelling caravan on a temporary basis. If not a permanent permission there is potential for future gradual and unplanned changes of use and ever increasing impact on the locality.
- Any intensification of the site will impact adversely on the access to and from the residential area.
- The fundamental issue is the failure of CDC to develop a coherent policy and plan which is leading to ad hoc development that impacts adversely on local residents.
- A gypsy/traveller site is out of character with the surrounding buildings and landscape.
- The Dugdale family have lived at the site without permission originally and with temporary permissions subsequently for 11 years but this does not make the site any more appropriate as a gypsy site.
- Neither the applicant nor the Council has made much effort to find an alternative site since it was first occupied.
- The applicant gives no clear indication of what developments are planned and it is therefore impossible to evaluate the planning implications.
- Supporting report from planning consultant is uninformative.
- National guidelines state that a gypsy site should not dominate the settled community. The Clay Barn site dominates Waterside Potteries as the residents share a boundary with the applicant's land and can only access

their property on the driveway owned and controlled by him. No other sites exist where the local settlement has been isolated in the way that this site does.

- Drainage and sewerage from the site has not been properly addressed,
- Mr Dugdale's brother has approval for a large permanent site at Melling where the applicant previously lived and currently works. Also applicant's children attend school in Melling and with cross Authority co-operation family could return there.
- Site is often untidy with scrap materials stored outside.
- There are already four green bins on the narrow lane on refuse collection days and a further expansion of the site would lead to an intensification of this.
- There is often a foul smell which would seem to be an overflow from the earth closet. Proximity to river and intensification of the use of the site could lead to problems with pollution.
- National planning policy requires sites to be suitable for use taking account of ground conditions and land instability. The site is not suitable due to extreme slope, historic clay works and the possibility of landslides and the formation of gas.
- Council has previously refused permission for a house on the site as the site is in open countryside in an area where such new development would not normally be permitted.
- Waterside Potteries has historical significance and should be protected from adverse impact of caravans.
- The visual appearance is totally in contrast to the original development and is more prominent visually than the housing development (Waterside Potteries) which sits discreetly into the surrounding landscape.
- Application is too vague and open to interpretation which could lead to an expansion of the site which would overshadow the settled community.
- What is definition of 'gypsy family'? e.g. does this include extended family, elderly relatives, children's future spouses etc? Ambiguity of application could lead to further problems in the future.
- Mr Dugdale cannot expect permission that would not be extended to anyone else to change the status of the land at Clay Barn.
- It is time CDC identified land on which to put the gypsy sites it needs then Mr Dugdale would be able to settle somewhere permanently and legally. CDC has a duty to resolve this issue satisfactorily.
- The road and junction are unsuitable and dangerous for the movement of caravans.
- Surely public money would be better used in finding an appropriate site for the needs of this family as the case has dragged on for years with no satisfactory outcome. Allowing developments on sites which are already recognised by planners as unsuitable is bound to cause problems with both the gypsy and settled communities.
- Site is very prominent and any more caravans would make site even more dominant.

- Forcing residents to live as part of a gypsy/traveller site would be against their human rights.

7.3

There are **26 letters expressing support** for the application, summarised as follows:

- There are no substantiated complaints against Mr Dugdale or his family who are respectable, decent and hard working.
- Government policy consistently advocates the provision of suitable gypsy sites and Mr Dugdale and his family should be allowed to settle on their own land.
- Mr Dugdale is settled in the area, his children attend local schools and he is paying Council Tax on the site.
- Family are well thought of and an asset to the local community.
- Mr Dugdale would not be able to find another suitable site to accommodate his family or carry on his trade of building traditional horse drawn trailers and caravans.
- Mr Dugdale's son wishes to carry on his fathers' trade and to become a farrier, both skills which are in demand and of benefit to the community.
- At no time has Mr Dugdale allowed other gypsy families to stay on the site and he has no intention of having a gypsy camp.
- Mr Dugdale parks his harness carts as other people park their cars and he does not carry out his business on the site.
- Children have attended local schools and are always well mannered.
- Mr Dugdale should be given an opportunity to settle on the site and provide for his family.
- The caravan and touring caravan are not large structures and a largely hidden by a stone wall and trees.
- A more suitable site would be difficult to find.
- The site is a sustainable location.
- There are six Dugdale children attending the school in Melling. Refusing permission would disrupt their education unnecessarily.
- Caravan sites are part of the local environment and Mr Dugdale's site is clean and attractive and an asset.
- CDC has a duty to provide sites but has failed to do so. This site should therefore be approved.
- Mr Dugdale is self-sufficient and supports his family. It would be unfair and against his human rights if he if the family were to be moved.

**Officer note:** The supporting letters are mainly character references from people acquainted with the applicants. Letters have been received from both local residents and from people further afield including the Dugdale children's schoolteachers and relatives of the applicants. The letters express support for Mr Dugdale and his family and outline the concerns that the supporters have regarding the welfare of the family, in particular the children, should planning permission be refused. The supporters are of the view that planning permission should be granted for the Dugdale family to remain on the site.

**Officer note:** Copies of all third party representations including the statement prepared by the planning consultant are available to view on the Council's website.

## 8 Summary of Principal Planning Issues

8.1 The key planning issues are considered to be:

- Gypsy status
- Policy considerations
- Highways issues
- Drainage and water supply
- Visual impact
- Temporary permission.
- Personal planning permission.

