

PLANNING COMMITTEE

1.35pm on Monday 16th December 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** – 26th November 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. **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

5th December 2019.

Additional Information

The circulation of materials cannot be accepted during the meeting. Any additional information has to be submitted to the Case Officer in advance of the meeting by 12 Noon on the last working day before the meeting date.

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 COMMITTEE26th November 2019

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

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

An apology for absence was received from Councillor Harbron.

Councillor Lis left the meeting at 2.39pm.

Councillor Place left the meeting at 4.24pm.

Councillor Heseltine left the meeting at 4.43pm.

Ward Representatives : Councillor Ireton (Application 2019/20785/OUT), Councillors Barrett and Wheeler (Application 2019/20936/FUL),

Start: 1.37pm

Finish: 4:50pm

Note: The Committee took a comfort break at 3.17pm.

The minutes of the Committee's meetings held on 23rd September 2019 were confirmed and signed by the Chairman.

Duration of Meeting : In accordance with Council Procedure Rule 9, the Committee agreed that the meeting should continue beyond three hours.

Minutes for Report

PL.949

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 2019/20785/OUT Councillors Heseltine, Lis, Pringle, Rose, Shuttleworth and Sutcliffe indicated that they had been lobbied against the application. Councillor Lis had also been lobbied in favour. **Application 2019/21022/MMA** Councillor Brown indicated that he had been lobbied against the application.

PL.950

PUBLIC PARTICIPATION

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

Application 2019/:20785/OUT:	Ann Sheridan (Clapham cum Newby Parish Council)
	Mark McCance (objector/for the objectors)
	Andrew Durham (for the applicant)
Application 2019/20936/FUL:	Maureen Davies (objector)
Application 2019/21022/MMA:	Mr Booth (Bradleys Both Parish Council)
	Andrew Slade (objector/for the objectors)

Planning Committee 26th November 2019

Application 2019/20826/REM: Michael Gordon (for the applicant)

PL.951

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:

2018/19242/CND Application to discharge condition No.s 3, 4, 5 and 8 of planning appeal decision reference APP/C2708/W/15/3004588 (21/2014/14583) land behind Church Meadow Lane, Cononley BD20 8LS. DOC satisfactory.

2018/19441/VAR Variation of condition 17 of outline application reference 63/2012/13167 granted 13th March 2013 to require highway improvement works to be approved before the occupation of 30 dwellings instead of prior to the commencement of the development. Land at North Parade, Skipton, BD23 2ST. Approved with Conditions.

2018/19467/FUL Installation of floodlights to the courts playing area at Cross Hills Tennis Club, Keighley Road, Cross Hills. Approved with Conditions.

2019/20107/FUL Change of use of existing commercial workshop and stores to form 5 no. live/work units and 2. no offices, including partial demolition of existing buildings at Pyes Mill, Station Road, High Bentham. Approved with Conditions.

2019/20172/MMA Application to vary condition no. 2 (Approved Plans) of planning approval references 21/2016/17019 & 2018/19329/VAR at Station Works, Cononley Lane, Cononley, BD20 8LN. Approved with Conditions.

2019/20208/CND Application to discharge condition no's 5 (lightwell) and 6 (embankment) of full planning permission referenced 2018/18887/FUL at Reservoir House, Cononley Road, Glusburn, Keighley BD20 8LW. DOC satisfactory.

2019/20395/HH - Infilling of opening in front garden wall and making good of unauthorised works - Retrospective permission for infilling of opening in rear garden wall - Installation of new timber gate and access steps - Removal of post and rail fence 2 Ivy Fold, Church Street, Giggleswick, Settle BD24 0BH. Approved with Conditions.

2019/20396/LBC - Infilling of opening in front garden wall and making good of unauthorised works - Retrospective permission for infilling of opening in rear garden wall - Installation of new timber gate and access steps - Removal of post and rail fence 2 Ivy Fold, Church Street, Giggleswick, Settle BD24 0BH. Approved with Conditions.

2019/20401/FUL Proposed dwelling on land off Netherghyll Lane, Cononley, Keighley BD20 8PB. Approved with Conditions.

2019/20427/FUL Proposed 3 no. new detached dwellings on land off Dick Lane, Cowling, Keighley BD22 0JY. Approved with Conditions.

2019/20418/HH Side and rear extension at 63 Burnside Avenue, Skipton BD23 2DA. Approved with Conditions.

2019/20493/HH First floor bedroom extension and single storey side extension to house and swimming pool extension to rear of garage at Blossom Barn, Birkwith Lane, Low Bentham, Lancaster LA2 7DF Refused.

2019/20506/CND Application to discharge condition no. 2 (Drainage) of planning approval referenced 2019/20534/VAR at former High Bentham CP School, Main Street, High Bentham, Lancaster LA2 7JU DOC satisfactory.

2019/20522/HH Conversion of garage including raising roof to accommodate a new bedroom and en suite on new 1st floor at 3 Harley Close, Low Bentham, Lancaster, LA2 7HD. Approved with Conditions.

2019/20530/FUL Creation of 1 no. 3 bedroomed, 2 and a half storey family dwelling with vacant land adjacent to No. 10 Park Lane Terrace, Park Lane, Carleton, Skipton BD23 3DL. Application Withdrawn.

2019/20532/FUL Construction of new single storey building in curtilage of existing centre, Embsay Children's Centre, Pasture Road, Embsay, Skipton BD23 6RQ. Refused.

2019/20539/CND Application to discharge condition no. 7 (Materials) of original planning reference 2019/20262/VAR on site of former St. Monica's Convent, Raikes Road, Skipton. DOC satisfactory.

2019/20562/CND Application to discharge condition no's 3 (materials), 6 (SUDS maintenance arrangements) and 24 (Ball Strike Report) of original planning permission referenced 26/2015/16284 granted 9th October 2015. Land off Shires Lane, Embsay, Skipton. BD23 6RR. DOC satisfactory.

2019/20566/FUL Erection of a detached dwelling and garage on land at Mell Brae, Main Street, Rathmell, Settle. Approved with Conditions.

2019/20594/FUL Erection of new dwelling together with new tree planting and landscaping on land at Thorlby House, Stirton, BD23 3LQ. Refused.

2019/20606/FUL To build a fence on the roof terrace of the Albion Inn, 27 Otley Street, Skipton, BD23 1EL. Approved with Conditions.

2019/20619/S106 Proposed modification to Section 106 Agreement dated 25 October 2017 relating to planning application 32/2011/11429 (amendment to local connection clause) at Green End, Green Lane, Glusburn, Keighley BD20 8RU. Variation to existing S106 Agreement.

