

PLANNING COMMITTEE

1.35pm on Monday 3rd June, 2019

Belle Vue Suite, Belle Vue Square Offices, Skipton

Committee Members: The Chairman (Councillor Sutcliffe) and Councillors, Brockbank, Brown, Harbron, Heseltine, Lis, Morrell, Place, Pringle, Rose, Shuttleworth and Welch.

AGENDA

Comfort Break : Please note that a formal 15 minute comfort break may be taken at an appropriate point in the Committee's consideration of the Schedule of Plans.

1. **Apologies for absence and substitutes**
2. **Confirmation of Minutes** – 7th May 2019.
3. **Public Participation** – In the event that any questions/statements are received or members of the public wish to ask questions or address the Committee **in respect of matters not appearing on this agenda**, the public participation session will proceed for a period of up to fifteen minutes.
4. **Declarations of Interest** – All Members are invited to declare at this point any interests they have in items appearing on this agenda, including the nature of those interests.

(Note: Declarations should be in the form of:

a “**disclosable pecuniary interest**” under Appendix A to the Council's Code of Conduct, or “**other interests**” under Appendix B or under Paragraph 15 where a matter arises at the meeting which relates to a financial interest of a friend, relative or close associate.

A Member of Council who has a disclosable pecuniary interest must leave the room and not take part in the discussion or vote. When declaring interests under Appendix B or Paragraph 15 of the Code, Members must move to the public seating area, not vote, and speak only if members of the public are also allowed to speak at the meeting.)

5. **Schedule of Plans** – Attached. The schedule is comprised of the following:-

- (a) Applications to be determined by the Committee.
- (b) Details of applications determined by officers under the Scheme of Delegation.
- (c) Enforcement - New complaints registered / complaints closed.

If Members have any queries regarding individual applications dealt with under the Scheme of Delegation, or if they have any queries regarding an enforcement matter, they are asked to consider contacting Neville Watson, Development Control Manager (email: nwatson@cravenc.gov.uk, telephone: 01756 706402)

6. **Planning Services Management KPI Statistics** – Report of the Strategic Manager for Planning and Regeneration. Attached.

Purpose of Report – To provide high level reporting of the status of the Planning Development Management Service. The report contains summarised information for key metrics within the service as part of an overall performance management framework.

7. **Meetings : Start Time** – The Committee is asked to agree the normal start time for its meetings for the remainder of the current municipal year.
8. **Any other items** which the Chairman decides are urgent in accordance with Section 100B(4) of the Local Government Act, 1972.

Agenda Contact Officer: Vicky Davies
Tel. 01756 706486, E-mail committees@cravendc.gov.uk
23rd May 2019.

Recording at Council Meetings

Recording is allowed at Council, committee and sub-committee meetings which are open to the public, subject to

- (i) the recording being conducted with the full knowledge of the Chairman of the meeting; and
- (ii) compliance with the Council's protocol on audio/visual recording and photography at meetings, a copy of which is available on request. Anyone wishing to record must contact the Agenda Contact Officer (details above) prior to the start of the meeting. Any recording must be conducted openly and not disrupt proceedings.

Emergency Evacuation Procedure

In case of an emergency or if the alarm sounds, leave the committee room and leave the building using the nearest available door. The assembly point is in the main square at the front entrance. An officer will take a roll call at that point. Please do not leave without telling the Chairman or the Democratic Services Section's representative.

PLANNING COMMITTEE

7th May 2019

Present – The Chairman (Councillor Brockbank) and Councillors Heseltine, Lis, Morrell, Place, Rose and Shuttleworth.

Officers – Legal Services Manager, Planning Manager, Principal Planning Officer, Planning Officer and Senior Democratic Services Officer.

Ward Representatives : Councillor Brown (Application 2018/19475/FUL) and Councillor Pringle (Application 2018/18918/FUL).

Apologies for absence were received from Councillors Harbron, Sutcliffe and Whitaker.

Start: 1.35pm

Finish: 3.33pm

The minutes of the Committee's meetings held on 9th April 2019 were confirmed and signed by the Chairman.

Minutes for Report

PL.917

CHAIRMAN

Resolved – That, in the absence of the Chairman and there being no Vice-Chairman, Councillor Brockbank is appointed as Chairman for this meeting.

PL.918

DECLARATIONS OF INTEREST AND LOBBYING

a. Declarations of Interest

Members were invited to declare any interests in the business before the Committee. None were declared.

b. Lobbying

Members indicated that they had been lobbied, as follows, on applications to be determined at this meeting:-

Application 2018/18918/FUL : The Chairman and Councillor Shuttleworth indicated that they had received lobbying against this application.

PL.919

PUBLIC PARTICIPATION

The following persons addressed the Committee under its public participation scheme:-

Application 2018/19475/FUL	Mr Derek Booth (for Bradleys Both Parish Council)
	Mr Luke Binns (for the applicant)
Application 2019/20199/REM	Mr Michael Gordon (for the applicant)
Application 2018/18918/FUL	Ms Sarah Churcher (for Carleton-in-Craven Parish Council)
	Ms Vicki Woodhead (for the objectors)
	Mr Robert Hodgkiss (for the applicant)

PL.920

APPLICATIONS FOR PLANNING PERMISSION**a. Delegated Matters**

The Strategic Manager for Planning and Regeneration reported the following applications for planning permission which had been dealt with under delegated authority:-

2017/18237/OUT Outline application for a residential development of up to 140 dwellings with associated infrastructure and open space (access applied for with all other matters reserved) on land at Hawbank Field, Skipton. Approved with Conditions

2018/19125/CND Application to discharge conditions 5i, 5ii, 5iii, 6a and 6b of original listed building consent at Malsis, Colne Road, Glusburn reference 32/2016/17098. DOC satisfactory

2018/19256/MMA Minor material amendment to applications referenced 62/2017/17912 and 62/2017/17960 to replace garden room with bike shed and bin store, amend fence and remove Velux from West elevation at The Cottage, 25 Duke Street, Settle (retrospective). Approved with Conditions

2018/19361/CND Application to discharge condition no's 3 (highways), 4 (floor levels), 5 (vibration), 6 (highways), 7 (highways), 8 (method statement), 9 (drainage), 10 (highways), 11 (site compound), 12 (construction method statement), 13 (highways) and 15 (highways) on original planning approval referenced 2017/18656/FUL granted 14 December 2017 at former allotments and garages, Broughton Road, Skipton. Split Decision

2018/19562/CND Application to discharge conditions 7, 8, 11, 12, 13, 19 & 22 of planning permission 45/2010/10758 at County Council Depot, Back Gate, Ingleton, Carnforth. Split Decision

2018/19571/CND Application to discharge condition no. 4 (Stone wall plaques to chapel), condition 10 (basement access) and condition no. 16 (hard landscaping) of listed building consent 32/2016/17098 granted 16 February 2018 at Malsis, Colne Road, Glusburn. Split Decision

2018/19681/FUL Single storey detached short-term holiday-let accommodation at 17 Weavers Court, Kirkgate, Settle.
Refused

2018/19714/CND Application to discharge condition no's 4 (Foul and Surface Water Drainage), 12 (Finished Floor Levels) and 16 (Soft Landscaping) of original planning approval referenced 32/2016/17097 granted 14.08.2018 at Malsis School, Colne Road, Glusburn. DOC satisfactory

2018/19871/HH Proposed two storey rear extension, single storey side extension, and erection of detached outbuilding at 61 Hammerton Drive, Hellifield, Skipton. Approved with Conditions

2018/19981/FUL Change of use from mixed residential and office to residential only. Repair and improve forecourt, replace existing tarmac with sandstone sets. Erect a low stone wall with metal railings on top to the west perimeter of the forecourt and install a new front door at 37 Duke Street, Settle. Approved with Conditions

2018/19982/LBC Repair and improve forecourt. Replace existing tarmac with sandstone sets. Erect a low stone wall with metal railings on top to the west perimeter of the forecourt.
2. Install a new front door at 37 Duke Street, Settle. Approved with Conditions

2018/20005/FUL Change of use of existing building from A1 retail use to A5 take away food outlet at Toobys Ltd., 21 Main Street, High Bentham. Approved with Conditions

2018/20056/VAR Application to remove condition no. 1 from previous planning approval referenced 30/2015/15545 to allow occupancy of holiday chalets between 6th January to 6th February at Milton Park Luxury Lodges, Marton Road, Gargrave. Approved with Conditions

2019/20075/FUL Change of use of land from agricultural to domestic garden area and erection of shed (retrospective) and proposed erection of greenhouse at Hall Bank, Burton-in-Lonsdale. Approved with Conditions

2019/20079/FUL Proposed Dwelling on land at rear of 46 Eshton Road, Gargrave, Skipton. Refused

2019/20100/CND Application to discharge condition no. 15 of planning approval referenced 32/2016/17098 granted 16.02.2018 at Malsis, Colne Road, Glusburn. DOC satisfactory

2019/20102/FUL Demolition of existing builder's storage shed and change of use of builder's materials storage yard to C3 and siting of detached house with garage and associated external works on land adjacent to Dove Cote Gardens, Kildwick Grane, Kildwick. Approved with Conditions

2019/20104/FUL Change of use of agricultural land to residential, siting of garage and retention of driveway at the Old Shippon, Long Hill End, Cowling. Refused

2019/20115/FUL Full application for conversion of traditional agricultural barn to dwelling (Following Class Q Approval referenced 2018/19593/AGRRES) at High Laithe, Stansfield Farm, Nappa, Skipton. Approved with Conditions

2019/20118/HH Proposed single storey to rear of existing dwelling house and removal of existing outhouse at 11 Brougham Street, Skipton. Approved with Conditions

2019/20120/HH Two storey side extension at 1 Dalacres Drive, Embsay, Skipton. Approved with Conditions

2019/20133/CND Application to discharge condition no's 3 (Materials), 5 (Soft Landscaping), 6 (Tree Protection), 7 (Hard Landscaping) and 8 (Highways) of planning approval referenced 11/2016/17657 at land off Matthew Lane, Bradley. DOC satisfactory

2019/20128/FUL Conversion of traditional stone barn to dwelling together with provision of holiday let at High Stubbling, Cowling Hill Lane, Cowling. Approved with Conditions

2019/20135/FUL Change of use of agricultural grassland for the siting of 6no luxury glamping pods, a communal facilities building, parking and access track at Orcaber Farm Orcaber Lane, Austwick, Lancaster. Approved with Conditions

2019/20140/LBC Emergency work to unused Grade II* barn at Cappleside Barn, Rathmell, Settle. Works to include fixing a tarpaulin cover to the roof to prevent further damage from ingress of rain. Removal of loose stones to lean-to barns to south and east elevations. Removed stones to be stored on site. Approved with Conditions

2019/20141/FUL One side shed extension, change of use of land at 2 Priory View, Embsay, Skipton. Approved with Conditions

2019/20155/FUL Proposed new toilet block including disabled toilet and wash house for use of caravan/camping customers at Niffany Farm, Broughton Road, Skipton. Approved with Conditions

2019/20158/HH Two storey side extension and single storey front extension at 3 Aldersley Avenue, Skipton. Approved with Conditions

2019/20165/CND Application to discharge condition no's 4 (Materials) and 5 (Surface Water) of planning approval referenced 2018/19715/HH at 86 Otley Road, Skipton. DOC satisfactory

2019/20168/HH Construct a single storey porch with WC to 6 Newlands Drive, Cross Hills, Keighley. Approved with Conditions

2019/20174/CND Application to discharge condition no's 3 (Concert Hall), 4 (Concert Hall), 5 (Art Deco) and 8 (Safety Barrier) of listed building consent referenced 2017/18478/LBC granted 17.01.2018 at the Town Hall, High Street, Skipton. DOC satisfactory

2019/20175/CND Application to discharge Condition 3 (materials), Condition 04 (crime prevention), Condition 5 (roads and footways), Condition 7 (off-site highway works), Condition 10 (drainage), Condition 12 (affordable housing), Condition 13 (landscaping), Condition 16 (boundary treatments) from planning permission referenced 2017/18715/FUL granted 12 February 2018 at Former High Bentham CP School, Main Street, High Bentham, Lancaster. Split Decision

2019/20176/CPL Application for a Certificate of Lawful Development for a Loft Conversion, insertion of skylights to the front and rear roof slopes, rear dormer and rear single storey extension at 5 Shires Lane, Embsay, Skipton. Split Decision

2019/20179/FUL Retention of portacabins for a temporary period of six months – Unit 10, Riparian Way, Cross Hills, Keighley. Approved with Conditions

2019/20180/HH Removal of balcony and Erection of single storey extension with balcony. Raising height of existing chimney at The Croft, Riversdale, Long Preston, Skipton. Approved with Conditions.

2019/20183/CND Application to discharge condition no's 3, 6, 7 and 9 of full planning permission referenced 2018/19704/FUL on land to the west of Bell Busk Lane, Coniston Cold. DOC satisfactory.

2019/20196/LBC Listed building consent for demolition of boiler house and replacement with a single storey extension on north-western gable elevation, building of a single storey extension on south-eastern side elevation, insertion of first floor window in previously walled up window opening on north-eastern rear elevation and the insertion of conservation skylight in north-west facing bathroom roof (amendments to previous listed building consent referenced 2018/18976/LBC) Old Hall Farm. High Bradley Lane, High Bradley, Keighley. Approved with Conditions.

2019/20233/HH Demolition of boiler house and replacement with a single storey extension on north-western gable elevation; single storey extension on south-eastern side elevation. Insertion of first floor window in previously walled up window opening on north-eastern rear elevation. Insertion of conservation skylight in north-west facing bathroom roof (amendments to previous approval referenced 2018/19043/HH) Old Hall Farm, High Bradley Lane, High Bradley, Keighley. Approved with Conditions.

2019/20186/HH Convert garage, first floor extension and new porch at 50 Regent Drive, Skipton. Approved with Conditions.

2019/20187/HH Retrospective application for a replacement fence at Thornfield, Skipton Road, Hellifield, Skipton. Approved no conditions.

2019/20189/HH First floor extension above existing garage at 20 Greenacres, Skipton. Approved with Conditions.

2019/20190/HH Retrospective application for the construction of single storey rear lean-to extension at 122 Burnside Crescent, Skipton. Approved with Conditions.

2019/20195/HH The formation of a bathroom window to first floor to the rear of the property 68 Otley Street, Skipton. Approved with Conditions.

2019/20201/ AGGRES Change of use from agricultural building to 1 no. dwelling (Prior Notification), Sykes House Farm Stockshott Lane, Cononley, Keighley. PN Approved.

2019/20202/OUT Change of use of agricultural land and the siting of a detached house and associated external works on land adjacent to Fountain House Farm, The Green, Clapham. Approved with Conditions.

2018/20016/FUL Proposed dwelling including parking area on land off Smithy Croft, Smithy Croft Road, Gargrave, Skipton. Approved with Conditions.

2019/20205/FUL Resurfacing works at Museum Yard, Museum Walk, Skipton. Approved with Conditions.

2019/20213/REM Construction of three detached dwellings with associated infrastructure and off street parking on land off Dick Lane, Cowling, Keighley. Application Withdrawn.

2019/20214/FUL Two new dwellings with associated landscaping (resubmission of previously refused application referenced 2018/19109/FUL) on land to the west of Lingah Farm, Lingah Hill, Cononley Road, Glusburn, Keighley. Refused.

2019/20216/FUL Proposed single storey extension on the north elevation at Hall Barn, Green Lane, Halton East, Skipton. Application Withdrawn.

2019/20218/FUL Proposed new build detached dormer bungalow at 44 Tarn Moor Crescent, Skipton. Approved with Conditions.

2019/20219/HH Single storey lean to rear extension at the Coach House, Crosshills Road, Cononley, Keighley. Approved with Conditions.

2019/20221/FUL Construction of new house and garage on land adjacent to Heber Croft, Heber Drive, East Marton, Skipton. Approved with Conditions.

2019/20226/HH Construction of first floor bedrooms extension at Sylvan Lea, Brearlands, Thornton-in-Craven, Skipton. Approved with Conditions.

2019/20235/MMA Minor material amendment to condition no. 2 (approved plans) of previously approved application referenced 22/2016/17178 at Fleet Farm, Pad Cote Lane, Cowling, Keighley. Approved with Conditions.

2019/20236/CPL Construction of single storey rear extension at 1 Pendle Street, Skipton. Refuse Cert. Lawful Development.

2019/20238/HH Proposed two storey side extension to existing dwelling at Borrowdale, Baxter Wood, Cross Hills, Keighley. Approved with Conditions.

2019/20241/TPO T1 Beech - Remove crossing branch to North, Reduce Canopy to North from 7m to 4.5m. T2 Lime - Crown lift/Remove stem epicormic growth to 8m. 12A Park Road, Cross Hills, Keighley. Approved Tree Work under TPO

2019/20244/HH Demolition of existing single garage and construction of a 2 storey extension to the side elevation of the property at 2 Collinge Road, Cowling, Keighley. Approved with Conditions.

2019/20245/HH Single storey rear extension to replace existing conservatory at 2 Wheelwrights Court, Hellifield, Skipton. Approved with Conditions.

2019/20246/HH Demolition of sheds and construction of domestic garage, access drive and hardstanding at Cragg Side Farm Cottage, Dick Lane, Cowling, Keighley. Approved with Conditions.

2019/20248/HH Proposed detached double garage at 17 Hazel Grove, Sutton-in-Craven, Keighley. Approved with Conditions.

2019/20249/TCA Remove 1 no. Fir. Crown reduction of 1 no. Conifer by 25% at Stoney Royd, North Road, Sutton-in-Craven, Keighley. Approved Tree Works in Conservation Area.

2019/20251/HH Construction of a summerhouse for general use on an existing decked area, which has previously supported two large garden sheds at Butterdale Barn, Thornton Road, West Marton, Skipton. Approved with Conditions

2019/20252/HH Single storey rear extension at Green Acre, The Green, Clapham, Lancaster. Approved with Conditions

2019/20253/FUL Enclosure of undercroft to Memorial Hall to form store at Ermysteds Grammar School, Gargrave Road, Skipton. Approved with Conditions

2019/20254/HH Proposed rear single storey extension and front single storey porch at 37 Burnside Avenue, Skipton. Approved with Conditions.

2019/20256/TPO 1 no. Sycamore. Crown Lift the very lower branches at the boundary between Dale Croft and the adjacent field, 36 Barden Road, Eastby, Skipton. Approved Tree Work under TPO.

2019/20257/TCA 1 no. Oak -Remove two smaller branches overhanging adjacent property and light pruning of lower crown at the boundary between Dale Croft and the adjacent field, 36 Barden Road, Eastby, Skipton. Approve Tree Works in Conservation Area.

2019/20258/HH Erect conservatory to rear of 2 Carr Meadows, Cowling, Keighley. Approved with Conditions.

2019/20259/HH Single storey side and rear extensions to a three-bedroom late twentieth century bungalow, West Street, Gargrave, Skipton. Approved with Conditions.

2019/20260/HH Extend existing dwelling to form glazed garden room in natural oak to the South elevation and stone porch with reconstructed stone slate roof to the West elevation. (Resubmission of previously withdrawn application 2018/19807/HH) Cobblers Barn, New Lane, Silsden, Keighley. Refused.

2019/20261/LBC Extend existing dwelling to form glazed garden room in natural oak to the South elevation and stone porch with reconstructed stone slate roof to the West elevation. (Resubmission of previously withdrawn application 2018/19808/LBC) Cobblers Barn, New Lane, Silsden, Keighley. Refused.

2019/20264/CND Application to discharge condition no. 3(i) (Highways Access) of planning approval referenced 2018/19262/HH granted 10 July 2018 at 13 East Lane, Embsay, Skipton. DOC satisfactory.

2019/20263/HH Demolish existing concrete garage and wooden store, rebuild new garage and workshop with office accommodation including new water treatment septic tank to serve new building and Craggside Farm, Dick Lane, Cowling, Keighley. Application Withdrawn.

2019/20275/CND Application to discharge conditions 3 (Site Access), 4 (Soft Landscaping), 5 (Trees) and 6 (Tree Protection) of planning approval referenced 2017/18355/FUL Deep Spring, Grange Road, Farnhill. Split Decision.

2019/20280/HH Two storey side extension with balcony 86 Otley Road, Skipton. Approved with Conditions.

2019/20282/FUL Extension of an existing agricultural building permitted under ref. 2018/19472/FUL at Marton Hall Farm West Marton, Skipton. Approved with Conditions.

2019/20284/TCA T1 Birch – Fell at 1 Meadowcroft, Draughton, Skipton. Approved Tree Works in Conservation Area.

2019/20288/CND Application to discharge condition no. 7 (Construction Method Statement) of planning approval referenced 2018/18950/FUL on the site of former St. Monica's Convent, Raikes Road, Skipton. DOC satisfactory.

2019/20289/CND Application to discharge Addendum to condition no. 5 part iii (Chapel Floor Plan and Chapel Elevation) of listed building consent referenced 32/2016/17098 granted 16.02.2018 Malsis, Colne Road, Glusburn. DOC satisfactory.

2019/20298/HH Removal of existing conservatory with proposed replacement single storey extension at 14 Cross Bank, Skipton. Approved with Conditions.

2019/20307/NMA Non-material amendment to planning consent references 59/2007/8005 and 2018/19279/VAR for the installation of air source heat pumps (part retrospective) to dwellings (Details amended to show correct pump and stone screening to road frontage) at 1, 2, 3 and 4 Roselea, Hesley Lane, Rathmell, Settle. Non-material amendment approved.

2019/20309/CND Application to discharge condition no. 6 (surface water outfall) and condition no. 7 (on planning permission referenced 66/2016/17316 granted 25 October 2016 at 11A – 11C Harper Grove, Sutton-in-Craven, Keighley. DOC satisfactory.

2019/20326/CND Application to discharge condition no. 3 (Construction Method Statement) from planning approval referenced 2018/19997/FUL granted 28.01.2019 Co-op Petrol, Whitefriars, 9 Church Street, Settle. DOC satisfactory.

2019/20340/CND Application to discharge condition no. 13 (Travel Plan) on planning decision notice referenced 12/2017/17952 granted 04 July 2017 Restoration Barn, Skinner Ground Farm, Old Lane (north), Broughton, Skipton. DOC satisfactory.

b. Applications

Resolved – That decisions on applications for planning permission are made as follows: -

Permission Granted

2018/19475/FUL Construction of detached dwelling with off street parking at a former Coal Yard adjacent to Leeds-Liverpool Canal, Ings Lane, Bradley BD20 9EL – subject to the conditions listed below being amended to require the roof to be of stone, the actual wording to be formulated by the Planning Manager.

Conditions

Time Limit for Commencement

- 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.

Approved Plans

- 2 This permission relates to the following plans:
- Proposed Plans - Drawing No. 2838, received 1st March 2019;
 - Site Plan as Existing - Drawing No. 2838.02, received 19th March 2019;
 - Site Plan as Proposed - Drawing No. 2838.03, received 19th March 2019;
 - Flood Plan - Drawing No. 2838.04, received 19th March 2019;
 - Location Plan - Drawing No. 2838.05, received 19th March 2019;
 - Design and Access Statement, received 1st March 2019;
 - Flood Risk Assessment, received 25th June 2018.

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings except where conditions indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Craven District (Outside the National Park Authority) Local Plan and the National Planning Policy Framework.

Before you Commence Development

- 3 Prior to the commencement of development, plans should be submitted demonstrating arrangements for sewerage and sewerage disposal. Details shall include information to prevent an increase to the rate of surface water runoff towards the existing culverted watercourse under the canal. Thereafter the development shall be implemented in accordance with the approved details and retained in perpetuity.

Reason: To ensure sewerage is removed correctly in order to protect public health and to prevent off site pollution or land instability.

- 4 No development shall take place until a construction site management plan has been submitted to, and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in strict accordance with the approved management plans.

Reason: To ensure measures are put in place to prevent the passage of dust or runoff from the construction site towards the Leeds and Liverpool canal.

- 5 The development hereby approved shall not commence until actual or potential land contamination at the site has been investigated and a Phase I desk study report has been submitted to and approved in writing by the Local Planning Authority.

The Phase I desk study report shall be prepared in accordance with current best practice.

- i) In the event that the Phase I desk study report identifies a need for further intrusive investigation then the development hereby approved shall not commence until a

Phase II intrusive site investigation report has been submitted to and approved in writing by the local planning authority.

The Phase II Intrusive Site Investigation Report shall be prepared in accordance with current best practice.

- ii) Should the need for remediation be recommended in the Phase II Intrusive Site Investigation report, the development hereby approved shall not commence until a Remediation Strategy has been submitted to, and approved in writing by, the local planning authority. The Remediation Strategy shall be prepared in accordance with current best practice. The approved remediation measures shall be implemented in accordance with the agreed timescales set out in the approved Remediation Strategy.
- iii) In the event that remediation is unable to proceed in accordance with an approved Remediation Strategy or unexpected significant contamination is encountered at any stage of the process, the local planning authority shall be notified in writing immediately. Revisions to the Remediation Strategy shall be submitted to, and approved in writing by, the local planning authority. Works shall thereafter be carried out in accordance with the approved revised Remediation Strategy.
- iv) Following completion of the measures identified in the approved Remediation Strategy, a Validation Report shall be prepared and submitted to, and approved in writing, by the Local Planning Authority. The submission of the Validation Report shall be undertaken within the approved timescales.

The Validation Report shall be prepared in accordance with current best practice. The site shall be prepared in accordance with current best practice.

The site shall not be brought into use until such time as all the validation data has been submitted to and approved in writing by the local planning authority.

Reason: To ensure that actual or potential land contamination at the site has been investigated and that any associated environmental risks have been assessed and mitigated against in an appropriate and effective manner.

- 6 No piped discharge of water from site shall commence unless full details of the means of foul and surface water drainage for the site have been submitted to and approved in writing by the Local Planning Authority. Details shall include information to prevent an increase to the rate of surface water runoff towards the existing culverted watercourse under the canal. Thereafter the development shall be implemented in accordance with the approved details and retained in perpetuity.

Reason: To ensure the satisfactory drainage of the site, and to prevent off site pollution or land instability next to the Leeds and Liverpool Canal in accordance with paragraphs 109 & 120 of the National Planning Policy Framework.

Ongoing Conditions

- 7 Notwithstanding the provision of any Town and Country Planning General Permitted (England) Order 2015 (as amended), or any equivalent Order for the time being in force, the areas shown on approved plans for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

Reason: To ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.

- 8 Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C, D and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the dwelling hereby approved shall not be altered or extended, and no buildings or structures shall be erected within its curtilage.

Reason: In order to prevent overdevelopment of the site and to ensure that the character and appearance of the area is safeguarded.

- 9 Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the development shall be constructed in accordance with the materials detailed on the approved plans (drawing no. 2838).

Reason: To ensure use of appropriate materials which are sympathetic to the character and appearance of the surrounding area and in the interests of visual amenity.

Informatives

1. Operating times for construction should be limited to:
 - 8.00am to 18.00pm Monday to Friday
 - 8.00am to 13.00pm Saturday
 - No Sunday or Bank Holiday working.
2. The applicant should ensure that any topsoil brought on site is free from metals, plastic, wood, glass, tarmac, paper and odours associated with contaminated soils as specified in BS 3882: 2015 - Specification for Topsoil. At the request of the Local Planning Authority, details of the supplier(s) and confirmation on the source(s) of any topsoil material should be supplied within 21 days of any request being received.
3. The applicant should identify all areas of the site and the site operations where dust may be generated and ensure that dust is controlled so as not to travel beyond the site boundary.
4. The site is in proximity to existing waterside moorings. Prior to construction, it may be helpful if the Trust's waterside moorings section could be informed by the applicant of when works are likely to commence, so that boaters can be informed of any potential noise disturbance beforehand. They can be contacted via 0303 040 4040.
5. Surface Water Drainage is now the responsibility of the LLFA.
6. 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 paragraph 38 of the NPPF.

Delegated Authority

2019/20199/REM Approval of the appearance, landscaping, layout and scale as reserved by condition in outline consent referenced 17/2015/16195 for 4 dwellings at land off Carla Beck Lane, Carla Beck Lane, Carleton – the Planning Manager was authorised to approve this application subject

to the conditions listed below being amended / extended regarding discharging surface water to a public sewer as a result of gravity from the site and that there is a suitable means of foul drainage – the actual wording to be formulated by the Planning Manager.

Conditions

Approved Plans

- 1 The development hereby granted shall be carried out in accordance with the drawings hereby approved:

2829.1
2829.2A

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings except where conditions indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.

Reason: To ensure a satisfactory development and to avoid any ambiguity as to what constitutes the permission.

Before you Commence Development

- 2 Prior to any site activity is commenced in association with the development barrier fencing shall be erected along the protected trees adjacent to the site in compliance with BS 5837 (2012) Trees in Relation to Construction - Recommendations. Within these fenced areas no development, vehicle manoeuvring, storage of materials or plant or removal or addition of soil may take place. The fencing shall not be moved in part or wholly without the written agreement of the Local Planning Authority. The fencing shall remain in place until completion of all development works and removal of site vehicles, machinery, and materials in connection with the development.

Reason: To prevent damage to the protected trees during construction works in accordance with saved Policy ENV10 of the Craven District (outside the Yorkshire Dales National Park) Local Plan.

- 3 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:

The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.

The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.

Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.

That part of the access(es) extending 6 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 10.

Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details, and/or the specification of the Highway Authority, and maintained thereafter to prevent such discharges.

The final surfacing of any private access within 6 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience and comply with saved Policies ENV2 and T2 of the Craven District (outside the Yorkshire Dales National Park) Local Plan and guidance contained within the National Planning Policy Framework.

- 4 There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 60 metres measured along both channel lines of the major road Carla Beck Lane from a point measured 2 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 1.05 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of road safety and to accord with saved Policy T2 of the Craven District (outside the Yorkshire Dales National Park) Local Plan and guidance contained within the National Planning Policy Framework.

During Building Works

- 5 No excavation or grading shall be undertaken within the Root Protection Area without the prior approval of the Local Planning Authority.

Reason: To prevent damage to the protected trees during construction works and to accord with saved Policy ENV10 of the Craven District (outside the Yorkshire Dales National Park) Local Plan.

- 6 Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the landscaping scheme for the site shown on approved plans shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be maintained as landscaped areas thereafter in accordance with the details shown on the approved plan. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure appropriate landscaping of the site in the interests of visual amenity, to enhance the character of the street scene and to provide biodiversity enhancements in accordance with the requirements of Craven District (outside the Yorkshire Dales National Park) Local Plan and guidance contained within the National Planning Policy Framework.

- 7 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the Local Planning Authority before development commences.

Reason: To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading.

- 8 Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, boundary treatments to each plot shall be erected in accordance with the details (including their siting, height, design, materials and finish) shown on approved plans before the dwelling on that plot is first occupied, and shall be retained as such thereafter.

Reason: In the interests of the security of future occupiers, to ensure adequate levels of privacy between neighbouring dwellings and to achieve an acceptable relationship with the street scene in accordance with the requirements of Craven District (outside the Yorkshire Dales National Park) Local Plan and guidance contained within the National Planning Policy Framework.

Ongoing Conditions

- 9 Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the development shall be constructed in accordance with the materials detailed on the approved plans (drawing nos.2829.1 and 2829.2).

Reason: To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the street scene in the interests of visual amenity in accordance with the requirements of Craven District (outside the Yorkshire Dales National Park) Local Plan and guidance contained within the National Planning Policy Framework.

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the approved garages and parking spaces hereby approved shall be retained as such thereafter.

Reason: To ensure sufficient parking provision is retained and to accord with the requirements of saved Policy T2 of the Craven District (outside the Yorkshire Dales National Park) Local Plan.

Informatives

1. The applicant is advised that advice regarding permeable and porous hard surfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).

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

The existing Public Right(s) of Way on the site must be protected and kept clear of any obstruction until such time as any alternative route has been provided and confirmed under an Order made under the Town and Country Planning Act 1990.

2. Charging Points

The applicant/developer is advised that in the interests of promoting sustainable travel opportunities electric vehicle charging points should be provided.

3. All wild birds, nests, eggs and young are protected under the Wildlife & Countryside Act 1981 (as amended). The grant of planning permission does not override the above Act. All applicants and sub-contractors are reminded that persons undertaking site clearance, hedgerow removal, demolition works etc. between March and August may risk committing an offence under the above Act and may be liable to prosecution if birds are known or suspected to be nesting. The Council will pass complaints received about such work to the appropriate authorities for investigation. The Local Authority advises that such work should be scheduled for the period 1 September-28 February wherever possible. Otherwise, a qualified ecologist should make a careful check before work begins.

4. Noise

The applicant needs to have regard to the BS8233:2014 Guidance on 'Sound Insulation and Noise Reduction for Buildings' which presents guideline noise levels for both inside and outside dwellings.

5. Topsoil

The applicant is advised it is the responsibility of the developer to ensure that any topsoil brought on site is free from metals, plastic, wood, glass, tarmac, paper and odours associated with contaminated soils as specified in BS 3882: 2015 Specification for Topsoil. Supplier(s) details and confirmation on the source(s) of any topsoil materials brought on site should be made available for inspection at the request of the Council's Environmental Health Department.

6. Hours of Construction

The hours of operation during the construction phase of development and delivery of construction materials or equipment to the site and associated with the construction of the development hereby permitted should be limited to 0730 hours to 1800 hours on Monday to Fridays and 0730 hours to 1300 hours on Saturday. No work should take place on Sundays or Bank/Public Holidays.

7. Statement of Positive Engagement:

In dealing with this application Craven District Council has sought to approach the decision making process in a positive and creative way, in accordance with the requirements of paragraph 38 of the NPPF.