## 9 Analysis

### Gypsy status:

9.1 With regards to the issue of Gypsy status, the Dugdale family have long standing connections with the area and it has been stated in support of previous applications that Mr Dugdale is a skilled joiner who has built and repaired traditional wagons for the gypsy-traveller community at a business located in Melling approximately 5 miles from the site. Mr Dugdale has also been a horse dealer and attended the main horse fairs. Supporting letters indicate that Mr Dugdale has more recently been employed in farm work and general labouring.

9.2 The family comprises Mr and Mrs Dugdale and their 7 children a number of whom attend school in Melling.

9.3 The DCLG document 'Planning policy for traveller sites' (August 2015) under Annex 1 'Glossary' has the following description of a Gypsy or Traveller:

*'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependant's education or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such'.*

9.4 The following is also stated:

*'In determining whether persons are 'Gypsies and Travellers' for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:*

- a) *whether they previously led a nomadic life*
- b) *the reasons for ceasing their nomadic habit of life*
- c) *whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances'.*

9.5 In this particular case the Dugdale family have residence of the static caravan which enables the children to attend local schools and also have a touring caravan which is used for travelling. It is clear that the applicant is from a Gypsy background and the Council have not disputed his status in consideration of previous planning applications.

9.6 In the most recent CDC Traveller Housing Needs Survey (January 2013) the current and future need for the district is assessed as '*one pitch on a private site in the northern area of the district. This requirement is for a family who will see their temporary planning permission expire in 2015*'. This is clearly a reference to the applicant and his family and is a further indication that the Council has not disputed their Gypsy status.

**Officer note:** In consideration of this issue the comments of the Councils Housing Services team (set out at 6.2 above and appended in full to this report) are noted i.e. that '*the applicant is likely to be found culturally adverse to bricks and mortar accommodation*'.

9.7 Whilst the extent of annual travelling Mr Dugdale undertakes may be limited, and he has occupied the application site for 11 years, it can reasonably be argued that Mr Dugdale would fulfil the above definition in that he does not travel permanently on the grounds of his family's educational needs.

9.8 It is unclear whether or not Mr Dugdale and his family have undertaken a nomadic life in the past or whether there is an intention for them to do so in the future. Notwithstanding, it is considered that given the above information it could not reasonably be argued in this case that the applicants do not fulfil the criteria required for Gypsy status.

9.9 On the basis of the above therefore it is considered entirely appropriate to assess this application with regards to the national planning policies applicable to Gypsies and Travellers.

#### Policy Considerations:

##### **Local Plan Policy:**

9.10 The most relevant Local Plan policies are ENV1 and ENV2 which apply as the site is located in open countryside. Policy ENV1 seeks to prevent inappropriate development in open countryside locations and ENV2 seeks to ensure that the impacts of development taking place in the open countryside are acceptable.

9.11 Having regard to Saved Local Plan policy ENV1 it is clear that the use of land for residential purposes is not generally considered to be appropriate development and should be resisted unless exceptional circumstances apply.

9.12 Policies ENV1 and ENV2 also need to be considered in conjunction with more specific Saved Local Plan policies H17 and H18 which relate directly to the use of land for residential caravans and mobile homes. These policies would allow for the use of land for such purposes where the caravans or mobile homes are to meet an exceptional personal circumstance, they do not detract from the character of the area, are well screened sites to a high standard of design and layout, are served by adequate infrastructure, do not impact on nature conservation and do not create highway safety issues.

9.13 It can be argued that the proposal would generally meet the above criteria although it should be noted that these particular policies were not intended to apply to gypsy/traveller sites and relate directly to sites where a permanent dwelling would be acceptable (H17) or on sites adjacent to or within the development limit boundaries of District Centres or Local Service Centres (H18), neither of which are the case in this application. It is worth noting however, that the Local Plan did contain a policy that specifically dealt with gypsy sites, Policy H14, which is not saved but would have been applicable in this case had it been.

### **National Planning Policy:**

9.14 Since earlier planning applications for this site were considered by the District Council the national planning policies under which those applications were assessed have been superseded by the emergence of the National Planning Policy Framework (NPPF). In particular, policies in relation to gypsy/traveller sites are now embodied in 'Planning policy for traveller sites', the latest version having been issued by the DCLG in August 2015.

9.15 The following is a summary of the most relevant parts of the policy document:

*Para.9: Local planning authorities should set pitch targets for Gypsies and Travellers ....which address the likely permanent and transit site accommodation needs of Travellers in their area, working collaboratively with neighbouring local planning authorities.*

*Para.10: Local planning authorities should, in producing their Local Plan:*

- a) Identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets*
- b) Identify a supply of specific, developable sites, or broad locations for growth, for years 6 to 10 and, where possible, for years 11-15*
- c) Consider production of joint development plans that set targets on a cross-authority basis, to provide more flexibility in identifying sites, particularly if a local planning authority has special or strict planning constraints across its area (local planning authorities have a duty to cooperate on planning issues that cross administrative boundaries)*
- d) Relate the number of pitches or plots to the circumstances of the specific size and location of the site and the surrounding population's size and density*
- e) Protect local amenity and environment.*

*Para 14: 'At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking.*

*For decision-taking this means:*

- Approving development proposals that accord with the development plan without delay; and*
- Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
  - Specific policies in this Framework indicate development should be restricted.**

*Para.22: 'Planning law requires that applications must be determined in accordance with the development plan, unless material considerations indicate otherwise'.*

*Para 23: 'Applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the National Planning Policy Framework and this planning policy for traveller sites'.*



*Para.24: 'Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:*

- a) The existing level of local provision and need for sites*
- b) The availability (or lack) of alternative accommodation to the applicants*
- c) Other personal circumstances of the applicant.*