2019/20634/FUL Demolition of existing garage and erection of a dwelling at Devonshire House Farm, Lothersdale, Keighley BD20 8EU. Approved with Conditions.

2019/20656/FUL Proposed 1 No. three-bedroom dwelling on a garden plot opposite Bethal Chapel, Lothersdale, Keighley BD20 8HB. Application Withdrawn.

2019/20677/FUL Change of use and alterations to convert former store to residential dwelling at 3 Commercial Court Yard, Duke Street, Settle BD24 9RH. Approved with Conditions.

2019/20680/FUL Proposed erection of 2 agricultural / cattle buildings at Runley Mill Lane, Settle BD24 9LF. Approved with Conditions.

2019/20683/FUL Conversion of barn to two dwellings, including partial demolition, reconstruction and associated works (Resubmission of previously refused application referenced 2018/19827/FUL) at Stott Fold Farm, Cowling Hill Lane, Cowling, Keighley BD22 0LR. Approved with Conditions.

2019/20684/LBC Listed Building Consent for conversion of barn to two dwellings, including partial demolition, reconstruction and associated works at Stott Fold Farm, Cowling Hill Lane, Cowling, Keighley BD22 0LR. Approved with Conditions.

2019/20686/HH Construction of a new hot tub and enclosing structure and replacement first floor bridge link and decking area to the rear of the existing dwelling at Stainton Cotes Farm, Moorber Lane, Coniston Cold, Skipton BD23 4EN. Approved with Conditions.

2019/20687/LBC Listed Building Consent for the construction of a new hot tub and enclosing structure and replacement first floor bridge link and decking area to the rear of the existing dwelling at Stainton Cotes Farm, Moorber Lane, Coniston Cold, Skipton BD23 4EN. Approved with Conditions.

2019/20691/FUL Erection of ice cream and snack bar and outdoor children's play area at the Craven Heifer Inn, Grassington Road, Skipton BD23 3LA. Refused.

2019/20692/FUL Change of use of land to site 3 holiday lodges at Buckstone Livery, Buck Stone Lane, Sutton-in-Craven, Keighley BD20 7BD. Approved with Conditions.

2019/20699/HH Extension of existing living accommodation into adjoining garage and store/workshop at Woodthorpe Cottage, Cold Cotes, Clapham, Lancaster LA2 8HZ. Approved with Conditions.

2019/20700/LBC Listed building consent for extension of existing living accommodation into adjoining garage and store/workshop at Woodthorpe Cottage, Cold Cotes, Clapham, Lancaster LA2 8HZ. Approved with Conditions.

2019/20703/FUL Change of use from domestic store to distillery at Mill House, Bell Busk, BD23 4DU. Approved with Conditions.

2019/20718/VAR Application to vary condition no. 2 of planning approval referenced 63/2011/11683 and condition 1 of planning approval referenced 63/2016/17155 to allow the portakabins to remain on the school site and be used for teaching (resubmission of previously refused application referenced 2019/20449/VAR). Portacabin classroom, Ermysteds Grammar School, Gargrave Road, Skipton. Approved with Conditions.

2019/20722/FUL Erection of an agricultural building with a new access track on land to the west of Mearbeck Farm site, west of the A65, Hellifield. Approved with Conditions.

2019/20723/CND Application to discharge condition no. 10 (Landscape) on planning approval referenced 2018/18950/FUL granted 22 June 2018 on the site of former St. Monica's Convent, Raikes Road, Skipton BD23 1NT. DOC satisfactory.

2019/20736/VAR Minor material amendment to conditions no. 2 (approved plans) and condition 10 (affordable housing) of original approval reference no. 2018/19736/MMA granted 30/10/2018. Land to the south of Burnside Crescent, Skipton BD23 2BJ. Approved with Conditions.

2019/20737/VAR Application for variation of condition numbers 2 and 17 (i) of application reference number: 2018/19754/MMA on land to the south of Burnside Crescent, Skipton. Approved with Conditions.

2019/20740/FUL Conversion of garage to a dwelling at Stainton Cotes, Moorber Lane, Coniston Cold, Skipton BD23 4EQ. Approved with Conditions.

2019/20741/CND Application to discharge condition no. 18 (soft landscaping), 19 (hard landscaping) and 21 (trespass proof fence) on planning application referenced 2017/18656/FUL granted 14 December 2017 on former allotments and garages, Broughton Road, Skipton BD23 1SZ. DOC satisfactory.

2019/20698/VAR Application to vary condition no. 2 (drawings) on previous planning approval reference 2017/18706/FUL granted 06 April 2018 on land at the Vets, Station Road, Settle. Approved with Conditions.

2019/20771/HH Removal of existing cedar greenhouse and replace with a cedar summerhouse at Chestnut House, Holme Lane, Halton East, Skipton BD23 6EH. Approved with Conditions

2019/20765/HH Extension to dwelling and replacement of old garage with a new garage at Gill Top Farm, Ellers Road, Sutton-in-Craven, Keighley BD20 7BH. Approved with Conditions.

2019/20767/HH Demolition of existing side elevation garage and kitchen to construct new 2 storey side extension and single storey rear extension. Also layout changes to existing floor plans at both ground and first floor levels at 25 Skipton Road, Gargrave, Skipton BD23 3SA. Approved with Conditions.

2019/20772/FUL Conversion of barn to form one dwelling, construction of double garage and demolition of agricultural buildings at Gill Top Farm, Ellers Road, Sutton-in-Craven, Keighley BD20 7BH. Approved with Conditions.

2019/20775/FUL Erection of two detached dwellings on land west of the Vicarage, Kirkgate, Kildwick, Keighley BD20 9BB. Refused.

2019/20777/FUL Change of use of field from agricultural to dog walking field secured by fencing at Moss Bar Farm, Colne Road, Cowling, Keighley BD22 0NA. Approved with Conditions.

2019/20778/ADV 2 Sign Boards mounted on posts at entrance to business from the road at Moss Bar Farm, Colne Road, Cowling, Keighley BD22 0NA. Approved with Conditions.

2019/20784/HH Garage conversion at 3 Greenroyd Court, Sutton-in-Craven, Keighley BD20 7NY. Approved with Conditions.

2019/20786/FUL Part change of use and sub-division to form 2 no. Class B2 (General Industrial) units and 1 no. Class B8 (Storage or Distribution) unit, together with associated external alterations at units 1 and 2, Union Business Park, Snaygill Industrial Estate, Skipton BD23 2QR. Approved with Conditions.

2019/20788/HH Proposed front porch & rear / side extensions to existing dwelling at 7 Tarn Moor Crescent, Skipton BD23 1LT. Approved with Conditions.