Permission Refused

2018/18918/FUL Residential development of 2 No detached single storey (bungalow) dwellings at land North West of St. Mary's Green, Carleton BD23 3DG.

Reasons for Refusal

1. The proposal would cause substantial harm to the designated heritage asset of the Carleton Conservation Area and the harm would not be outweighed by any significant benefits that might arise from the development. On this basis it is considered that the proposal is refused, in accordance with paragraphs 182 to 202 of the National Planning Policy Framework. Specifically the detail and design of the proposed development are inappropriate for a site within the conservation area and have not been informed by an understanding of the prevailing character of the conservation area.
2. In addition, the proposed development would adversely impact on a designated heritage asset by virtue of its location where it would result in the loss of important views into and out of the Carleton Conservation Area.

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 paragraph 38 of the National Planning Policy Framework. (*)

PL.921

PLANNING ENFORCEMENT

The Strategic Manager for Planning and Regeneration submitted details of enforcement cases closed, and new enforcement complaints registered in the period 27th March 2019 to 23rd April 2019.

Minutes for Decision

- None -

Chairman.



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D I S T R I C T

PLANNING COMMITTEE AGENDA

DATE: 3rd June 2019

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REPORT TO PLANNING COMMITTEE ON 3rd June 2019

Application Number:	2019/20416/FUL
Proposal:	Construction of 7no. dwellings with associated off street parking and infrastructure (Resubmission of refused application 2017/18569/FUL)
Site Address:	Land Off Skipton Road Kildwick Keighley BD20 9BB
On behalf of:	David Hill Planning Ltd
Date Registered:	18th April 2019
Expiry Date:	13th June 2019
Case Officer:	Andrea Muscroft

This application has been referred to Planning Committee as it represents a departure from the provisions of the Craven District (outside the Yorkshire Dales National Park) Local Plan and the case officer is recommending approval. Furthermore, a previous proposal on this site was considered by Planning Committee June 2018.

1. Site Description

- 1.1 The application site is an irregular shaped parcel of land extending to approximately 0.41 hectares in area to the west of Main Road and south of Skipton Road in the village of Kildwick. The site presently comprises of open grazing land used for chickens. There are a number of structures on the site associated with that use.
- 1.2 The ground levels of the site fall in a southward direction with the perimeter marked by a timber post fence. Located along the northern boundary runs a selection of trees/hedges with further trees along the western and southern boundary. Adjacent to the site is an area of land identified as Green Wedge.
- 1.3 The application site lies outside of the development limits but within the designated conservation area for Kildwick. In addition, located to the north east of the site is the Church of St Andrews a Grade I listed building and Kildwick Bridge which is a Schedule Monument.
- 1.4 The lower section of the site lies within Flood Zone 1 & 2 as identified by the Environment Agency and also lies within a low risk area for development by the Coal Authority.
- 1.5 The site is located on land identified for Housing on the existing Local Plan (KL003).

2. Proposal

- 2.1 The proposal seeks full planning permission for the construction of seven dwellings on the site with associated off street parking ((Resubmission of refused application 2017/18569/FUL).
- 2.2 **Officer note:** The previous application was refused by Planning Committee on the grounds of its impact on the conservation area. The refusal notice reads as follows:
- 2.3 *The application relates to the redevelopment of an open field for residential housing. The design, scale and appearance of the proposed dwellings would be incompatible with and unsympathetic to the surrounding area and would harm the character and appearance of the designated conservation area. The proposal, therefore conflicts with guidance contained within the National Planning Policy Framework.*

- 2.4 The difference between the current proposal and the previously refused application are in relation to addressing the potential impact of the development on the conservation area and therefore the changes apply to the design and orientation of the proposed dwellings.
- 2.5 The proposed mix for the development would consist of the following:
- 3 x 2 bedroom dwellings
 - 2 x 3 bedroom dwellings
 - 2 x 4 bedroom dwellings
- 2.6 The existing access to the site would be retained.
- 2.7 A new access would be created that would serve plot 1 and a secondary main access would be created between plots 5 & 6 which would provide vehicle access to the rear of the dwellings. The final access onto Skipton Road would be created to the east of plot 7 and would also serve as a driveway for this property.
- 2.8 The proposed layout consists of the proposed dwelling being linear to Skipton Road set behind low level walls. An open arch is proposed between plots 5 & 6 which will lead into turning areas with parking spaces and detached garages positioned along the northern boundary of the site.
- 2.9 The proposed landscaping would consist of grassed private front and rear amenity areas enclosed by stone boundary walls. The remaining woodland, croft fields would be managed by a management company.
- 2.10 Plots 1 & 7 would have a double garage plus two off street parking spaces, the remaining plots would have a single garage and one off street parking space.
- 2.11 The proposed dwellings would be constructed from materials used in the construction of nearby dwellings.
3. Planning History
- 3.1 5/73/46 – Proposed new agricultural access – Refused September 1988.
- 3.2 549-73PREA – Pre-application advice sought for the development on this site consisting of option 1 – construction of 11 units or option 2 – construction of 18 units.
- 3.3 2017/18569/FUL- Construction of 7 dwellings with associated off street parking – Refused June 2018 – Appeal Lodged and Dismissed November 2018.
4. Planning Policy Background
- 4.1 Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that development proposals are determined in accordance with the development plan unless material considerations indicate otherwise. The statutory development plan for Craven comprises the saved policies of the Craven District (Outside the Yorkshire Dales National Park) Local Plan 1999 (the 'CDLP').
- 4.2 CDLP
- BE3 – Green Wedge
 - ENV1 – Development in the Open Countryside.
 - ENV2 – Requirements for Development in the Open Countryside.
 - ENV10 – Protection of Trees and Woodlands.
 - T2 – Road hierarchy
- 4.3 Submission Draft Craven Local Plan March 2018 – Emerging Local Plan (ELP)
- SP1: Meeting Housing Need

SP4: Spatial Strategy and Housing Growth.

ENV1 – Countryside and Landscape.

ENV2 – Heritage.

ENV3 – Good Design.

ENV4 – Biodiversity.

ENV5 – Green Infrastructure.

ENV6 – Flood Risk.

ENV13 – Green Wedge.

4.4 National Policy

The National Planning Policy Framework – NPPF 2019

Planning Practice Guidance – PPG.

5. Parish/Town Council Comments

5.1 Kildwick Parish Council objects to the proposal for the following reasons:

5.2 There has been no new building within the heart of the village, with the exception of barns being converted to housing. This leaves the environment in which the church and many other listed buildings in the village in the same setting they originated in.

5.3 The emerging Local Plan (LP) the site has been identified as Open Space and Green Wedge land both of which are valued by the local residents. The emerging LP stresses the importance of Green Wedge.

5.4 This particular Green Wedge separates the farming community of Kildwick from Farnhill.

5.5 The loss of the hedges and tree screen that exists now, will be environmentally disastrous if they are reduced or damaged particularly to the wildlife they support and the protection they provide.

5.6 The hedges also provide protection to the village from noise and pollution from the A219.

5.7 The reduction in the overall height of the existing hedges would mean that the development is highly visible in the village and when viewed from the Church thus spoiling the setting of this historic asset, and many other listed structures nearby, thus diminishing what is an important tourist attraction.

5.8 The Parish and local residents feel that the site is an important element of the Conservation Area and as this field is one of the highest areas in the village the development on it will dominate the village, visible across the Aire Valley.

5.9 This site does not fall within the Local Development Plan and the housing commitment has been exceeded. The emerging Local Plan stresses that sites with reasonable proximity to the Leeds Liverpool Canal should take account of the setting and significance of the canal. The application site would impact on the coal chutes built into the canal banking on Skipton Road, and although not listed are an important part of Kildwick and are of historic importance.

5.10 Development of this field would result in the flooding of housing down Main Road as a culverted stream runs along the eastern border of the site.

5.11 The field also provides a habitat for wildlife linking the trees and fields and river bank to the south from the churchyard, the canal corridor and fields beyond to the north and finally with the moors.

- 5.12 The proposed stone is considered acceptable, but not the artificial roofing slates. If approved the roof must be Yorkshire Stone slates to match those in the heart of the village.
- 5.13 Kildwick is an attractive and thriving village valued by many because of its unspoilt historic and scenic beauty. It is blessed with a splendid array of listed heritage assets which reflects the ancient origins and importance of this small settlement.
- 5.14 The development is too large and too dominate and in too sensitive area, the damage it would cause to the character of this unspoilt Conservation Area is significant and far outweighs any benefits it could bring.
- 5.15 For the reasons outlined above the application should be refused.
6. Consultations
- 6.1 **CDC Conservation and Listed Building Consultant:** The revised proposal is considered more appropriate and therefore no objection to the proposal subject to the use of conditions to control the use of materials on site.
- 6.2 **CDC Environmental Health:** No objection to the proposal subject to the use of conditions and informative.
- 6.3 **CDC Tree Officer:** No objection to the proposal subject to the use of appropriate conditions.
- 6.4 **Airedale Drainage:** No objection to the proposal subject to the use of appropriate conditions.
- 6.5 **Environment Agency:** Please refer to the EA standing advice.
- 6.6 **NYCC Highways:** No objection to the proposal subject to the use of appropriate conditions.
7. Representations
- 7.1 Site Notice posted 26.4.2019
- 7.2 Press Notice published 02.5.2019
- 7.3 Notification letters circulated 25.4.2019
- 7.4 26 letters of objection where received (2 letters from Orchard Fold and 2 Main Road)
- 7.5 Comments have been summarised below:
- 7.6 **Local and National**
Site is not allocated for development.
Site is outside of defined limits of village.
- 7.7 **Visual**
Over development and adverse impact on setting of Grade I listed Church.
Development would have a negative impact on this green space and setting of the village and conservation area.
Proposal is out of character with the area.
Every building has a Yorkshire Stone Roof to use anything else would be a significant blot on an otherwise picturesque village.
- 7.8 **Highways**
Adverse impact on flow of traffic and add to the roundabout problems.
Increase in traffic noise and congestion.

- 7.9 **Flooding**
 Proposal would increase the risk of flooding.
 Increase risk of flooding due to an underground culvert becoming blocked.
- 7.10 **Officer note:** Landowners (known as Riparian Owners) have the responsibility to maintain channels and culverts clear of obstructions. If a culvert is neglected, then action could be taken under the Land Drainage Act 1991 which may potentially expose the owner to liability for the cost of any damage caused by flooding. However, this would be a private matter between affected parties and not a material planning consideration.
- 7.11 **Trees**
 Concern over potential loss of trees.
- 7.12 **Officer Note:** The trees are protected by a Tree Preservation Order ref: 256/2017 which prohibits the cutting down, topping, lopping, uprooting, wilful damage and wilful destruction without the Councils written consent. Failure to comply with the Order would be guilty of a criminal offence.
- 7.13 **Other issues**
 Loss of wildlife and habitat.
 Site is classed as green wedge.
 Field contributes to scenic beauty of village attracting visitors and contributors to local economy.
 Council has a housing supply which exceeds the 5-year target.
 Harm to village would outweigh any benefits from the scheme.
 Development is being driven by financial personal and short term gain.
- 7.14 **Officer Note:** This is not a material consideration when considering this proposal.
 Previous decisions should be respected.
 Bus service due to congestion has been axed.
- 7.15 **Officer Note:** Information sourced indicates that Bus 66 still operates a service between Keighley and Skipton, calling at Kildwick.
- 7.16 **Observations**
 Maybe the owner could consider gifting the land to the village so that it may preserve our heritage and fragile ecology for future generations.
 Plenty of brownfield sites which would benefit from investment and regeneration.
 Where would the infrastructure go?
 No need for housing.
- 7.17 The above is a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at
<https://publicaccess.cravendc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>
- 7.18 Comments have also been received from Farnhill Parish Council who have made the following observations:
 Consider the revised proposal is inferior to the original proposal.

Site is not infill, but a designated Green Wedge where the Council's policy is to resist development.

Development would fail to preserve the conservation area.

The loss of any screening would have a detrimental impact, in terms of visual, noise, light and road emissions.

- 7.19 **Officer note;** The proposal is not seeking the removal of any of the trees located along the south and west boundaries to the site.

No justification for construction housings on this site.

8. Summary of Principal Planning Issues

- 8.1 Paragraph 11 of the Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. The NPPF makes clear that, for decision taking, this means:

Approving development proposals that accord with an up-to-date the development plan without delay; or where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless;

The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or 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;

- 8.2 Having regard to the relevant national and local planning policies, the site's designation within the CDLP, the representations received and the nature of the development applied for, it is considered that the main issues in this case are:

Principle of development

Visual impact

Heritage impacts

Amenity issues

Highway issues

Flood Risk

Other issues

9. Analysis

9.1 **Policy context**

- 9.2 Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2 of the NPPF make clear that development proposals are to be determined in accordance with the development plan unless material considerations indicate otherwise. At the present time, the statutory development plan for Craven comprises the saved policies of the Craven District (Outside the Yorkshire Dales National Park) Local Plan 1999. However, there are no saved policies relevant to the assessment of this proposal. Therefore, the NPPF will provide along with legislation the prevailing policy context under which this application is to be assessed.

9.3 **Principle of development.**

- 9.4 The application site lies outside of the development limits defined on the 1999 Local Plan, and accordingly the site lies within the open countryside. Saved Policy ENV1 is therefore of relevance.

- 9.5 Saved Policy ENV1 indicates that the Council will protect the character and quality of the open countryside and prevent this from being spoilt by sporadic development. However, this policy does not preclude development in the open countryside. The policy is supportive of small scale development subject to meeting certain criteria. These include that development should be small scale and where it clearly benefits the rural economy; helps to maintain or enhance landscape character, is essential for the efficient operation of agriculture or forestry; or is essential to the needs of the rural community.
- 9.6 These objectives are broadly compliant with paragraph 17 of the NPPF which requires that the intrinsic character and beauty of the countryside is recognised.
- 9.7 Paragraph 213 of the NPPF states that existing policies should not be considered out of date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). As the CDLP was adopted in 1999, in instances where conflicts between the Local Plan and the NPPF arise, paragraph 213 of the NPPF makes clear that the policies in the Framework must take precedence.
- 9.8 However, the NPPF also makes allowances for other types of development in rural areas which do not strictly fall within the categories identified in policy ENV1. In particular, paragraph 79 of the NPPF recognises that, depending on its location, housing is capable of contributing to the vitality of rural communities by supporting services within neighbouring settlements. With respect to housing in rural areas, the main aim of paragraph 79 is to avoid “new isolated homes in the countryside unless there are special circumstances”, with paragraph 29 of the Framework also recognising that “opportunities to maximise sustainable transport solutions will vary from urban to rural areas.”
- 9.9 In this instance, the proposal does not strictly fall within the categories of development permissible within the open countryside as set out in policy ENV1, and thus represents a departure from the adopted Local Plan. Notwithstanding this, it does not follow that this is sufficient grounds to resist the principle of residential development, particularly as there is conflict between policy ENV1 and paragraph 79 of the NPPF which is supportive of housing in rural areas providing that it would not lead to the introduction of new isolated homes in the countryside.
- 9.10 Paragraph 79 of the NPPF states that ‘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 nearby village. However, LPA should avoid new isolated homes in the countryside unless there are special circumstances.
- 9.11 In addition, the first and third bullet points to the ‘Rural Housing’ chapter of the PPG identify that:
- “It is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements. This is clearly set out in the National Planning Policy Framework, in the core planning principles, the section on supporting a prosperous rural economy and the section on housing.”*
- “Assessing housing need and allocating sites should be considered at a strategic level and through the Local Plan and/or neighbourhood plan process. However, all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence”.*
- 9.12 Paragraph 103 of the NPPF also states:

The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

- 9.13 This point is also recognised within paragraph 001 of the 'Rural Housing' chapter to the NPPG which states that:
- "The National Planning Policy Framework also recognises that different sustainable transport policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas."*
- 9.14 It is acknowledged that the application site located on the edge of the existing settlement and that the services and facilities available within the village are limited. However, the town centre of Glusburn which provides a wide range of services and facilities is located approximately 1.3m to the west of the site. There is a bus stop adjacent to the proposed site and a further stop to the east of the site on Main Street. Whilst this service is limited there is a footpath to the centre of Glusburn which offers services with a greater frequency. In addition, there is a footpath that runs from the site to Cononley with network connections to neighbouring villages and towns, and Skipton which also provides a wide range of services and facilities combined with good public transport links in the form of public buses and trains to neighbouring villages and towns and beyond.
- 9.15 It is therefore considered that the development is an edge of settlement location which is closely related to existing dwellings on the periphery of Kildwick. Shops, services and employment opportunities in Glusburn are available within a reasonable walking distance, as are public transport connections by bus. Therefore, it is considered that the development would have reasonable access to local shops, schools, employment sources, public transport and other community facilities relative to its rural setting and would not result in the introduction of isolated homes in the countryside for the purposes of the NPPF.
- 9.16 The Council published its Housing Trajectory 2012 to 2032 which was submitted for examination and hearings in October 2018 as part of the emerging local plan. The document sets out the Council's position on the 5 year supply of deliverable housing sites in the Housing Trajectory as 2,813 dwellings which demonstrate that the Council has the equivalent to 7.3 years housing land supply. However, the emerging local plan has yet to be adopted. Therefore, the stated existence of the Five Year Housing Land Supply is not a reason by itself to justify refusal of a planning application. It is a material consideration in the planning judgement that can be given weight in the decision making process. In effect it is one of many planning issues that should be taken into account when determining a planning application.
- 9.17 Turning to the three dimensions to sustainable development, economic, social and environmental as defined by the NPPF, it is recognised that the proposed development of this site would provide economic benefits associated from new housing development including the provision of construction jobs and from future residents of the proposed dwellings, including additional Council Tax, plus the additional household expenditure from future residents that would benefit the district.
- 9.18 In addition, the proposal would provide some social benefits with the provision of a mixture of 2, 3 and 4 bedroom properties. This is in line with local housing needs for the district. It is therefore considered that the proposal would provide social benefits.
- 9.19 Notwithstanding the benefits outlined above, the proposal would result in the partial development of an open field and therefore, the environmental dimension of sustainable

development is a consideration. In addition, local residents have indicated that the site is considered to be a valued landscape.

- 9.20 Whilst 'valued landscapes' are not defined within the NPPF it is acknowledged that the site lies within the designated conservation area of Kildwick. Currently there are no saved policies with regards to heritage within the Local Plan, but contained within the emerging local plan is policy ENV2 which seeks to manage change conservation areas through ensuring that proposals are based on knowledge, understanding and appreciation of the assets significance. Whilst only limited weight can be given to this policy, the aims of this policy accord with the requirements of the NPPF.
- 9.21 The Kildwick Conservation Area Appraisal dated August 2016 and reviewed by Historic England states that the site makes no or negligible contribution to the designated conservation area. This was also confirmed by the Planning Inspectorate when dealing with the appeal ref: 3206821 who stated "*that the field, in itself, does not greatly contribute to the conservation area*". The Council's Heritage Consultant has reviewed the application and has not raised any objections to the development of this parcel of land. Therefore, given that the site is less than 1 hectare in area, it is considered that the development of this site would provide benefits which would outweigh any dis-benefits arising from the proposal.
- 9.22 **Conclusion**
- 9.23 The application site is located in open countryside as defined by the 1999 Local Plan and therefore represents a departure from the provisions of saved Policy ENV1 of the Local Plan. Nevertheless, the development would be located within close proximity to existing residential dwellings, and would be of a scale form of development that would contribute to the districts housing needs. The site is reasonably well related to existing services and facilities in Glusburn with public transport links to neighbouring villages and towns.
- 9.24 Therefore, the proposal is considered acceptable in principle as per the consideration by Planning Members when considering this site for development in June 2018. Notwithstanding this, the key test is whether the development would cause harm to the character of the local area, amenity, highway and flooding which will be considered within the report.
- 9.25 **Visual impact of development on the conservation area and the Green Wedge.**
- 9.26 The overarching objective of CDLP policy ENV1 is to protect the character and quality of the countryside by preventing sporadic, unrestricted development within it. This objective is broadly in accordance with the fifth core land-use planning principle in paragraph 17 of the Framework which requires that the intrinsic character and beauty of the countryside is recognised.
- 9.27 CDLP policy ENV2 sets out four criteria for developments in the open countryside. While the opening text to the policy indicates that policy ENV2 is most directly applicable to development deemed acceptable in principle under policy ENV1 (which is not the case with this development), it contains more detailed general design criteria for developments in the open countryside which are considered to be relevant in assessing the scheme's layout. Specifically, criteria (1), (2) and (4) of the policy indicate that development within the open countryside will only be permitted where:
- 9.28 It is compatible with the character of the surrounding area, does not have an unacceptable impact on the landscape and safeguards landscape features including stone walls and hedgerows, worthy of protection.
- 9.29 The design of buildings and structures and the materials proposed relate to the setting, taking account of the immediate impact and public views of the development.
- 9.30 Services and infrastructure can be provided without causing a serious harmful change to the rural character and appearance of the locality.

- 9.31 Section 12 of the NPPF highlights the importance of good design and its key role in providing sustainable development. Paragraph 127 states that LPAs should ensure that developments are visually attractive, are sympathetic to local character and history, and establish a strong sense of place.
- 9.32 Paragraph 130 however, does state that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area, taking into account local design standards or style guides. Conversely, where the design accords with clear expectations in plan policies, design should not be used by the decision maker as a valid reason to object to development.
- 9.33 Paragraph 189 of the NPPF is of relevance when determining applications, as it advises an applicant to describe the significance of any heritage assets affected, including any contributions made by their setting. This theme is continued in paragraph 192 as it directs LPA's, to take account of the desirability of sustaining and enhancing the significance of heritage assets.
- 9.34 Also for consideration is the proposals potential visual impact on a conservation area. The duty imposed by section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 9.35 In addition, LPA should when considering whether to grant planning permission for development that affects a listed building or its setting, or whether to grant listed building consent, that special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (Section 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 9.36 Also of relevance is the English Heritage (EH) guidance on 'The Settings of Heritage Assets' which states that setting embraces all of the surroundings from which the asset is viewed and that setting does not have a fixed boundary and cannot be definitively and permanently described as a spatially bounded area or as lying within a set distance of a heritage asset.
- 9.37 The application site is located within the designated conservation area of Kildwick. The majority of the area contains examples of Victorian terrace dwellings with detached dwellings and converted agricultural buildings to residential accommodation. As such, it is considered that the existing dwellings and street patterns make a positive contribution to the designated area.
- 9.38 Concerns from local residents have been expressed over the scale of the development and that the proposed dwellings would not be in keeping with the character and appearance of the area.
- 9.39 To ensure that new development is in harmony with the character of the surrounding area it is important to create a visual relationship between old and new. This can be achieved by incorporating the three main factors to consider within the design of any development. These include the form, detail and use of materials.
- 9.40 In this instance the proposal seeks to construct a row of terrace dwellings with new openings onto Skipton Road. Whilst concerns were raised within the previous and this current application that the proposal fails to reflect the character of the area. The current proposal has repositioned the dwellings to be more reflecting of terrace dwelling located within the village with a greater uniformity in terms of building types present within the village and through the differing design and appearance of the dwellings. Furthermore, the size, height, roof profiles and massing of the proposed dwellings would ensure that the development assimilates sympathetically with the existing properties adjacent to the site and the wider street scene.

- 9.41 Therefore, the harm previously identified by the Planning Inspector is now significantly reduced. Furthermore, the materials proposed and landscaping would be in keeping with the character of the surrounding conservation area. The Council's Heritage Consultant has reviewed the proposal and considers that the current proposal has been sensitively designed to ensure that there is no harm to the conservation area. As such, the Council's Heritage Consultant has not objected to the proposal.
- 9.42 With regards to the potential impact of the development on nearby listed buildings it is acknowledged that the proposed development would lay within the setting of the Grade I building and therefore its impact on this building is a material planning consideration. However, views between the application site and this heritage asset would be limited due to the intervening buildings, natural screening and topography of the land. As such, it is considered that the proposed dwellings would be a minor element in the setting of this listed building. Similarly, it is considered that the proposed development would not result in any unacceptable harm to the significance of this listed building. This concurs with the Planning Inspector findings when dealing with the appeal. Similarly, the Council's Heritage Consultant also confirms that the current proposal would not have a meaningful impact on the settings of nearby listed buildings. As such, the Council's Consultant advisor has not objected to the proposal.
- 9.43 It is acknowledged that the greatest visual impact would be from users of the A65 that runs to the north of the site. However, these buildings would be seen in the context of the existing residential dwellings that lie adjacent to the site. As such, the proposed dwellings would not appear out of scale or cause significant harm to the visual character of the setting of the open countryside.
- 9.44 With regards to soft landscaping the proposal is seeking to provide grassed areas, plus further landscape planting along the southern and western boundaries. Whilst details are limited, it is considered that this could be controlled through the use of an appropriate condition and is not a reason for refusal. Furthermore, the agent has confirmed that the remaining land around the site and including the hedgerows would remain untouched and managed by a landscape management company with the aim of maintaining the character of this area.
- 9.45 The hard landscaping would comprise of two driveways to plots 1 & 7 with low level boundary walls to the front of the properties. For the majority the hardstanding parking areas would be located to the rear of the dwellings. Therefore, the hardstanding surfaces would be softened by the proposed soft landscaping within the garden frontages which would help avoid an over-engineered appearance to the street scene.
- 9.46 Finally, the application site is located adjacent to a 'green wedge' designated on the 1999 Local Plan, where in accordance with 'saved' policy BE3 development would be resisted which might compromise the gap between adjacent villages.
- 9.47 In this instance, the application site forms only a small part of the 'green wedge' and as such it is not considered that the proposal would erode or compromise the gaps between existing settlements. The proposal would therefore not harm the purpose of the 'green wedge'. The development is not considered to be contrary to the aims and objectives of the 'Saved' local policy BE3 or the NPPF.
- 9.48 In conclusion, the proposed development of this site would result in a visual improvement with the tidying up of the site. Furthermore, the impact on the conservation area (resulting from a change in its setting) would be less than substantial as the impact of the proposal would be relatively localised in relation to the whole of the designated conservation area. In addition, any harm to the significance of the Church of St Andrews would be less than substantial. Paragraph 134 of the Framework states that where a proposal would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal. In this case the main public benefits resulting from the scheme would be the provision housing relatively accessible to local

services and facilities combined with the social and economic benefits. As such, the proposal accords with the policy requirements ENV2 and BE3 of the Local Plan and the guidance contained within the NPPF.

9.49 **Impact of development on nearby residential dwellings.**

9.50 Paragraph 127 (f) states that planning decisions should create places that are safe, inclusive with a high standard of amenity for existing and future users.

9.51 The nearest dwelling located to the proposed development is The Old Smithy which is located approximately 5.5m from the side elevation of plot 1. Whilst it is acknowledged that the side elevation of the garage would contain window opening it is considered that the separation distance combined with the transient nature of the garage would be sufficient to ensure that the occupants of this property do not experience any unacceptable loss of privacy or overshadowing. In addition, it is considered that the separation distance combined with the orientation of the proposed and existing dwelling is sufficient to ensure that the proposal would not appear dominant or overbearing when viewed from the habitable rooms of this dwelling.

9.52 The next nearest dwelling is the Vicarage located to the north of the site at a separation distance of approximately 32m. This property is partially screened from the application site by mature trees and is located at an elevated position compared to the application site. Therefore, it is considered that the separation distance, combined with the intervening screening and elevated position is sufficient to ensure that the occupants of the property do not experience any unacceptable loss of privacy or amenity.

9.53 Located to the west of the Vicarage are a number of properties at separation distance ranging from approximately 34m to 40m. As such, it is not considered that the proposal would have an adverse impact on the amenity or privacy of the occupants of these properties.

9.54 It is also acknowledged that located to the east of the site are a row of terrace cottages. However, it is considered that the separation distances which range from 40m to 70m are sufficient to ensure that the occupants of these properties do not experience any unacceptable loss of privacy or amenity.

9.55 The proposed dwellings would provide sufficient residential accommodation split over two levels. In addition, the proposal would provide private amenity space with off street parking. It is therefore considered that the proposal would meet the needs of any future occupants and as such is acceptable.

9.56 In conclusion, it is considered that the proposed development would not result in any unacceptable loss of privacy or amenity of existing nearby neighbouring properties and would provide acceptable residential accommodation for any future occupiers of these dwellings. It is therefore considered that the proposal meets the aims and objectives of the NPPF.

9.57 **Impact on highway safety.**

9.58 Saved Policy T2 is permissive of development proposal 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 design and road safety; and the highway impact has regard to the surrounding landscape.

9.59 Paragraph 108 of the NPPF states that applications for development should ensure that:
Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
Safe and suitable access to the site can be achieved for all users; and

Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

- 9.60 Paragraph 109 of the Framework indicates that “development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”
- 9.61 The proposal is seeking to create three new openings, two which would act as driveways for plots 1 & 7 and a further access to allow vehicles to the rear parking areas. In addition, each dwelling would benefit from off street parking. It is therefore considered that the proposal would not have an adverse impact on highways safety and therefore meets the requirements of saved Policy T2 of the Local Plan.
- 9.62 As outlined above the main access into the site would be located between plots 4 & 5 and would include visibility splays of 2.0m x 45m in a western directions and a 2.0m x 24m in an easterly direction. As Skipton Road is an unclassified road, the final detailed design of the footpath, private access and verge crossings would need to be approved by NYCC Highways.
- 9.63 NYCC Highways have indicated that the proposed means of access onto Skipton Road are appropriate and have no objection to the scheme subject to the imposition of conditions controlling its detailed design and construction. It is therefore, considered that the access to the site can be achieved through the imposition of appropriate conditions. The level of traffic generated by the development of 7 dwellings would not have any severe, residual cumulative impacts on the capacity of the surrounding road network.
- 9.64 The internal road layout would take the form of parking spaces abutting turning areas. In terms of parking, plots 1 & 7 would benefit from 4 off street parking spaces with the remaining plots benefiting from 2 off street parking spaces. NYCC Highways have not objected to the internal layout, the manoeuvring of road users and the proposed parking provision complies with NYCC’s parking standards.
- 9.65 In conclusion, it is considered that the proposal would not result in any conditions contrary to highway safety to both pedestrians and vehicle users and as such the proposal complies with saved Policy T2 of the Local Plan and the aims and objectives of the NPPF.
- 9.66 **Flooding and Drainage issues.**
- 9.67 The River Aire flanks the southern boundary of the site. As a result, the far southern part of the site is located in flood zones 2 (land with between a 1 in 100 and 1 in 1000 or 1% - 0.1% annual probability of river/sea flooding) as defined on the Environment Agency’s Flood Map. The remainder of the site (which forms the majority of the site area) falls in flood zone 1 (land with a less than 1 in 1,000 or <0.1% annual probability of river/sea flooding).
- 9.68 With regards to this site, flood risk vulnerability classification identifies this proposal as being within the ‘more vulnerable’ classification where this form of development is considered appropriate subject to the submission of a Strategic Flood Risk Assessment.
- 9.69 The agent has submitted a Flood Risk Assessment and Drainage Strategy by Fairhurst in support of the proposal. The proposed layout shows that the majority of the proposal would be located outside of FZ2 with the exception of the garages. The documents also outlines the mitigation measures proposed with regards to surface water drainage and confirms that the development would also be built to meet Building Control Drainage Regulations. The mitigation measures and proposed attenuation measures comply with the EA’s standing advice note.
- 9.70 Airedale drainage have also been consulted with regard the proposal and have raised no objection to the proposal subject to the imposition of conditions controlling the scheme for the provision, implementation and maintenance of surface water system.

- 9.71 In conclusion, it is considered that the submitted details with regards to flooding and drainage details are acceptable and can be achieved through mitigation and attenuation measures. Accordingly, it is considered that the proposal can be controlled through appropriately worded conditions.
- 9.72 **Other issues.**
- 9.73 Whilst acknowledging comments expressing concern over the potential impact on biodiversity it is the officer's opinion that a proposal of this scale would not significantly impact on the local wildlife to warrant a refusal.
- 9.74 Concerns have been expressed over the potential impact on the protected trees. It is acknowledged that the proposal would result in the removal of a section of hedging fronting onto Skipton Road and the crown lifting at the field edge and selectively thinned by 25%. The Council's tree officer has been consulted and has not raised any objections to the proposal subject to the use of appropriate condition with regards to a proposed landscaping scheme.
- 9.75 **Conclusion**
- 9.76 The application relates to a parcel of open grassland which lies within the conservation area with residential dwellings to the east and north of the site. The land is located within the open countryside as defined by the 1999 Local Plan and therefore lies outside of the development limits for Kildwick. Nevertheless, the site has been identified for housing within the adopted local plan and this is an important material consideration which must carry substantial weight in establishing the principle of residential development on this site.
- 9.77 The site is located between existing dwellings on two sides. Therefore, whilst the proposal would result in the loss of an open green space, the relatively enclosed nature of the site means that, when seen against the backdrop of existing buildings, the development would be viewed as a natural extension to the village. Furthermore, the development can be accommodated without any significant impact on the landscape, character and appearance of the conservation area, or on the setting of adjacent listed buildings. The proposal would achieve a form of development that is reflective of buildings located within the surrounding area fronting onto Main Road and Priest Bank Road. The layout, siting, landscaping and boundary treatments, would ensure a sympathetic assimilation when the development is viewed within the context of the surrounding area.
- 9.78 The proposed access to the site from Skipton Road is considered safe and suitable access for all users. The internal layout would also provide suitable vehicle turning and parking space and avoid any adverse effects on highway safety. Similarly, the level of traffic generated by the development of 7 dwellings would not have any severe residual effects on the capacity of the surrounding highway network.
- 9.79 The scale of the proposed dwellings would be compatible with that of the surrounding buildings and their siting, and partial screening would ensure that the development does not appear dominate or as an imposing feature within the street scene. The development would also not have an adverse impact on the privacy or amenity of neighbouring properties through the loss of outlook, overshadowing or privacy. The external appearance of the dwellings would through the use of materials present within the existing street scene, would help to ensure that the development assimilates well with the scale, features and character of surrounding buildings whilst adding interest to the streetscene.
- 9.83 No adverse effects would arise with respect to ecology, flood risk or on protected trees that would significantly and demonstrably outweigh the scheme's benefits. Accordingly, the proposal is considered to represent sustainable development in accordance with relevant policies contained within the Local Plan the aims and objectives of the NPPF.