*Para.25: Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.*

*Para.27: If a local planning authority cannot demonstrate an up-to date five year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission.*

*Para. 215: ...due weight should be given to relevant policies in existing plans according to their degree of consistency with this [the] Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).*

#### **Assessment of Planning Policy Position:**

- 9.16 Having regards to the latest planning policy for travellers' sites, in particular criteria a) of para. 24, the existing provision of Gypsy/Traveller sites across the district is material to consideration of this application. This was the case with the preceding policy on Gypsy and Traveller sites and to this end the Council commissioned a Traveller Housing Needs Survey in January 2013 (attached as Appendix 2 to this report). The survey did not identify a need for a public site in Craven and estimated the extra provision needed to be '*one pitch on a private site in the northern area of the district. This requirement is for a family who will see their temporary permissions expire in 2015*'.
- 9.17 As set out earlier in this report the summary of the Traveller Housing Needs Survey clearly refers to the application site. The implication of a refusal of planning permission in this case therefore would be that the Council would need to provide an alternative site in order to address the shortfall of one site that would be created by that refusal.
- 9.18 Considering other policy requirements, in particular the availability of alternative accommodation to the applicant, it is noted that objectors have commented on connections to an authorised site located in Melling which they believe Mr Robert Dugdale and his family could move to. This site has been checked and is registered in the name of Mr John Dugdale. Whilst it is understood that the site is occupied by a relative, there is no firm evidence to suggest that the applicant has any title to the land. In particular, this is supported by a check on the planning history of the Melling site which was applied for in Mr John Dugdale's name and the planning permission is limited by condition to occupation of the site by Mr John Dugdale and his family and to the siting of one static and one touring caravan. Consequently, the Melling site could not lawfully be occupied by Mr Robert Dugdale and his family and is therefore not a viable alternative site for them to reside at.

- 9.19 Turning to the site characteristics. Set out in para.24 of the DCLG policy document, local planning authorities are advised not to support Gypsy/Traveller sites in areas of open countryside away from existing settlements and to ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community. In this particular case the site is located near to a small cluster of seven residential properties at Waterside Potteries which would seem to fulfil the definition of an existing settlement, albeit on a very small scale. Furthermore the site is not unduly distant from the village of Burton-in-Lonsdale being approximately 1/3 of a mile away (distance by road).
- 9.20 With regards to the questions of the scale of the site and domination of the existing settlement it is considered that the application site, which is a single residence and has associated buildings that could remain in situ irrespective of the use of the site, cannot reasonably be said to be out of scale or to dominate the seven existing properties. In coming to this view there is no doubt that the application site is highly visible to other residents when entering and leaving their properties via the un-adopted track. However, the site is not especially prominent and is only partially visible from the periphery and it is not considered that there are any direct adverse impacts to the outlook of the residential properties at Waterside Potteries.
- Officer note:** In coming to this view the concerns of local residents over the possible expansion of the site are noted but for the reasons outlined elsewhere in this report are not relevant to consideration of the current planning application which must be considered on its own merits.
- 9.21 Finally, considering criteria c) of para.24 of the DCLG document it is necessary to take into account the personal circumstances of the applicant who in this case has a large family that would be the responsibility of the Council to re-home should planning permission be refused. As is set out above the Council do not have an alternative Gypsy/Traveller site to offer and there is no alternative site within the ownership of the applicant that he can move to.
- 9.22 The Council's Senior Housing Access Officer has set out detailed comments in her consultation response regarding the implications of refusing planning permission in this case which would have the effect of making Mr Dugdale and his family homeless. The comments are attached in full as Appendix 1 to this report and set out clearly the responsibilities of the Council in this particular matter.
- 9.23 The CDC Housing team are clear that they cannot offer any housing solutions to the applicant and his family if they were forced to vacate the site at Clay Barn and the above concerns should therefore be borne in mind when reaching a decision on this planning application.
- 9.24 Whilst of very limited weight, the emerging new Local Plan for the District (the 2<sup>nd</sup> informal (pre-publication) draft dated 5/4/16) includes a policy (H3) that sets out the Council's intended approach for Gypsy and travellers sites. The emerging plan indicates that following on from the survey information there is not a requirement to identify any new sites and therefore no new sites are allocated as part of the new plan. However, in accordance with the evidence above, a shortfall of Gypsy sites would exist if planning permission were to be refused for this application.
- 9.25 The national planning policy criterion also requires that the personal circumstances of the applicant should be taken into consideration when determining planning applications. It seems that the applicant has a need to reside in the local area where his children are schooled. It is considered that it would be unwise for the Council to refuse planning permission without due regard

to the alternative accommodation which could be provided to the applicant, of which there is none that would be equivalent to the site, or without consideration of the welfare issues which could arise as a result of such a decision.