2019/20789/MMA Minor material amendment to original planning consent referenced 2018/19003/FUL for formation of decking area and boundary screen fencing to north west elevation at the Methodist Church, Main Street, Farnhill, Keighley BD20 9BJ. Approved with Conditions.

2019/20790/FUL Replacement of existing windows and doors to new timber windows and doors at 7B Chapel Street and 4A-6A High Street, Chapel Street, Settle BD24 9HS. Approved with Conditions.

2019/20792/FUL Proposed new dwelling house in the grounds of 10 Grassington Road, Skipton BD23 1LL. Approved with Conditions.

2019/20794/CND Application to discharge condition no's 3 (water supply, 5 (highway), 6 (pws protection), 7 (boundary treatments), 8 (external services) and 12 (windows and doors) on planning approval referenced 2017/18596/FUL granted 22 July 2019 land off Rook Street, Lothersdale, Keighley BD20 8EH. DOC satisfactory.

2019/20796/HH Re-render exterior walls of property at 3 Park View, Park Lane, Carleton, Skipton BD23 3DN. Approved with Conditions.

2019/20797/FUL Remove rear Juliet balcony and replace with a cantilevered balcony at 28 Coach Street, Skipton BD23 1LH. Approved with Conditions.

2019/20798/FUL Replacement of existing pedestrian footbridge and other alterations the footbridge near 3 Wood Grove, Skipton Castle woods, Chapel Hill, Skipton. Approved with Conditions.

2019/20799/HH Retrospective extension of stone shed to form garage at 7 East View, Kendal Road, Hellifield BD23 4EU. Approved with Conditions.

2019/20801/FUL Permission for the siting of a static caravan for a Temporary Agricultural Worker's Dwelling adjacent to Westhouse Lodge Farm. to include mains water and electricity supply as well as septic tank for waste water at High Gooda Cottage, Westhouse, Ingleton LA6 3NZ. Temporary Consent Issued.

2019/20802/HH Single storey rear extension at 2 Lower Crikle Barn, East Marton, Skipton BD23 3JD. Approved with Conditions.

2019/20803/FUL Change of use from retail unit to bar and external painting at 80 High Street, Skipton BD23 1JJ. Approved with Conditions.

2019/20806/LHSHLD To extend the existing kitchen extension measuring 3.25 metres beyond the rear wall; 3.5 metres from ground level; 2.8 metres in height to eaves from ground level (Prior Approval Notification) at 41 Broughton Road, Skipton BD23 1TE. PD HH PA Not Required.

2019/20807/CND Details for the discharge of Conditions 2 (site levels), 3 (materials), 4 (boundary treatment) and 5 (landscape scheme) on planning permission referenced 2019/20545/REM granted 19.07.2019 at Low Paley Green, Paley Green Lane, Giggleswick, Settle BD24 0DY. DOC satisfactory.

2019/20809/CND Application to discharge Condition 4 (Materials) and Condition 5 (Landscape Scheme) on planning approval referenced 2018/19078/FUL granted 01.08.2018 at Goosebutts, Bark Lane, Eastby, BD23 6SL. DOC satisfactory.

2019/20812/VAR Variation of condition number 3 on application reference number 30/2015/15375 granted 26/02/2015 to allow an extension of the opening hours to 0800-2200 Monday to Saturday and 1000 till 2200 on Sunday at 26-28 High Street, Skipton BD23 3RB. Approved with Conditions.

2019/20814/FUL Raising of existing roof level to part of an existing chemical warehouse/processing building with office accommodation at Airedale Mills, Unit 1C, Skipton Road, Cross Hills, Keighley BD20 7DS. Approved with Conditions.

2019/20817/HH Conversion of half of existing double garage into domestic workshop at 3 Woodlands Drive, Skipton BD23 1QU. Approved with Conditions.

2019/20815/FUL Proposed B2 industrial unit adjacent to 3 New Road, Settle, BD24 9AG. Approved with Conditions.

2019/20818/HH Proposed extension to front and new porch to side of existing dwelling to include other associated internal and external alterations at Beckansgill, Henbusk Lane, Newby, Nr Clapham, Lancaster LA2 8HR. Application Withdrawn.

2019/20819/FUL Proposed agricultural building at New Laithe Farm, Station Road, Cross Hills, Keighley BD20 7DT. Approved with Conditions.

2019/20820/HH Erection of garden shed at 12 Lords Close, Giggleswick, Settle BD24 0EG. Approved with Conditions.

2019/20821/CND Application to discharge condition number 4 (Commercial Waste Storage) on planning permission referenced 2019/20428/FUL granted 01 August 2019 at Rivers Edge Holiday Homes and Lodges, Bentham Road, Ingleton, Carnforth LA6 3HR. DOC satisfactory.

2019/20822/CPL Application for a Certificate of Lawful Development for proposed detached single dwelling as shown as Building B on attached plans at Brock A Bank House, Keasden, Clapham, Lancaster LA2 8EY. Approve Cert. Lawful Devt.

2019/20823/FUL The proposal is for a change of use from a bedsit flat, to provide a base for a beauty therapist (currently mobile) 1 Bishopdale Court, Assembly House, Kirkgate, Settle BD24 9EB. Approved with Conditions.

2019/20827/HH Proposed single storey rear extension at 139 Burnside Crescent, Skipton BD23 2BY. Approved with Conditions.

2019/20828/HH Proposed single storey rear extension at 5 Shires Lane, Embsay, Skipton BD23 6RR. Approved with Conditions.

2019/20832/HH Insert south facing window in the ground floor garden room at 54 Kings Mill Lane, Settle BD24 8FD. Approved with Conditions.

2019/20833/CPE Non-compliance with condition 5 of outline planning approval 5/26/138 for agricultural worker's dwelling – The Bungalow, Studfold Farm, Barden Road, Eastby, Skipton BD23 6SR. Approved Cert. Lawful Devt.

2019/20835/AGRRES Change of use from agricultural building to 1 no. dwelling (Prior Notification) to east of Lawkland Green, Lawkland, Lancaster. PN Refused and Application Required.

2019/20837/AGRRES Notification for prior approval for a proposed change of use of agricultural building to a dwellinghouse (Class C3) at Curlew Barn, Lothersdale, Keighley. PN Refused and Application Required.

2019/20838/FUL Alterations and change of use from offices and dwelling to create 5no. 1 bed flats at 4, 6 and 8 Chapel Street, Settle BD24 9HS. Approved with Conditions.