10. Recommendation

10.1 Approve with Conditions

Conditions

Time Limit for Commencement

- 1 The development must be begun not later than the expiration of three years from the date of this permission.

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Plans

- 2 This permission relates to the following plans:

2837.1B site/location/floor plans and roof plans
2837.2A elevations and floor plans

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings or where alternative details have been subsequently approved following an application for a non-material amendment.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Craven District (Outside the Yorkshire Dales National Park) Local Plan and the National Planning Policy Framework.

Before you Commence Development

- 3 No development shall take place until a Construction Exclusion Zone has been formed around the Root Protection Areas of the protected trees identified as being retained on drawing no. P1474/002c. The Construction Exclusion Zone shall be provided in the form of protective fencing of a height and design which accords with the requirements BS 5837: 2012. The Construction Exclusion Zone shall be maintained in the duly installed positions during the entirety of the construction period insofar as it relates to these areas of the site.

Reason: To ensure that adequate measures are put in place to protect existing trees which are to be retained as part of the development before any construction works commence in accordance with the requirements of Saved Policy ENV10 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and guidance contained within the National Planning Policy Framework.

- 4 No development shall commence on this site until a Scheme for the provision, implementation and maintenance of a surface water regulation system has been approved in writing by the Local Planning Authority in consultation with the Internal Drainage Board. The rate of discharge would not expected to exceed that of a 'greenfield site' taken as 1.4 lit/sec/ha.

Reason: To prevent the increased risk of flooding.

- 5 No development approved by this permission shall be commenced until the Local Planning Authority in consultation with the Internal Drainage Board has approved a Scheme for the provision of surface water drainage works. Any such Scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use.

The following criteria should be considered:

Any proposal to discharge surface water to a watercourse from the redevelopment of a brownfield site should first establish the extent of any existing discharge to that watercourse.

Peak run-off from a brownfield site should be attenuated to 70% of any existing discharge rate (existing rate taken as 140lit/sec/ha or the established rate whichever is the lesser for the connected impermeable area).

Discharge from "greenfield sites" taken as 1.4 lit/sec/ha (1:1yr storm).

Storage volume should accommodate a 1:30 yr event with no surface flooding and no overland discharge off the site in a 1:100yr event.

A 20% allowance for climate change should be included in all calculations.

A range of durations should be used to establish the worst-case scenario.

The suitability of soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 or other approved methodology.

Reason: To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding.

During Building Works

- 6 No above ground works shall take place until a scheme for the disposal of foul and surface water from the site has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:

- (i) separate systems for the disposal of foul and surface water;
- (iv) details of how the scheme will be maintained and managed after completion.

The scheme shall be implemented in accordance with the duly approved details before any of the plots are first occupied, and shall be maintained and managed as such thereafter.

Reason: To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface water in accordance with the requirements

- 7 Notwithstanding any details shown on the approved plans and the requirements of condition 2 of this permission, within three months of development first taking place a landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, species, siting, planting distances and the programme of planting of trees, hedges and shrubs. The duly approved landscaping scheme shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

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

- 8 Notwithstanding any description of materials in the application, no above ground works shall take place until full details of all materials to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall thereafter be implemented in accordance with the duly approved materials.

Reason: To ensure use of appropriate materials which are sympathetic to the character of the rural area and the site's surroundings in the interests of visual amenity in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy ENV2 and the National Planning Policy Framework.

- 9 The development hereby approved shall be carried out in conformity with the details contained within the Flood Risk Assessment and retained thereafter.

Reason: To ensure that Flood Risk is satisfactorily addressed.

- 10 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of materials on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements

The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highways Authority.

The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

- 11 Within 3 months of development first taking place, details of the height, design, materials and finish of all boundary treatments at the site (the siting of which is shown on the approved plan submitted with application showing siting of boundary wall and fencing shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be constructed in accordance with the duly approved details before the building is first occupied, and retained as such thereafter.

Reason: In the interests of site security and to ensure a satisfactory relationship with the character of surrounding buildings and the street scene in accordance with the requirements of the National Planning Policy Framework.

- 12 Notwithstanding any details shown on the approved plans and the requirements of condition 2 of this permission, within three months of development first taking place a scheme for the construction of all hard surfaced areas of the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the design, construction (including sub layers and surfacing materials) and drainage of all hard surfaced areas, and a timetable for their provision. The hard surfaced areas shall thereafter be delivered in accordance with the duly approved scheme and the timetable contained therein.

Reason: In order to ensure satisfactory treatment of hard surfaced areas and a satisfactory standard of engineering works in the interests of visual amenity in accordance with Saved

Policy ENV2 of the Craven District (outside the Yorkshire Dales National Park) Local Plan and guidance contained within the National Planning Policy Framework.

- 13 No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation.

The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority in consultation with the Highway Authority before the first dwelling of the development is occupied.

Reason: To ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy T2 and the National Planning Policy Framework.

Ongoing Conditions

- 14 The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellings.

Reason: To reduce the risk of flooding and pollution and increase the levels of sustainability of the development.

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2018, for the time being in force, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

Reason: To ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.

- 16 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage and in accordance with the National Planning Policy Framework.

- 17 Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), no windows other than those expressly authorised by this permission shall be inserted in the western side facing elevation of the dwelling on plot 1 (as identified on the approved plans).

Reason: To safeguard the privacy of occupiers of neighbouring dwellings and ensure satisfactory levels of amenity for adjoining residents in accordance with the

Informatives

1. All wild birds, nests, eggs and young are protected under the Wildlife & Countryside Act 1981 (as amended). The grant of planning permission does not override the above Act. All applicants and sub-contractors are reminded that persons undertaking site clearance, hedgerow removal, demolition works etc. between March and August may risk committing an

offence under the above Act and may be liable to prosecution if birds are known or suspected to be nesting. The Council will pass complaints received about such work to the appropriate authorities for investigation. The Local Authority advises that such work should be scheduled for the period 1 September-28 February wherever possible. Otherwise, a qualified ecologist should make a careful check before work begins.

2. Charging Points

The applicant/developer is advised that in the interests of promoting sustainable travel opportunities electric vehicle charging points should be provided.

3. Hours of Construction

The hours of operation during the construction phase of development and delivery of construction materials or equipment to the site and associated with the construction of the development hereby permitted should be limited to 0730 hours to 1800 hours on Monday to Fridays and 0730 hours to 1300 hours on Saturday. No work should take place on Sundays or Bank/Public Holidays.

4. Noise

The applicant needs to have regard to the BS8233:2014 Guidance on 'Sound Insulation and Noise Reduction for Buildings' which presents guideline noise levels for both inside and outside dwellings.

5. Under the terms of the Land Drainage Act. 1991 and the Board's Byelaws, the prior written consent of the Board is required for any proposed works or structures in, under, over or within 9 metres of the top of the bank of any watercourse. Any new outfall to a watercourse requires the prior written consent of the Board under the terms of the Land Drainage Act. 1991 and should be constructed to the satisfaction of the Board.

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Under the Board's Byelaws the written consent of the Board is required prior to any discharge into any watercourse within the Board's District.

6. The applicant/developer is reminded that it is their responsibility to ensure that the requirements of each planning condition are met and that the works are undertaken in accordance with the approved plans. Any failure to meet the terms of a planning condition or works which does not accord with the approved plans leaves the applicant/developer liable to formal action being taken. Craven District Council endeavours to monitor on site the compliance with conditions and building works. To assist with this monitoring of development the applicant/development is requested to complete the Start Notice issued with the Decision at least fourteen days prior to the commencement of development to ensure that effective monitoring can be undertaken.

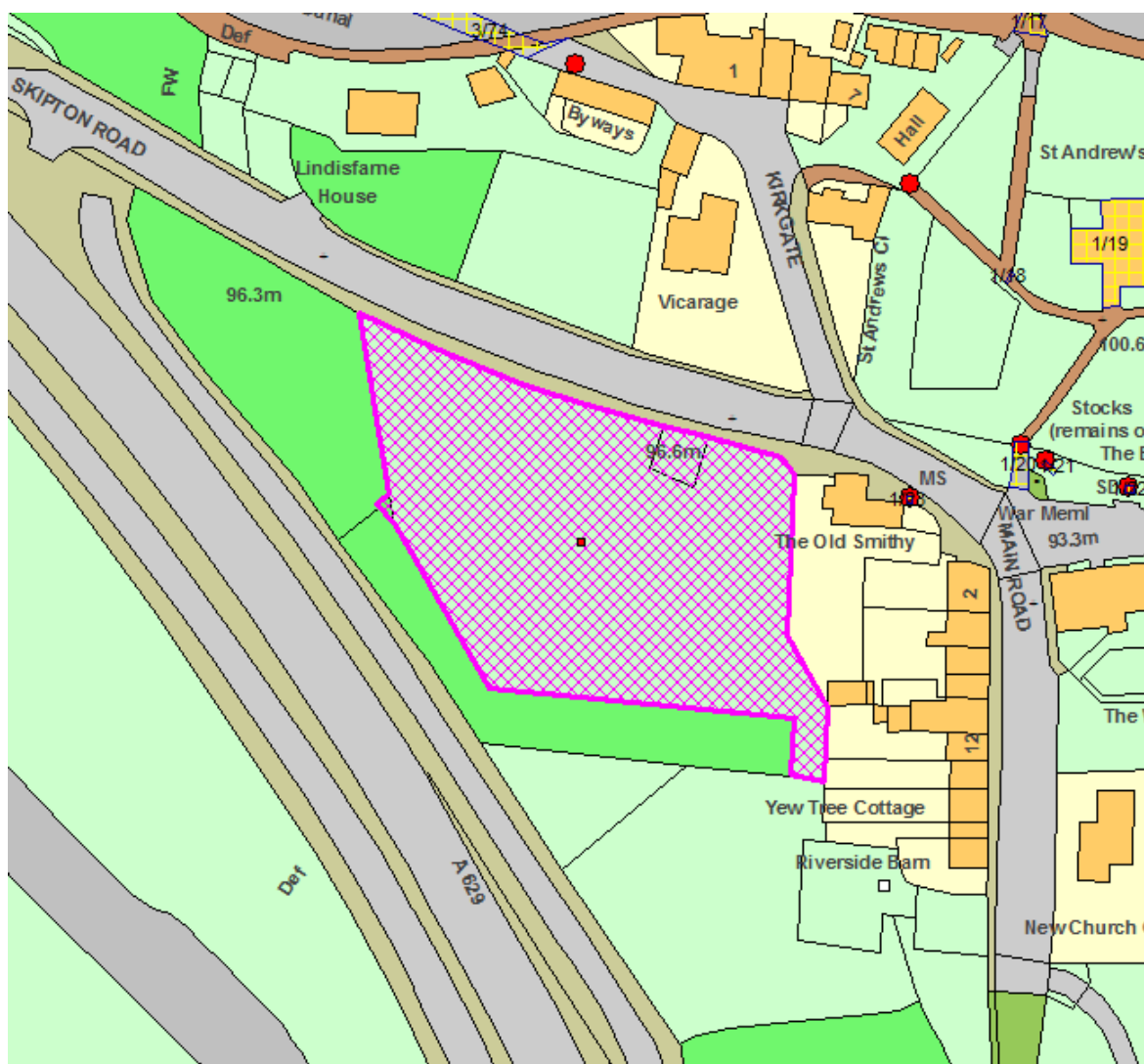
7. You are advised that a separate licence will be required from the Local Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

8. The applicant is kindly requested to give the Council's Tree Officer 14 days prior notice in writing of any approved tree works that are to be undertaken as part of this development. This will enable the Council to inform local Councillors about imminent tree works, who can then

answer enquiries from members of the public. Tree works, in particular tree felling associated with development, are often controversial and this information is requested because it will assist in reducing the potential for conflict when tree works are taking place.

9. Statement of Positive Engagement:

In dealing with this application Craven District Council has sought to approach the decision making process in a positive and creative way, in accordance with the requirements of paragraph 38 of the NPPF.



Application Number: 2019/20416/FUL

Proposal: Construction of 7no. dwellings with associated off street parking and infrastructure (Resubmission of refused application 2017/18569/FUL)

Site Address: Land Off Skipton Road Kildwick Keighley BD20 9BB

On behalf of: David Hill Planning Ltd

REPORT TO PLANNING COMMITTEE ON 3rd June 2019

Application Number: 2019/20192/FUL

Proposal: Extension to existing building

Site Address: Land At Anchor Croft Farm Hellifield Road Gargrave BD23 3NB

On behalf of: Mr P Barker

Date Registered: 14th February 2019

Expiry Date: 11th April 2019

EOT Date, if applicable: 2nd May 2019

Case Officer: Miss Katie Chew

This application is referred to Planning Committee at the request of Councillor Myers.

1. Site Description

- 1.1 Anchor Croft Farm is an established forestry business whose land is split into 5 parcels totalling approximately 12.5 hectares. The main farm buildings and application site are located to the west of the A65, west of the centre of Gargrave. The application is proposed to extend onto the existing building located to the west of the site, the building is used for the storage of seasoned logs and the timber processing machine.
- 1.2 The application site is located within open countryside.

2. Proposal

- 2.1 The application seeks planning permission for an extension to the existing steel portal framed building. The proposed extension would extend out to the west into the adjoining field. It will measure approximately 21.6m x 25m, and will have a ridge height of approximately 9.4m. The building will be finished with concrete panels and timber cladding. The roof will have FRC roof sheets in anthracite grey.

Officer note: There are currently 2 other applications in at the Council pending decision. These are for both for erection of new steel portal framed buildings (ref. 2019/20193/FUL & 2019/20194/FUL).

3. Planning History

- 3.1 2019/20194/FUL – Erection of new steel portal framed building. Pending decision.
- 3.2 2019/20193/FUL – Erection of new steel portal framed building. Pending decision.
- 3.3 2018/20026/PNAG – Prior notification for extension to existing forestry building. Refused 9th January 2019.
- 3.4 30/2014/14679 – Prior notification for change of use from agriculture to shop. Prior approval not required 15th July 2014.
- 3.5 30/2012/13108 – Construction of a portal framed building for the purpose of storing and seasoning logs and the construction of a portal frame building for the purpose of housing a timber processing machine. Approved 23rd January 2013.
- 3.6 30/2007/7909 – New conservatory. Approved 29th October 2007.

- 3.7 30/2004/4729 – Alterations and extensions to agricultural workers dwelling. approved 31st January 2005.
- 3.8 30/2004/4305 – Extensions to existing dwelling. Approved 4th June 2004.
4. Planning Policy Background
 - 4.1 Draft Submission Local Plan (2018)
 - 4.2 National Planning Policy Framework (as amended July 2018)
 - 4.3 Planning Practice Guidance (2012)
 - 4.4 Saved Local Plan Policies ENV1, ENV2, EMP5 and EMP6 of the Craven District (Outside the Yorkshire Dales National Park Authority) Local Plan.
5. Parish/Town Council Comments
 - 5.1 Gargrave Parish Council – Comments received 7th March 2019. The Parish Council objects to the application as the proposed buildings represent a significant expansion of operations. The site is in open countryside and the business conducted there can no longer be properly regarded as agriculture or forestry. Timber is simply brought to the site to be cut and then kiln dried and the operation and appearance of the site are more industrial than agricultural. The development therefore seems to be outside the Council's policy on development in open countryside. The Leeds and Liverpool Canal runs parallel to the site and the proposed buildings will undoubtedly detract from the visual amenity. This stretch of canal is widely used not only by waterborne visitors but also by numerous walkers as the towpath forms part of a popular and well publicised circular route from Gargrave. Residents on Marton Road have also complained about noise from machinery and smoke from the kiln. Their properties lie across a field to the east of the site and the prevailing wind inevitably carries things in their direction. Any expansion of activity on the site is likely to exacerbate these problems. Finally, there are concerns about the footpath running through the property. There is little in the way of a defined route and walkers have to pick their way past materials and equipment. Once again these problems will be exacerbated by expansion of the business.
6. Consultations
 - 6.1 Canal & River Trust – Comments received 4th March 2019. They state:
'The site is located to the north of the Leeds and Liverpool Canal, approximately 60m distant from Scarland Lock, which is grade II listed. Due to the separation distance, the Trust do not consider that the proposal would have a direct impact on the canal. However, we would welcome the incorporation of additional tree planting to the south of the application site to help better screen the proposal, and minimise the visual intrusion of the proposal upon the setting of the listed structure'.
 - 6.2 PROW – NYCC – No comments received within statutory timescales.
 - 6.3 Environmental Health – Comments received 1st March 2019. There are no known contaminated land implications regarding the proposed development. Further comments were received on the 6th March 2019. No potential Environmental Protection issues that would give cause for concern have been identified.
 - 6.4 CDC Conservation Officer – Comments received 22nd March 2019. He states:
'I recommend that the applicant should be requested to consider relocating the proposed shed to the N of the existing building, out of sight of the canal and the lock, together with a detailed landscaping plan. If the applications are to be determined as currently proposed, then the harm which they cause to the setting of the heritage assets should be considered against any wider environmental and economic benefits'.

Officer note: Upon receiving the above comments, discussions were had with the applicant/agent and a compromise was agreed upon. It was considered that if a good quality landscaping plan was produced to help provide screening of the extension from the canal and lock that the proposed extension could stay in the proposed position. The environmental and economic benefits were weighed against the impact on the heritage assets and it was considered that sufficient landscaping would be deemed enough in this instance.

7. Representations

7.1 Site Notice – Expired 15th March 2019.

7.2 Press Notice – Expired 21st March 2019.

7.3 2 letter of representation has been received, comments have been summarised below:

- The proposed expansion has the character of an industrial rather than agricultural or forestry operation;
- Is industrial use of the site permitted or envisaged under Craven District's planning regulations and policies?;
- The development has an environmental impact on the village of Gargrave;
- Noise pollution from the site at present, expansion would increase this impact;
- Residents on Marton Road have expressed concern about the levels of mechanical noise and the smell emanating from the existing operation on the site;
- Impact on the visual amenity for users of the canal and its towpath.

8. Summary of Principal Planning Issues

8.1 Principle of development.

8.2 Scale, design and visual impact of the proposed development.

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

9. Analysis

Principle of development

9.1 In terms of the status of the Submission Draft Craven Local Plan, this document was submitted to the Secretary of State on 27th March 2018. The submission of the Local Plan is at an advanced stage, and therefore weight can be given to it. However, the NPPF (2018) at paragraph 48 sets out that the weight that should be given to draft policies will depend upon *'the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given)'*. Draft Policies SD1 'The Presumption in Favour of Sustainable Development', SP2 'Economic Activity and Business Growth', ENV1 'Countryside and Landscape', ENV2 'Good Design' and EC3 'Rural Economy' are all considered to be applicable to this planning application.

Officer note: Under paragraph 214 the policies in the previous Framework (2012) will apply as the LPA has now submitted its draft Local Plan for examination. The weight to be attached to the policies in the emerging plan remains the same under both the old and new Framework.

9.2 The draft policies set out above are considered to be applicable to this planning application although there are unresolved objections to some policies and assessment of the significance of those objections has not yet been finalised. For this reasons it is considered beneficial to adopt a precautionary approach and consider that whilst some weight can be given to those policies that have no outstanding objections the greater weight should

remain with the Saved Local Plan Policies and the NPPF. For the purposes of this report the relevant saved Local Plan Policies and the policies set out in the NPPF will be considered.

- 9.3 In terms of the NPPF there is a presumption in favour of all forms of sustainable development provided that the benefits of allowing development are not outweighed by any dis-benefits that may arise.
- 9.4 Saved Local Plan Policy ENV1 is supportive of development in the open countryside subject to meeting certain criteria. These include that development should be small scale and:
- Clearly benefit the rural economy;
 - Help to maintain or enhance landscape character;
 - Be essential for the efficient operation of agriculture or forestry;
 - Be essential for the needs of the rural community.
- 9.5 The overarching objective of Saved Policy ENV1 is to protect the character and quality of the rural countryside by preventing sporadic, unrestricted and inappropriate development within it. It is considered that this objective is broadly in accordance with the core land-use planning principles in paragraph 170 of the Framework which requires that the intrinsic character and beauty of the countryside is recognised.
- 9.6 Saved Local Plan Policies EMP5 and EMP6 relate the construction/extension of buildings for industrial and business uses. These policies state that employment development located outside the development limits and established industrial areas should be refused unless:
- They will not create conditions prejudicial to highway safety.
 - They are located near transport routes other than road, such as rail;
 - They respect the scale and level of activity in the locality;
 - They will not unacceptably affect the character and appearance of the countryside;
 - They will not have an unacceptable impact on the character or setting of local settlements or the amenity of existing residents and/or neighbours;
 - They will not have an adverse impact on sites of nature conservation value or archaeological or historic importance;
 - Good standard of design and satisfactorily blends in to the landscape in terms of its design, siting and materials;
 - They will incorporate high quality and appropriate landscaping;
 - They are served by cycle/pedestrian routes and public transport.
- 9.7 Notwithstanding the Saved Local Plan Policies, paragraph 80 of the NPPF states that planning decisions should help create the conditions in which businesses can invest, expand and adapt and that significant weight should be placed on the need to support economic growth, taking into account both local business needs and wider opportunities for development.
- 9.8 It is accepted that the proposal does not strictly meet all of the requirements for development to be permissible under Saved Policy ENV1. However, the proposals are in line with requirements of Saved Local Plan Policies EMP5 and EMP6. Furthermore the proposal would clearly benefit the rural economy which is a key objective of the NPPF. Therefore, whilst the proposal is considered acceptable in principle the key test is whether the development would cause harm to the character and appearance of the area, have an

adverse impact on the amenity of neighbouring residents which will be considered within this report.

Scale, design and visual impact of the proposed development.

9.9 Saved Local Plan Policy ENV2 seeks to ensure that any development that is considered to be acceptable in principle under saved policy ENV1 is:

- Compatible with the character of the area;
- Does not have an unacceptable impact on the landscape;
- Has a design and uses materials which relate to the setting;
- Can accommodate traffic generated satisfactorily;
- Can provide services and infrastructure without a serious harmful change to the character and appearance of the area.

9.10 These are general planning considerations, broadly in line with the NPPF.

9.11 The NPPF stresses that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development. However, decisions should not attempt to impose architectural styles or particular tastes. The NPPF also states that LPA's should aim to ensure that developments function well and add to the overall quality of the area, optimising the potential of the site to accommodate development.

9.12 Paragraph 130 of the NPPF states that permission should be refused where the development is of a poor design which fails to take the opportunities available for improving the character and quality of an area and how it functions. Furthermore, where the design of a development accords with clear expectations in plan policies, design should not be used as a valid reason to object to development by the decision-maker.

9.13 The proposed extension is to extend from the west of the existing storage building located to the south of the site. Whilst it is acknowledged that the proposals would be visible from the Leeds and Liverpool Canal and from the A65 running through Gargrave, the proposed extension would be viewed amongst existing agricultural style buildings used for the storage of seasoned logs and the timber processing machine. It is therefore considered that the proposals would not be an alien feature in this location. Furthermore, the materials proposed within the new extension would match what currently exists throughout the site, and therefore would not be incongruous in this location. A landscaping plan has also been prepared which seeks to plant trees along the southern and western boundary to enable some form of screening of the proposals. A grass bank is also planned to be constructed to the north of the proposed extension.

9.14 The design, materials, siting and level of the proposed extension is such that it would sit well within the context of the landscape and in the context of the existing buildings on site. The use of timber cladding and the proposed landscaping will help to minimise the visual impact the proposal would have upon the surrounding landscape. On this basis, the proposal is considered to be acceptable in terms of the impact upon the open countryside.

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

9.15 The National Planning Policy Framework states that Local Planning Authorities should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings. The General Development Principles of the Local Plan also state that all development should protect the amenities of neighbouring residents and occupiers.

9.16 The proposed building is to be located to the west of the existing buildings which relate to the business 'Anchor Logs' which is operated from this site. The nearest residential

dwelling (not owned by the applicant) is located to the north east of the site some 213m away (approximately). It is therefore considered that there will be no concerns in regards to overshadowing, overlooking or the proposal being overbearing.

9.17 Objections have been received in regards to noise and odour from the site as existing. There are concerns that the expansion of the site will lead to these problems being escalated. CDC Environmental Health was consulted on the application and no objections have been provided in regards to the proposals in terms of noise or odour.

9.18 It is therefore considered that the proximity and scale of the development will not unacceptably detract from the existing living conditions and general amenities of any neighbouring occupiers in such a way that planning permission should be refused.

9.19 Conclusion

9.20 Paragraph 11 of the NPPF advises that LPA's should be approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or 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.

9.30 On balance, it is considered that there are no adverse impacts arising from the proposal that would significantly and demonstrably outweigh the overarching presumption in favour of sustainable development contained within paragraph 11 of the NPPF, and therefore there are no grounds to withhold planning approval. In addition it is considered that the economic benefits the proposal would provide would outweigh any potential dis-benefits and therefore a decision to approve in this instance would be consistent with paragraph 11 of the NPPF.

10. Recommendation

10.1 Approve with Conditions

Conditions

Time Limit for Commencement

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.

Approved Plans

- 2 This permission relates to the following plans:
- Block Plan, received 13th February 2019;
 - Site Location Plan, received 13th February 2019;
 - West Elevation - Drawing No. PB-CD125-1-1 Rev A, received 13th February 2019;
 - North and South Elevations - Drawing No. PB-CD125-1-2 Rev A, received 13th February 2019;
 - Floor Plan - Drawing No. PB-CD125-1-3 Rev A, received 13th February 2019;
 - Plan View - Drawing No. PB-CD125-1-4 Rev A, received 13th February 2019;
 - Landscaping Plan, received 16th April 2019.

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings except where conditions indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Craven District (Outside the National Park Authority) Local Plan and the National Planning Policy Framework.

Ongoing Conditions

- 3 Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the landscaping scheme for the site shown on approved plans shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be maintained as such thereafter in accordance with the details shown in the approved plans. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure appropriate landscaping of the site in the interests of visual amenity and to retain and enhance the character of the street scene.

Informatives

1. 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 paragraph 38 (as amended 2018) of the NPPF.



Application Number: 2019/20192/FUL

Proposal: Extension to existing building

Site Address: Land At Anchor Croft Farm Hellifield Road Gargrave BD23 3NB

On behalf of: Mr P Barker

REPORT TO PLANNING COMMITTEE ON 3rd June 2019

Application Number: 2019/20193/FUL

Proposal: Erection of new steel portal framed building.

Site Address: Land At Anchor Croft Farm Hellifield Road Gargrave BD23 3NB

On behalf of: Mr P Barker

Date Registered: 14th February 2019

Expiry Date: 11th April 2019

EOT Date, if applicable: 2nd May 2019

Case Officer: Miss Katie Chew

This application is referred to Planning Committee at the request of Councillor Myers.

1. Site Description

- 1.1 Anchor Croft Farm is an established forestry business whose land is split into 5 totalling approximately 12.5 hectares. The main farm buildings and application site are located to the west of the A65, west of the centre of Gargrave. The application is proposed to the west of the existing building used for the storage of seasoned logs and the timber processing machine.
- 1.2 The application site is located within open countryside.

2. Proposal

- 2.1 The application seeks planning permission for the erection of a new steel portal framed building. The proposed building would be located to the far west of the site within the adjoining field. The building will measure approximately 21.6m x 25m, with a ridge height of approximately 9.4m. The building will be finished with concrete panels; timber cladding and the roof would have FRC roof sheets in anthracite grey.

Officer note: There are currently 2 other applications in at the Council pending decision. These are for an extension to existing building (application 2019/20192/FUL) and the erection of a new steel portal framed building (ref. 2019/20194/FUL).

3. Planning History

- 3.1 2019/20194/FUL – Erection of new steel portal framed building. Pending decision.
- 3.2 2019/20192.FUL – Extension to existing building. Pending decision.
- 3.3 2018/20026/PNAG – Prior notification for extension to existing forestry building. Refused 9th January 2019.
- 3.4 30/2014/14679 – Prior notification for change of use from agriculture to shop. Prior approval not required 15th July 2014.
- 3.5 30/2012/13108 – Construction of a portal framed building for the purpose of storing and seasoning logs and the construction of a portal frame building for the purpose of housing a timber processing machine. Approved 23rd January 2013.
- 3.6 30/2007/7909 – New conservatory. Approved 29th October 2007.

- 3.7 30/2004/4729 – Alterations and extensions to agricultural workers dwelling. approved 31st January 2005.
- 3.8 30/2004/4305 – Extensions to existing dwelling. Approved 4th June 2004.
4. Planning Policy Background
 - 4.1 Draft Submission Local Plan (2018)
 - 4.2 National Planning Policy Framework (as amended July 2018)
 - 4.3 Planning Practice Guidance (2012)
 - 4.4 Saved Local Plan Policies ENV1, ENV2, EMP5 and EMP6 of the Craven District (Outside the Yorkshire Dales National Park Authority) Local Plan.
5. Parish/Town Council Comments
 - 5.1 Gargrave Parish Council – Comments received 7th March 2019. The Parish Council objects to the application as the proposed buildings represent a significant expansion of operations. The site is in open countryside and the business conducted there can no longer be properly regarded as agriculture or forestry. Timber is simply brought to the site to be cut and then kiln dried and the operation and appearance of the site are more industrial than agricultural. The development therefore seems to be outside the Council's policy on development in open countryside. The Leeds and Liverpool Canal runs parallel to the site and the proposed buildings will undoubtedly detract from the visual amenity. This stretch of canal is widely used not only by waterborne visitors but also by numerous walkers as the towpath forms part of a popular and well publicised circular route from Gargrave. Residents on Marton Road have also complained about noise from machinery and smoke from the kiln. Their properties lie across a field to the east of the site and the prevailing wind inevitably carries things in their direction. Any expansion of activity on the site is likely to exacerbate these problems. Finally, there are concerns about the footpath running through the property. There is little in the way of a defined route and walkers have to pick their way past materials and equipment. Once again these problems will be exacerbated by expansion of the business.
6. Consultations
 - 6.1 Canal & River Trust – Comments received 4th March 2019. They state:
'The site is located to the north of the Leeds and Liverpool Canal, approximately 60m distant from Scarland Lock, which is grade II listed. Due to the separation distance, the Trust do not consider that the proposal would have a direct impact on the canal. However, we would welcome the incorporation of additional tree planting to the south of the application site to help better screen the proposal, and minimise the visual intrusion of the proposal upon the setting of the listed structure'.
 - 6.2 CDC Trees Officer – Comments received 5th April 2019, the trees officer states that a few details were missing from the landscaping plan and suggested that the sizes of trees are specified and are to be planted in November. Further comments were received on 17th April 2019 following on from an amended landscaping plan being submitted. The officer concluded that he was happy with the changes made.
 - 6.3 PROW – NYCC – No comments received within statutory timescales.
 - 6.4 Environmental Health – Comments received 1st March 2019. There are no known contaminated land implications regarding the proposed development. Further comments were received 6th March 2019. No potential Environmental Protection issues that would give cause for concern have been identified.
 - 6.5 CDC Conservation Officer – Comments received 22nd March 2019. He states:

'I recommend that the applicant should be requested to consider relocating the proposed shed to the N of the existing building, out of sight of the canal and the lock, together with a detailed landscaping plan. If the applications are to be determined as currently proposed, then the harm which they cause to the setting of the heritage assets should be considered against any wider environmental and economic benefits'.

Officer note: Upon receiving the above comments, discussions were had with the applicant/agent and a compromise was agreed upon. It was considered that if a good quality landscaping plan was produced to help provide screening of the building from the canal and lock that the building could stay in the proposed position. The environmental and economic benefits were weighed against the impact on the heritage assets and it was considered that sufficient landscaping would be deemed enough in this instance.

7. Representations

7.1 Site Notice – Expired 15th March 2019.

7.2 Press Notice – Expired 21st March 2019.

7.3 4 representations have been received, comments are summarised below:

- Anchor Croft Farm is currently an environmental problem for the village;
- It is concerning that two planning applications have been submitted for the expansion of this site;
- Structure too large;
- Smoke is already an issue coming from this site;
- Will spoil the look of the entrance of the village;
- Overhangs footpath;
- Unsightly buildings – spoiling the countryside views of walkers and ramblers;
- Increasing pollution by drying out the wood;
- Is industrial in character rather than agricultural or forestry operation;
- Is industrial use of the site permitted or envisaged under Craven District's planning regulations and policies?;
- Residents of Marton Road have expressed concerns about the levels of mechanical noise and the smell emanating from the existing operation on the site.

8. Summary of Principal Planning Issues

8.1 Principle of development.

8.2 Scale, design and visual impact of the proposed development.

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

9. Analysis

Principle of development

9.1 In terms of the status of the Submission Draft Craven Local Plan, this document was submitted to the Secretary of State on 27th March 2018. The submission of the Local Plan is at an advanced stage, and therefore weight can be given to it. However, the NPPF (2018) at paragraph 48 sets out that the weight that should be given to draft policies will depend upon *'the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given)'*. Draft Policies SD1 'The Presumption in Favour of Sustainable Development', SP2 'Economic

Activity and Business Growth', ENV1 'Countryside and Landscape', ENV2 'Good Design' and EC3 'Rural Economy' are all considered to be applicable to this planning application.