Highways issues:

- 9.26 In granting previous planning permission on the site the Council has accepted the suitability of the site for use as a temporary private gypsy site. However, it is noted that the original application for the site was objected to by NYCC Highways for the reason that:
- 'the roads leading to the site, by reason of their alignment/junctions/widths/condition and gradient and lack of footway/lighting are unsuitable for the traffic that is likely to be generated by the proposal'.*
- The same objection has been raised by NYCC Highways to the current application and it is necessary therefore to consider the implications of this matter.
- 9.27 The NYCC comments are based in part upon their normal requirements in relation to residential access roads which are that any access that serves 5 dwellings or more should be to an adoptable standard. In this case there are already 7 dwellings which are served by the shared access, not counting the applicants site. On this basis NYCC Highways are not supportive of any proposal of a permanent nature which would generate additional traffic along the un-adopted road or at the junction with the main road. NYCC Highways has also commented on the unsuitability of the junction of the private access road with High Bentham Road and therefore has recommended the reason for refusal set out above.
- 9.28 Notwithstanding, it must be acknowledged that the site has been in use now for a period of 11 years and that planning permission has been granted for the use of the site for most of that period of time, albeit on a temporary basis only. Equally, the road already serves a number of dwellings that exceeds the limits at which the Highways Authority would normally impose a requirement for the road to be to an adoptable standard.
- 9.29 The question which must be addressed is to what extent the continued use of the site or even its permanent use would give rise to highway safety issues. It is questionable that it would now be possible to sustain an argument that ceasing the use of the land was necessary for highway safety reasons. There are no known instances of highway safety breaches or traffic incidents over the last 11 years that would suggest the use of the site has given rise to road safety concerns. It is also questionable whether the use of the site is any more intense than that which would occur if the site was simply used for agricultural purposes and trips were generated for maintenance, livestock upkeep and use of the barn (which is permitted without an application for planning permission).
- 9.30 The specific test in relation to highway safety is set out at paragraph 4 of the NNPF which states that:
- 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'.*
- 9.31 Saved Local Plan Policies ENV2 and T2 are permissive of development proposals that are appropriate to the highway network where, amongst other things, they do not generate traffic in excess of the highway network; any new or greater use of an access onto a primary, district or local distributor road 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.

9.32 It is understood that over the period that the site has been in use there have been no major issues with highway safety and there has been a more than adequate 'trial-run' in which the effects could be assessed.

**Officer note:** The supporting statement submitted on behalf of the objectors refers to an accident on the road but there is no indication that this was in any way connected with the application site.

9.33 The conclusion reached is that the impact of the site continuing in its present use would not give rise to any severe impacts and it would therefore not now be possible for the Council to justify an outright refusal of planning permission on highway grounds. Equally, it is not considered that there would be a particularly strong case to be made in highway terms for allowing only a further temporary planning permission on the site.

**Officer note:** A number of the objections that have been submitted refer to expansion of the site and express concerns over the highway safety implications should more caravans be located there. This is not an issue that has any bearing on the determination of this application which must be considered on its own merits. It is accepted that an intensification of the use of the site for siting of additional caravans would likely give rise to highway safety concerns but this has no relevance to the current proposal.

Drainage and Water Supply:

9.34 With regards to drainage and water supply to the site these matters have been considered when previous applications were assessed and found to be acceptable. It is understood that foul drainage is to a storage tank that has to be emptied. It is for the Local Planning Authority to reach a view on whether the use of a storage tank would lead to significant environmental, amenity or public health problems. The arrangements have been in existence for some time and no concerns have been raised by CDC Environmental Health. It is not therefore considered to be reasonable to argue that the current arrangements are unacceptable. It is also worth noting that the previous application submitted in 2008 was referred to the Environment Agency who did not wish to comment and specifically did not raise any objections to the proposals.

Visual Impact:

9.35 The District Council has previously considered the question of harm to the open countryside arising from the use of the site and visual impact, albeit this was only assessed on the basis of the impact arising from a temporary use of the site. In particular the original officer report in the 2005 planning application stated:

*'With respect to the visual harm that is caused and the impact on the [then] special landscape area, the site is in a valley bottom and is not particularly prominent in the wider locality'*

9.36 It should be noted that the most dominant feature of the site is arguably the barn which is a lawful structure that would remain irrespective of any other use of the site. The caravans, in particular the static caravan, clearly have an impact and are structures which would only be acceptable in an open countryside location where the visual impact would not be unduly obtrusive or harmful. The Council has previously taken the view that the landscape/visual harm was not sufficient to justify an outright refusal of planning permission when the original occupation of the site took place. Previous approvals have never cited that the development causes unacceptable landscape/visual harm. Whilst those previous approvals have only been given on a temporary basis, the reason why the approvals were

made temporary was not connected to any concerns about the visual/landscape impact.

- 9.37 The site is partially visible from the main road looking east and there are intermittent views from the main road to the south. Notwithstanding the site is located in a position that is in a shallow valley bottom and is not considered to be especially prominent or to have significant visual impact upon the wider landscape.
- 9.38 The situation is therefore that it would not now be reasonable for the Council to introduce concerns over visual impact as a justification for refusing planning permission on the site when this is a matter which the Council have previously considered to be acceptable. The fact that any consideration on this matter was tempered by an understanding that the use of the site was only to be on a temporary basis is not considered to be of sufficient weight to now form a basis for refusal of planning permission.

Temporary planning permission:

- 9.39 In this case the site has been subject to a series of temporary planning permissions and it is appropriate to consider this issue in relation to the most current circumstances and planning policy.
- 9.40 Regarding the 'use of conditions to grant permission for a temporary use only' the national Planning Practice Guidance states that under Sn72 of the Town and Country Planning Act 1990 temporary permissions should not be granted in cases where development complies with the development plan or where material circumstances indicate otherwise that permission should be granted. Conversely, temporary permissions may be appropriate where it is considered that a 'trial run' is needed or where it is expected that the planning circumstances will change in a particular way at the end of that period. The guidance concludes by stating that it is rarely justifiable to grant a second temporary permission and further permissions should be either granted permanently or refused if there is justification for doing so. It is also stated that approval of temporary permission does not infer a presumption that permission should be granted permanently.
- 9.41 In officer's opinion there is no longer sufficient justification for the Council to limit approval on the site to a further temporary period as there is no indication that the planning circumstances will change in the near future. The emerging new Local Plan indicates that the Council does not intend to specifically allocate any Gypsy/Traveller sites in the foreseeable future. As regards the other tests identified in the planning guidance there can be no question of a temporary permission being given on the basis of a 'trial run' given the length of time the applicant and his family have lived at the site and, in this case, the material circumstances indicate that planning permission on a permanent basis should now be granted.
- 9.42 In conclusion therefore it is considered that any condition to limit the use of the site to a further temporary period could not be justified.