2019/20839/FUL Proposed detached dwelling on land at end of Manor Close (previous lapsed permission ref 15/2011/11808), Burton-in-Lonsdale, Carnforth LA6 3NE. Approved with Conditions.

2019/20840/CND Application to discharge condition no. 9 (material) on planning appeal decision referenced APP/C2708/W/18/3210340 allowed 17 May 2019 on land north of Kings Mill Lane (former NYCC depot) Settle. DOC satisfactory.

2019/20842/VAR Application for removal of condition number 4 (agricultural occupancy) on planning permission reference number 5/69/108/A at New Laithe Cottage, Church Road, Thornton-in-Craven, Skipton BD23 3TS. Refused.

2019/20843/HH Proposed demolition of existing utility room, and construction of garden room and glazed link at Bentham Hall, Main Street, High Bentham, Lancaster LA2 7HS. Approved with Conditions.

2019/20844/HH Retrospective application for erection of a lean-to roof single storey rear extension and erection of garden store at 2 Bank View, Doctors Hill, Low Bentham, Lancaster LA2 7DZ. Approved with Conditions.

2019/20845/LBC Retrospective listed building consent for erection of a lean-to roof single storey rear extension and erection of garden store at 2 Bank View, Doctors Hill, Low Bentham, Lancaster LA2 7DZ. Approved with Conditions.

2019/20846/CND Application to discharge condition number 3 (Noise Management Plan) on planning permission referenced 2019/20428/FUL granted 01 August 2019 at Rivers Edge Holiday Homes and Lodges, Bentham Road, Ingleton, Carnforth LA6 3HR. DOC satisfactory.

2019/20848/FUL Demolition of 3 no. detached domestic garages & construct new 1 bedroom detached bungalow on land adjacent to Sansbury Place, Duke Street, Settle BD24 9AS. Application Withdrawn.

2019/20850/TCA Remove 1 no. Ash & 1 no. Hawthorn at 4 Victoria Terrace, Ings Lane, Low Bradley, Keighley BD20 9DN. Approved Tree Works in Conservation Area.

2019/20852/TPO Remove 1 no. Sycamore at 1 Main Road, Hellifield, Skipton BD23 4HX. Refused Tree Work under TPO.

2019/20853/CND Application to discharge condition number 3 (sewerage treatment plant), 4 (bat & owl mitigation), 5 (visibility splays), 6 (closing off existing access) and 7 (access) on planning approval referenced 2017/18382/VAR granted 09 November 2017 at Barn, Low Lane, Embsay, Skipton BD23 6EH. DOC satisfactory.

2019/20854/CND Application to discharge condition no's 10 (drainage) and 11 (sewage disposal) of planning approval referenced 2018/19386/FUL granted 27.09.2018 on land east of Laurel Croft, Embsay BD23 6RF. DOC satisfactory.

2019/20865/TCA Tree 1 Birch - Reduce height by 40%. Tree 2 Variegated Maple - Reduce height and spread by 1.5 m. at The Coach House, Church Road, Thornton-in-Craven, Skipton BD23 3TU. Approved Tree Works in Conservation Area.

2019/20866/TCA Remove 1 no. Ash, 1 no. Sycamore & 1 no. Spruce at Windyridge, Church Road, Thornton-in-Craven, Skipton BD23 3TU. Approved Tree Works in Conservation Area.

2019/20855/MMA Minor Material Amendment to condition no. 2 (approved plans) on planning permission reference number 2018/20016/FUL granted 11/04/2019. To avoid the potential of flooding raise lower ground level by 200mm and increase floor to ceiling height of lower ground floor by 200mm (previously garage). With the overall effect of raising the ridge by 400mm. Land off Smithy Croft, Smithy Croft Road, Gargrave, Skipton, North Yorkshire BD23 3SL. Approved with Conditions.

2019/20857/AGRRES Change of use of agricultural building to dwellinghouse (Prior Notification) at Delph Barn, Netherghyll Lane, Cononley, Keighley. PN Refused and Application Required.

2019/20858/TCA Remove 1 no. Copper Beech at 1 Station Villas, Station Road, Hellifield, Skipton BD23 4HL. Approved Tree Works in Conservation Area.

2019/20859/OUT Outline application with all matters reserved for erection of 7 No. two storey dwellings and replacement stable block on land off Swires Lane/Woodside Lane, Cononley BD20 8PE. Refused.

2019/20862/HH Proposed rear dormer and proposed front porch extension at Gamsghyll Barn, Cowling, Keighley BD22 0LD. Approved with Conditions.

2019/20863/HH Demolition of existing garage and construction of 2 storey side extension and single storey rear extension at 5 Barrell Sykes, Settle BD24 9JT. Approved with Conditions.

2019/20864/HH Single storey rear glass room at 20 Regent Road, Skipton BD23 1AU. Approved with Conditions.

2019/20872/LBC Relocation of gas meter at the Old White Bear Inn, Keighley Road, Cross Hills, Keighley BD20 7RN. Approved with Conditions.

2019/20875/HH Construction of single storey extension to rear at 6 High Gate Croft, Cononley, Keighley BD20 8JQ. Approved with Conditions.

2019/20876/MMA Minor material amendment to planning permission 2019/20102/FUL on land adjacent to Dove Cote Gardens, Kildwick Grange, Kildwick. Approved with Conditions.

2019/20877/FUL Change of use and conversion of existing mixed use ancillary residential building (garage/accommodation) and commercial office at Browside Farm, Woodside Lane, Cononley, Keighley BD20 8PE to C3 single dwelling use. Approved with Conditions.

2019/20882/TCA T4 - Lime - Crown lift to 5m above road at Delaney Court, Settle BD24 9HU. Approved Tree Works in Conservation Area.

2019/20884/HH Single storey rear extension and rebuilding of garage at 56 Raikeswood Drive, Skipton BD23 1LY. Approved with Conditions.

2019/20943/TCA Trees 1 _ 2 self seeded Goat Willows – Remove at Ermysteds Grammar School, Gargrave Road, Skipton BD23 1PL. Approved Tree Works in Conservation Area.

2019/20886/HH Conversion of previously partitioned integral garage to form day room. Retention of fences and decking to rear of property 17 Hammerton Drive, Hellifield, Skipton BD23 4LZ. Approved with Conditions.

2019/20888/HH Single storey rear extension to provide sunroom including alterations to reposition patio and replace north-west kitchen window with new doorway at 19 Town Head Avenue, Settle BD24 9RQ. Approved with Conditions.

2019/20890/FUL Amendment to approved scheme with the addition of dormer windows, repositioning and increase the build area at a caravan, Parkfield Nurseries, Chapel Hill, Skipton BD23 1UH. Approved with Conditions.