Officer note: Under paragraph 214 the policies in the previous Framework (2012) will apply as the LPA has now submitted its draft Local Plan for examination. The weight to be attached to the policies in the emerging plan remains the same under both the old and new Framework.

- 9.2 The draft policies set out above are considered to be applicable to this planning application although there are unresolved objections to some policies and assessment of the significance of those objections has not yet been finalised. For this reason it is considered beneficial to adopt a precautionary approach and consider that whilst some weight can be given to those policies that have no outstanding objections the greater the weight should remain with the Saved Local Plan Policies and the NPPF. For the purposes of this report the relevant saved Local Plan policies and the policies set out in the NPPF will be considered.
- 9.3 In terms of the NPPF there is a presumption in favour of all forms of sustainable development provided that the benefits of allowing development are not outweighed by any dis-benefits that may arise.
- 9.4 Saved Local Policy ENV1 is supportive of development in the open countryside subject to meeting certain criteria. These include that development should be small scale and:
- Clearly benefit the rural economy;
 - Help to maintain or enhance landscape character;
 - Be essential for the efficient operation of agriculture or forestry;
 - Be essential for the needs of the rural community.
- 9.5 The overarching objective of Saved Policy ENV1 is to protect the character and quality of the rural countryside by preventing sporadic, unrestricted and inappropriate development within it. It is considered that this objective is broadly in accordance with the core land-use planning principles in paragraph 170 of the Framework which requires that the intrinsic character and beauty of the countryside is recognised.
- 9.6 Saved Local Plan Policies EMP5 and EMP6 relate the construction/extension of buildings for industrial and business uses. These policies state that employment development located outside the development limits and established industrial areas should be refused unless:
- They will not create conditions prejudicial to highway safety.
 - They are located near transport routes other than road, such as rail;
 - They respect the scale and level of activity in the locality;
 - They will not unacceptably affect the character and appearance of the countryside;
 - They will not have an unacceptable impact on the character or setting of local settlements or the amenity of existing residents and/or neighbours;
 - They will not have an adverse impact on sites of nature conservation value or archaeological or historic importance;
 - Good standard of design and satisfactorily blends in to the landscape in terms of its design, siting and materials;
 - They will incorporate high quality and appropriate landscaping;
 - They are served by cycle/pedestrian routes and public transport.

- 9.7 Notwithstanding the Saved Local Plan Policies paragraph 80 of the NPPF states that planning decisions should help create the conditions in which businesses can invest, expand and adapt and that significant weight should be placed on the need to support economic growth, taking into account both local business needs and wider opportunities for development.
- 9.8 It is accepted that the proposal does not strictly meet all of the requirements for development to be permissible under Saved Policy ENV1. However, the proposals are in line with requirements of Saved Local Plan Policies EMP5 and EMP6. Furthermore the proposal would clearly benefit the rural economy which is a key objective of the NPPF. Therefore, whilst the proposal is considered acceptable in principle the key test is whether the development would cause harm to the character and appearance of the area, have an adverse impact on the amenity of neighbouring residents which will be considered within this report.

Scale, design and visual impact of the proposed development.

- 9.9 Saved Local Plan Policy ENV2 seeks to ensure that any development that is considered to be acceptable in principle under saved policy ENV1 is:
- Compatible with the character of the area;
 - Does not have an unacceptable impact on the landscape;
 - Has a design and uses materials which relate to the setting;
 - Can accommodate the traffic generated satisfactorily;
 - Can provide services and infrastructure without a serious harmful change to the character and appearance of the area.
- 9.10 These are general planning considerations, broadly in line with the NPPF.
- 9.11 The NPPF stresses that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development. However, decisions should not attempt to impose architectural styles or particular tastes. The NPPF also states that LPA's should aim to ensure that developments function well and add to the overall quality of the area, optimising the potential of the site to accommodate development.
- 9.12 Paragraph 130 of the NPPF states that permission should be refused where the development is of a poor design which fails to take the opportunities available for improving the character and quality of an area and how it functions. Furthermore, where the design of a development accords with clear expectations in plan policies, design should not be used as a valid reason to object to development by the decision-maker.
- 9.13 The proposed building is to be located to the west of the site. Whilst it is acknowledged that the proposals would be visible from the Leeds and Liverpool Canal and from the A65 running through Gargrave, the proposed building would be viewed amongst existing agricultural style buildings used for the storage of seasoned logs and the timber processing machine. It is therefore considered that the proposals would not be an alien feature in this location. Furthermore, the materials proposed within the new building would match what currently exists throughout the site, and therefore would not be incongruous in this location. A landscaping plan has also been prepared which seeks to plant trees along the southern and western boundary to enable some form of screening of the proposals. A grass bank is also planned to be constructed to the north of the proposed building.
- 9.14 The design, materials, siting and level of the proposed building is such that it would sit well within the context of the landscape and in the context of the existing buildings on site. The use of timber cladding and the proposed landscaping will help to minimise the visual impact the proposal would have upon the surrounding landscape. On this basis, the

proposal is considered to be acceptable in terms of the impact it would have upon the open countryside.

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

- 9.15 The National Planning Policy Framework states that Local Planning Authorities should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings. The General Development Principles of the Local Plan also state that all development should protect the amenities of neighbouring residents and occupiers.
- 9.16 The proposed building is to be located to the west of the existing buildings which relate to the business 'Anchor Logs' which is operated from this site. The nearest residential dwelling (not owned by the applicant) is located to the north east of the site some 213m away (approximately). It is therefore considered that there will be no concerns in regards to overshadowing, overlooking, or the proposals being overbearing.
- 9.17 Objections have been received in regards to noise and odour from the site as existing; there are concerns that the expansion of the site will lead to these problems being escalated. CDC Environmental Health was consulted on the application and no objections have been provided in regards to the proposals in terms of noise or odour.
- 9.18 It is therefore considered that the proximity and scale of the development will not unacceptably detract from the existing living conditions and general amenities of any neighbouring occupiers in such a way that planning permission should be refused.
- 9.19 Conclusion
- 9.20 Paragraph 11 of the NPPF advises that LPA's should be approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or 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.*
- 9.21 On balance, it is considered that there are no adverse impacts arising from the proposal that would significantly and demonstrably outweigh the overarching presumption in favour of sustainable development contained within paragraph 11 of the NPPF, and therefore there are no grounds to withhold planning approval. In addition it is considered that the economic benefits the proposal would provide would outweigh any potential dis-benefits and therefore a decision to approve in this instance would be consistent with paragraph 11 of the NPPF.

10. Recommendation

- 10.1 Approve with Conditions

Conditions

Time Limit for Commencement

- 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.

Approved Plans

2 This permission relates to the following plans:

- Block Plan, received 13th February 2019;
- Site Location Plan, received 13th February 2019;
- East and West Elevations - Drawing No. PB-CD125-2-1 Rev A, received 13th February 2019;
- North and South Elevations - Drawing No. PB-CD125-2-2 Rev A, received 13th February 2019;
- Floor Plan - Drawing No. PB-CD125-2-3 Rev A, received 13th February 2019;
- Plan View - Drawing No. PB-CD125-2-4 Rev A, received 13th February 2019;
- Landscape Plan, received 16th April 2019.

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings except where conditions indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Craven District (Outside the National Park Authority) Local Plan and the National Planning Policy Framework.

Ongoing Conditions

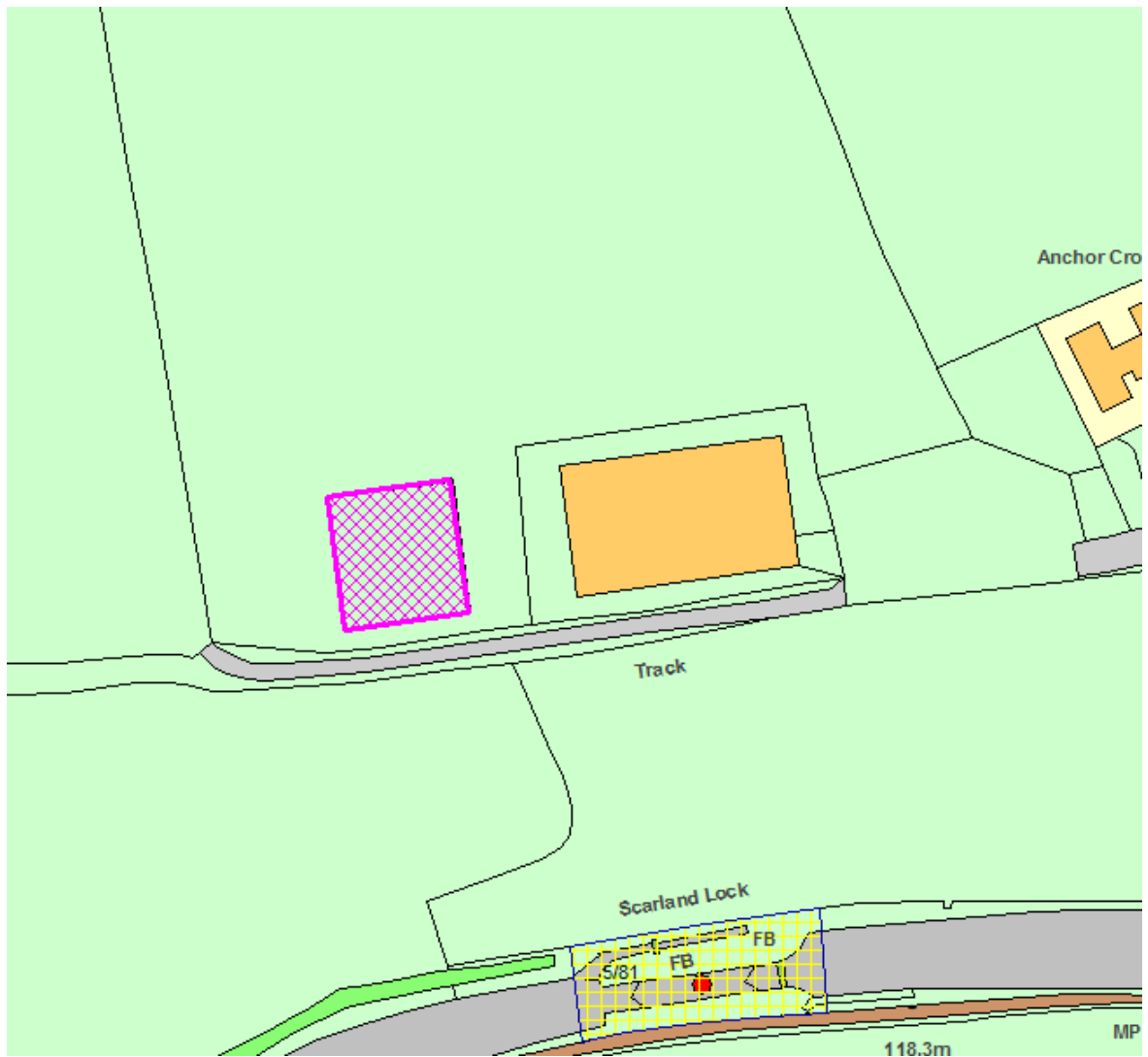
3 Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the landscaping scheme for the site shown on approved plans shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be maintained as such thereafter in accordance with the details shown in the approved plans. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure appropriate landscaping of the site in the interests of visual amenity and to retain and enhance the character of the street scene.

Informatives

1. 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 paragraph 38 (as amended 2018) of the NPPF.



Application Number: 2019/20193/FUL

Proposal: Erection of new steel portal framed building.

Site Address: Land At Anchor Croft Farm Hellifield Road Gargrave Skipton
BD23 3NB

On behalf of: Mr P Barker

REPORT TO PLANNING COMMITTEE ON 3rd June 2019

Application Number: 2019/20194/FUL

Proposal: Erection of new steel portal framed building.

Site Address: Land At Anchor Croft Farm Hellifield Road Gargrave BD23 3NB

On behalf of: Mr P Barker

Date Registered: 14th February 2019

Expiry Date: 11th April 2019

EOT Date, if applicable: 2nd May 2019

Case Officer: Miss Katie Chew

This application is referred to Planning Committee at the request of Councillor Myers.

1. Site Description

- 1.1 Anchor Croft Farm is an established forestry business whose land is split into 5 parcels totalling approximately 12.5 hectares. The main farm buildings and application site are located to the west of the A65, west of the centre of Gargrave. The application is proposed to the west of the existing building used for the storage of seasoned logs and the timber processing machine.
- 1.2 The application site is located within open countryside.

2. Proposal

- 2.1 The application seeks planning permission for the erection of a new steel portal framed building. The proposed building would be located to the far west of the site within the adjoining field. The building will measure approximately 21.6m x 25m, with a ridge height of approximately 9.4m. The building will be finished with concrete panels; timber cladding and the roof would have FRC roof sheets in anthracite grey.

Officer note: There are currently 2 other applications in at the Council pending decision. These are for an extension to existing building (application 2019/20193/FUL) and the erection of a new steel portal framed building (ref. 2019/20192/FUL).

3. Planning History

- 3.1 2019/20193/FUL – Extension to existing building. Pending decision.
- 3.2 2019/20192.FUL – Extension to existing building. Pending decision.
- 3.3 2018/20026/PNAG – Prior notification for extension to existing forestry building. Refused 9th January 2019.
- 3.4 30/2014/14679 – Prior notification for change of use from agriculture to shop. Prior approval not required 15th July 2014.
- 3.5 30/2012/13108 – Construction of a portal framed building for the purpose of storing and seasoning logs and the construction of a portal frame building for the purpose of housing a timber processing machine. Approved 23rd January 2013.
- 3.6 30/2007/7909 – New conservatory. Approved 29th October 2007.

- 3.7 30/2004/4729 – Alterations and extensions to agricultural workers dwelling. Approved 31st January 2005.
- 3.8 30/2004/4305 – Extensions to existing dwelling. Approved 4th June 2004.
4. Planning Policy Background
 - 4.1 Draft Submission Local Plan (2018)
 - 4.2 National Planning Policy Framework (as amended July 2018)
 - 4.3 Planning Practice Guidance (2012)
 - 4.4 Saved Local Plan Policies ENV1, ENV2, EMP5 and EMP6 of the Craven District (Outside the Yorkshire Dales National Park Authority) Local Plan.
5. Parish/Town Council Comments
 - 5.1 Gargrave Parish Council – Comments received 7th March 2019. The Parish Council objects to the application as the proposed buildings represent a significant expansion of operations. The site is in open countryside and the business conducted there can no longer be properly regarded as agriculture or forestry. Timber is simply brought to the site to be cut and then kiln dried and the operation and appearance of the site are more industrial than agricultural. The development therefore seems to be outside the Council's policy on development in open countryside. The Leeds and Liverpool Canal runs parallel to the site and the proposed buildings will undoubtedly detract from the visual amenity. This stretch of canal is widely used not only by waterborne visitors but also by numerous walkers as the towpath forms part of a popular and well publicised circular route from Gargrave. Residents on Marton Road have also complained about noise from machinery and smoke from the kiln. Their properties lie across a field to the east of the site and the prevailing wind inevitably carries things in their direction. Any expansion of activity on the site is likely to exacerbate these problems. Finally, there are concerns about the footpath running through the property. There is little in the way of a defined route and walkers have to pick their way past materials and equipment. Once again these problems will be exacerbated by expansion of the business.
6. Consultations
 - 6.1 Canal & River Trust – Comments received 4th March 2019. They state:
'The site is located to the north of the Leeds and Liverpool Canal, approximately 60m distant from Scarland Lock, which is grade II listed. Due to the separation distance, the Trust do not consider that the proposal would have a direct impact on the canal. However, we would welcome the incorporation of additional tree planting to the south of the application site to help better screen the proposal, and minimise the visual intrusion of the proposal upon the setting of the listed structure'.
 - 6.2 CDC Trees Officer – Comments received 5th April 2019, the trees officer states that a few details were missing from the landscaping plan and suggested that the sizes of trees are specified and are to be planted in November. Further comments were received on 17th April 2019 following on from an amended landscaping plan being submitted. The officer concluded that he was happy with the changes made.
 - 6.3 PROW – NYCC – No comments received within statutory timescales.
 - 6.4 Environmental Health – Comments received 1st March 2019. There are no known contaminated land implications regarding the proposed development. Further comments were received on the 6th March 2019. No potential Environmental Protection issues have been identified that would give cause for concern.
 - 6.5 CDC Conservation Officer – Comments received 22nd March 2019. He states:

'I recommend that the applicant should be requested to consider relocating the proposed shed to the N of the existing building, out of sight of the canal and the lock, together with a detailed landscaping plan. If the applications are to be determined as currently proposed, then the harm which they cause to the setting of the heritage assets should be considered against any wider environmental and economic benefits'.

Officer note: Upon receiving the above comments, discussions were had with the applicant/agent and a compromise was agreed upon. It was considered that if a good quality landscaping plan was produced to help provide screening of the building from the canal and lock that the building could stay in the proposed position. The environmental and economic benefits were weighed against the impact on the heritage assets and it was considered that sufficient landscaping would be deemed enough in this instance.

7. Representations

7.1 Site Notice – Expired 15th March 2019.

7.2 Press Notice – Expired 21st March 2019.

7.3 3 representations have been received to date, comments have been summarised below:

- High volume of smoke hits Marton Road every few days;
- Already unacceptable levels of smoke from this site;
- Site too big;
- Covering foot path
- Spoils natural beauty of sprawling hills when entering the village;
- The proposed expansion has the character of an industrial use rather than agricultural or forestry operation;
- Is industrial use of the site permitted or envisaged under Craven District's planning regulations and policies?;
- Noise pollution from the sound of heavy machinery being reversed;
- The development has an environmental impact on the village of Gargrave;
- Residents on Marton Road have expressed concerns about the levels of mechanical noise and the smells emanating from the existing operation on the site;
- Impact on the visual amenity for users of the canal and its towpath.

8. Summary of Principal Planning Issues

8.1 Principle of development

8.2 Scale, design and visual impact of the proposed development.

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

9. Analysis

Principle of development

9.1 In terms of the status of the Submission Draft Craven Local Plan, this document was submitted to the Secretary of State on 27th March 2018. The submission of the Local Plan is at an advanced stage, and therefore weight can be given to it. However, the NPPF (2018) at paragraph 48 sets out that the weight that should be given to draft policies will depend upon *'the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given)'*. Draft Policies SD1 'The Presumption in Favour of Sustainable Development', SP2 'Economic

Activity and Business Growth', ENV1 'Countryside and Landscape', ENV2 'Good Design' and EC3 'Rural Economy' are all considered to be applicable to this planning application.

Officer note: Under paragraph 214 the policies in the previous Framework (2012) will apply as the LPA has now submitted its draft Local Plan for examination. The weight to be attached to the policies in the emerging plan remains the same under both the old and new Framework.

- 9.2 The draft policies set out above are considered to be applicable to this planning application although there are unresolved objections to some policies and assessment of the significance of those objections has not yet been finalised. For this reason it is considered beneficial to adopt a precautionary approach and consider that whilst some weight can be given to those policies that have no outstanding objections the greater weight should remain with the Saved Local Plan Policies and the NPPF. For the purposes of this report the relevant saved Local Plan policies and the policies set out in the NPPF will be considered.
- 9.3 In terms of the NPPF there is a presumption in favour of all forms of sustainable development provided that the benefits of allowing development are not outweighed by any dis-benefits that may arise.
- 9.4 Saved Local Policy ENV1 is supportive of development in the open countryside subject to meeting certain criteria. These include that development should be small scale and:
- Clearly benefit the rural economy;
 - Help to maintain or enhance landscape character;
 - Be essential for the efficient operation of agriculture or forestry;
 - Be essential for the needs of the rural community.
- 9.5 The overarching objective of Saved Policy ENV1 is to protect the character and quality of the rural countryside by preventing sporadic, unrestricted and inappropriate development within it. It is considered that this objective is broadly in accordance with the core land-use planning principles in paragraph 170 of the Framework which requires that the intrinsic character and beauty of the countryside is recognised.
- 9.6 Saved Local Plan Policies EMP5 and EMP6 relate the construction/extension of buildings for industrial and business uses. These policies state that employment development located outside the development limits and established industrial areas should be refused unless:
- They will not create conditions prejudicial to highway safety.
 - They are located near transport routes other than road, such as rail;
 - They respect the scale and level of activity in the locality;
 - They will not unacceptably affect the character and appearance of the countryside;
 - They will not have an unacceptable impact on the character or setting of local settlements or the amenity of existing residents and/or neighbours;
 - They will not have an adverse impact on sites of nature conservation value or archaeological or historic importance;
 - Good standard of design and satisfactorily blends in to the landscape in terms of its design, siting and materials;
 - They will incorporate high quality and appropriate landscaping;
 - They are served by cycle/pedestrian routes and public transport.

- 9.7 Notwithstanding the Saved Local Plan Policies, paragraph 80 of the NPPF states that planning decisions should help create the conditions in which businesses can invest, expand and adapt and that significant weight should be placed on the need to support economic growth, taking into account both local business needs and wider opportunities for development.
- 9.8 It is accepted that the proposal does not strictly meet all of the requirements for development to be permissible under Saved Policy ENV1. However, the proposals are in line with requirements of Saved Local Plan Policies EMP5 and EMP6. Furthermore the proposal would clearly benefit the rural economy which is a key objective of the NPPF. Therefore, whilst the proposal is considered acceptable in principle the key test is whether the development would cause harm to the character and appearance of the area, have an adverse impact on the amenity of neighbouring residents which will be considered within this report.

Scale, design and visual impact of the proposed development.

- 9.9 Saved Local Plan Policy ENV2 seeks to ensure that any development that is considered to be acceptable in principle under saved policy ENV1 is:
- Compatible with the character of the area;
 - Does not have an unacceptable impact on the landscape;
 - Has a design and uses materials which relate to the setting;
 - Can accommodate traffic generated satisfactorily;
 - Can provide services and infrastructure without a serious harmful change to the character and appearance of the area.
- 9.10 These are general planning considerations, broadly in line with the NPPF.
- 9.11 The NPPF stresses that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development. However, decisions should not attempt to impose architectural styles or particular tastes. The NPPF also states that LPA's should aim to ensure that developments function well and add to the overall quality of the area, optimising the potential of the site to accommodate development.
- 9.12 Paragraph 130 of the NPPF states that permission should be refused where the development is of a poor design which fails to take the opportunities available for improving the character and quality of an area and how it functions. Furthermore, where the design of a development accords with clear expectations in plan policies, design should not be used as a valid reason to object to development by the decision-maker.
- 9.13 The proposed building is to be located to the west of the site. Whilst it is acknowledged that the proposals would be visible from the Leeds and Liverpool Canal and from the A65 running through Gargrave, the proposed building would be viewed amongst existing agricultural style buildings used for the storage of seasoned logs and the timber processing machine. It is therefore considered that the proposals would not be an alien feature in this location. Furthermore, the materials proposed within the new building would match what currently exists throughout the site, and therefore would not be incongruous in this location. A landscaping plan has also been prepared which seeks to plant trees along the southern and western boundary to enable some form of screening of the proposals. A grass bank is also planned to be constructed to the north of the proposed building.
- 9.14 The design, materials, siting and level of the proposed extension is such that it would sit well within the context of the landscape and in the context of the existing buildings on site. The use of timber cladding and the proposed landscaping will help to minimise the visual impact the proposal would have upon the surrounding landscape. On this basis, the

proposal is considered to be acceptable in terms of the impact it would have upon the open countryside.

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

- 9.15 The National Planning Policy Framework states that Local Planning Authorities should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings. The General Development Principles of the Local Plan also state that all development should protect the amenities of neighbouring residents and occupiers.
- 9.16 The proposed building is to be located to the west of the existing buildings which relate to the business 'Anchor Logs' which is operated from this site. The nearest residential dwelling (not owned by the applicant) is located to the north east of the site some 213m away (approximately). It is therefore considered that there will be no concerns in regards to overshadowing, overlooking or the proposal being overbearing.
- 9.17 Objections have been received in regards to noise and odour from the site as existing; there are concerns that the expansion of the site will lead to these problems being escalated. CDC Environmental Health was consulted on the application and no objections have been provided in regards to the proposals in terms of noise or odour.
- 9.18 It is therefore considered that the proximity and scale of the development will not unacceptably detract from the existing living conditions and general amenities of any neighbouring occupiers in such a way that planning permission should be refused.
- 9.19 Conclusion
- 9.20 Paragraph 11 of the NPPF advises that LPA's should be approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or 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.*
- 9.21 On balance, it is considered that there are no adverse impacts arising from the proposal that would significantly and demonstrably outweigh the overarching presumption in favour of sustainable development contained within paragraph 11 of the NPPF, and therefore there are no grounds to withhold planning approval. In addition it is considered that the economic benefits the proposal would provide would outweigh any potential dis-benefits and therefore a decision to approve in this instance would be consistent with paragraph 11 of the NPPF.

10. Recommendation

- 10.1 Approve with Conditions

Conditions

Time Limit for Commencement

- 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.

Approved Plans

2 This permission relates to the following plans:

- Block Plan, received 13th February 2019;
- Site Location Plan, received 13th February 2019;
- Drawing No. PB-CD125-3-1 Rev A - East and West Elevations, received 13th February 2019;
- Drawing No. PB-CD125-3-2 Rev A - North and South Elevations, received 13th February 2019;
- Drawing No. PB-CD125-3-3 Rev A - Floor Plan, received 13th February 2019;
- Drawing No. PB-CD125-3-4 Rev A - Plan View, received 13th February 2019;
- Landscape Plan, received 16th April 2019.

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings except where conditions indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Craven District (Outside the National Park Authority) Local Plan and the National Planning Policy Framework.

Ongoing Conditions

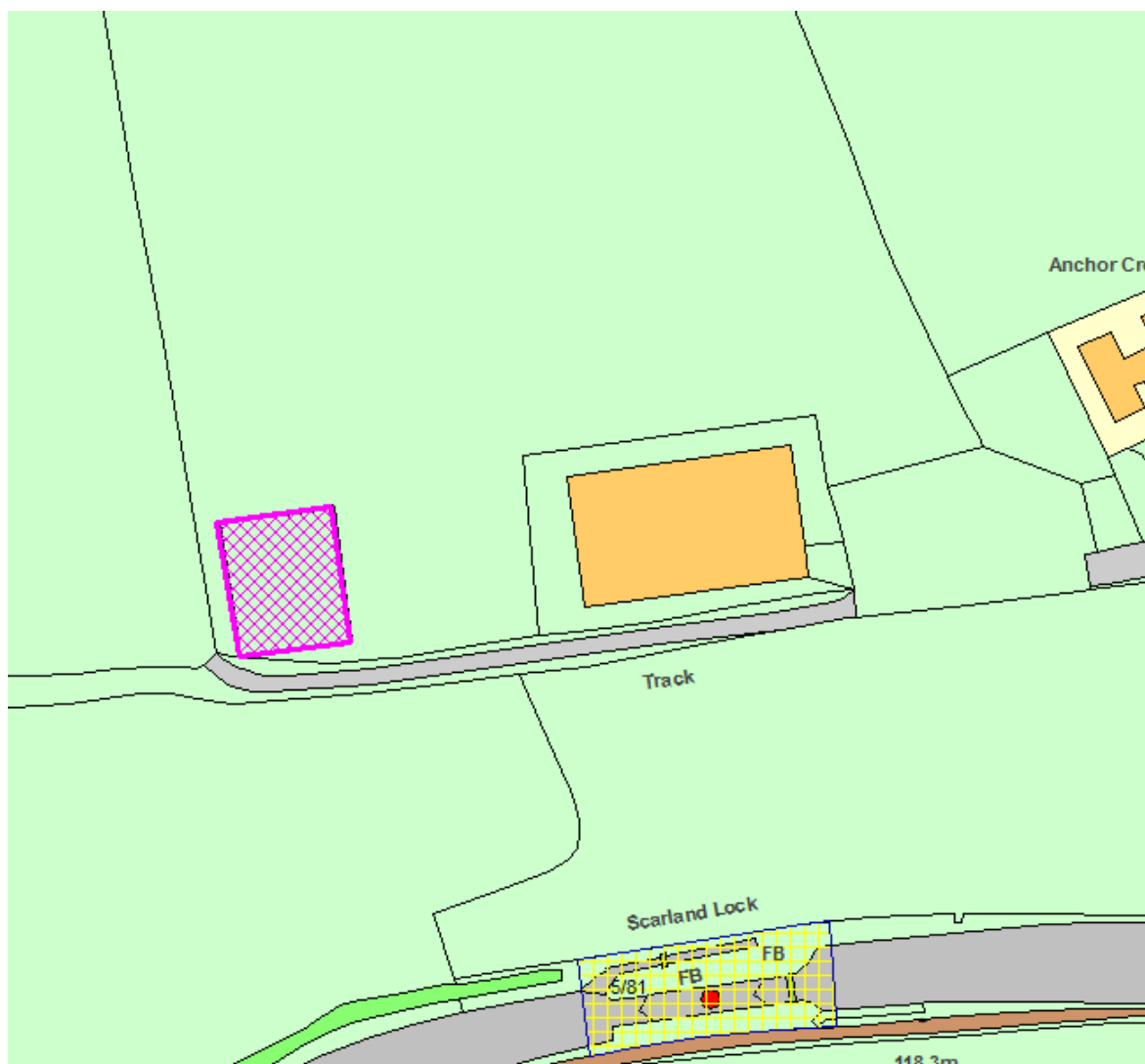
3 Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the landscaping scheme for the site shown on approved plans shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be maintained as such thereafter in accordance with the details shown in the approved plans. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure appropriate landscaping of the site in the interests of visual amenity and to retain and enhance the character of the street scene.

Informatives

1. 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 paragraph 38 (as amended 2018) of the NPPF.



Application Number: 2019/20194/FUL

Proposal: Erection of new steel portal framed building.

Site Address: Land At Anchor Croft Farm Hellifield Road Gargrave BD23 3NB

On behalf of: Mr P Barker

REPORT TO PLANNING COMMITTEE ON 3rd June 2019

Application Number: 2018/19919/FUL

Proposal: Building to be used for agricultural purposes (storage of agricultural materials including hay, straw, feed and wool).

Site Address: New Laithe Barn Newton Grange Farm East Marton BD23 3NT

On behalf of: Mr John Howard

Date Registered: 14th November 2018

Expiry Date: 9th January 2019

EOT Date, if applicable: N/A

Case Officer: Mr Neville Watson

1 Site Description

- 1.1 The application site lies in open countryside approximately 700m. east of the hamlet of Bank Newton and 2km. south west of Gargrave. The site is clearly visible from the Pennine Way to the west of the building.

2 Proposal

- 2.1 The application seeks to retain a stone building with a stone slate roof to be used for agricultural purposes (storage of agricultural materials including hay, straw, feed and wool). The unauthorised building which has a complex history set out below had offshoots to the front and rear elevations. This current application as originally submitted sought permission to retain the building but to remove the offshoots, leaving a simple rectangular building with a floor area of approximately 140 sq.m. 5m. to the eaves and 8 m. to the ridge. Works to remove the offshoots commenced last year but was not completed in accordance with the submitted plans and what remains on site is a rectangular building with two substantial buttresses to the front elevation and one buttress to the rear elevation. The reconstructed buttresses formed part of the flank walls to the offshoots.
- 2.2 Amended plans have now been received seeking retrospective permission for the unauthorised structure that remains on site.

3 Planning History

- 3.1 12/2014/14377. Retention of Extensions Carried out during Repair Work to the Agricultural Barn. The Council returned the application as invalid as the proposal was not for the retention of extensions and repair work to an existing agricultural building. The building was a completely new recently constructed unauthorised structure rather than a repair. The applicant did not challenge the Council's conclusions.
- 3.2 12/2014/14378. Change of Use of agricultural barn known as New Laithe to D2 Use; 'Assembly and Leisure'.

The Council returned the application as invalid as the proposal was not for the change of use of an existing agricultural building to an assembly and leisure use as claimed. The building was a new recently constructed unauthorised structure that was not designed or used for agricultural purposes and had been designed for other purposes. The applicant did not challenge the Council's conclusions.

- 3.3 12/2015/15723. Retrospective application for retention of replacement agricultural building - Refused 27/07/15 under delegated powers for the following reason:-

'The National Planning Policy Framework advises at Paragraph 14 that development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The building is not considered to be in an appropriate location given its isolation from other buildings within the holding. The design of the building is not considered to be concordant with modern day farming practices. The lack of information as to the need for the building does not demonstrate that it would contribute to the continued efficient running of the farming operation or contribute to the rural economy. It is for those reasons that the proposal is considered to conflict with the guidance contained within Saved Local Plan Policy ENV13 and the objectives within the National Planning Policy Framework. It is considered that the harm caused by the new building does significantly and demonstrably outweigh the benefits of approving the development.

'There was no appeal against the Council's decision.

- 3.4 Enforcement Notice Appeal Decision (reference APP/C2708/C/15/3016579). Appeal dismissed 06/01/16. An enforcement notice was served by the Council in March 2015 alleging the 'Unauthorised construction of a new building in the open countryside'. The requirements of that notice were to demolish the unauthorised building. The enforcement notice was appealed, but the Planning Inspectorate agreed with the action taken by the Council and confirmed that the unauthorised building was clearly a new structure that was not designed for agricultural purposes and should be demolished. The Enforcement Appeal decision of Inspector Mapson, based on written representations, is attached as Appendix 1 to this report. Accordingly, the building remains unauthorised.