Personal Planning Permission:

- 9.43 Previous (temporary) planning permissions have been restricted to occupancy by Mr Dugdale and his family i.e. personal permissions. This has been justified as the Council's decisions have been based upon the personal circumstances of the applicant and it has been considered that in the light of those circumstances it was both reasonable and necessary to apply such a restriction.
- 9.44 Planning Practice Guidance in relation to the use of personal permissions states the following:

*'There may be exceptional occasions where granting planning permission for development that would not normally be permitted on the site could be justified on planning grounds because of who would benefit from the permission'.*

*'A condition used to grant planning permission solely on grounds of an individual's personal circumstances will scarcely ever be justified in the case of permission for the erection of a permanent building, but might, for example, result from enforcement action which would otherwise cause individual hardship'.*

- 9.45 Taking the above into consideration and the conclusions of the CDC Traveller Housing Needs Survey it is clear that the only site required in the District is the application site itself and that the need identified has accounted for the circumstances of the applicant and his immediate family. On this basis it is considered that a personal permission is entirely justified in this particular case.

Summary:

- 9.46 It is officer's opinion that having regard to the most recent planning policy and taking into consideration other material considerations as set out above planning permission should now be granted on a permanent basis.
- 9.47 In coming to this view it is noted that objectors, in particular nearby residents, have expressed concerns over the continued use of the site and the inappropriateness of such a use continuing in proximity to the long established residential properties at Waterside Potteries. Notwithstanding, it is contended that there are no substantial planning reasons to justify refusal of planning permission e.g. on highway safety or general amenity grounds, and that the only justification would lie in a general objection on the grounds of the principle of allowing such a use of land in open countryside to continue. Given the very specific policy requirements outlined above it is considered that there is no argument that could sustain a refusal of planning permission in this case.
- 9.48 The DCLG policy document advises LPA's to strictly limit site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Additionally, LPA's are advised to ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on the local infrastructure. In this case the site is outside of the settlement limits, albeit close to the smaller settlement at Waterside Potteries, and is of a scale which arguably has minimal effect either in terms of visual impact or in terms of pressure on the local infrastructure. The site does not dominate the nearest settled community, whether this is considered to be Burton in Lonsdale or Waterside Potteries and meets the requirements set out in the NPPF policy. On this basis it is concluded that a refusal of planning permission cannot be justified.
- 9.49 It is noted that a fundamental change in relation to this application is that a permanent planning permission is now recommended. A further temporary permission could be justified if the Council could demonstrate that alternative pitches are likely to become available through site allocations in the emerging Local Plan at some point in the future. However, based on emerging evidence this now seems very unlikely to happen
- 9.50 In the absence of suitable sites or appropriate alternative accommodation, an outright refusal of planning permission could not be justified in this case. Having regards to wider policy issues it is not considered that the site presents sufficient adverse impacts upon amenity issues either through visual impact, highway safety issues or that it presents any other significant planning impacts that would sustain refusal of planning permission.

9.51 Accordingly, it is recommended that planning permission is granted on a permanent basis. It is also recommended that any permission remains personal to the applicant and his immediate dependants, be limited to the extent of the site as detailed on the submitted plans and to its use by no more than two caravans, one of which shall be a touring caravan, the other a static caravan that shall not exceed the footprint of the existing. It is considered reasonable in this case to maintain the restricted occupancy of the site given the specific circumstances of the application.

10. **Recommendation**

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

Conditions

1. The residential occupation of the land hereby permitted shall be carried out only by Mr Robert Dugdale and his resident dependants only, and not for the benefit of the land nor any other person or persons, whether or not they have an interest in the land.

Reasons: Permission has been granted having regard to the particular circumstances applying in this case.

2. No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 1 shall be a static caravan or mobile home) shall be stationed on the land at any one time.

Reason: In the interests of protecting the character and appearance of the area and for highway safety reasons and to ensure compliance with Local Plan Saved Policies ENV1, ENV2, H17 and T2.

3. The development hereby permitted shall be carried out in accordance with the plans submitted with the application including the 'Block Plan' received by the local planning authority on 15<sup>th</sup> October 2015. The area occupied by the static caravan/mobile home shall be restricted to the area marked 'mobile home' on the approved block plan and other uses of the site shall be restricted to those uses and areas detailed on the approved plan.

Reason: In order to specify the terms of the permission for the avoidance of doubt.