2019/20892/HH Proposed full renovation & extension of existing dwelling at 10 Brooklands Terrace, Skipton BD23 2BD. Approved with Conditions.

2019/20896/HH Proposed extension to existing dwelling and associated alterations at Southlands House, Hesley Lane, Rathmell, Settle BD24 0LA. Approved with Conditions.

2019/20897/TPO Tree 1 Lime – Fell at 1 Beanlands Drive, Glusburn, Keighley BD20 8PZ. Refused Tree Work under TPO.

2019/20898/FUL Use of land for siting of a commercial poly tunnel on land north of Crow Nest Barn, Crow Nest Road, Austwick, Lancaster. Approved with Conditions.

2019/20900/CND Application to discharge condition no. 3 (materials) on planning permission referenced 18/2016/16930 granted 27 June 2016 at Greenways, Newby-cum-Clapham LA2 8HS. DOC satisfactory.

2019/20902/FUL 3 new window openings at Hidden Henry, Henry Street, Skipton BD23 2SY. Approved with Conditions.

2019/20907/FUL Change of use of room from office to taxi control office within St Andrews Church Hall and installation of back-up aerial to rear of building at room 8, St Andrew's Church Hall, Newmarket Street, Skipton BD23 2JE. Approved with Conditions.

2019/20910/CND Application to discharge condition no.3 (external materials), no. 6 (watching brief), no. 7 (photographic survey), no. 9 (details) on planning permission referenced 2018/19683/FUL granted 10 January 2019 at Halsteads Hall, Thornton-in-Lonsdale, Ingleton, Carnforth LA6 3PD. DOC satisfactory.

2019/20911/CND Application to discharge condition no. 3 (external materials), no. 5 (watching brief), no. 6 (photographic survey), no. 8 (full details) on planning permission referenced 2018/19684/LBC granted 07 December 2018 at Halsteads Hall, Thornton-in-Lonsdale, Ingleton, Carnforth LA6 3PD. DOC satisfactory.

2019/20913/FUL Change of use of agricultural land to extend an access track to serve an existing dwelling, and the demolition of portal barn to construct a garage and shed (Retrospective) at Fleet Farm Cottage, Pad Cote Lane, Cowling, Keighley BD22 0FA. Approved with Conditions.

2019/20915/HH Proposed new rear extension to existing dwelling including replacing existing timber windows and doors at Rantree Farm, Clapham, Lancaster LA2 8EZ. Approved with Conditions.

2019/20923/PNAG Agricultural portal frame shed (prior notification) at High Malsis Farm, High Malsis Lane, Sutton-in-Craven, Keighley BD20 8DU. PN Refused and Application Required.

2019/20922/FUL Change of land use from agricultural use to use of internment of human ashes only on land east of Craven Heifer Inn, on Brackenley Lane, Embsay, Skipton. Approved with Conditions.

2019/20930/HH Construction of summerhouse and shed at Spout House, Main Street, Farnhill, Keighley BD20 9BP. Approved with Conditions.

2019/20931/AGRRES Notification for prior approval for proposed change of use of agricultural building to 3 dwellings at Raygill Farm, Raygill Lane, Lothersdale, Keighley. PN Refused and Application Required.

2019/20926/TCA Tree 1 Weeping Silver Birch – Fell at 32 Church Street, Gargrave, Skipton BD23 3NE. Approved Tree Works in Conservation Area.

2019/20934/OUT Outline planning application for two dwellings with all matters reserved apart from access on land adjacent to Ryefield House, Skipton Road, Low Bradley, Keighley BD20 9EF. Approved with Conditions.

2019/20937/HH Construction of first floor extension over existing garage at 58 Princes Drive, Skipton BD23 1HW. Approved with Conditions.

2019/20938/OHL Notification under Regulation 5 The Overhead Lines (Exemption) Regulations 2009 for the diversion of 160m of overhead cables to address safety clearance issues at Booth House, Booth Bridge Lane, Thornton-in-Craven, Skipton BD23 3TQ. No Observations.

2019/20940/CND Application to discharge condition no. 3 (colour) on planning permission
2019/20496/FUL granted 20 June 2019 at 1 Main Street, Cross Hills, Keighley BD20 8TA. DOC satisfactory.

2019/20959/NYCC Consultation on planning application for the purposes of the Erection of a weighbridge (105 sq. metres) and additional car parking (enter sq. metres) land at Halton East Quarries Ltd., Halton East, Skipton BD23 6AD. No Observations.

2019/20960/NYCC Consultation on planning application for the purposes of the part retrospective planning application for the retention of an existing prefabricated classroom unit 3928 (86 sq. metres including link corridor) for a further 3 years on land at Greatwood Community Primary School, Pinhaw Road, Skipton. No Observations.

2019/20946/TCA Plum (T1) - fell and replant with replacement plum tree at Beeches Barn, Dale End, Lothersdale, Keighley BD20 8EL. Approved Tree Works in Conservation Area.

2019/20944/VAR Application for variation of condition number 2 (Approved Plans) and 3 (Balcony Level) of previously approved application referenced 2017/18725/FUL granted 17 April 2018 on land at 42 East Lane, Embsay, Skipton BD23 6QD. Approved with Conditions.

2019/20945/CPL Single storey rear extension at Green Ways, Glusburn Bridge, Colne Road, Glusburn, Keighley BD20 8DP. Refused Cert. Lawful Development.

2019/20949/FUL Application for amendments to consent no. 2019/20397/FUL (construction of extension to printworks) for additional 26m² floorspace over existing garage and resiting greenhouse at Printworks, Esh Bottom, Bell Busk BD23 4DU. Approved with Conditions.

2019/20950/CND Application to discharge condition no. 4 (windows) of planning permission
2018/18894/FUL at Peat Ghyll Head Farm, Stockshott Lane, Cononley, Keighley BD20 8PD. DOC satisfactory.

2019/20951/FUL Proposed residential development of 3 no. new build detached dwellings on land west of Spring Bank House, Skipton Road, Farnhill, Keighley BD20 9BT. Refused.

2019/20954/FUL Reduction in height of boundary wall to Castle View Terrace on site of former St. Monica's Convent, Raikes Road, Skipton BD23 1NT. Approved with Conditions.

2019/20955/FUL Conversion of domestic stores to form Annex / holiday cottage, Scalaber Farm, Mosber Lane to Scaleber, Gargrave. Approved with Conditions.

2019/20957/FUL Change of use of modern agricultural building to a swimming baths (use class D2) and general storage building (use class B8) New Laithe Farm, Station Road, Cross Hills, Keighley BD20 7DT. Approved with Conditions.