- 3.5 12/2015/16126. Retrospective application for retention of building (resubmission of 12/2015/15723). Refused 28/10/15 by the Council's Planning Committee for the following reason:-

'The National Planning Policy Framework advises at Paragraph 14 that development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. It is not considered that, based upon the further supporting information provided with this application, a new building in this location was essential to the efficient operation of the farming business or to contribute to the rural economy. If an application had been made to the Council prior to the building's erection, it would instead have sought to ensure that the building was sited adjacent to the existing group of agricultural buildings at the farm which would have had less impact on the open countryside. It is therefore considered that this development is unacceptable in principle as it constitutes sporadic unjustified development in a rural open countryside location and this adverse impact is considered to outweigh the benefits of approving development. The development is therefore not considered to meet the requirements of the Council's Saved Local Plan Policies ENV1 or ENV13 or the NPPF including one of the NPPF's core planning principles of preventing development that would be harmful to the intrinsic open character of the countryside.' There was no appeal against the Council's decision.

- 3.6 12/2016/16821. This was a retrospective application for the retention of the building for agricultural use. In April 2016 the Council refused to validate/register this application for

procedural reasons. The application proposal was identical to that already considered and refused by the Planning Inspectorate in the enforcement appeal process. The applicant did not challenge the Council's conclusions.

- 3.7 12/2016/17128. Retrospective application for alterations and retention of building to use for agricultural purposes (storage of agricultural materials, including hay, straw, feed and wool) Refused 27.9.2016 for the following reason: The National Planning Policy Framework advises at Paragraph 14 that development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. It is not considered that, based upon the further supporting information provided with this application, a new building in this location was essential to the efficient operation of the farming business or to contribute to the rural economy. If an application had been made to the Council prior to the building's erection, it would instead have sought to ensure that the building was sited adjacent to the existing group of agricultural buildings at the farm which would have had less impact on the open countryside. It is therefore considered that this development is unacceptable in principle as it constitutes sporadic unjustified development in a rural open countryside location and this adverse impact is considered to outweigh the benefits of approving development. The development is therefore not considered to meet the requirements of the Council's Saved Local Plan Policies ENV1 or ENV13 or the NPPF including one of the NPPF's core planning principles of preventing development that would be harmful to the intrinsic open character of the countryside.

An appeal against that decision was allowed in October 2017. A copy of the decision of Inspector Dowsett following an informal hearing is attached as Appendix 2.

- 3.8 2017/18797/VAR Application to vary condition 1 to allow the retention of the projections to the front and rear elevations and deletion of condition 2 requiring the removal of the projections required by Inspector Dowsett's appeal decision. The Council declined to determine the application under the provisions of S 70(c) of the Town and Country Planning Act 1990. Although there is no statutory right of appeal no challenge to that decision by way of Judicial Review was made by the applicant.
- 3.9 2018/19106/VAR Application to vary condition 1 and delete condition 2 of Inspector Dowsett's appeal decision allowing the retention of the offshoot projections. The Council again declined to determine the application under the provisions of S70(c) Of the Town and Country Planning Act 1990. That decision was the subject of a Judicial Review. On 18 October 2018 the High Court of Justice refused the application and the Council were awarded costs.

4 The Policy Position

- 4.1 The relevant policy position has remained the same since the dismissal of the Enforcement Notice appeal.
- 4.2 Saved Policy ENV1 Of the Craven District Council (Outside the Yorkshire Dales National Park) Local Plan 1999 (CDLP) Development in the Open Countryside seeks to protect the character and quality of the open countryside from sporadic development and is permissive of appropriate small scale development having a rural character subject to certain criteria being met, including whether the development is essential for the efficient operation of agriculture or forestry.
- 4.3 CDLP Saved Policy ENV13 New Agricultural Buildings and Structures sets out the criteria to be met in connection with new agricultural buildings or structures. These include that the building is located within or adjacent to an existing group of buildings unless it can be demonstrated that a more isolated location is essential to meet the needs of the enterprise,

and in terms of scale, materials, colour and siting the building is sympathetic to its surroundings.

- 4.4 The National Planning Policy Framework (NPPF) at paragraph 83 'Supporting a prosperous rural economy' states that planning policies should support economic growth in rural areas in order to create jobs and prosperity and promote the development and diversification of agricultural and other land-based rural businesses.

5. Parish Council

- 5.1 Broughton PC The Parish Council's view on this, after meeting on the 8th May 2019, remains the same and that we hoped that an amicable resolution is found for the future of the barn. If the barn stays in agricultural use it was felt that this would resolve the situation positively and wasted no further Council and applicant resources on this planning dispute.

6 Consultations

- 6.1 NYCC Highways:
No reply

7 Representations

- 7.1 None

8 Summary of Main Planning Issues

- 8.1 The implications of retaining the building in its current form

9. Analysis

- 9.1 Both Inspector's decisions are material considerations when assessing this application. Inspector Mapson in the 2016 Enforcement Appeal deemed the building on site at the time to be unacceptable taking into account all relevant planning matters. The main implication of the conclusions was that the appeal building failed to maintain or enhance landscape quality and thus conflicted with the objectives of the Saved Policy ENV1 (criterion 2) and ENV13.
- 9.2 By contrast, Inspector Dowsett in the section 78 appeal in 2017 was dealing with a different proposal for a building of reduced scale and different design. The application as originally submitted was for a building which was the scheme approved by the Inspector. The Inspector concluded that permission should be granted for that proposal because it would not cause harm to the character and appearance of the landscape. For that scheme to be acceptable the Inspector required (inter alia) the removal of the lean -to projections on the front and rear elevations. Inspector Dowsett was not considering the existing building and it can be noted that he did by condition require the removal of the existing building if the applicant did not remove the additions. This is in line with the Enforcement Notice appeal decision. The fact that Inspector Dowsett did not remove permitted development rights can be explained by reference to the terms of the application which was before him, which involved removal of the lean-to extensions, and the existence of the Enforcement Notice, which required demolition of the existing building. Against that background, Inspector Dowsett granted planning permission for the building of reduced scale and different design from the application under consideration here and imposed conditions requiring the works to be carried out within a certain timescale, in default of which the whole building would have to be demolished.
- 9.3 The Inspector (Dowsett) imposed inter alia the following conditions:-

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans; GA/00 Location Plan; GA/01 Site Plan as Existing; GA/02 Plans as Existing; GA/03 Elevations as Existing; GA/04 Typical Section as Existing; GA/05 Revision A Plans as Proposed; GA/06 Revision A Elevations as Proposed; GA/07 Revision A Sections as Proposed; and GA/08 Site plan as proposed.
- 2) The building hereby permitted shall be demolished to ground level, and all materials resulting from the demolition shall be removed, within 28 days of the failure to meet any of the requirements set out below:
- i) Within 6 months of the date of this decision the building shall be altered in accordance with the details shown on drawing numbers GA/05 Revision A; GA/06 Revision A; GA/07 Revision A; and GA/08.
 - ii) The approved works shall have been carried out and completed.
 - iii) Within 5 working days of the completion of the works, the Local Planning Authority shall be notified in writing of the date of completion
- 9.4 The Inspector justified the conditions in the following way:- "The purpose of the condition is to require the appellant to comply with a strict timetable for carrying out the alterations to the building which need to be addressed in order to make the development acceptable. The condition, therefore, provides for the loss of the effective benefit of the grant of planning permission where the required alterations are not undertaken during the time set by the condition. Should the timetable not be met in line with the strict timetable, then the planning permission falls away." If the application was in accordance with the Dowsett decision and the only issue was the timetable there would be sufficient planning justification to grant permission.
- 9.5 The applicant made two applications in an attempt to retain the building in the form considered unacceptable to Inspector Dowsett (see paragraphs 3.8 and 3.9) As the timetable set by Inspector had not been met that permission fell away and therefore this application was submitted, subject to the grant of planning permission to allow the building to be altered in the manner approved by the Inspector.
- 9.6 The applicant's agent explains that the demolition work took place between November 2018 and January 2019. However, the demolition fell short of that proposed by the application and approved by the Inspector. Nevertheless, the photographic evidence submitted in Appendix 3 of the Planning Statement shows the extent of the demolition of the offshoots. Thereafter substantial buttresses were constructed in the position of the flank walls of the offshoots. The agent explains that the construction of buttresses was to minimise the amount of the demolition of the main building and ensure that the retained elevations remained structurally sound.
- 9.7 Setting aside the timescales for compliance with the Inspector's decision, the acceptability of the development was based on the simple rectangular form of the building as proposed by the applicant at appeal and of this application as originally submitted. The unauthorised building in the form currently on site would have a greater adverse impact on the landscape than that approved by the Inspector because the structure now on site with its substantial buttresses lacks the authenticity of a genuine barn. The simplicity of the structure approved by Inspector has been lost by the addition of the buttresses and results in a bulkier structure that erodes, in a small but significant way, the open rural character and appearance of its surroundings. It therefore fails to maintain or enhance landscape quality and therefore conflicts with the objectives of the development plan.

10 Conclusion

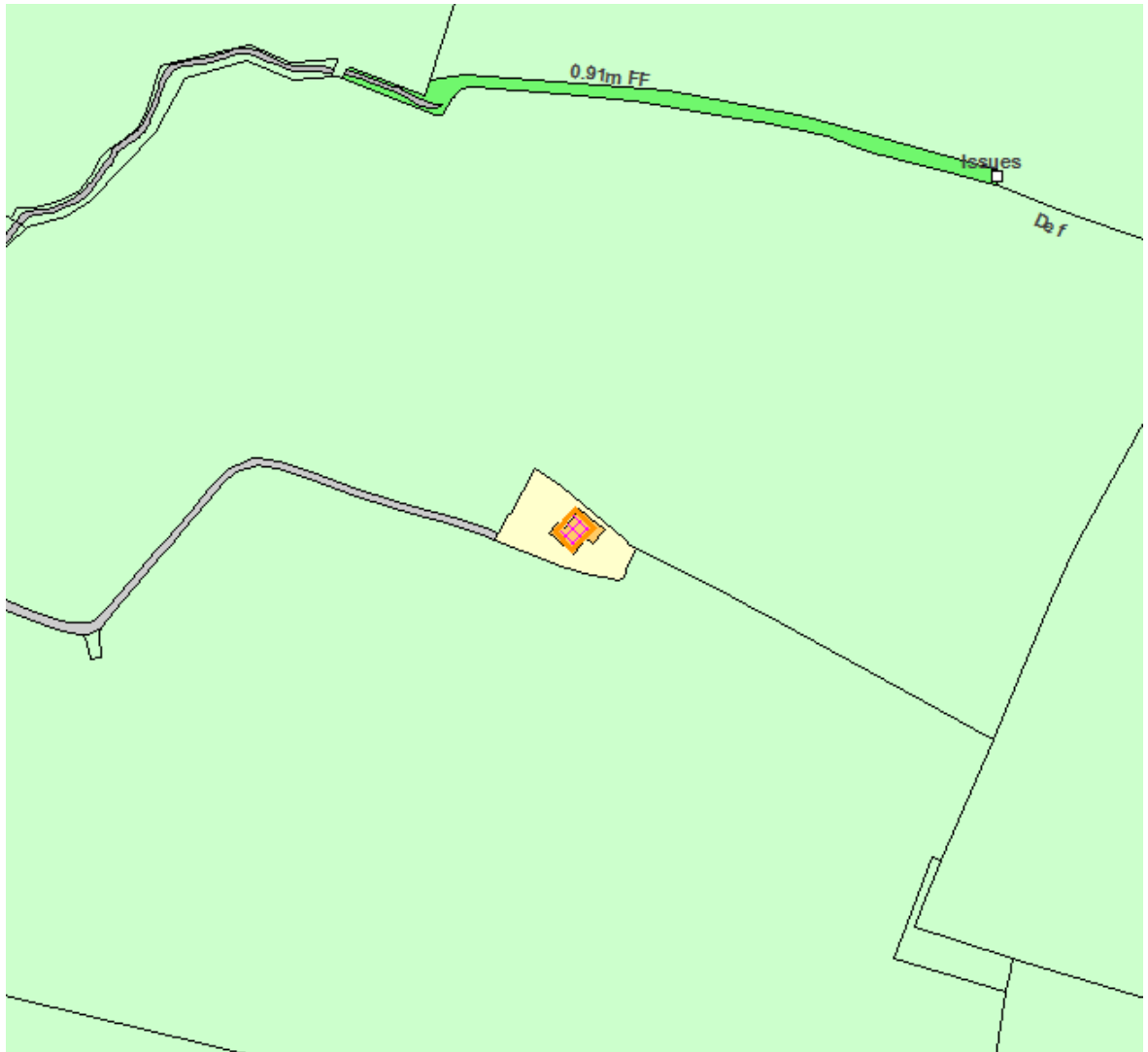
- 10.1 Paragraph 11 of the NPPF advises that LPA's should be approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: "the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or 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."
- 10.2 The development on site exceeds that approved by the Inspector. Although each application must be judged on its own particular merits, the reasoning and conclusions of the decision reached by Inspector Dowsett remains highly relevant in planning terms. In assessing this particular application, against the context/background of the Inspector's decision it is considered that in a small but significant way the construction of buttresses to the front and rear elevations of the building to this unauthorised structure would have a greater adverse impact in landscape terms than the development applied for and approved by the Inspector because the simplicity of the structure has been lost. Accordingly, it is recommended that the application be refused for the reason set out below.

10. Recommendation

10.1 Refusal.

Reasons for Refusal

The unauthorised building with its substantial buttresses does not reflect the simple rectangular form of traditional agricultural buildings and fails to maintain or enhance landscape character and therefore conflicts with Saved Policy ENV1 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.



Application Number: 2018/19919/FUL

Proposal: Building to be used for agricultural purposes (storage of agricultural materials including hay, straw, feed and wool).

Site Address: New Laithe Barn Newton Grange Farm East Marton Skipton BD23 3NT

On behalf of: Mr John Howard

Appeal Decision

Site visit made on 24 November 2015

by George Mapson DipTP DipLD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 January 2016

Appeal Ref: APP/C2708/C/15/3016579

Land at New Laithe, Bank Newton, Skipton, North Yorkshire, BD23 3NT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr John Taylor Howard against an enforcement notice issued by Craven District Council.
- The notice (Ref. 1618/13) was issued on 2 March 2015.
- The breach of planning control as alleged in the notice is: *"Without planning permission: The construction of a new building in the open countryside."*
- The requirements of the notice are: *"Demolish the unauthorised building."*
- The period for compliance with the requirements is six months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (c), (f) and (g) of the Town and Country Planning Act 1990 as amended. The deemed application for planning permission falls to be considered.

Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Background

The appeal building

2. The appeal building stands in an isolated position in the open countryside, well outside the boundaries of any settlement and away from any group of farm buildings. It is located within a 240 acre agricultural holding known as Newton Grange, which the appellant bought in 1986. It now forms part of the appellant's larger holding of 600 acres on which he raises sheep and grazes cattle.
3. The building is constructed in natural stone, generally laid to courses, and with stone quoins. It has a new timber-framed, stone slate covered roof with a felt underlay. It has a number of traditional features of a Yorkshire barn, such as corbelling at the eaves, cast metal rainwater goods on rise-and-fall brackets, and stone lintels, window heads, cills and jambs.

The appeal on ground (c)

4. An appeal on ground (c) is that the matters stated in the notice which give rise to the alleged breach of planning control, if they occurred, did not constitute a breach of planning control. All arguments that there has been no development, or that planning permission is not required, for whatever reason, come under this ground.
5. The appellant's case is that there has been no breach of planning control, because he has simply carried out some rebuilding/repair works to an existing building.

Reasoning and conclusions on the ground (c) appeal

Step 1 -The meaning of 'development'

6. In deciding whether development requiring planning permission has occurred the starting point is to consider the meaning of 'development' within the context of the planning acts. Section 55(1) of the 1990 Act defines 'development' as "*the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of a material change in the use of any buildings or other land*".
7. The appeal development concerns 'building operations'. For the purposes of the Act these are widely defined so as to include "(a) the demolition of buildings; (b) rebuilding; (c) structural alterations of or additions to a building; and (d) other operations normally undertaken by a person carrying on business as a builder."
8. Section 55(2) excludes from the definition of 'development' a number of operations and uses. The first of these, in section 55(2)(a), refers to "... the carrying out of maintenance, improvement or other alteration of any building of works which (i) affect only the interior of the building, or (ii) do not materially affect the external appearance of the building ...".

Step 2 – Assessment of any changes to the appearance of the building

9. Where works are claimed to be 'repairs', the next stage in the process is to consider the size, shape and appearance of the building before and after they were carried out. Plans and photographs can provide useful supporting evidence, but none has been proffered by the appellant. The map, plan, website addresses and photographs listed below have been submitted by the Council.
10. The map is said to date from 1893. It shows a rectangular structure in the position of the appeal building. The appellant claims that this structure was over 200 years old (i.e., it dates from at least 1815).
11. The plan is Drawing Re. No. P1316/001, dated November 2013, which was submitted as part of the appellant's planning application (Ref. 12/2015/15723)¹. In addition to a location plan, this drawing has four elevations of the building, a typical section through it, and floor plans of the ground and first floors and the roof. The drawing is entitled "*Plans and elevations as existing*", but seems to depict the proposed finished building, rather than the building in its present form. For example, the first floor that is shown on the plan has yet to be installed.
12. The websites to which my attention has been drawn are 'Google Earth' and 'Geograph'. On 'Google Earth' there are aerial photographs of the structure dated 2002, 2008 and 2010. The 2002 image is of poor quality, but those of 2008 and 2010 are clearer. When viewed together they show a derelict building without a roof, but with all four walls standing. These walls can be discerned from the shadows that they cast at the different times of the day that the photographs were taken. On 'Geograph' there is a ground level photograph, taken in 2012, on which the walls of the roofless structure can be seen.
13. The photographs were taken by Council officers on 27 September 2013 and 15 July 2015. The first set shows a stone-built building with a stone slate covered roof and lean-to extensions on the two longest sides. They show door openings, but no doors. They also show window openings, filled by vertical timber slats. The floor inside the building and the area around the outside are surfaced with loose crushed stone.
14. The second set of photographs shows the building much as it appeared at my site visit.

¹ Application Ref. 12/2015/15723 ("*Retrospective application for retention of replacement agricultural building*") was received by the Council on 20 April 2015 and refused by a notice dated 27 July 2015.

Step 3 – Assessment of any changes to the size and shape of the building

15. The third stage in the process is to measure or calculate the dimensions of the building before and after the works were carried out.
16. From the 1893 map the Council has calculated the dimensions of the structure as being about 8m by 11.5m, giving a footprint of about 92sqm.
17. From the Google Earth image of 5 August 2008, using the website's ruler tool, the distance between the two facing side walls of the old structure is shown to be 7.93m. The distance between the two facing gable end walls is shown to be 11.62m. These dimensions give a footprint of 92.14sqm.
18. On 8 August 2013 the appellant sent a 'permitted development notification' to the Council stating that the net internal area of 'New Laithe' was 142sqm.
19. On 27 September 2013 Council officers visited the site and measured the building. They recorded its dimensions as 9.84m by 14.14m, giving a footprint of 139.13sqm.
20. On Drawing Re. No. P1316/001 (see paragraph 12 above), the dimensions of the building (excluding the front and rear extensions) were calculated by the Council to be 10m by 14m, giving a footprint of 140sqm.
21. The appellant does not dispute the Council's figures.

Conclusions

22. It is clear that the building that is on the site is significantly larger than the structure that appears on the 1893 plan and the aerial photographs of 2002 to 2012. The only plausible explanation is that most of the original structure was demolished and a new building with a larger footprint, and with front and rear extensions, has been constructed in the same position.
23. In his 'Statement of case' (April 2015) the appellant conceded that some rebuilding work has been carried out, but argued that the building has been "*traditionally restored/repared*"². He acknowledged that two lean-to extensions have been constructed, but argued that these act as buttresses to add support for the walls and roof of the building. However, in his later statement (September 2015) he conceded that the "*building ... replaces the barn which has been present in this location for more than 200 years*"³.
24. From the evidence submitted and the statements made it is clear that the works entailed demolition, rebuilding, structural alterations and additions. These works were extensive and resulted in the creation of a new building with a significantly larger footprint than the one that it replaced.
25. When viewed from inside the building, it is apparent that very limited areas of the original stonework and pointing of the old barn have been incorporated. They have a different colour and texture from the new areas of wall. Most of the walls appear to be newly built, albeit using reclaimed stone. Furthermore, from the areas of new stonework that have been laid above the retained stonework, it appears to me that the height of the new building might be greater than the old barn.
26. Whatever justification might be claimed for replacing the old barn, or for erecting the new extensions, the works that have taken place constitute operational development within the meaning of section 55 of the Act. They do not fall within any of the exclusions from the definition of development and, as such, required planning permission. The breach of control alleged in the notice has occurred as a matter of fact and accordingly, the appeal on ground (c) fails.

² The Appellant's Statement of Case (April 2015), paragraph 6.3.

³ The Appellant's Response to the Council's Appeal Statement (14 September 2015), paragraph 2.8.

The appeal on ground (a) and the deemed planning application

27. An appeal on ground (a) is that planning permission should be granted for what is alleged in the notice.

The parties' positions

28. The Council takes the view that the building has not been designed for agricultural purposes, and therefore cannot be regarded as a genuine agricultural building. Because of its scale and design, the Council considers that the building has the characteristics of a residential dwelling.
29. The Council also points out that in February 2014 the appellant made two planning applications in respect of this building. The first application was for the "*retention of extensions carried out during repair work to the agricultural barn*" (Ref. 12/2014/14377). The second was for the "*Change of use of agricultural barn known as New Laithe to D2 use 'Assembly and Leisure'*." Both applications were returned as invalid.
30. The appellant refutes the suggestion that the building has the characteristics of a dwelling. He acknowledges that in 2013 he had considered the potential of the barn to host civil ceremonies, but that is no longer his intention because in January 2015 he obtained a licence to use Newton Grange Farmhouse for these ceremonies. He says that he also runs a tourism business (with guest house accommodation for 30 people) and hosts marqu e weddings.
31. In his submission, repair works to the barn first commenced five years ago (i.e., 2010)⁴, prior to changes to the GPDO that permitted changes of use of agricultural buildings to alternative uses. The appellant claims that he had always intended to use the building for agricultural purposes. His sheep farming business had been growing and the need for an agricultural storage building had become more acute.

Planning policy

32. The National Planning Policy Framework [NPPF]⁵ maintains the statutory status of the development plan as the starting point for decision making. It states that proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise⁶.

The development plan

33. 'Saved policies' ENV1, ENV2 and ENV13 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan (adopted July 1999) are cited as relevant to this appeal. Policies ENV1 and ENV 2 apply to development in the open countryside and seek to protect the character and quality of the countryside from being spoilt by sporadic development. Policy ENV13 deals with new agricultural buildings and structures. The Council concedes that these policies were prepared prior to the Planning and Compensation Act 2004, but considers that they broadly accord with the principles set out in the NPPF.

⁴ This claim appears to be inconsistent with the photographs of 2012 which show the shell of a derelict building on this site.

⁵ The NPPF was published on 27 March 2012 and replaced a number of planning policy guidance documents, including PPS7 '*Sustainable development in rural areas*' (2004). The NPPF retained the guidance on agricultural and forestry permitted development rights, which had appeared in PPG7 (1997), Annex E. However, Annex E was later cancelled by the NPPG, a web-based resource that was launched by the Department for Communities and Local Government on 6 March 2014. Consequently, there is no longer any detailed national planning guidance on agricultural buildings. However, relevant case law continues to provide a steer for decision makers.

⁶ This statement reflects the statutory duty imposed by Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, except that in the Acts "must (be made in accordance)" is used in place of "should".

34. Policy ENV1 permits small scale development of a rural character in the open countryside only where four criteria are met. These are: (i) that it would clearly benefit the rural economy; (ii) that it would maintain or enhance landscape quality; (iii) that it would be essential for the efficient operation of agriculture or forestry; or (iv) that it would be essential to the needs of the local economy.
35. Policy ENV2 applies to development that is acceptable in principle under policy ENV1, and sets out four detailed criteria that must be met. The first two criteria apply to the design of the building and its visual impact on the landscape; the second two relate to roads, services and infrastructure.
36. Policy ENV13 permits new agricultural buildings that are located within or adjacent to an existing group of buildings, unless it can be demonstrated that a more isolated location is essential to meet the needs of the enterprise. The building, in terms of scale, materials, colour and siting, should be sympathetic to its surroundings.

National planning guidance

37. Chapter 3 of the NPPF is entitled '*Supporting a prosperous rural economy*' and states, at paragraph 28, that 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.
38. Local and neighbourhood plans should include policies and proposals which would, among other things, (i) 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; and (ii) promote the development and diversification of agricultural and other land-based rural businesses.
39. Nothing in the NPPF supports the erection of unjustified isolated buildings in the countryside.

Planning principles and practice with conversion schemes in the open countryside

40. When a building is in a countryside location, where policy restrictions on new development apply, it must be structurally sound to be a genuine contender for conversion. Where the stability of the building to withstand the proposed conversion works is in doubt, it is customary for a structural engineer's report to be prepared at the outset, to accompany a planning application.
41. If the building would not be capable of conversion without significant rebuilding or extension, it is unlikely that planning permission would be granted. In this case, there is no evidence that a structural appraisal was commissioned or carried out to independently verify the condition of the building.

The main issue

42. Having regard to the objectives of local and national planning policies, there are two main issues in this appeal. Firstly, whether, at the time of its erection, the building was designed for agricultural purposes. Secondly, the effect of the building on the open rural character and appearance of its surroundings.

Reasoning and conclusions on the ground (a) appeal

Issue 1 – has the building been designed for agricultural purposes?

43. The appellant says that he has an interest in preserving traditional farm buildings and is keen to retain the heritage of the farm and preserve the agricultural buildings of character on the holding. This is a laudable goal and he has clearly made a significant investment in restoring other buildings on this holding. But with a genuine restoration scheme the aim should be to retain as much of the historic fabric and as many features

of interest as possible. The scheme should respect the agricultural character of the building and simplicity of design.

44. Generally barns do not have many door or window openings, so to retain the intrinsic character of the building, new openings should be kept to a minimum and handled with sensitivity. Furthermore, if a building requires significant extensions in order to accommodate the intended use, it suggests that it is probably not suitable for conversion.
45. What has occurred with the appeal building is not a restoration scheme involving a redundant or disused building, but the erection of a new building on the site of a previous smaller, dilapidated structure. It is clearly not the same building that previously existed and incorporates very little of the original structure.
46. The new building lacks the authenticity of a genuine barn. Although some features of a traditional Yorkshire barn have been replicated, the simplicity of the original structure has been lost by the addition of two extensions and the many window and door openings. The workmanship and attention to detail of the finished building is of a high standard, but the resulting building is bulkier and more elaborate than the original.
47. Turning to its use, the extension at the front (facing the metalled access road) has an opening that appears to be high and wide enough to accommodate a tractor, but there is a difference in levels between the tarmac-surfaced yard, with its flagstone surround, and the floor of the building. Consequently, a steel ramp must be used for vehicles to enter the building. This opening is sealed by a temporary door at present, but on the inside the polished (or varnished) timber door frames have chiselled hinge recesses and screw holes, in readiness for doors of a different style to be hung.
48. The building has three external doors that provide access to the same internal space, and a fourth that provides access to the rear extension. This suggests to me that further internal subdivision of this space might be intended. Temporary doors have been bolted into the door openings, but again there are chiselled hinge recesses and screw holes in the polished/varnished timber door frames that indicate an intention to hang domestic-style doors rather than doors that I would associate with an agricultural barn.
49. It is a matter of fact and degree as to whether a building can, from its appearance and layout, be considered to have been designed for the purpose of agriculture. My observations and the evidence before me indicate that, at the time of its erection, the building was not designed genuinely for agricultural purposes, but for a non-agricultural use.
50. It may be coincidental that at the time the works were being carried out, the appellant had in mind its future use as a venue for 'assembly and leisure' activities. But as there is no certainty about the intended use of the building when it was erected, its use cannot be said to clearly benefit the rural economy, or be essential for the efficient operation of agriculture or essential to the needs of the local economy. Furthermore, in such a remote and isolated location, the sustainability credentials of the building for a non-agricultural use are questionable. The development therefore conflicts with the objectives of the development plan.

Issue 2 – the effect on the open rural character and appearance of the area

51. Dealing first with the prevailing character and appearance of the area, I saw that the landscape in the immediate vicinity of the appeal building is characterised by 'drumlins', egg-shaped hills formed by glacial deposits. The rolling terrain limits public views of the building in some places.
52. However, from other viewpoints the building is more conspicuous. It occupies an open elevated position when viewed from the near Pennine Way (a National Trail). From this

direction the sinuous metalled road that leads to the building draws the eye towards it, particularly when the road is wet and reflects the sky, as it was on the day of my visit.

53. It is an imposing building, considerably larger and bulkier than the derelict structure that it replaced, and it stands out against the featureless, sparsely wooded landscape that surrounds it. On a closer look, its elevations with their domestic style features become more noticeable and undermine its authenticity as a traditional barn.
54. The appellant says that an agricultural barn has stood on this site for many years and is a firm feature in the landscape. The Council seems to have accepted this argument, commenting that the impact of the building on the surroundings can be regarded as minimal. This is because users of the trail would expect to see isolated field barns which form a distinctive part of the landscape across Craven District.
55. I do not find this argument particularly persuasive. Visitors may well expect to see a scattering of traditional farm buildings in the landscape, but this is not a restored original building. It is a new building of a design that seeks to imitate the style or character of a traditional barn. There is an important distinction to be drawn between a genuine period building that has been carefully restored and which continues to serve a genuine agricultural purpose, and a modern 'replica' building that, at the time of its erection, was designed for a non-agricultural purpose.
56. I conclude on the second main issue that the appeal building has a greater visual impact on the landscape than the original structure and thus erodes, in a small but significant way, the open rural character and appearance of its surroundings. It therefore fails to maintain or enhance landscape quality and thus conflicts with the objectives of the development plan.

Other material considerations – the 'fall-back' position

57. The appellant argues that he would be able to exercise permitted development rights to erect a building for the purposes of agriculture, subject to prior approval, within his land holding. Schedule 2, Part 6 Class A of the GPDO 2015 would enable him to erect, extend or alter a building within his agricultural unit that would be reasonably necessary for the purposes of agriculture within that unit.
58. In his submission, it is necessary therefore to compare the appeal building with what could be constructed on the land. The alternative could be a modern agricultural shed, which would be worse in visual terms than what has been erected. Although the Council could assess the siting, design and external appearance of such a building, it could not reasonably require it to be constructed in natural stone.
59. What can be done in accordance with permitted development rights is always a material consideration in considering the planning merits⁷. When taking such rights into account it is necessary to make a finding as to the realistic likelihood of those rights being exercised⁸.
60. I have had regard to the relevant provisions of the GPDO and the appellant's contention that there is the realistic likelihood of seeking prior approval for an agricultural store for use in connection with the lambing shed.
61. I attach little weight to this argument. There was no presumption in favour of a development simply because an alternative form might be permitted under the GPDO⁹. The possibility that the appellant might erect a building for a specific agricultural use, on a site that would meet the Council's approval (unlike this isolated site), does not override my conclusion that the appeal building is contrary to the objectives of the development plan and therefore unacceptable.

⁷ *Burge v SSE* [1988] JPL 497.

⁸ *Brentwood DC v SSE and Gray* [1996] JPL 939.

⁹ *Peacock v SSE and Wokingham BC* [1994] EGCS 122 (Court of Appeal).

Conclusions on the ground (a) appeal

62. For the reasons given, the appeal on ground (a) fails. I have considered the possibility that the objections to the development might be overcome by planning conditions, perhaps one limiting its use to agriculture. However, as I have found that the building was not designed for agricultural purposes, it would be impracticable, and therefore unreasonable, to impose such a condition. Neither this nor any other condition would overcome the harm caused.

The appeal on ground (f)

63. An appeal on ground (f) is that the steps required by the notice are excessive and that lesser steps would overcome the objection.
64. The appellant's case is that to seek the demolition of the building in its entirety is excessive, given that a stone building stood on this site before the works were undertaken and it is currently in use for agriculture. However, he has not put forward any lesser steps for consideration.
65. With this enforcement notice, the purpose of the requirements is to remedy the breach of planning control that has occurred¹⁰. This breach arose from the construction of the building in question, not its subsequent use.
66. The power to vary the notice cannot be exercised to attack the substance of the notice. In cases where operational development has taken place the usual requirement is to demolish the building or structure that has been erected (and, in many cases, to restore the land to its condition before the breach took place). As no lesser requirements than those specified in the notice would remedy the breach, the appeal on ground (f) fails.

The appeal on ground (g)

67. An appeal on ground (g) is that the time given to comply with the notice is too short. The appellant argues that twelve months rather than six months would be required to demolish the building, because the work would have to be carried out during the winter months when farm staff would be available to do it.
68. I consider that six months provides sufficient time to carry out the demolition work. In coming to this view I am mindful that the Council has powers under section 173A of the Act to waive or relax any requirement of an enforcement notice, including extending the compliance period if there is a good reason for doing so. Accordingly, the appeal on ground (g) fails.

Overall conclusions

69. I have taken account of my observations at the site and all the matters raised in the written representations. For the reasons given, the appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

George Mapson

INSPECTOR

¹⁰ It is clear from the wording of the reasons for issuing the notice that the purpose of the requirements falls under section 173(4)(a) of the Act (i.e., to remedy the breach of planning control), not section 173(4)(b) (i.e., to remedy any injury to amenity which has been caused by the breach).