Statement of Positive Engagement: -

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

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

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

*SKIPTON WEST  
63/2016/16693*

*CHANGE OF USE OF LOCAL AUTHORITY OWNED LAND TO FORM AN  
EXTERNAL TERRACE/SEATING AREA TO THE REAR OF EXISTING  
PUBLIC HOUSE*

*FLEECE INN 22 KEIGHLEY ROAD SKIPTON*

APPLICANT NAME: ENTERPRISE INNS PLC

TARGET DECISION DATE: 20/04/2016

CASE OFFICER: Natasha Szuszeko

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**Applications made by or submitted on behalf the District Council are required to be referred to the Planning Committee. Neither circumstance is strictly applicable, but it is understood this District Council owned land will remain within the Council's ownership and be leased by the applicant. The application is therefore referred to Planning Committee on a precautionary basis.**

1. Site Description

- 1.1 The application site comprises a paved area to the rear of a public house. The public house is a semi-detached, two storey building situated on Keighley Road, in Skipton Town centre. It is of a traditional construction with a vernacular pitched roof, random coursed local stone walls, a slate roof and traditional rainwater goods. A walled beer garden is present to the rear and side of the property.
- 1.2 The paved area is adjacent to Skipton bus station. The wider public paved area includes various items of street furniture such as balustrading, bollards, and fixed benches. Within the application site itself are 3 No. newly planted trees.
- 1.3 The application site is within the Conservation area of Skipton.

2. Proposal

- 2.1 The application seeks approval for the change of use of existing local authority land (part of the bus station) to form an external terrace/seating area to the rear of the public house.

3. Planning History

- 3.1 5/63/1299/AA – Erection of 2 no. illuminated wall board signs. Approved 05/11/1984.
- 3.2 5/63/1299/A/AA – Erection of one illuminated 4' x 3' double sided projecting pictorial sign. Approved 04/03/1985.
- 3.3 5/63/1299/B/AA – Assorted signage. Approved 21/09/1987.
- 3.4 5/63/1299/C – Alterations and extension to public house. Approved 10/05/1993.
- 3.5 5/63/1299/D/AA – Illuminated signs. Approved 1608/1993.
- 3.6 5/63/1299/E – Kitchen extension and fire escape to rear. Approved 05/08/1998.
- 3.7 63/2014/14599 - Proposed is the formation of 2 No. new gate openings to create a pedestrian access to the yard area/pub garden, and a new external door opening. – Approved 9<sup>th</sup> June 2014.



4. Planning Policy Background
- 4.1 National Planning Policy Framework (2012).
5. Parish/Town Council Comments
- 5.1 Skipton Town Council – No comments received at the time of compiling this report.
6. Consultations
- 6.1 **CDC Environmental Health** – Have not identified any potential environmental issues that would give cause for concern – Received 11<sup>th</sup> March 2016.
7. Representations
- 7.1 No third party representations have been received at the time of compiling this report.
8. Summary of Principal Planning Issues
- 8.1 Amenity considerations.
- 8.2 Visual impact of the proposed development upon the character and appearance of the surrounding Conservation Area of Skipton.
9. Analysis
- 9.1 The NPPF states that when determining planning applications, LPA's should take account of the following:-
- 9.2 The desirability of sustaining the enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
- 9.3 The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- 9.4 The desirability of new development making a positive contribution to local character and distinctiveness.
- 9.5 The NPPF also states that local planning authorities should take into account the impact of proposed development on the significance of a designated heritage asset, in this instance a designated conservation area and that great weight should be given to the assets conservation.
- 9.6 The locality is characterised mainly by businesses including takeaway food outlets, taxi rank, some retail outlets with the bus station being within close proximity and a nightclub of the opposite side of the road. Whilst located within the Conservation Area of Skipton the impact of the proposal on the surrounding area is considered to be minimal.
- 9.7 The proposed change of use is to the rear of the property spanning an area of 10 m x 8.9 m totalling 89sqm. The existing trees will remain in situ and no further boundaries will be created. The supporting information states that no permanent fixtures or fittings are proposed as part of the development and that external furniture will be provided and set out only during trading hours.
- 9.8 **Officer Note:** Trading hours have not been included within the application, however, this application is assessing the acceptability of the change of use of land in association with a premises that already has permission to operate as a public house.
- 9.9 Given that the external seating/furniture is to be placed on site whilst trading, it is unlikely that it will have a significant detrimental visual impact upon the Conservation Area or host property. The pub also already benefits from an outdoor

enclosed rear yard access to which was approved as part of an application made in 2014.

- 9.10 Overall it is not considered that the change of use of land in this location would be detrimental to the surrounding area or Conservation Area of Skipton for the reasons outlined above. No concerns have been raised by Environmental Health and there are no residential properties within the immediate vicinity. The proposed use should not interfere with the proposed operation of the bus station. Although the amount of space will increase to accommodate customers, there is no fixed furniture or other operational development which is irreversible.

#### Conclusions

- 9.11 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 appearance of the Conservation Area of Skipton, or the amenities of neighbouring properties as to justify withholding planning permission. 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

##### 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 'Site Location Plan 907 04' 'Heritage Statement' 'Flood Risk Assessment' 'Proposed External Elevations 907 03' 'Block Plan as Existing 907 01' 'Block Plan as Proposed 907 01' received by the Local Planning Authority on the 24<sup>th</sup> February 2016. The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non material amendment.

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

#### Statement of Positive Engagement: -

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

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

SUTTON  
66/2016/16803

INSTALLATION OF STEEL STORAGE UNIT

LAND OFF MANOR WAY SUTTON-IN-CRAVEN KEIGHLEY

APPLICANT NAME: CRAVEN DISTRICT COUNCIL - MR GRAHAM TARN

TARGET DECISION DATE: 26/05/2016

CASE OFFICER: Sam Binney

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**This application is referred to the Planning Committee for determination as the applicant is Craven District Council.**

1. Site Description

1.1 The site relates to a small grassed area to the north of Manor Way close to the centre of Sutton in Craven. There is an industrial unit to the north and residential units to the east, south and west. There is a steel storage unit on this strip of land as well as a number of trees.