2019/20968/PNAG Application for prior notification of agricultural steel framed building open on two sides on land west of Funkirk Farm, Heslaker Lane, Carleton, Skipton. Prior Approval Not Required.

2019/20958/HH Retrospective application for replacement fence and trellis at 10 Park View, Skipton BD23 1UN. Approved with Conditions.

2019/20961/FUL Proposed extension to agricultural building at Park House, Park Lane, Cowling, Keighley BD22 0NH. Approved with Conditions.

2019/20964/FUL Proposed extension to existing factory unit – Unit B, Cawder Park, Snaygill Industrial Estate, Skipton BD23 2QR. Approved with Conditions.

2019/20965/HH Replace existing UPVC door and side screen with powder coated aluminium door and screen at Craglands, High Hill Grove, High Hill Grove Street, Settle BD24 9QP. Approved with Conditions.

2019/20969/TCA Repollard 1 no. Cherry at 53 Westwood, Carleton, Skipton BD23 3DW. Approved Tree Works in Conservation Area.

2019/20970/FUL Single storey front extension and internal alterations to A3/A4 Public House to provide increased dining space and external terrace, addition of 3no. bed and breakfast suites (C1) to first floor, and improvement works to associated car park (resubmission of previously withdrawn application referenced 2019/20060/FUL) at the Hare and Hounds Inn, Dale End, Lothersdale, Keighley BD20 8EL. Refused.

2019/20971/TCA Fell 1 no. Cherry at 2 Beeches Close, Gargrave, Skipton BD23 3PE. Approved Tree Works in Conservation Area.

2019/20973/FUL Conversion and extension of existing former bungalow to create 2-storey community play group & pre school at The Bungalow, Settle Middle School, Giggleswick, Settle BD24 0BU. Approved with Conditions.

2019/20975/HH Single storey side extension, conversion of existing garage and other external alterations at High Grain Barn, Garnet Brow Lane, to High Grains, Austwick, Lancaster LA2 8AN. Approved with Conditions.

2019/20978/HH Proposed conversion of existing garage & outbuilding to form car port & garden room at 10 Hazel Grove Road, Sutton-in-Craven, Keighley BD20 7QT. Approved with Conditions.

2019/20983/TCA Remove 1 no. Fir Tree at Primrose Glen, Low Lane, Draughton, Skipton BD23 6EE. Approved Tree Works in Conservation Area.

2019/20985/MMA Amendment to previously approved application 63/2016/17089 to allow a reduced ground level to rear garden and undercroft store at 1 Tarn Moor Crescent, Skipton BD23 1LT. Approved with Conditions.

2019/20987/CND Application to discharge condition no. 3 (CDC Colour) and no. 4 (Conservation Velux Windows) on planning permission 2019/20752/HH granted 06 September 2019 at 28 Main Street, Farnhill, Keighley BD20 9BJ. DOC satisfactory.

2019/20996/CND Application to discharge condition no. 3 (materials) of original planning consents reference 2018/19517/HH and 2018/19518/LBC granted 31 August 2018 at Thornton Cottage, Burton-in-Lonsdale, Carnforth LA6 3JZ. DOC satisfactory.

2019/20998/TCA T1 Cornus - reduce by 50%. T2 & T3 Apple - reduce by 25%. T4 Apple - Light Prune. T5 Rowan - Light Reshape at 49 West Street, Gargrave, Skipton BD23 3RJ. Approved Tree Works in Conservation Area.

2019/21009/MMA Minor material amendment to vary condition no. 1 (Approved Plans) of planning approval referenced 2018/19191/REM granted 24 September 2018 on land adjacent to Moss End Farm, Moss End Lane, Keighley, Cowling BD22 0NA. Approved with Conditions.

2019/21019/TCA T1 Robinia – Fell at 10 Goffa Mill, Gargrave, Skipton BD23 3NG. Approved Tree Works in Conservation Area.

2019/21030/PNAG General purpose lambing and storage building (Prior Notification) at Hile Farm, Higher Road, Wigglesworth, Skipton BD23 4SB. Prior Approval Not Required.

2019/21023/TCA 1 no. Sycamore - Crown reduction by 20% at Hainsworth Cottage, Kildwick, Keighley BD20 9AD. Approved Tree Works in Conservation Area.

2019/21037/TCA Remove 2 no. Ash at Westfield House Cottage, Matthew Lane, Low Bradley, Keighley BD20 9DF. Approved Tree Works in Conservation Area.

2019/21038/TCA T1 - Poplar. Remove at Esh Bottom, Bell Busk, BD23 4DU. Approved Tree Works in Conservation Area.

2019/21041/TCA Remove 1 no. small fruit tree at Cherry Trees House, Low Lane, Embsay, Skipton BD23 6SD. Approved Tree Works in Conservation Area.

2019/21042/TCA Remove 1 no. Conifer Tree at Green Bottom Farm, Low Lane, Embsay, Skipton BD23 6SD. Approved Tree Works in Conservation Area.

2019/21058/TCA T1 - Fell. Communal land to the front of 16 Skipton Road, Cononley, Keighley BD20 8NH. Approved Tree Works in Conservation Area.

2019/21043/NMA Foreshortening of covered area to form open porch and re-siting of bifold doorway at 139 Burnside Crescent, Skipton BD23 2BY. Non-material amendment approved.

2019/21045/TCA Pollard 3 no. Sycamore to 6 feet at St John's House, Cross Hills Road, Cononley, Keighley BD20 8LA. Approved Tree Works in Conservation Area.

2019/21052/CND Application to discharge condition number 3 (sustainable surface water drainage scheme) on planning approval referenced 2019/20433/FUL granted 13 August 2019 at Settle Creamery, Southward Industrial Estate, Sowarth Field, Settle BD24 9AF. DOC satisfactory.

2019/21062/TCA T1 Leylandii - Remove. T2 Damson - Reduce by height by 1/3rd and prune at Glenburn, Netherghyll Lane, Cononley, Keighley BD20 8PB. Approved Tree Works in Conservation Area.

2019/21080/NMA Non material amendment to planning approval referenced 2018/19228/HH granted 31 July 2018 at 26 Hall Croft, Skipton BD23 1PG. Non-material amendment approved.

b. Applications

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

Permission Granted

2019/20785/OUT Application for the relocation of allotments and erection of 1 no two storey house on allotment site, Cross Haw Lane, Clapham – subject to the conditions listed below, the additional conditions recommended by the Highways Authority as set out in the late information report as submitted and a further condition that development of the dwelling shall be restricted to the site of the existing allotments and shall not extend into the land to the west - the actual wording to be formulated by the Planning Manager.