Appeal Decision

Hearing Held on 25 July 2017

Site visit made on 25 July 2017

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27th October 2017

Appeal Ref: APP/C2708/W/17/3168417

New Laithe Barn, Newton Grange Farm, Bank Newton, near Skipton BD23 3NT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr John Howard against the decision of Craven District Council.
- The application Ref: 12/2016/17128, dated 1 July 2016, was refused by notice dated 27 September 2017.
- The development proposed is a building to be used for agricultural purposes (storage of agricultural materials including: hay, straw, feed and wool).

Decision

1. The appeal is allowed and planning permission is granted for a building to be used for agricultural purposes (storage of agricultural materials including: hay, straw, feed and wool) at New Laithe Barn, Newton Grange Farm, Bank Newton, near Skipton BD23 3NT in accordance with the terms of the application, Ref: 12/2016/17128, dated 1 July 2016, subject to the conditions in the attached schedule.

Procedural matters

2. The Council failed to notify those third parties who had made representations of the date and venue of the hearing, contrary to Rule 7(5)(b) of the Town and Country Planning (Hearings Procedure)(England) Rules 2000 (SI200/1626). The day before the hearing the Council did endeavour to contact those parties. At the opening of the hearing it was discussed with the main parties whether the interests of those third parties with an interest in the appeal would be unduly prejudiced if the hearing was to proceed.
3. The hearing procedure is intended to be open to all those with an interest in the appeal, so a failure to give proper notice raises grave risk of prejudice. However, all of the letters received had mainly offered generalised support for the proposal and none had raised matters that were directly related to the main issues in the appeal. On that basis I was satisfied that these other interests would not have been unduly prejudiced by the Council's omission.
4. The development has already been carried out, although not in accordance with the drawings submitted with the application for planning permission. The planning application form and decision notice refer to alterations to, and retention of, an agricultural barn. Section 73A of the Town and Country

Planning Act 1990 makes allowance for the submission of a planning application for development which has been carried out before the date of the application, and Section 55 of the Act describes development as the carrying out of building operations or the making of material changes of use, as opposed to their retention or continuation. I have determined the appeal on the basis that the proposal was for the erection of a new agricultural barn. This being the case, it was agreed at the hearing that it would be more accurate to describe the proposal as "A building to be used for agricultural purposes (storage of agricultural materials including: hay, straw, feed and wool)".

5. It was also agreed at the hearing that the most clear and accurate address for the development is New Laithe Barn, Newton Grange Farm, Bank Newton, near Skipton BD23 3NT.

Main Issues

6. The main issues in this appeal are:

- Whether the development is necessary in connection with the agricultural use; and
- The effect of the development on the character and appearance of the surrounding countryside.

Reasons

7. Saved Policy ENV1 of the Craven District (Outside Yorkshire Dales National Park) Local Plan 1999 (CDLP) seeks to protect the character and quality of the open countryside from sporadic development and is permissive of appropriate small scale development having a rural character subject to certain criteria being met, including whether the development is essential for the efficient operation of agriculture or forestry.
8. CDLP Saved Policy ENV13 sets out criteria to be met in connection with new agricultural buildings or structures. These include that the building is located within or adjacent to an existing group of buildings unless it can be demonstrated that a more isolated location is essential to meet the needs of the enterprise, and in terms of scale, materials, colour and siting the building is sympathetic to its surroundings.
9. There is no definition of what would constitute essential in either Policy ENV1 or its supporting text. Given its ordinary meaning of fundamental, indispensable, or exceedingly important, this sets a very high bar for development to meet. This also, to my mind, results in a tension with Policy ENV13, which deals specifically with new agricultural buildings and structures, the supporting text of which states that agriculture is the predominant land use in Craven and it is essential that the industry continues to thrive. Policy ENV13 sets out the criteria against which planning applications for agricultural buildings will be assessed. None of these criteria require that it be demonstrated that the building is essential to the efficient operation of agriculture. Due to the nature of the building which is the subject of this appeal, in my opinion, Policy ENV13 is the most directly relevant policy.
10. These policies predate the publication of the National Planning Policy Framework (the Framework) and, whilst they broadly follow the guidance of

the Framework in respect of conserving the natural environment, the Framework does not require that it is demonstrated that a building, other than a rural workers dwelling, is subject to essential need, nor does it indicate that buildings in the countryside should be grouped together. Nonetheless, moderate weight can still be given to these policies.

Whether the building is necessary in connection with the agricultural use

11. Newton Grange Farm extends to approximately 97 hectares and is part of a larger agricultural holding operated by the appellant, which includes other farms nearby. The appellant operates Newton Grange Farm for sheep farming. The operation has increased in size over the years with approximately 1000 ewes lambing in 2016. The appellant states that it is his intention to continue to develop the farming business.
12. Policy ENV1 of the CDLP seeks to protect the character and quality of the countryside by defining settlement limits. The Policy sets out that small scale development having a rural character will only be permitted in the open countryside where it is essential for the efficient operation of agriculture or forestry. At the hearing the Council confirmed that Policy ENV1 does not preclude the development of agricultural buildings, however, these need to meet the criteria set out in Policy ENV13.
13. Paragraph 28 of the Framework expects a positive approach to sustainable new development to support economic growth in rural areas and seeks to promote the development and diversification of agricultural and other land based rural businesses. Paragraph 28 does not require essential need to be demonstrated.
14. From the evidence, the principal benefit to the farming operation of the appeal building is that animal fodder and other items necessary for the care of animals can be stored closer to where they may be needed. This would reduce the need to travel back to the main holding when the sheep are being fed, notwithstanding that some items would need to be transported further initially in order to deliver them to the building. I also note the appellant's point that the design of the building makes it suitable for the storage of hay.
15. The Council suggest that the observed level of use of the appeal building is such that it cannot be said to be essential to the farming operation, although it is recognised that the use of the building has increased in 2016 and 2017. The photographs submitted by the Council show varying levels of use of the appeal building and other buildings on the site. From the discussion at hearing this is usual. Due to the nature of sheep farming, there are times when buildings are not intensively used. When I visited the site the lambing shed was largely empty and other buildings on the site were less well used. The appeal building was being used for mainly storage of hay/straw, although a number of other items were present. The Council's photographs show that the level of use of other buildings at the farm is intensive at certain times of year, particularly during the lambing season, and are indicative that additional storage space is reasonably required at certain times of the year.
16. There is no evidence that the appeal building is necessary for the continued viability of the farming business or that it cannot operate without the building. Nevertheless, given the location of the building in the area where the appellant states that the sheep rearing operations are focussed, I am satisfied that it would be advantageous to the agricultural operation.

17. In addition the farming operation contributes to the local economy and provides small number of local jobs and seasonal work as well as supporting employment in the local livestock markets and jobs in the supply chain. I therefore conclude that the building is necessary in connection with the agricultural use. The proposal does not meet the stricter terms of being essential for the efficient operation of agriculture as required by Policy ENV1, and, therefore, there is a degree of conflict with this Policy. There is, however, no conflict with the Framework in this respect.

Character and appearance of the countryside

18. The building is constructed in random rubble laid roughly to course with stone quoins, stone window heads and sills and stone frames to the external doorways. The roof is finished in stone slates. It has replaced an earlier derelict building that was present on the site. From the evidence it is unclear what the precise dimensions of the earlier building were. During the site visit the new building, excluding the front and rear additions which it is proposed to remove, was measured at 14.3 metres by 9.84 metres with the eaves set at 5.05 metres and the ridge at approximately 8 metres. It is common ground that this is larger than the building that it replaced.
19. Newton Grange Farm consists of a group of buildings containing the farm house and a number of older buildings that have been converted to residential use in addition to a number of more recent steel framed agricultural buildings. A modern steel framed lambing shed is located approximately 700 metres to the east of Newton Grange Farm, with the appeal building located approximately 250 metres beyond this. These latter buildings are accessed by a metalled track running from the main farm complex to the appeal building.
20. The surrounding countryside is rolling in character with a pattern of irregularly shaped fields generally separated by post and wire fences. The landscape includes a number of small woodlands and linear groups of trees following the line of watercourses and the bank of the Leeds and Liverpool Canal, which runs to the west of the appeal site behind Newton Grange Farm. Scattered through the countryside are a variety of agricultural buildings and a small number of dwellings. These are of a diverse range of ages and styles and are present both in groups and as freestanding individual buildings. During my preliminary site visit before the hearing, and also at the formal site visit, I saw that within the surrounding area freestanding field barns are not uncommon, both in the near vicinity and within the wider area.
21. In the context of Policies ENV1 and ENV13 what might be considered small scale development, or how the scale of a building would be assessed as being sympathetic to its surroundings, is a matter of judgement. I note the Council's point regarding the increased size of the building over that which previously existed on the site and also the comments of the Inspector who determined the earlier appeal against an enforcement notice served in respect of the building as it currently stands¹. Although the appeal building is relatively substantial, it is not as large as some of the buildings at Newton Grange Farm or present on surrounding holdings.
22. The appeal proposal would see the current lean to additions to the front and rear elevations of the building removed in addition to alterations to the

¹ Appeal reference APP/C2708/C/15/3016579

fenestration which would give it a simpler rectangular form, closer to that of the building which it replaced, and similar to other traditional field barns in the surrounding area. The Council accept that the revised design does go some way to meeting the previous Inspector's concerns and that it is more appropriate in its appearance.

23. The local topography and the groups of trees that are present result in the appeal building having limited visibility within the landscape. Although it is situated on rising ground, it is not a skyline feature. Nor is it readily visible from the road known as Bank Newton which runs through the farm, or from the towpath of Leeds and Liverpool Canal. Some views of the appeal building can be gained from the Pennine Way footpath which lies approximately 200 metres to the west of the appeal site. However, there are no nearby features that would provide a frame of reference for the scale of the building. Consequently, whilst it may be larger and taller than the building that previously existed on the site, this would not be readily apparent to walkers using the Pennine Way. From the photographic evidence submitted, the openings in the building are similar in size, proportion and location to the previous building. Although I accept the Council's point that some of these were ventilation gaps rather than window openings, due to the distance that the building would generally be viewed at from publically accessible land, minor differences such as this would not be readily discernible, only the form, materials and general appearance of the building.
24. In addition, from the photographs of other field barns in the area included in the appellant's evidence, larger openings are present in the upper levels of some of these buildings. The appeal proposal would be consistent with these other examples in terms of form, materials and general appearance.
25. The Council's argument is primarily predicated on the fact that unnecessary built development in the countryside erodes its open rural character. Whilst this may be the case, this has to be balanced against the fact that it is not disputed that a similar building, albeit less substantial, has been located on this site for many years. The appeal proposal would reduce the size of the building from that which was considered as part of the enforcement notice appeal and, within the context set out above, would not cause harm to the character and appearance of the landscape.
26. Criterion 1 of Policy ENV13 requires that new agricultural buildings are located within or adjacent to an existing group of buildings unless it can be demonstrated that a more isolated location is essential to the needs of the enterprise. I have found above that the building is necessary in connection with the agricultural use and that the location is advantageous to the farming operation. Additionally, I am mindful that a similar building was located on this site for a considerable period of time prior to its replacement with the appeal building.
27. Whilst the Council state that had the planning application been made before the building was constructed, it would have sought for it to be located adjacent to existing buildings, there are no alternative locations before me and no evidence that alternative locations have been assessed as being less harmful. In any event, this appeal must be considered on the basis of the submitted proposal.

28. Within this context, the appeal proposal satisfies criteria 1 and 2 of Policy ENV13. It is not suggested that the proposal offends any of the other criteria of the Policy.
29. I therefore conclude that the development does not cause harm to the character and appearance of the countryside and complies with the relevant requirements of CDLP Policy ENV13.

The planning balance

30. I have found that the appeal building is necessary in connection with the agricultural operation, however, this does not equate to being essential in the ordinary meaning of the word. Nevertheless, the proposal has benefits for the rural economy and I have found that the proposal does not cause harm to the character and appearance of the countryside. In this respect, the proposal satisfies criteria 1 and 2 of Policy ENV1. In addition the use of the word "or" after criterion 3 indicates that a development is not required to satisfy all four criteria in order to be permitted. Within this context, whilst there is a degree of conflict with Policy ENV1, this is slight.
31. The proposal complies with the relevant requirements of Policy ENV13, which relates specifically to the erection of agricultural buildings, and with the Framework. Overall, compliance with Policy ENV13, and the policies in the Framework, is sufficient to outweigh the slight conflict with criterion 3 of Policy ENV1 and to warrant granting planning permission.

Conditions

32. I have had regard to the conditions that were suggested at the hearing by both parties. In order to provide certainty regarding what has been granted planning permission, I have attached a condition that specifies the approved drawings. As the building has already been constructed, albeit in a slightly different form to that proposed by the appeal scheme, it is necessary to impose a condition requiring the proposed alterations to be carried out within a specified time period.
33. The purpose of the condition is to require the appellant to comply with a strict timetable for carrying out the alterations to the building which need to be addressed in order to make the development acceptable. The condition is drafted in this form because, unlike an application for planning permission for development yet to commence, in the case of a retrospective grant of permission it is not possible to use a negatively worded condition precedent to secure the subsequent approval and implementation of the outstanding detailed matter because the development has already taken place. The condition, therefore, provides for the loss of the effective benefit of the grant of planning permission where the required alterations are not undertaken during the time set by the condition. Should the requirements of the condition not be met in line with the strict timetable, then the planning permission falls away.
34. The Council have also suggested that a condition is necessary that removes the permitted development rights to use the building for any use other than agriculture. The Planning Practice Guidance advises that conditions restricting the future use of permitted development rights or changes of use should only be used in exceptional circumstances. In the case of the appeal building, due to its location, the potential use for other purposes, particularly those falling

within Use Classes C and D of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) is likely to have a significantly greater impact on the character and appearance of the countryside than the agricultural use and, in this context, I consider that exceptional circumstances exist that make such a condition necessary.

Conclusion

35. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed subject to the conditions discussed above.

John Dowsett

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: GA/00 Location Plan; GA/01 Site Plan as Existing; GA/02 Plans as Existing; GA/03 Elevations as Existing; GA/04 Typical Section as Existing; GA/05 Revision A Plans as Proposed; GA/06 Revision A Elevations as Proposed; GA/07 Revision A Sections as Proposed; and GA/08 Site Plan as Proposed.
- 2) The building hereby permitted shall be demolished to ground level, and all materials resulting from the demolition shall be removed, within 28 days of the failure to meet any of the requirements set out below:
 - i) Within 6 months of the date of this decision the building shall be altered in accordance with the details shown on drawing numbers GA/05 Revision A; GA/06 Revision A, GA/07 Revision A; and GA/08.
 - ii) The approved works shall have been carried out and completed.
 - iii) Within 5 working days of the completion of the works, the Local Planning Authority shall be notified in writing of the date of completion.

In the event of a legal challenge to this decision, the operation of the time limits shall be suspended until that legal challenge has been finally determined.
- 3) The premises shall only be used for agricultural purposes and for no other purpose (including any other purpose in Classes C and D of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

APPEARANCES

FOR THE APPELLANT:

David Manley QC
Peter Crangle – Savage Crangle Solicitors
Alistair Skelton – Abbot Associates
Bryanni Cartledge – Abbot Associates
Caroline Sunter – David Hill LLP
John Howard – Appellant

FOR THE LOCAL PLANNING AUTHORITY:

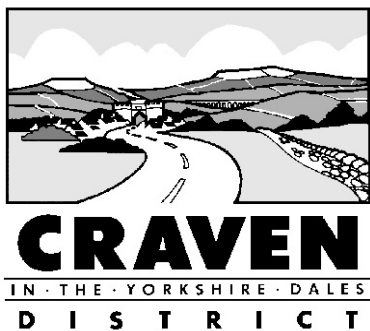
Neville Watson – Development Control Manager, Craven District Council
Cathy Dakin – Enforcement Team Leader, Craven District Council

INTERESTED PERSONS:

Richard Garner – Hilltop Farm, Woodford
Kathleen Garner – Hilltop Farm, Woodford
Rachael Berry – Newton Grange Farm, Bank Newton, Skipton
Catherine Howard – Heslaker Farm, Skipton
Lesley Tate – The Craven Herald, 38 High Street, Skipton

DOCUMENTS SUBMITTED AT THE HEARING

1. Letter to interested third parties advising them of the hearing date and venue
2. Extract from Pre-publication draft Craven Local Plan Consultation Document
3. Suggested conditions – Appellant
4. Suggested condition – Craven District Council



Development Management
Craven District Council
1 Belle Vue Square
Broughton Road
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Craven District Council - List of Planning Decisions 25.04.2019 to 21.05.2019

The undermentioned decision notices are available to view online at <https://publicaccess.cravendc.gov.uk/online-applications/>

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2017/18876/CPE	Mrs Julie Dalziel	Brockabank House Clapham Lancaster LA2 8EY	Application for a Certificate of Lawful Development for an existing use relating to (1) occupation of Brockabank House and ancillary buildings (excluding The Cottage as an ordinary unrestricted single dwelling without compliance with conditions 3 and 5 of decision notice 18/2002/1997 and (2) occupation of the property known as The Cottage as an ordinary unrestricted single dwelling	Approve Cert. Lawful Devt	08.05.2019
2018/18918/FUL	Mr & Mrs R J Mason	Land North West Of St Marys Green Carleton Skipton BD23 3DG	Residential development - 2 No detached single storey (bungalow) dwellings	Refuse	07.05.2019
2018/18923/OUT	RN Woolers And Co Ltd	Land Off The A65 Crookrise Skipton	Outline application for up to 28 dwellings with all matters reserved except access	Approve with Conditions	02.05.2019

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/19416/MMA	Green End Properties Ltd	Land On The East Side Of Green Lane Glusburn Keighley BD20 8RT	Minor material amendment to application reference 32/2015/15768 granted 23/12/2015 to re-position garage to adjoin northern elevation of plot 43 and add sun room to south elevation of plot 43.	Approve with Conditions	14.05.2019
2018/19475/FUL	Mr & Mrs Throup	Former Coal Yard Adjacent To Leeds-Liverpool Canal Ings Lane Bradley BD20 9EL	Construction of detached dwelling with off street parking.	Approve with Conditions	10.05.2019
2018/19768/CND	Candelisa Ltd	Station Works Cononley Lane Cononley Keighley BD20 8LN	Application to discharge condition no's 1 to 26 of planning approval referenced 2018/19329/VAR granted 02/08/2018	Split Decision	29.04.2019
2018/19832/MMA	Francmanis Properties	Land To East Of Ingfield Lane Settle	Variation to Condition 2 of extant Planning approval 62/2014/14800 granted 21 August 2014 to provide an amended layout and design of 7 properties.	Approve with Conditions	14.05.2019
2018/19834/FUL	Mr & Mrs D Elliott	Hesley Cottage Old Oliver Lane Rathmell Settle BD24 0LP	Proposed demolition of existing stable block and erection of new build 3 bed dwelling with an amenity area and new access.	Approve with Conditions	09.05.2019

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/19911/CND	Ingleton Parish Council	Land Adjacent To Clarrick Terrace Bentham Road Ingleton Carnforth LA6 3HP	<p>Application to discharge Condition 3 of original planning application reference 45/2017/17839 to include the provision of a soft landscaping scheme. Application Reference Number: 45/2017/17839 Date of Decision: 06/06/2017</p> <p>Condition Number(s): Item 3</p> <p>Conditions(s) Removal:</p> <p>The access gate to the allotments field was incorrectly installed before the submission of the soft landscaping scheme to the Planning Department, as it was a condition of the consent that the planting scheme should be submitted before development began. We now wish to submit the planting scheme and amend the planning application 45/2017/17839 to include the provision of the planting scheme in order to conform to the conditions of the planning permission. We wish the planning permission 45/2017/17839 to include the condition of provision of a soft landscaping scheme. Documents for this are attached as follows: A map of the site layout showing the positions and types of the trees to be planted A list of size, quantity and species of trees used including an implementation plan</p>	Approve with Conditions	09.05.2019
2018/20049/HH	Mr Lee Morris	19 Primrose Hill Skipton BD23 1NR	Removal of door and window to the rear of the property. Removal of stonework in between, including installation of purpose designed steel work. Grey aluminium Bi-fold doors to be installed into the new opening. Replacement of kitchen window in grey PVC.	Approve with Conditions	16.05.2019

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2019/20084/FUL	Mr John Dodgson	Souber Dairy Bank Newton Skipton BD23 3NT	Installation of a slurry anaerobic digester, slurry separator, solid digestate storage building and slurry storage tower adjacent to existing agricultural buildings	Approve with Conditions	01.05.2019
2019/20105/CND	R N Wooler & Co Ltd	Workshop Park Lane Carleton Skipton BD23 3DJ	Application to discharge condition 9 (Surface Water Drainage Scheme) of planning approval referenced 17/2016/17039.	DOC satisfactory	25.04.2019
2019/20124/FUL	St Matthews Church	Land To East Of St Matthews Church Reebys Lane Clapham Ingleton LA2 8EU	Change of use from agricultural use to churchyard and creation of access.	Approve with Conditions	01.05.2019
2019/20151/CPE	Mrs P Towler	Kirksteads Barn Croft Road Ingleton Carnforth LA6 3DU	Application for a Certificate of Lawful Development for an existing use of the property as two dwellinghouses (main house and holiday let unit).	Approve Cert. Lawful Devt	26.04.2019
2019/20154/HH	Mr Laurie Thornhill	5 Raines Road Giggleswick Settle BD24 0AQ	Erection of a single storey, rear mono pitch extension.	Approve with Conditions	09.05.2019
2019/20199/REM	Mr & Mrs R J Mason	Land Off Carla Beck Lane Carla Beck Lane Carleton Skipton	Approval of the appearance, landscaping, layout and scale as reserved by condition in outline consent referenced 17/2015/16195 for 4 dwellings	Approve with Conditions	09.05.2019

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2019/20207/HH	Mr Greg Thomas	The Rockeries Main Street Hellifield Skipton BD23 4EY	Construction of garage adjoining existing sunroom.	Approve with Conditions	09.05.2019
2019/20212/MMA	Mr Russell Ingham	Gill Bottom Cottages Shop Lane Cowling Keighley	Application to amend condition 2 (Approved Plans- roof amendment) of original planning application references 2018/19646/FUL and 2018/19647/LBC, date of Decision: 24/01/2019.	Application Withdrawn	25.04.2019
2019/20215/FUL	Mr P Wales	In The Grounds Of The Bowerley Langcliffe BD24 9LY	Proposed subterranean eco-dwelling, car port and solar array (Resubmission of previous application referenced 2017/18518/FUL)	Refuse	20.05.2019
2019/20224/FUL	Steven Teal	Drake And Macefield Market Place Settle BD24 9EJ	Remove existing shop front and replace like for like with addition of double glazing to replace current single glaze	Approve with Conditions	02.05.2019
2019/20225/FUL	Mr Jazz Heer	30 - 32 Main Street Sutton-in-craven Keighley BD20 7HD	Proposed first floor extension above existing rear single storey extension, external steel staircase and amendments to window openings	Refuse	14.05.2019

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2019/20232/HH	Mr H & Mrs K Gardner	The Barn Priest Bank Road Kildwick Keighley BD20 9BH	Construction of infill section of stone wall to the front of the property	Approve with Conditions	03.05.2019
2019/20234/HH	Mr Adam Dykes	2 Westland Close Cross Hills Keighley BD20 7TD	Conversion of undercroft garage and extension to create a living room.	Refuse	10.05.2019
2019/20237/CND	Craven College	Skipton Auction Mart Gargrave Road Skipton BD23 1UD	Application to discharge conditions 3 (Site Levels), 4 (Construction Method Statement) and 5 (Water Course Protection) or original planning consent referenced 2018/19525/FUL.	DOC satisfactory	26.04.2019
2019/20243/HH	Mr & Mrs Ward	2 Meadowcroft Draughton Skipton BD23 6EG	Conservatory to rear of property.	Approve with Conditions	15.05.2019
2019/20266/MMA	Croft Building Ltd	Deep Spring Grange Road Farnhill Keighley BD20 9AE	Minor material amendment to condition no. 2 (approved plans) of previously approved application referenced 2017/18355/FUL.	Approve with Conditions	17.05.2019

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2019/20267/CND	Henry Boot Dev. Ltd & Bellway Homes Ltd (Yorkshire) Ltd	Land North Of A629 And West Of Carleton Road Skipton North Yorkshire BD23 3BT	Application to discharge condition no's 3 (drainage), 20 (drainage) and 27 (remediation scheme) of planning approval referenced 2017/18136/VAR dated 16 March 2018 . Proposed Drainage Layout Proposed Overall Site Plan, WVP-BWB-HDG-XX-DR-D-501, Revision P8, 08/08/2018. Surface Water Contributing Areas-Drainage Catchment Area Plan, WVP-BWB-HDG-XX-DR-D-530, Revision P4, No Date. Surface Water Flood Routing Plan 100 Year Storm + 20% CC, WVP-BWB-HDG-XX-DR-D-540, Revision P3, 07/03/2018. Flood Risk Assessment, LDH/2112/FRA/REV 1, 13/02/2015. Consultee comments response, RAL/KMJ/LDH2112/BRMA2, 02/11/2018. Ground Investigation Report - 2 x letters dated 2/11/2018.	Split Decision	29.04.2019
2019/20268/MMA	Mr Oliver Osborne	Land Adjacent To Raygill House Quarry Road Lothersdale Keighley BD20 8HH	Minor material amendment to condition no. 2 (approved plans) of previously approved application referenced 2018/19243/FUL.	Approve with Conditions	26.04.2019
2019/20269/CND	Mr & Mrs N Hudson	22 Canal Street Skipton BD23 1LB	Application to discharge to condition no's 3 (flood risk works) and 4 (flood risk measures) of original planning approval referenced 2018/20032/FUL granted 19.02.2019	DOC not satisfactory	29.04.2019
2019/20272/HH	Mr & Mrs Green	2 West Bank Road Skipton BD23 1QT	Proposed garage conversion, extension & external alterations (Resubmission of previously refused application referenced 2018/19980/HH)	Approve with Conditions	26.04.2019
2019/20276/HH	Mr & Mrs Chris Clarke	Stainton Lodge Moorber Lane Coniston Cold Skipton BD23 4EN	Proposed extensions to existing dwelling and garage building to form new entrance porch, conservatory and open sided, covered car port	Approve with Conditions	30.04.2019

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2019/20277/FUL	Mrs Kay Shackleton	Dunbrewin Main Street Farnhill Keighley BD20 9BW	Change of use of garage and room above to form a holiday let, with some facilities shared with the house. Not totally self-contained.	Approve with Conditions	08.05.2019
2019/20278/CND	Henry Boot Developments Ltd	Land North Of A629 And West Of Carleton Road Skipton North Yorkshire BD23 3BT	Application to discharge condition no's 6, 11, 14 and 16 of planning approval referenced 2017/18136/VAR.	DOC satisfactory	10.05.2019
2019/20281/FUL	Mr Robin Mason	Shay Bank Farm Keighley Road Cowling Keighley BD22 0NJ	Demolition of existing garage and playroom and construction of two holiday cottages (Resubmission of previously refused application referenced 2018/19932/FUL)	Approve with Conditions	10.05.2019
2019/20290/TPO	McCarthy	Flying Horse Shoe Caravan Site Clapham Lancaster LA2 8ES	Fell 2 no. Oak & 1 no. Sycamore. Tidy broken and damaged branches from 1 no. Sycamore Remove 1 large branch over caravan on 1 no. Sycamore	Approved Tree Work under TPO	01.05.2019
2019/20291/FUL	Yorkshire Dales Ice Cream	Calm Slate Farm Holme Lane Halton East Skipton BD23 6EU	Extension to existing cold room for storage of ice cream products	Approve with Conditions	02.05.2019
2019/20292/MMA	Mr Stuart Evans	20A Main Street Embsay Skipton BD23 6RD	Minor material amendment to vary condition 2 (approved plans) of original planning consent referenced 2018/19220/FUL to 1) Change surface water drainage from soakaway to existing surface water sewer, 2) Change of style for roof window, 3) Alternative roofing material for equipment store area.	Approve with Conditions	29.04.2019

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2019/20300/HH	Mr & Mrs M Tiffany	Roseneath 3 Harewood Road Skipton BD23 1QR	Conversion of garage into study. Installation of new french style doors. Infill of rear porch to form utility.	Approve with Conditions	26.04.2019
2019/20270/HH	Mr James Hart	16 Holmroyd Avenue Holme Lane Cross Hills Keighley BD20 7LH	Conversion of front garden to block/tarmac paved driveway with space for two cars. Dropped kerb crossing required for vehicular access.	Approve with Conditions	25.04.2019
2019/20302/FUL	Mr Morgan ODriscoll	Agricultural Field Off Back Lane Long Preston BD23 4RD	Single storey potting shed and create an allotment area within existing agricultural land	Refuse	29.04.2019
2019/20305/FUL	Mr Ian Harrison	Studio 1 Bentham Industrial Estate High Bentham Lancaster LA2 7NB	Proposed first floor extension to existing offices	Approve with Conditions	02.05.2019
2019/20306/HH	Mr P Snowden	16 Main Street Ickornshaw Cowling North Yorkshire BD22 0DH	Proposed side and front extension and rear porch	Refuse	08.05.2019
2019/20310/FUL	Mr Ben Airlie	Crag Side Farm Cottage Dick Lane Cowling Keighley BD22 0JZ	Change of use of barn to C3 to extend an existing cottage	7 Day Conditional Approval	15.05.2019

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2019/20317/MMA	Mrs Claire Ling	63 Long Meadow Skipton BD23 1BP	Minor material amendment to condition no. 2 (approved plans) of previously approved application referenced 2018/19484/HH	Approve with Conditions	21.05.2019
2019/20331/HH	Mr & Mrs M Crewe	1 Meadowcroft Draughton Skipton BD23 6EG	Single storey side sun room	Approve with Conditions	30.04.2019
2019/20311/FUL	Mr Mike Duckett	15 Moorland Close Embsay Skipton BD23 6SG	Side extension to western elevation of house.	Approve with Conditions	03.05.2019
2019/20314/FUL	Mr & Mrs Wilcock	3 Botheby Wood Skipton BD23 1NE	Erection of detached garage	Approve with Conditions	26.04.2019
2019/20316/TCA	Mr Stephen Cuthbert	Bungalow Raven Flatt Bell Busk BD23 4DT	Remove 3 no. Sycamore, 2 no. Ash, 1 no. Willow & Prune 1 no. Leylandii.	Approve Tree Works in Conservation Area	02.05.2019
2019/20321/HH	Yvonne Marley	1 Geldard Cottages Wigglesworth Skipton BD23 4RB	Conversion of garage to form snug and associated external alterations	Approve with Conditions	02.05.2019
2019/20330/HH	Mr & Mrs Willis	29 Gainsborough Court Skipton BD23 1QG	Two storey side and rear extension, partly over existing Garage. Creating a new first floor bedroom with ensuite and ground floor living space	Approve with Conditions	17.05.2019

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2019/20332/FUL	Yorkshire Housing	Land Off Carleton Road Skipton	Construction of new foul pumping station and associated infrastructure including new access road and boundary enclosures in connection with approved residential development (Ref: 63/2016/17465 & 63/2015/16300)	Approve with Conditions	03.05.2019
2019/20333/TCA	Skipton Building Society	Skipton Building Society The Bailey Skipton BD23 1AP	Remove 1 no. Lime & 3 no. Alder	Approve Tree Works in Conservation Area	02.05.2019
2019/20334/HH	Mr & Mrs K Waddicor	Shepherd Gate Barn Lawkland Lancaster LA2 8AB	Construction of proposed new entrance porch and other associated external works	Approve with Conditions	14.05.2019
2019/20338/HH	Mr Paul Arkwright	The Willows East Lane Embsay Skipton BD23 6QD	Lean-to, single storey extension to rear to create a living room.	Approve with Conditions	09.05.2019
2019/20342/MMA	Mr Ian Ackroyd	5 And 6 New Brighton Gargrave Skipton BD23 3NS	Minor material amendment application for a change to the approved plans on application reference no. 30/2016/17247 granted 26th October 2016 comprising:- i. increase length of rear extension by 1m (No. 5 and 6) ii. insert bi-fold door to living room (No. 5) iii. enlarge first floor windows to west elevation of bedroom 4 (No. 6) ii. insert window to ground and first floor south elevation (No. 6)	Approve with Conditions	21.05.2019
2019/20343/HH	Mr A Pearson	37 High Street Gargrave Skipton BD23 3RA	Proposed extensions and alterations to form lounge extension, garden room, utility room and ground floor WC facility.	Approve with Conditions	16.05.2019

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2019/20345/FUL	Mr Jim Slater	Stunstead Long Lane Cowling Keighley BD22 0LD	Demolition of existing agricultural buildings and construction of new dwelling	Application Withdrawn	16.05.2019
2019/20346/HH	Mr & Mrs A Sedgwick	Northfield 24 Church Street Settle BD24 9JG	Removal of existing glazed outbuilding and construction of new entrance porch, utility and WC. Demolition of existing garage and construction of replacement garage/workshop.	Approve with Conditions	14.05.2019
2019/20350/FUL	Platinum Stairlifts	Platinum Stairlifts Crosshills Business Park Unit 10 Riparian Way Cross Hills Keighley BD20 7BW	Erection of a temporary building for storage purposes (Use Class B8).	Temporary Consent Issued	20.05.2019
2019/20351/ADV	Enterprise Inns	Royal Shepherd Inn Canal Street Skipton BD23 1LB	Application for advertisement consent for 1 x Hanging Sign, 1 x Nameboard, 2 x Amenity Boards, 2 x Chalkboards	Approve with Conditions	02.05.2019
2019/20352/LBC	Enterprise Inns	Royal Shepherd Inn Canal Street Skipton BD23 1LB	Listed building consent for 1 x Hanging Sign, 1 x Nameboard, 2 x Amenity Boards, 2 x Chalkboards	Approve with Conditions	02.05.2019
2019/20355/HH	Mr & Mrs A Hassell	Holly Bank Bankwell Road Giggleswick Settle BD24 0AP	To remove part of an existing boundary wall and re-position approximately 2.5m closer to the house, to allow for the construction of proposed parking bay for 2 cars (Resubmission of withdrawn application referenced 2018/19720/HH)	Refuse	14.05.2019