1.2 The site is just outside the Sutton in Craven conservation area and is within the development limits.

2. Proposal

2.1 The application seeks permission for a further steel storage unit measuring approximately 3.6m in length and 2.4 metres in width. The steel storage container is to be sited adjacent to an existing steel storage unit already on the site and will be to the same construction, design and appearance as the existing. The proposed unit will be for the storage of sand bags in the case of future flooding occurring in the area.

3. Planning History

3.1 No planning history since 1974.

3.2 Planning permission has however been granted for the redevelopment of the industrial site for residential purposes which is to the north of the application site (66/2015/15475).

3.3 **Officer's Note:** The proposal will not have an adverse impact on the residential development.

4. Planning Policy Background

4.1 National Planning Policy Framework (NPPF).

4.2 National Planning Practice Guidance.

5. Parish/Town Council Comments

5.1 Sutton in Craven Parish Council: No comments received at time of compiling the report. Due 06/05/2016.

6. Consultations

6.1 No additional consultations were required.

7. Representations

7.1 No letters of representation have been received.

8. Summary of Principal Planning Issues

8.1 Principle of development.

8.2 The visual impact of the proposed store on the surrounding area.

8.3 The impact of the development on the privacy and amenity of neighbouring properties.

8.4 Trees.

9. Analysis

**Principle of development.**

9.1 An existing steel store container is already present on site. It is understood the existing container is owned and used by Yorkshire Housing for storing materials and equipment required in connection with the maintenance of land and dwellings that it owns in the local area (the application site itself is also owned by Yorkshire Housing). The land is not given any special protection in the 1999 Local Plan, and whilst it is presently amenity grassland the principle of the development is considered to be acceptable. In reaching this decision the fact that an existing store is already placed on the site has been taken into account. Additionally and importantly, due to the store being used for sand bag storage for future flood events in the village, the proposal will be beneficial for the surrounding community.

9.2 Section 10 of the NPPF outlines the Government's policy on meeting the challenge of climate change, flooding and coastal change and includes a policy which discourages development in areas that are at high risk of flooding. The development in itself doesn't reduce the risk of flooding occurring in the area, but is a measure to help alleviate the impact of such events when they occur.

**Visual impact of the development.**

9.3 The proposal will measure 3.6 metres in length and 2.4 metres in width. The development is also proposed to be sited next to an existing steel store container. Due to the siting of the store, the nearest neighbouring properties are to the south of Manor Way in excess of 15 metres away, and a residential property to the west which is closer but hidden from view due to the placement of an electrical substation.

9.4 The proposed development will be visible from the edge of the conservation area and visible from the residential properties to the south of Manor Way, in particular No's 1-13. The storage container is small and is to be placed adjacent to an existing storage unit of the same design, colour and construction. Due to this, the visual impact would be minimal as it is not setting a new precedent for development. Additionally, the properties to the south will see the side of the container as they do with the existing one so there will be no visible increase to development from these properties as the proposal will block the view of the side elevation of the existing container.

**Impact on the amenities of neighbours.**

9.5 The steel unit is for the storage of sand bags in case of flooding events in future in the area. Due to the nature of the storage unit, it will not impact the amenity of surrounding properties through the creation of any additional noise, odours or other nuisance issues.

9.6 The daylight/sunlight is not to be impacted by this proposal. This is due to the proposal being sited in excess of 15 metres from the nearest neighbouring property. Additionally, these neighbouring properties are to the south, so additional shadowing will be cast across the existing electrical substation and existing steel storage unit.

**Trees.**

9.7 There is a row of trees in between the application site and Manor Way. The trees are relatively young and form a mix of Whitebeam, Cherry, and Horse Chestnut. Although the trees are outside the conservation area and aren't subject to any tree preservation orders, they are still worthy of retention. The application doesn't seek to conduct any works to the trees. Additionally, whilst moving the storage container onto the site, there is risk of damage to the trees. The intention is for the storage unit to be lifted onto the land adjacent to the highway, and put into place using rollers which will take place between two of the trees. As such there should be no damage to the trees.

**Conclusion.**

9.8 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 proposal would not be harmful to the existing character and amenities of the surrounding area as to justify withholding planning permission. The living conditions of neighbouring occupiers would not be harmed by any substantial loss of privacy, sunlight or general outlook. In conclusion, it is considered that the requirements of the NPPF and Saved Local Plan Policy are met and that there are no reasonable grounds to withhold planning permission.

10. Recommendation

10.1 To grant planning permission.

Conditions

1. The development hereby permitted shall be begun not later than the expiration of three years 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 photos "1", "2", and "3" (as annotated by the case officer) and supporting document "planning statement" received by the Local Planning Authority on 31<sup>st</sup> March 2016. The development shall be completed in accordance with the approved plans except where alternative details have been subsequently approved following an application for a non-material amendment.

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

3. The storage container shall have a dark green painted finish and be externally maintained in a clean and tidy condition.

Reason: In the interests of protecting visual amenity.

Statement of Positive Engagement: -

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

- engaged in pre-application discussions

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

*EMBSAY W EASTBY      KITCHEN EXTENSION*  
**26/2016/16712**

*1 FELL VIEW EMBSAY SKIPTON*

APPLICANT NAME: MR STEVEN CRYER AND MISS RACHEL GUNN  
TARGET DECISION DATE: 12/05/2016  
CASE OFFICER: Katie Chew

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**The application is referred to Planning Committee for determination as the applicant is a member of staff in the Planning Department. The application and its assessment has been reviewed by the Deputy Monitoring Officer who has confirmed that the correct procedures have been followed.**

1.      Site Description

- 1.1      The application site is a medium sized detached 1 storey property with amenity space to the front to accommodate approximately 2 vehicles. Steps lead down to the front door to enable access to the property. To the rear of the property is a garden area, which is enclosed by wood fencing. The rear garden comprises a paved amenity area, with steps leading down to the grassed section of the garden.
- 1.2      The application site is within the Development Limits of Embsay Village and is not located within a Conservation Area.