Conditions

Time Limit for Commencement

- 1 Application for approval of reserved matters must be made not later than the expiration of three years from the date of this permission and the development must be begun not later than: (i) the expiration of three years from the date of this permission; or (ii) two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Plans

- 2 This permission relates to the following plans:

Drawing no. 001 Rev A received by the Council on 10 September 2019
Drawing no. 002 Rev A received by the Council on 27 August 2019

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

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

During Building Works

- 3 Within six months of the date of this permission a scheme for the timing and relocation of the allotments shall be submitted for the written approval of the Local Planning Authority and shall thereafter be implemented in accordance with the approved scheme

Reason: To ensure compliance with Policy INF3 of the Craven Local Plan 2012-2032 and to ensure continuity of the provision of allotments in Clapham.

Informatives

1. 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.

2. 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.

2019/21022/MMA Application for minor material amendment to vary condition no. 2 (Approved Plans) of planning approval referenced 2018/19910/MMA on land off Matthew Lane, Low Bradley, Keighley BD20 9DH - subject to the conditions listed below and subject to the Planning Manager modifying Condition 5 regarding foul and waste water that the duly approved scheme shall be implemented before the dwellings are completed.

Conditions

Approved Plans**1 The approved plans comprise Plan Numbers**

- 5562-07 Rev E Proposed Plot 1 received by Craven District Council on the 2nd October 2019
- 5562-21 -Rev B Proposed Plots 2 Plans & Elevations received by Craven District Council on the 2nd October 2019.
- 5562-08 Rev A - Proposed Site Plan received by Craven District Council on the 9th November 2018.
- 5562-09 -Rev C Proposed Plot 3 Plans & Elevations received by Craven District Council on the 2nd October 2019.
- 5562-22 -Rev B Proposed Plot 4 Plans & Elevations received by Craven District Council on the 2nd October 2019.
- 5562-11 Proposed Site Location Plan received by Craven District Council on the 9th November 2018.

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

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

During Building Works**2 The new and verge crossing shall be constructed in accordance with approved details under planning application 2019/2013/CND and retained thereafter.**

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.

3 The external surfaces of the dwellings and garages shall be implemented in accordance with details approved under application 2019/20133/CND and retained thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with Local Plan Policies and guidance contained within The National Planning Policy Framework.

4 The scheme of soft landscaping for the site approved under planning permission 2019/20133/CND shall be implemented in accordance with approved details and retained thereafter.

Any trees or plants that within a period of 5 years die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar species (unless otherwise agreed in writing with the Local Planning Authority).

Reason: To achieve a satisfactory standard of landscaping in the interests of the amenities of the area.

- 5 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;
- (ii) a detailed drainage strategy to demonstrate that the post-development surface water discharge rate to any soakaway, watercourse or sewer does not exceed the pre-development (greenfield) rate. The drainage strategy shall include details of the peak surface water runoff rate from the development for the 1 in 1 year rainfall event and the 1 in 100 year (+30% climate change allowance) rainfall event, and shall demonstrate that the peak post-development runoff rate does not exceed the peak pre-development greenfield runoff rate for the same event;
- (iii) details of any necessary flow attenuation measures, including the use of Suds where appropriate;
- (iv) details of the measures taken to prevent flooding and pollution of any receiving groundwater and/or surface waters (including watercourses) and any off-site works required to ensure adequate discharge of surface water without causing flooding or pollution (including refurbishment of existing culverts and headwalls or removal of unused culverts where applicable);
- (v) flood water exceedance routes, both on and off site;
- (vi) means of access for maintenance and easements (where applicable);
- (vii) a timetable for implementation, including any phasing of works.

The duly approved scheme shall be implemented before any of the 4 dwelling hereby approved are first occupied, or within any other timescale first agreed in writing with the Local Planning Authority.

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 the National Planning Policy Framework.

- 6 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 splay are provided giving clear visibility of 45 metres westerly and 35 metres easterly measured along centre line of the major road Matthew Lane Bradley 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 or height. 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.

- 7 The approved barrier fencing erected along the northern boundary under planning application 2019/20133/CND 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 trees and hedgerow located along the northern boundary during construction works.

Before the Development is Occupied

- 8 All of the internal and external site boundaries shall be enclosed in accordance with the details shown on the approved site layout plan. The approved boundary treatments for each dwelling shall be completed prior to the occupation of the dwellings, and all of the approved boundary treatments shall be completed prior to the occupation of the last dwelling on the site.

Reason: In the interests of visual amenity and residential amenity and to comply with guidance contained within The National Planning Policy Framework.

Ongoing Conditions

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

Reason: To ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.

- 10 Notwithstanding the provision of any Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking or re-enacting that Order, the areas shown on the approved Site Layout Plan 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 interest of highway safety and the general amenity of the development

Informatives

1. Broadband Connectivity

The applicant is advised to undertake early engagement with telecommunication providers to ensure the development benefits from the highest quality broadband connectivity available. Lead times for the provision of broadband services can be in excess of 9 months prior to occupation of the first dwelling.

The District Council has produced a document, "Broadband Connectivity for New Developments in Craven - A Briefing Note for Developers" which provides a general introduction to broadband connectivity in the District. The briefing note is available by emailing edu@cravendc.gov.uk or can be downloaded from the District Council website.

2. 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.

3. Charging Points

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

4. 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.

Delegated Authority

2019/20826/REM application seeking approval for the reserved matters in outline consent referenced 2018/18923/OUT for 28 dwellings (twenty market dwellings and eight affordable dwellings). The reserved matters are external appearance, layout, scale and landscaping – subject to the conditions listed below and as set out in the late information report submitted and replicated below:

Authority is delegated to the Head of Planning to grant planning permission subject to the following:

- The completion of a Deed of Variation to the original S106 planning obligation in accordance with the provisions of S106 of the Town and Country Planning Act (as amended).
 1. If the Deed of Variation agreement is not signed/completed by the (3 months from the date of the due decision/committee meeting) or the expiration of any further agreed extension of time, then powers be delegated to officers to refuse planning permission based on the unacceptability of the development without the required mechanism to secure contributions and undertakings as outlined in the original outline permission officer report.

Conditions

Approved Plans

- 1 This permission relates to the following plans:

LP 01 Rev B Landscape master plan
LP 02 Rev B Landscape master plan

Drawing Pack including location plan, site layout plan, House types A elevations and floor plans, House types A elevations and floor plans, House types C1 elevations and floor plans, House types C2 elevations and floor plans, House types C3 elevations and floor plans, House types D elevations and floor plans, House types E elevations and floor plans, Garage for plot 17 and 22 elevations and floor plans, Garage for plot 10 and 12 elevations and floor plans, Garage for plot 14 and 15 elevations and floor plans, Garage for plot 21 and 20

elevations and floor plans, Garage for plot 4 and 5 elevations and floor plans, Bin storage elevations and plan.