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2019/20356/MMA	Mr Gardner	Land Opposite Greta Villas Main Street Ingleton Carnforth	Minor material amendment to vary condition no. 2 (Approved Plans) of original Planning Consent 45/2016/17387 to allow for the construction of a single storey garden room.	Approve with Conditions	08.05.2019
2019/20357/HH	Mrs Chantelle Coleman	20 Whinfield Court Skipton BD23 2UY	Conversion of garage into habitable space with associated works	Approve with Conditions	08.05.2019
2019/20358/HH	Mrs S Ramzan	74 Broughton Road Skipton BD23 1TT	Single storey rear extension to provide utility, WC and shower	Approve with Conditions	16.05.2019
2019/20359/CPL	Mrs S Ramzan	74 Broughton Road Skipton BD23 1TT	Attic conversion with rear dormer window	Approve Cert. Lawful Devt	16.05.2019
2019/20360/HH	Mr Nick Osborn	The Old Saw Mill Chapel Hill Skipton BD23 1UL	Proposed garage (Resubmission of previously approved application referenced 2018/19000/HH)	Approve with Conditions	15.05.2019
2019/20361/HH	Mr & Mrs Graham Curtis	Meregill Farm Meregill Clapham Ingleton LA2 7AN	Single storey extension to replace existing conservatory, extend dwelling into attached barn/workshop with new entrance porch and internal alterations	Approve with Conditions	21.05.2019
2019/20362/TCA	Mr Nicholas Gay	7 The Wend Carleton Skipton BD23 3EE	Fell 1 no. Conifer	Approve Tree Works in Conservation Area	02.05.2019

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2019/20363/TPO	Dr Ian Blair	Woodland W1 Mark House Lane Gargrave Skipton BD23 3UT	Fell 2 no. Norway Maple, 8 no. Ash & 3 no. Sycamore	Approved Tree Work under TPO	17.05.2019
2019/20365/TCA	Mrs Catherine Birtwistle	All Saints Church Leeming Lane Burton In Lonsdale Carnforth	Crown reduction and thinning of 2 no. Yew	Approve Tree Works in Conservation Area	02.05.2019
2019/20367/TCA	Mrs Cox	7 High Croft Way Farnhill Keighley BD20 9AP	Fell 1 no. Rowan	Approve Tree Works in Conservation Area	02.05.2019
2019/20370/TCA	Miss Hayley Luther	9 Laburnum Cottages Bank Bottom Ingleton Carnforth LA6 3EY	Remove tree on river bank close to property.	Approve Tree Works in Conservation Area	02.05.2019
2019/20372/CND	Malsis Ltd - Seddon	Malsis Colne Road Glusburn Keighley BD20 8DS	Application to discharge condition no. 18 of listed building consent referenced 32/2016/17098.	DOC satisfactory	15.05.2019
2019/20374/TPO	Mr Robert Ackroyd	Coulthurst Lodge Mark House Lane Gargrave Skipton BD23 3BX	Fell 1 no. Norway Maple, 2 no. Poplar & 1 no. Cypress	Approved Tree Work under TPO	17.05.2019

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2019/20381/LBC	Mrs Linda Hartell	Dalesman Cafe 54 High Street Gargrave Skipton BD23 3LX	Insert new timber staircase and stud wall to give direct access to first floor flat from existing external door	Approve with Conditions	09.05.2019
2019/20378/MMA	Mr & Mrs Brown	8 Moorland Rise Embsay Skipton BD23 6RU	Minor material amendment to vary condition no. 2 (approved plans) of previously approved application referenced 2019/20131/HH to amend the size of the new extension.	Approve with Conditions	16.05.2019
2019/20383/TCA	Mrs Catherine Rowland	Pye Cottage 19 Low Street Burton In Lonsdale Carnforth LA6 3LF	One no. Cypress tree to be removed down to stump at ground level.	Approve Tree Works in Conservation Area	02.05.2019
2019/20384/TCA	Mrs Catherine Birtwistle	All Saints Church Leeming Lane Burton In Lonsdale Carnforth	Remove 1 no. Holly & 1 no. Yew	Approve Tree Works in Conservation Area	02.05.2019
2019/20391/PNAG	Mr Maurice Jackson	Hill Side Skipton Road Silsden Keighley BD20 9AB	To erect an agricultural lean-to for storage of agricultural feed.	Prior Approval Not Required	02.05.2019
2019/20403/CND	Mrs Julie Town	Calter Barn Station Road Clapham Lancaster LA2 8ES	Application to discharge condition no 5 of original planning permission referenced 2017/18286/FUL granted 19.12.2017	DOC satisfactory	07.05.2019

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2019/20405/TPO	Mr Bright	3A Woodlands Drive Skipton BD23 1QU	Remove 1 no. Horse chestnut. Reduction of limbs to 2 no. Sycamore, 1 no. Maple & 1 no. Horse chestnut.	Approved Tree Work under TPO	17.05.2019
2019/20410/HH	Mr & Mrs Best	8 New Laithe Close Skipton BD23 6AZ	Proposed formation of roof windows to front elevation and bi-fold doors to rear elevation	Approve with Conditions	10.05.2019
2019/20412/HH	Mr & Mrs Matthews	16 Bridge End Colne Road Glusburn Keighley BD20 8QX	Proposed out building	Approve with Conditions	16.05.2019
2019/20430/CND	Mr Matt Hough	Halsteads Thornton In Lonsdale Ingleton LA6 3PD	Application to discharge condition no's 4, 6 and 7 of listed building consent referenced 2018/19070/LBC granted 02.05.18	DOC satisfactory	15.05.2019
2019/20431/CND	Mr Matt Hough	Halsteads Cottage Thornton In Lonsdale Ingleton LA6 3PD	Application to discharge condition no's 6, 7 and 9 of planning permission referenced 2018/19601/FUL granted 18.10.18	DOC satisfactory	09.05.2019
2019/20432/CND	Mr Matt Hough	Barn To Halsteads Thornton In Lonsdale Ingleton LA6 3PD	Application to discharge condition no's 3, 5, 4, 6 and 7 of listed building consent referenced 2018/19602/LBC granted 18.10.18	DOC satisfactory	15.05.2019
2019/20435/HH	Mr & Mrs Throup	2 Sunnybank Villas Bungalow Road Glusburn Keighley BD20 8PY	Proposed single storey rear kitchen extension.	Refuse	21.05.2019

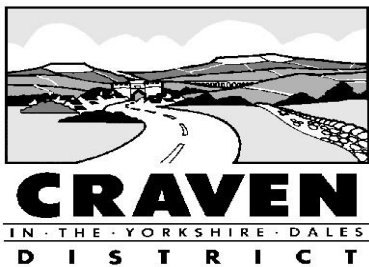
Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2019/20436/PNAG	Mr Mark Nelson	Bull And Cave Farm Station Road Clapham Lancaster LA2 8DP	Proposed agricultural building to replace polytunnel to house livestock. (Prior Notification)	PN Refuse and Application Required	10.05.2019
2019/20440/CND	Casey Group	Site Of Former St. Monica's Convent Raikes Road Skipton	Application to discharge condition no. 4 (Highway Road Audit) of planning approval referenced 2018/18950/FUL.	DOC satisfactory	10.05.2019
2019/20452/LSHLD	Mr Brian John Little	30 Sharphaw View Gargrave Skipton BD23 3SQ	Proposed PVC conservatory measuring 3.5m beyond the rear wall; 3.996m in height from ground level; 2.7m in height to eaves from ground level (Prior Approval Notification).	PD HH PA Not Required	20.05.2019
2019/20453/TPO	The Woodland Trust	Skipton Castle Woods Skipton BD23 1AW	Tree 1 Beech - Fell. Tree 2 Spruce - Fell.	Approved Tree Work under TPO	17.05.2019

Planning Committee Report of New Cases Registered **From 24/04/2019 to 21/05/2019**

Enforcement Reference	Alleged Breach	Site Address	Ward
ENF/03059/2019	Alleged breach of Condition 4 of 22/2012/12621 (Agricultural Occupancy)	Park Farm Park Lane Cowling Keighley BD22 0NH	Cowling
ENF/03060/2019	Caravan on site without permission	The Stables Ellers Road Sutton-in-Craven Keighley	Sutton-in-Craven
ENF/03061/2019	Construction of garage and attic room.	7 East View Kendal Road Hellifield Skipton BD23 4EU	Hellifield And Long Preston
ENF/03062/2019	Shed in front garden	5 High Castle Rectory Lane Skipton BD23 1FP	Skipton East
ENF/03063/2019	Excessively high wall adjacent to highway	2 Low Lane Draughton Skipton BD23 6DZ	Barden Fell
ENF/03064/2019	Alleged large freestanding aerial in rear garden	47 Long Meadow Skipton BD23 1BP	Skipton East
ENF/03067/2019	Untidy site	24 East Lane Embsay Skipton BD23 6QA	Embsay-with-Eastby

Enforcement Reference	Alleged Breach	Site Address	Ward
ENF/03068/2019	Single storey extension and shed that may require planning permission and listed building consent for that extension which infringes on fabric of adjoining listed building.	2 Bank View Doctors Hill Low Bentham Lancaster LA2 7DZ	Bentham
ENF/03069/2019	Agricultural building being built without planning permission.	Bower House Farm Barden Road Eastby Skipton	
ENF/03065/2019	Complainant thinks the new development is blocking her light and wonders what permitted development dimensions are.	26 Marshfield Road Settle BD24 9DA	Settle And Ribble Banks
ENF/03066/2019	Neighbour's guttering overhanging her property boundary.	24 Lakeber Drive High Bentham Lancaster LA2 7JQ	Bentham
ENF/03070/2019	2 static caravans on site without permission.	Stunstead Long Lane Cowling Keighley BD22 0LD	Cowling
ENF/03071/2019	Conversion of garage to domestic room.	33 Ash Grove Sutton-in-craven Keighley BD20 7QJ	Sutton-in-Craven
ENF/03072/2019	Obstruction to Public Right of Way.	Stone Gappe Hall Stansfield Bridge To Babyhouse Lane Lothersdale Keighley BD20 8EE	Aire Valley With Lothersdale
ENF/03073/2019	Obstruction of Public Right of Way.	Well Spring Farm Lothersdale Road Glusburn Keighley BD20 8JD	Glusburn

Enforcement Reference	Alleged Breach	Site Address	Ward
ENF/03074/2019	Development has not taken place in accordance with permission 2017/18244/FUL	Land At Draughton Height Height Lane Draughton Skipton	Barden Fell
ENF/03075/2019	Unsightly writing on garage door (No Parking) in a Conservation Area	Fairmount Starkey Lane Farnhill Keighley BD20 9AW	Aire Valley With Lothersdale
ENF/03076/2019	Alleged unauthorised COU to create secure dog field?	Moss Bar Farm Colne Road Cowling Keighley BD22 0NA	Cowling
ENF/03077/2019	Retractable awning fixed above balcony.	38 High Street Ingleton Carnforth LA6 3AF	Ingleton And Clapham
ENF/03078/2019	Alleged business usage of premises.	Boots Yard Rear Of 52 High Street Skipton BD23 1JP	Skipton North



Planning Enforcement
 Craven District Council
 1 Belle Vue Square
 Broughton Road
 SKIPTON
 North Yorkshire
 BD23 1FJ
 Telephone: 01756 706254

Planning Committee Report of Cases Closed **From 24/04/2019 to 21/05/2019**

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
1879/2014	20th August 2014	15th May 2019	No Breach	1. Close Lane has been re-graded /flattened. 2. Wooden bridge lifted & gone. 3 Excavated big area. 4 Motorcycle scrambling. 5. Big rocks near scrambling track.	Access Track Moorland Close Lane Cowling Keighley	Cowling
2241/2015	6th October 2015	7th May 2019	Breach Resolved	Derelict building	Brookside Newmarket Street Skipton BD23 2HP	Skipton North
2494/2016	20th October 2016	20th May 2019	Not Expedient to Enforce	Large metal frame has been constructed on a concrete base.	Asquith Industrial Estate Gargrave Skipton North Yorkshire BD23 3SE	
ENF/02842/2018	3rd April 2018	20th May 2019	Breach Resolved	Alleged use of garden room as holiday let	Stoney Croft 3 Skipton Road Gargrave Skipton BD23 3SA	Gargrave And Malhamdale

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
ENF/02860/2018	26th April 2018	20th May 2019	Breach Resolved	Un-authorised demolition of gable end and enlargement of existing barn.	The Barn Peel Green Hellifield Skipton BD23 4LD	Hellifield And Long Preston
ENF/02866/2018	11th May 2018	13th May 2019	Breach Resolved	Extension not being built in accordance with approved plans ref: 32/2017/18051.	45 Clayton Hall Road Cross Hills Keighley BD20 7TA	Glusburn
ENF/02867/2018	11th May 2018	7th May 2019	No Breach	Development not in accordance with 2017/18215/HH - allegedly too high by 1m?	White House Hall Avenue Sutton-in-craven Keighley BD20 7NL	Sutton-in-Craven
ENF/02906/2018	30th July 2018	10th May 2019	No Breach	Alleged unauthorised roof works to a Listed Building.	Roof Over 11 & 12 Victoria Street And 1 & 2 School Hill Settle	Settle And Ribble Banks
ENF/02911/2018	9th August 2018	13th May 2019	Breach Resolved	Alleged unauthorised works in field.	Land East Laurel Croft Embsay Skipton	Embsay-with-Eastby
ENF/02921/2018	30th August 2018	3rd May 2019	Breach Resolved	Two office portacabins in car park, resulting in the loss of car parking spaces. Breach of C15 of 32/2002/2672?	Unit 10 Riparian Way Cross Hills Keighley BD20 7BW	Glusburn

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
ENF/02946/2018	17th October 2018	3rd May 2019	Breach Resolved	Erection of fence over 1m high next to the highway	Thornfield Skipton Road Hellifield Skipton BD23 4JQ	Hellifield And Long Preston
ENF/02988/2018	21st December 2018	20th May 2019	Breach Resolved	Metal shutters on windows	134 Keighley Road Skipton BD23 2QT	Skipton West
ENF/02991/2019	15th January 2019	3rd May 2019	Breach Resolved	Erection of large red sign	33 Raikeswood Road Skipton BD23 1NB	Skipton North
ENF/03021/2019	6th March 2019	20th May 2019	No Breach	Erection of large shed	1 Winkholme Gill Lane Cowling Keighley BD22 0DA	Cowling
ENF/03024/2019	13th March 2019	7th May 2019	No Breach	Erection of fence and gate to rear	9 Harper Grove Sutton-in-craven Keighley BD20 7JN	Sutton-in-Craven
ENF/03043/2019	26th March 2019	7th May 2019	Breach Resolved	Application not carried out in accordance with planning application 2018/19942/HH specifically operating hours and dust.	28 Skipton Road Gargrave Skipton BD23 3SP	Gargrave And Malhamdale

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
ENF/03058/2019	5th April 2019	7th May 2019	No Breach	Construction of foundations to rear of property and construction of shed.	29 Primrose Hill Skipton BD23 1NR	Skipton North
ENF/03065/2019	2nd May 2019	13th May 2019	No Breach	Complainant thinks the new development is blocking her light and wonders what permitted development dimensions are.	26 Marshfield Road Settle BD24 9DA	Settle And Ribble Banks
ENF/03066/2019	2nd May 2019	13th May 2019	No Breach	Neighbour's guttering overhanging her property boundary.	24 Lakeber Drive High Bentham Lancaster LA2 7JQ	Bentham
ENF/03071/2019	14th May 2019	20th May 2019	No Breach	Conversion of garage to domestic room.	33 Ash Grove Sutton-in-craven Keighley BD20 7QJ	Sutton-in- Craven

Planning Committee – 3 June 2019

PLANNING SERVICES MANAGEMENT KPI STATISTICS



Report of the Strategic Manager Planning and Regeneration

Ward(s) affected: All

1. **Purpose of Report** – To provide high level reporting of the status of the Planning Development Management Service. The report contains summarised information for key metrics within the service as part of an overall performance management framework
2. **Recommendations** – Members are recommended to note the current performance at the end of April 2019.

3. **Content of Report**

The attached report contains the following detail:-

- Applications determined.
- Quality of decisions
- Notification and registration.
- Enforcement.
- Team performance.
- Key performance statistics.

4. **Implications**

- 4.1 **Financial and Value for Money (vfm) Implications –**

The performance managements reports contribute to controlling quality and cost within the service area.

- 4.2 **Legal Implications –**

None

- 4.3 **Contribution to Council Priorities –**

The report contributes to all the Council's priorities by ensuring that the Planning (Development Management) service is effectively managed in order to provide a strategic enabling service to the organisation.

4.4 **Risk Management –**

Management of risk is inherent in all the performance metrics defined for the service

4.5 **Consultations with Others –**

Planning , ICT and Legal Services

4.6 **Access to Information : Background Documents –**

Data extracted from relevant systems as required.

Note : Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

5 **Appendices –**

Appendix A –

Planning Services Management KPI Statistics April 2019

6. **Author of the Report –** Neville Watson Planning Manager 01756 706402



Planning Services Management KPI Statistics

Version: **1.0**

Date: **Apr 2019**

Author: **Neville Watson**

Owner: **Paul Ellis**

Client: **Corporate Leadership Team (CLT)**



Planning Services Vision:
"To deliver sustainable development"

www.cravendc.gov.uk

Craven District Council

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Overview



Planning Services Management Report

Purpose – To report on the Planning Services performance:

The Applications Determined section includes data associated with the following:

Key measurement of planning performance is the number of applications determined within statutory timescales. In recent years with the agreement of the applicant it has been possible to extend the timescale for determination. Different types of applications are categorised by the government and have different performance targets. The categories are based on 'Q codes' used for completing PS1 & PS2 returns on planning performance to the Department for Communities and Local Government (DCLG). The Q code definitions can be found in the latest DCLG PS1 and PS2 (District Matters) Guidance Notes.

The Quality of Decisions section includes data associated with the following:

Measuring the proportion of the Council's decisions overturned or upheld on appeal at the Planning Committee (number of applications received versus number of decisions overturned at appeal).

The Notification & registration section includes data associated with the following:

Failure to determine Prior Notification applications within the timescales specified in the Town and Country Planning General Permitted Development Order 2015 results in a deemed approval.

Registration is the initial inputting of application details and allocation of case references within a defined target.

The Enforcement section includes data associated with the following:

Where breaches of planning control are reported the Planning Enforcement Team indicates that it will attempt to undertake a site visit and investigate the initial breach within a certain number of days. Not all enforcement investigations require a site visit.

The Planning Team Performance section includes data associated with the following:

Workload and caseload management will be used to monitor the capacity of the team and to assess peaks and troughs of both demand, capacity and performance.

Performance Targets:

Year to Date analysis of Planning Services Key Performance Indicators against target.

Planning Services Performance Commentary



Commentary on factors influencing performance of the service and any significant variances:

The data received during the quarter for Applications Determined will be indicative due to the data not being fully verified. The data is fully verified at the end of each quarter for accurate figures as this is the time that the nature of the development is fully understood."

Fees Reclaimed Instances (Year to Date): 0

Fees Reclaimed Value (Year to Date): £0

Income (Year to Date): £51,596

Total Days Lost to Sickness (Year to Date): 3

Upheld Referrals

The Planning Committee are entitled to make a balanced judgement and can reach a decision that is at variance with Officer recommendation. If Committee decisions consistently overturned Officer recommendations that could indicate a political dimension that decisions were being made outside the Committee's quasi-judicial remit. Overturned recommendations to refuse are of particular concern as there is no right of appeal.

Determination to Discharge Within Timeframe.

The discharge of conditions frequently involves third parties, particularly consultees. This could result in discussion and negotiation between the third party and the applicant that could result in delay in the determination beyond 8 weeks.

Cases with Extended Timescales

The target would be to determine all applications with the Government's targets, varying between 60% and 80% within the prescribed timescales. Cases determined in extended timescales satisfy the Government's performance targets but may indicate an overstretched and under-resourced establishment.

Major developments

Dwellings (more than 10), Offices/light industry (more than 1000 sq.m.), General industry/warehousing (more than 1000 sq.m.), Retail (more than 1000 sq.m.), Traveller caravan pitches (more than 1 ha.)

Minor developments (when not major developments.

Dwellings, Offices/Light industry, General Industry/warehousing, Retail, Traveller caravan pitches, All other minor developments.

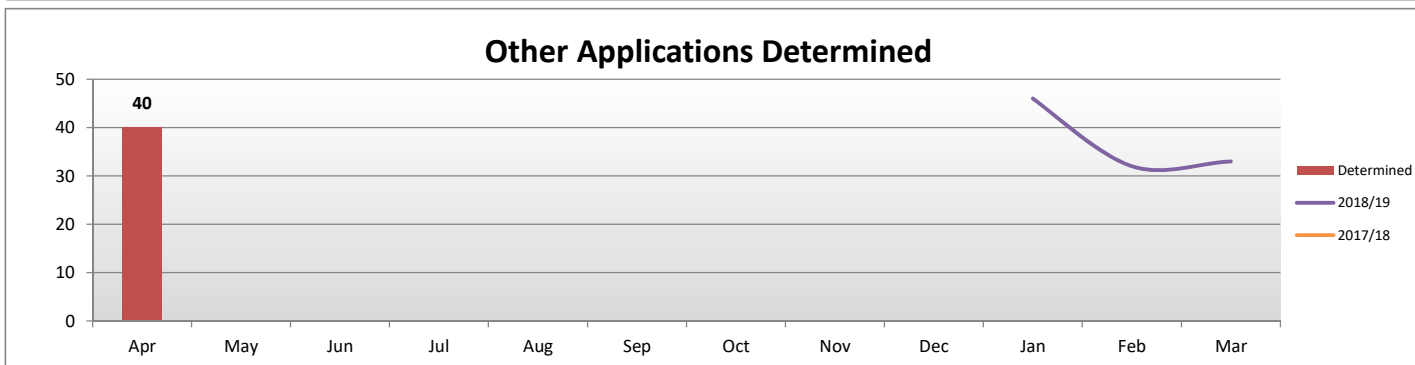
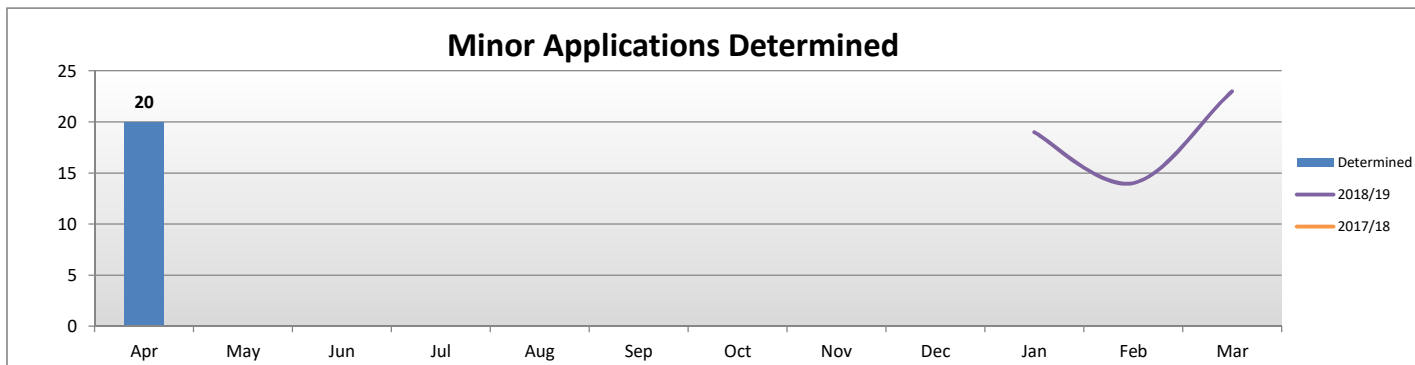
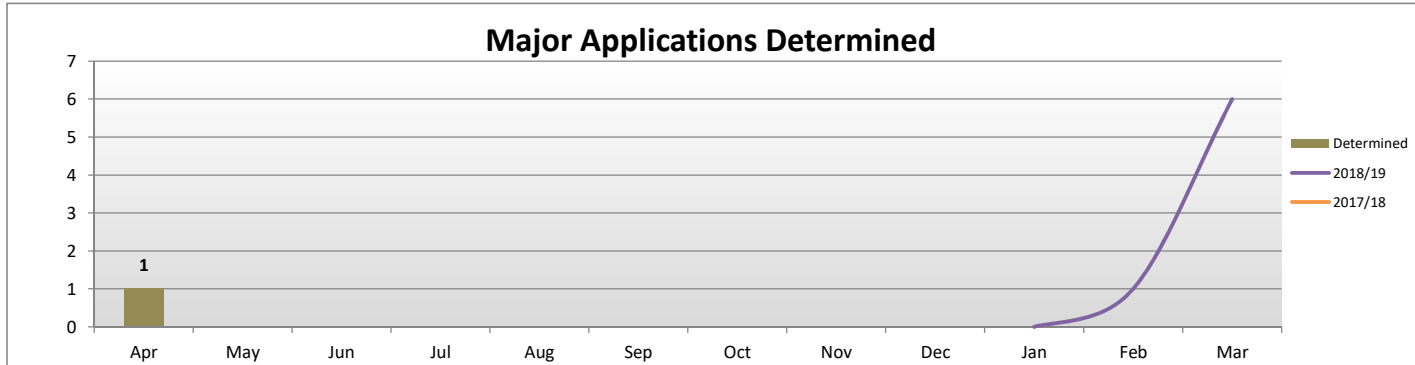
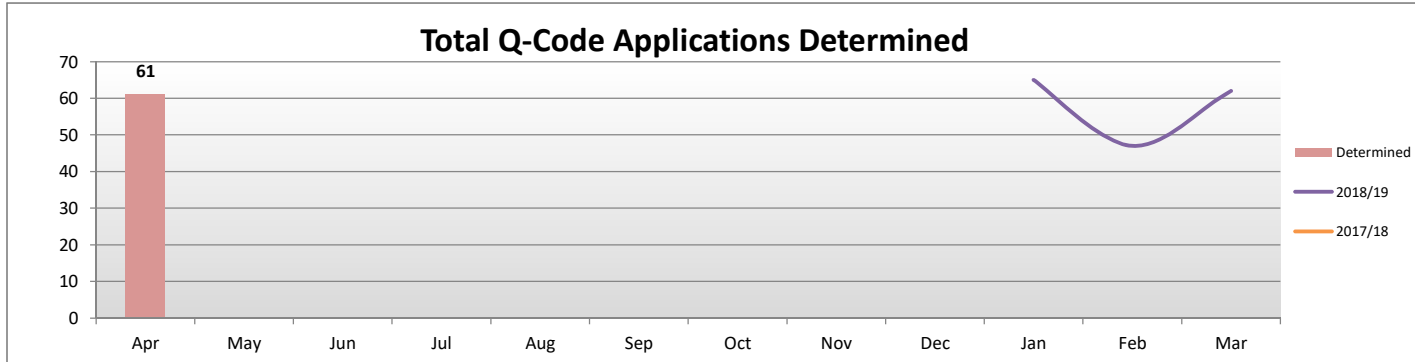
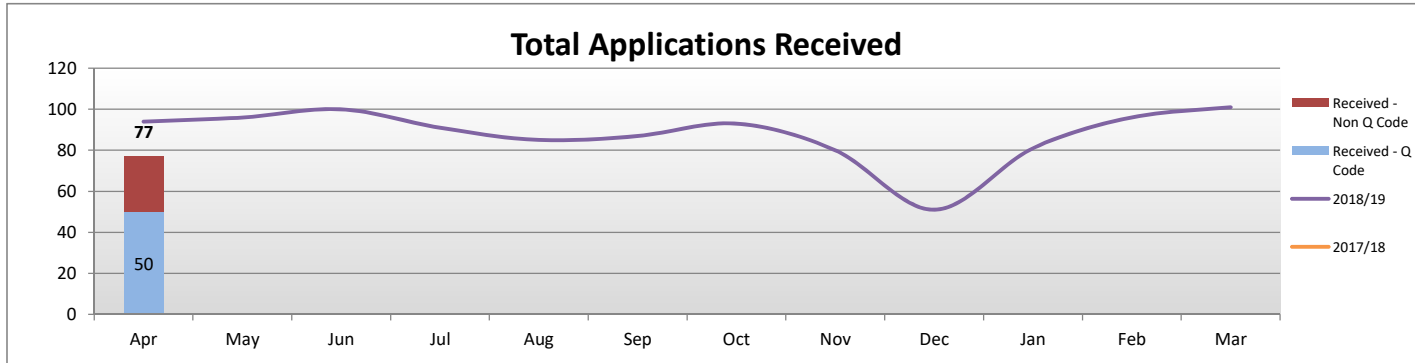
Other developments

Changes of use, Householder developments, Advertisements, Listed building consents, Relevant demolition in a conservation area.

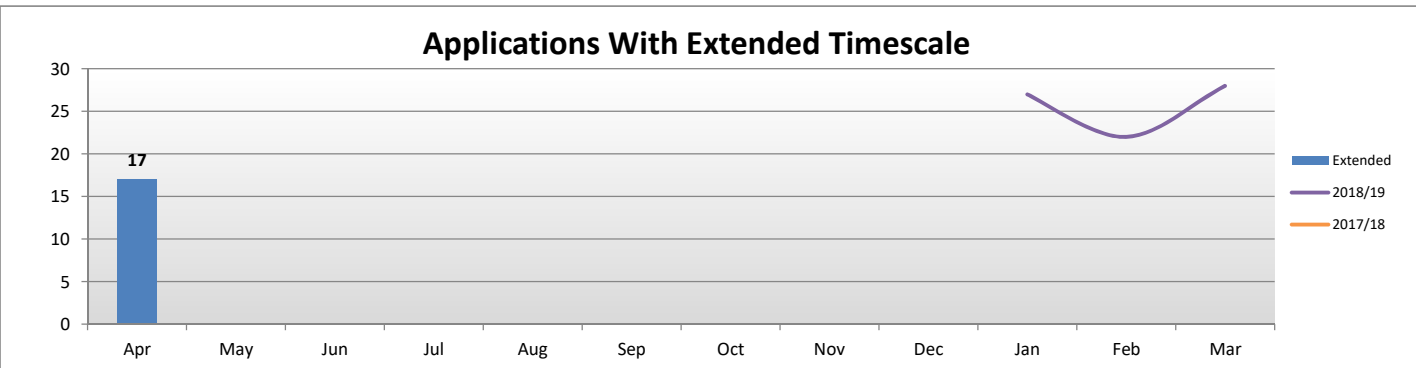
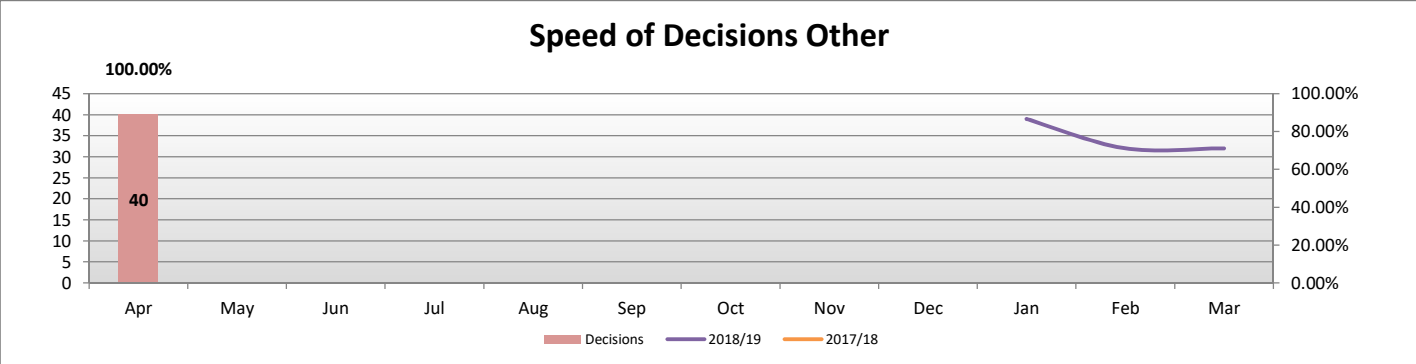
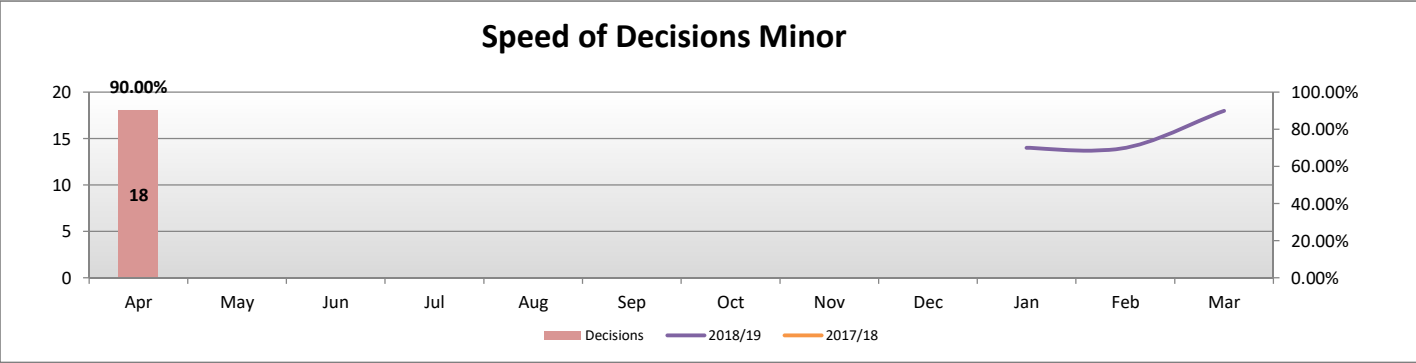
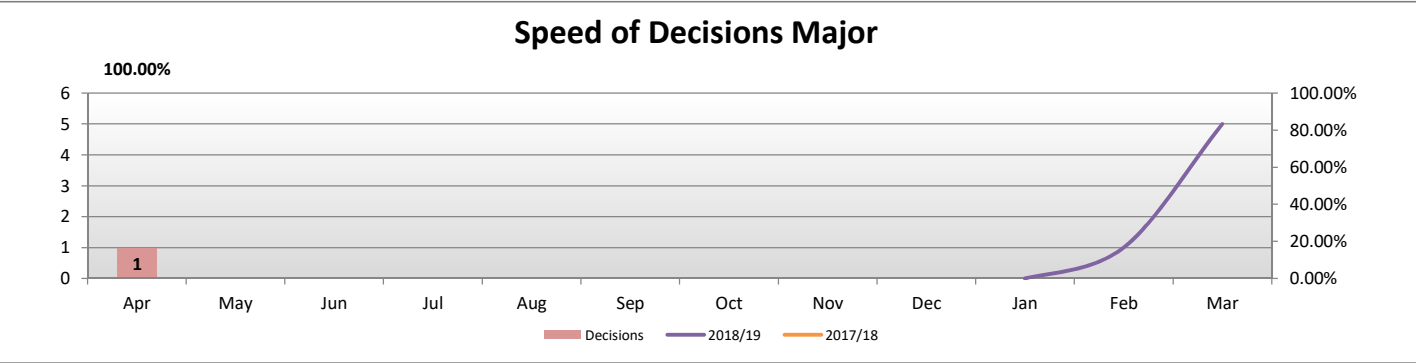
Applications not subject to Government Performance Returns

Lawful Development Certificates, Environmental Impact screening and scoping opinions, Discharge of Conditions, Non material amendments, Tree preservation order applications, Works to trees in conservation areas, Prior Notifications, Applications to vary legal agreements.