2.      Proposal

- 2.1      The application seeks approval for the construction of a kitchen extension to the rear of the property. The single storey extension measures 3.7 x 3 m and will be built in stone and pebbledash. With a gable roof to be constructed in grey tiles to match the existing property. The extension will include 1 Velux window in the roof of the proposed extension, and the installation of 2 white UPVC windows.
- 2.2      **Officer Note:** It appears that the proposed works could be undertaken without a formal planning application as a 'Larger House Extension' which is permitted development under Class A, Part 1, Schedule 2 of the 2015 General Permitted Development Order (as amended). The permitted development route would however be subject to the applicant first submitting a prior approval notification. The applicant has however decided to make a full planning application for the proposed works and it falls to the Council to make a decision on that application.

3.      Planning History

- 3.1      26/2011/11833 – Construction of single storey extension to principle elevation and creation of a retaining wall. Approved -18<sup>th</sup> October 2011.
- 3.2      26/2009/10006 – Demolition of existing garage and conservatory. Erection of new single storey extensions to side and rear. New porch to the front. Approved – 18<sup>th</sup> November 2009.

4.      Planning Policy Background

- 4.1      National Planning Policy Framework (2012).

- 4.2 Planning Policy Guidance (2012).
- 4.3 Saved Local Plan Policy H20 of the Craven District (Outside of the Yorkshire Dales National Park) Local Plan and Appendix F of that document.
5. Parish/Town Council Comments
- 5.1 Embsay-with-Eastby Parish Council – no comments received.
6. Consultations
- 6.1 No technical consultations required.
7. Representations
- 7.1 No representations received.
8. Summary of Principal Planning Issues
- 8.1 Impact of the proposed development upon the privacy and amenity of neighbouring properties.
- 8.2 Visual impact of the proposed development upon the character and appearance of the area.
9. Analysis
- Impact of the proposed development upon the privacy and amenity of neighbouring properties.**
- 9.1 The application property is bound by other residential properties in all directions; however they are all well-spaced and vary in height due to the sloped topography of Fell View. Residential dwellings located to the east and south of the application property are buffered by fencing, greenery and landscaping. To the west is a sub-station that helps to separate the application property from the neighbours dwelling, there is also wooden fencing to the west (approximately 1.8 m high) which helps provide a buffer between the properties.
- 9.2 Views from the garden to the rear are across rear gardens belonging to the neighbouring dwellings on Shires Lane, which as highlighted above are well spaced and well screened from the application property.
- 9.3 The nearest properties with the potential to be affected are 11 and 13 Shires Lane to the south, 1 Haw Park to the west and 1 Moorland Rise to the east. The proposed extension will not have any windows that will look directly into neighbouring residential dwellings and will not be obtrusive to the neighbours causing problems with shade and lighting.
- 9.4 It is therefore considered that proximity and scale of the development will not unacceptably detract from the existing living conditions and general amenities of any neighbouring occupiers complying with the requirements of Saved Local Plan Policy H20.
- Visual impact of the proposed development upon the character and appearance of the area.**
- 9.5 The Council's Saved Local Plan Policy H20 states that the scale, design, proportions and materials are as such that they respect the original property and that any proposed development should not have a significant affect upon the street scene or wider surrounding area. Similarly the privacy and amenity of neighbouring residents should not be significantly compromised. Development should also provide a good standard of amenity for existing residents.
- 9.6 The NPPF also stresses that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable



development. However, decisions should not attempt to impose architectural styles or particular tastes.

- 9.7 The proposed alterations will largely affect the appearance of the dwelling to the rear, with the extension to be constructed from a mixture of stone and pebbledash. The windows are to be made of white UPVC, and the roof will be made of grey tiles, all to match the materials found on the existing dwelling. The materials to be used on the proposed extension are the same as what is already in place on the dwelling and are acceptable.
- 9.8 The proposal is considered to be of a scale and design comparable and proportionate to the existing dwelling. The ridge height of the new roof will be 2.6m, matching that of the previous extension to the rear. The new extension seeks to fill the space located between the existing rear extension and the east elevation of the property; this will allow the extension to blend in with the existing dwelling. The extension will not extend the entire length of the property and will leave sufficient garden free to carry on its use as a functioning garden area.
- 9.9 Fell View is made up of a number of properties that vary in age and design, however typically the properties are bungalows. The front of the property can be seen from Fell View, however public views of the rear of the property are limited and are screened by fencing and landscaping.
- 9.10 It is not considered for the aforementioned reasons that the development would have an unacceptable detrimental impact upon the character and appearance of the street scene of Fell View. The proposal does not conflict with the guidance in the NPPF and Saved Policy H20 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.
- 9.11 Conclusions
- 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.

#### 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 'Site Location Plan', 'Proposed Extension Plan', 'Existing Floor Plan 1:50', 'Proposed Floor Plan 1:50', 'Existing Floor Plan 1:1000', 'Proposed South Elevation 1:50', 'Existing South Elevation 1:50', 'Proposed West Elevation 1:50', and 'Existing West Elevation 1:50', received 15/17<sup>th</sup> March 2016. The development shall be completed in accordance with the approved plans except 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.

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.