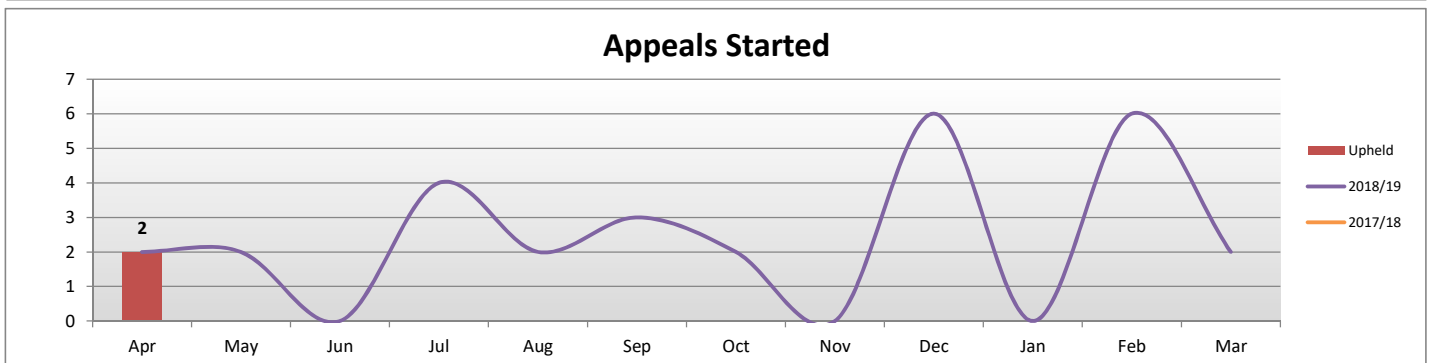
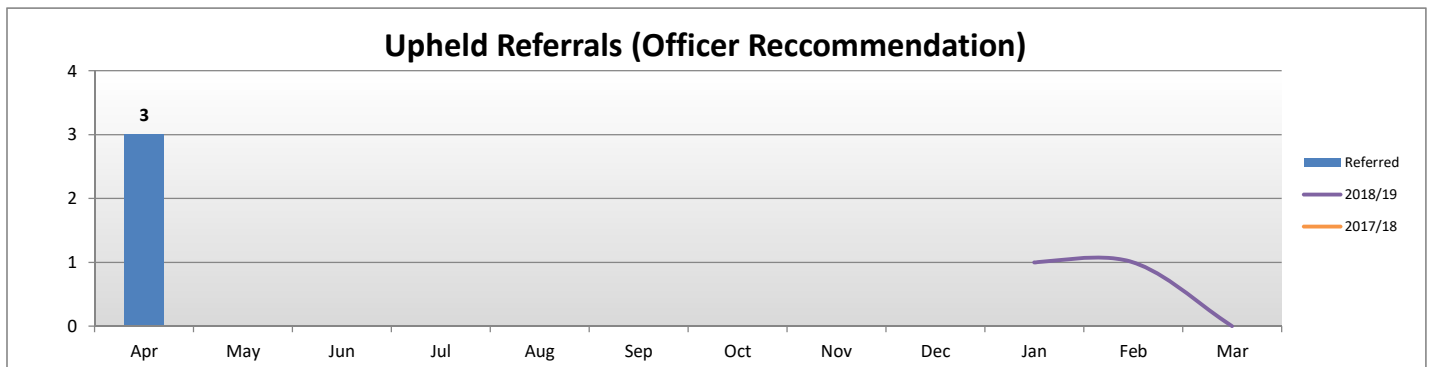
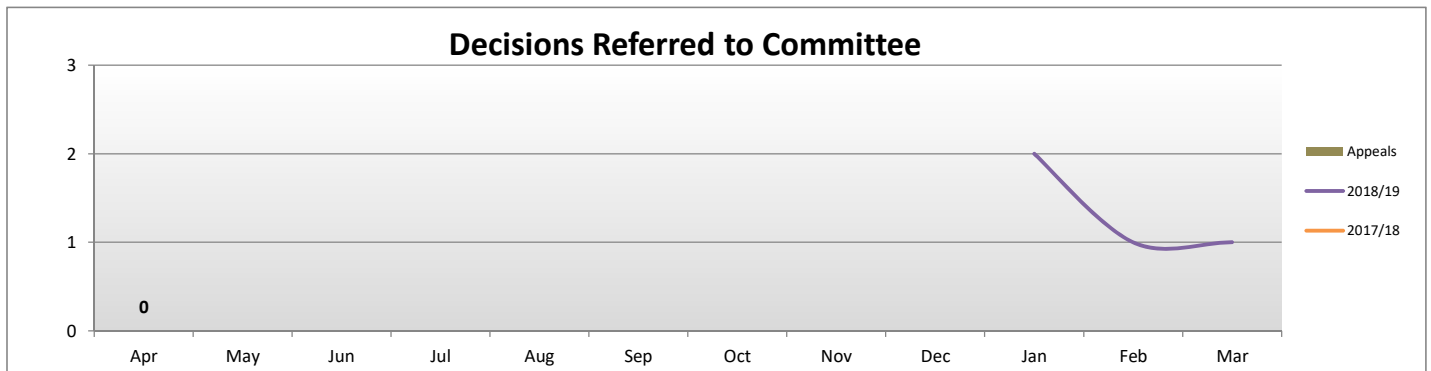
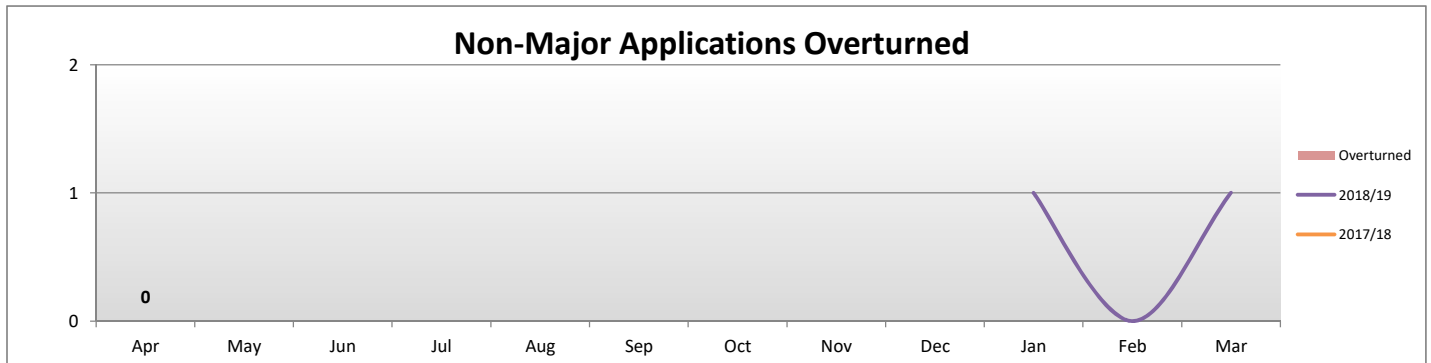
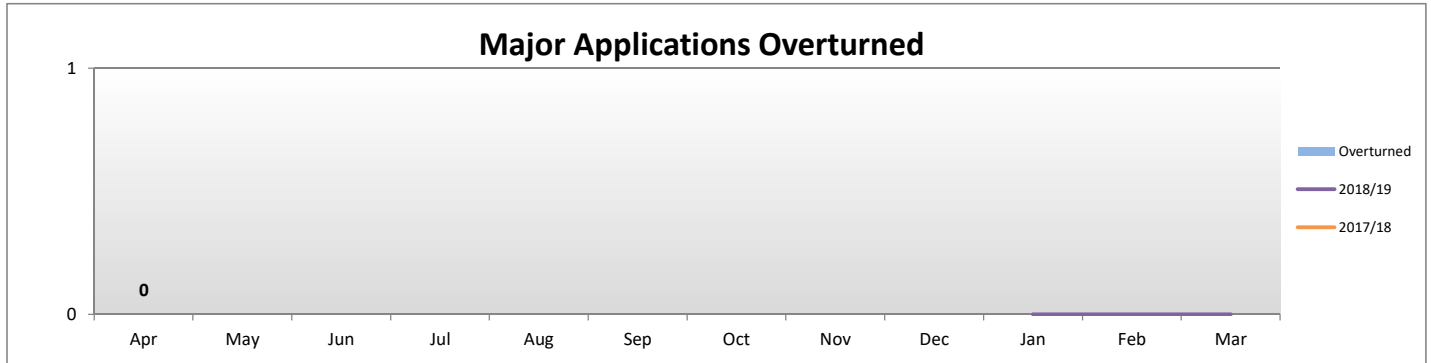
Applications Determined



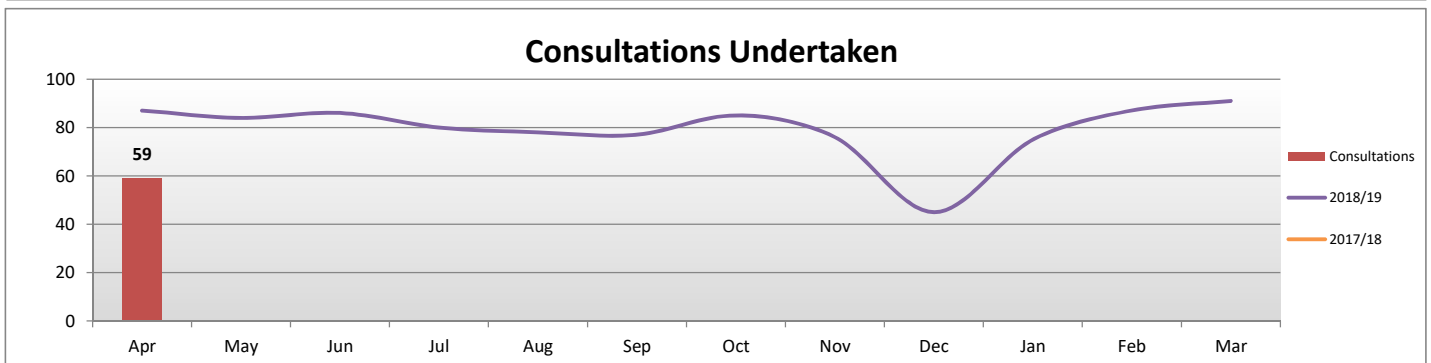
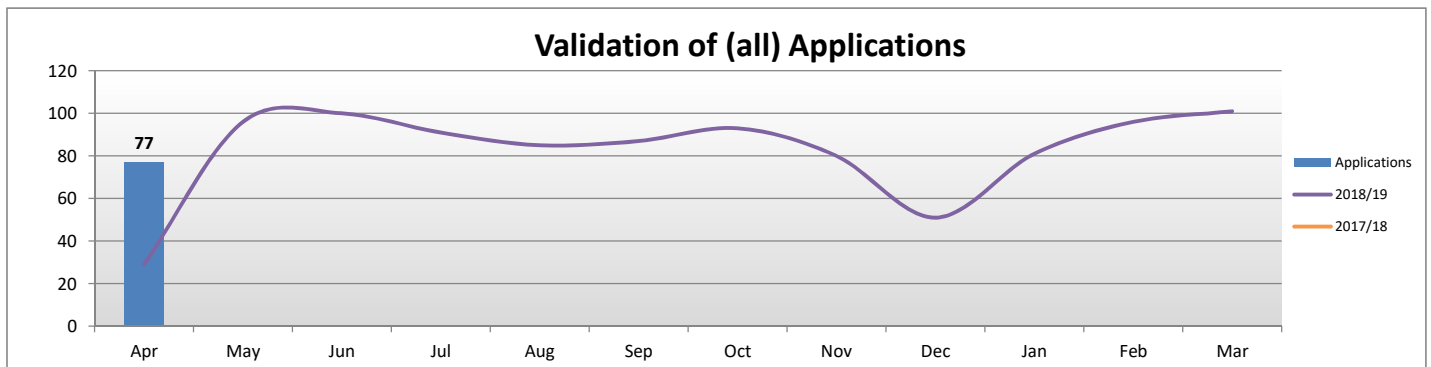
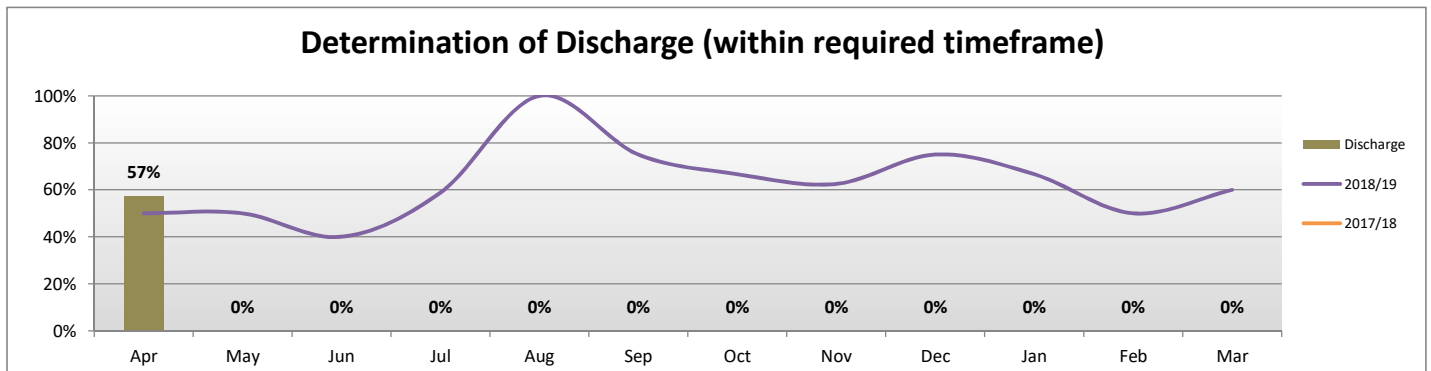
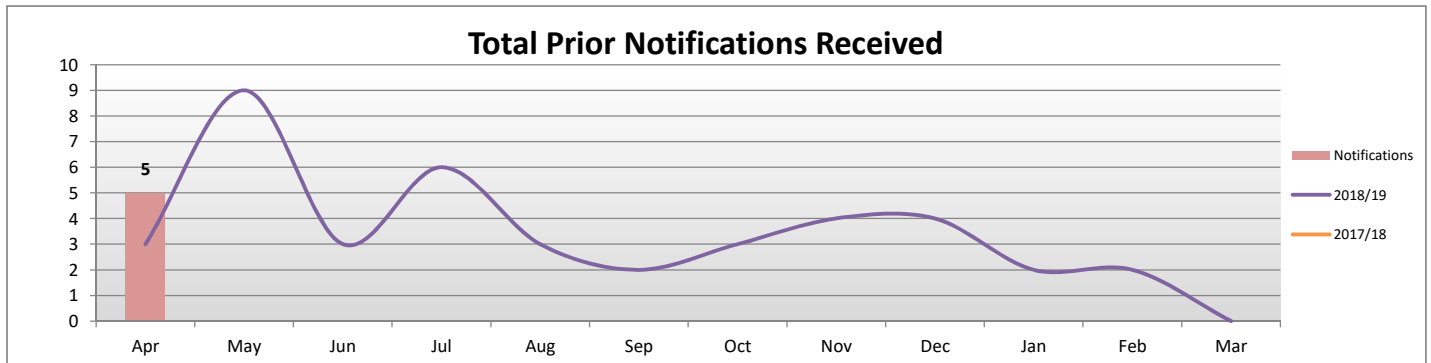
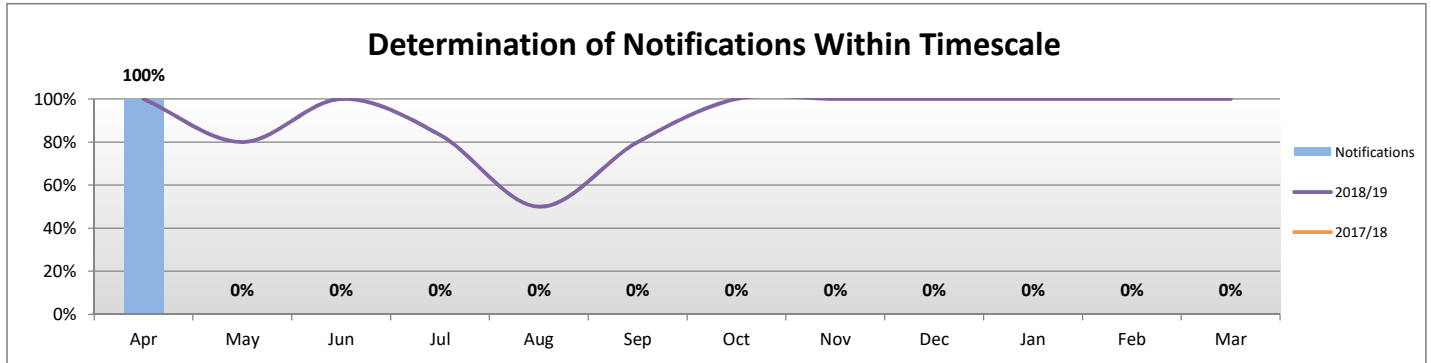
Applications Determined continued...



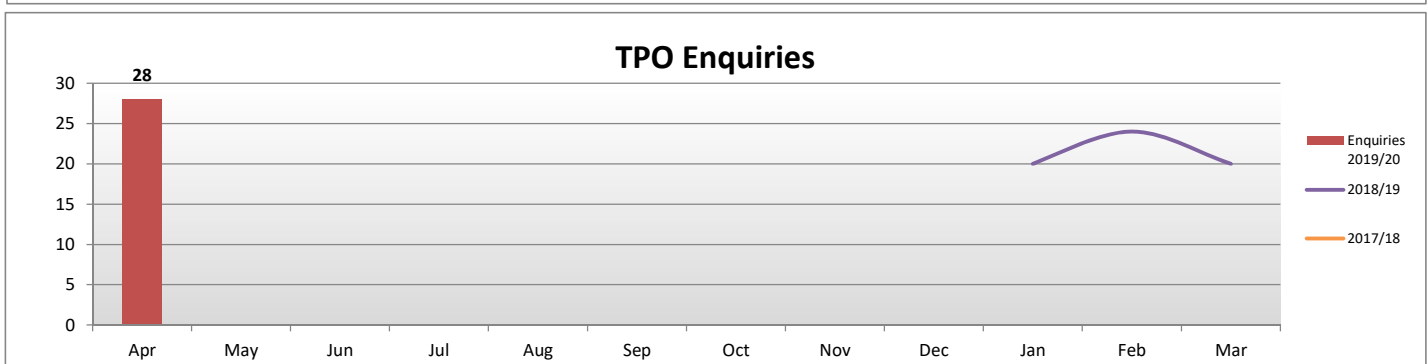
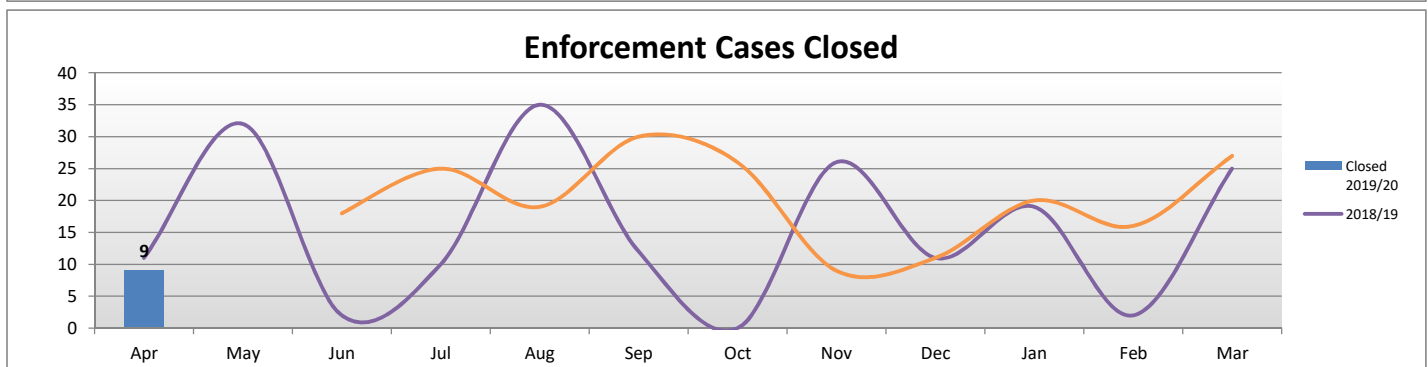
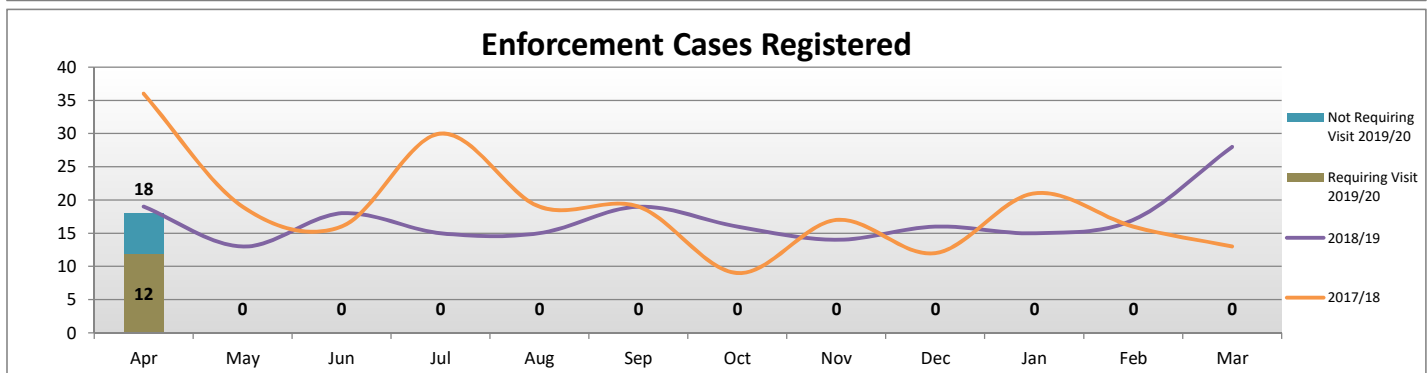
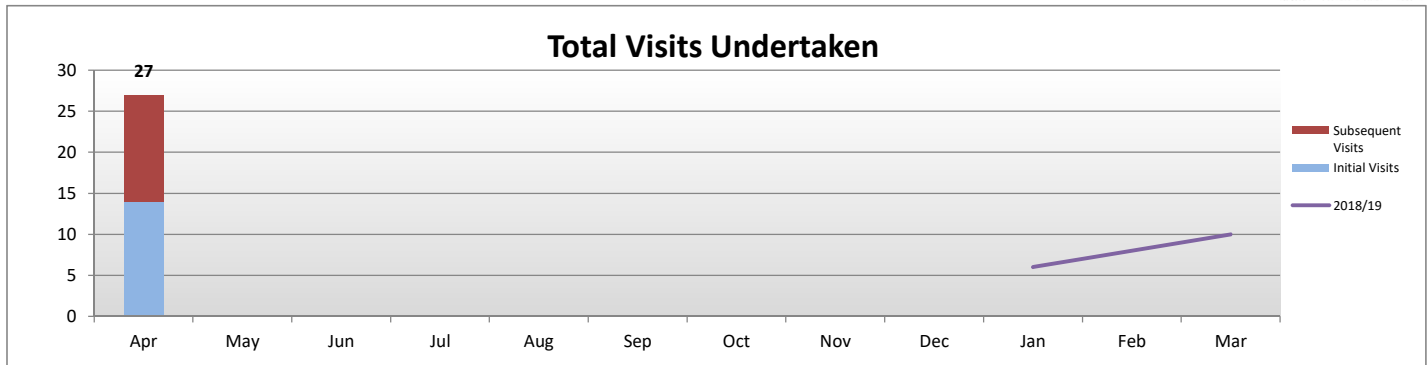
Quality of Decisions



Notification & Registration



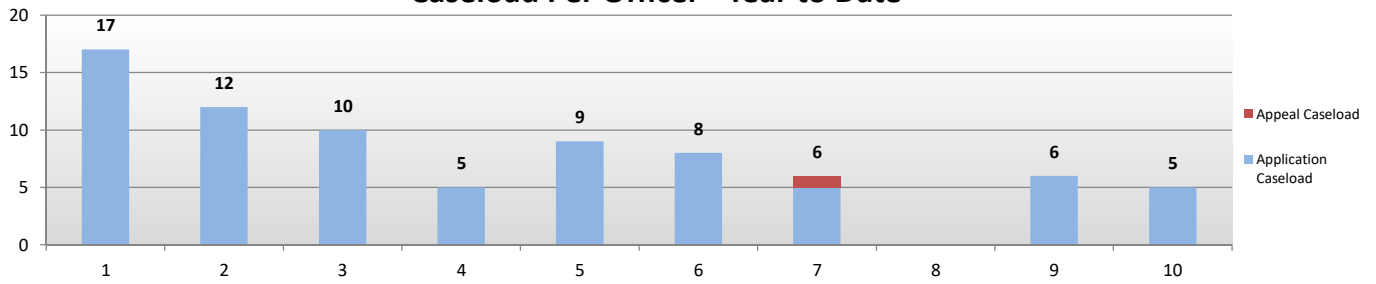
Enforcement



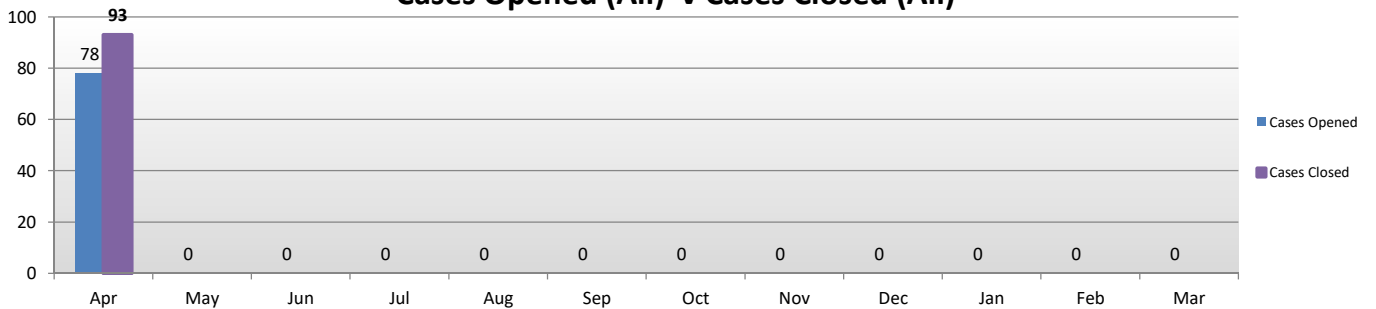
Planning Team Performance



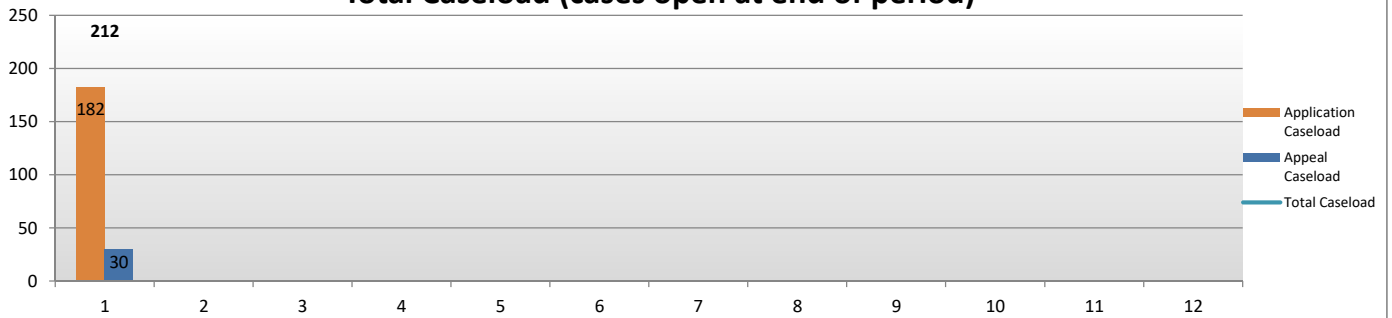
Caseload Per Officer - Year to Date



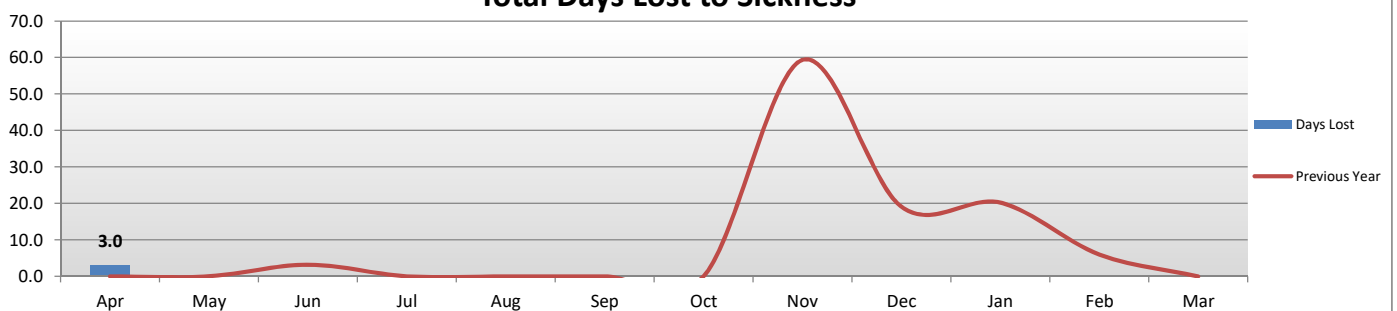
Cases Opened (All) v Cases Closed (All)



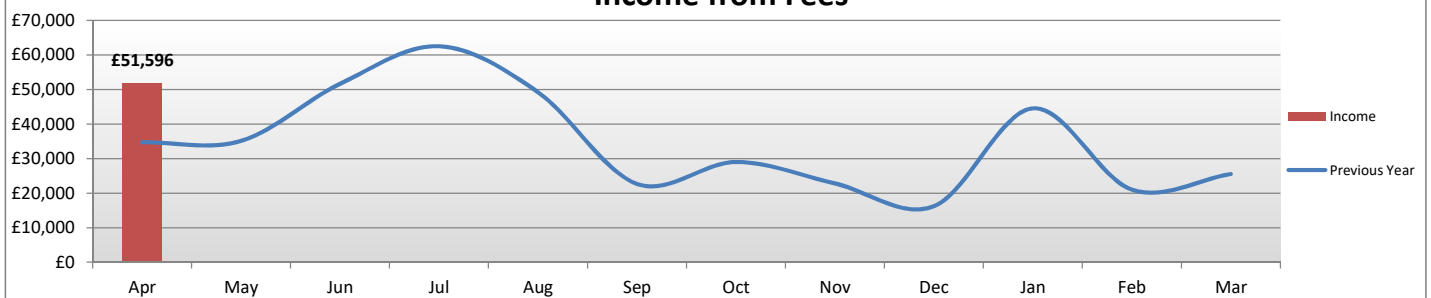
Total Caseload (cases open at end of period)



Total Days Lost to Sickness



Income from Fees



Key Performance Targets Year To Date