Reason: For the avoidance of doubt.

During Building Works

- 2 The soft landscaping hereby approved shall be carried out in strict accordance with the approved plans 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 or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: In the interests of visual amenity and to accord with the requirements of saved local plan policies and guidance contained within the National Planning Policy Framework.

- 3 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.

Before the Development is Occupied

- 4 No dwelling on any particular phase shall be occupied until the public open space allocated to that phase has been laid out and made available for its intended purpose. The public open space shall be retained thereafter in accordance with a maintenance scheme which shall have been submitted to and approved by the local planning authority before development commences.

Reason: To ensure that the development makes a proportionate contribution towards the provision and future maintenance of public open space on the site in order to avoid a deficiency in the quantity and quality of recreational open space in the locality and to ensure that the impact of the development on existing recreational open space is adequately mitigated in accordance with the requirements of Craven District Council Local Plan to 2032 policy INF3 and the National Planning Policy Framework.

- 5 Prior to the occupation of any dwellings, a management plan for the future maintenance of the open grassed spaces and trees/hedges as shown on the approved drawings (excluding the private amenity spaces associated with each dwelling) shall be submitted to and approved in writing by the Local Planning

Authority. Thereafter, the open grassed areas shall be permanently maintained in accordance with the approved management plan.

Reason: In the interests of visual amenity and residential amenity and to accord with the requirements of Saved Policy ENV2 of the Craven District (outside the Yorkshire Dales National Park) Local Plan and the requirements of the National Planning Policy Framework.

- 6 Prior to occupation, a fully detailed scheme for the sound insulation of the residential buildings against externally generated noise shall be submitted to and approved in writing by the Local Planning Authority; the approved works shall be implemented prior to the occupation of the buildings and thereafter permanently retained.

The sound insulation works shall be engineered so the dB levels within the residential buildings adhere to BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings (See Table 4, page 24) .

Reason: In order to ensure that no undue disturbance is caused to individual occupants by the transmission of airborne sound and to accord with guidance contained within the National Planning Policy Framework.

- 7 Prior to the first occupation of the dwellings details shall be submitted to and approved in writing setting out the programme and timetable for the implementation of the on site Public Open Space it shall include:

Details of a management and maintenance plan after the completion of the development.

The scheme shall be implemented in accordance with the duly approved details and maintained as such thereafter.

Reason: To ensure satisfactory provision of the Public Open Space and its long term maintenance and management for occupants of the development and visual amenity in accordance with local saved plan policies and guidance contained within the National Planning Policy Framework.

Informatives

1. Appendix A - details of previously imposed conditions

Before you Commence Development

4 The approval of the local planning authority shall be sought in respect of the following matters hereinafter referred to as the reserved matters before any development takes place:- the layout, scale, external appearance and landscaping of the development.

Reason: The application is granted in outline only under the provisions of Article 4 of the Town and Country Planning Development Management Procedure Order 2015 and details of the matters referred to in the condition have not been submitted for consideration.

5 Any application for approval of reserved matters submitted pursuant to this permission shall include a scheme including details of appropriate easements, standoff and/or building proximity distances for the protection of the following apparatus crossing the site

A 6inch high pressure gas pipeline operated by Northern Gas Networks.

One main water and one main raw water pipe operated by Yorkshire Water.

If the scheme includes the diversion of any apparatus then the applicant shall provide written evidence to the Local Planning Authority confirming that the proposed diversions have been agreed with the relevant statutory undertaker before any development on the affected areas of the site first takes place. The development shall thereafter be carried out in full accordance with the duly approved scheme.

Reason: To ensure appropriate measures are put in place to safeguard existing water and gas infrastructure crossing the site and to minimise risks to future occupiers of the development from damage to this apparatus in accordance with the requirements of the National Planning Policy Framework.

6 Any application for approval of reserved matters submitted pursuant to this permission shall include a scheme for the provision and future maintenance of public open space on the site. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include the provision of the following elements of public open space within the site

Areas of informal open space including greenspace, landscaping and footpaths the indicative locations of which are shown on drawing no.GA11 Rev A, along with associated seating, signage, litter bins and interpretation boards.

The scheme shall include details of the size, siting, layout, design, a schedule of works and future maintenance arrangements for all elements of the public open space, and a timetable for its provision. The public open space shall be provided in accordance with the details and timetable contained within the duly approved scheme, and shall be maintained as such thereafter for use as public open space.

Reason To ensure that the development contributes towards the provision and future maintenance of public open space in the vicinity of the site in order to avoid a deficiency in the quantity and quality of recreational open space in the locality in accordance with the requirements of Craven District Outside the Yorkshire Dales National Park Local Plan policy SRC2, policy SP5 of the Submission Draft Craven Local Plan, the National Planning Policy Framework and the Conservation of Habitats and Species Regulations 2010

7 Any application for approval of reserved matters submitted pursuant to this permission shall include a landscaping scheme containing the following details:

All trees, hedgerows, grassland and any other vegetation on/overhanging the site to be retained

Compensatory planting to replace any trees or hedgerows to be removed as part of the development

The strengthening and/or introduction of landscaping buffers along all boundaries of the site including

but not limited to, the indicative areas shown on drawing no. GA11 Rev A flanking the A65, A6131 and PROW to the north of the site

The introduction of additional planting within the site which forms part of the internal development layout and does not fall within to

The type, size, species, siting, planting distances and the programme of planting of hedges, trees 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: To ensure appropriate strengthening of existing landscaping on the site, to provide adequate screening for parts of the development and to provide biodiversity enhancements in accordance with the requirements of Craven District Outside the Yorkshire Dales National Park Local Plan policies ENV2 and the National Planning Policy Framework.

8 Development shall not commence until a scheme detailing foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. Principles of sustainable urban drainage shall be employed wherever possible. The works shall be implemented in accordance with the approved phasing. No part or phase of the development shall be brought into use until the drainage works approved for that part or phase has been completed.

Reason: To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk.

9 Development shall not commence until a scheme restricting the rate of development flow runoff from the site has been submitted to and approved in writing by the Local Planning Authority. The flowrate from the site shall be restricted to a maximum flowrate of 5 litres per second for up to the 1 in 100 year event. A 40 percent allowance shall be included for climate change effects and a further 10 percent for urban creep for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event. The scheme shall include a detailed maintenance and management regime for the storage facility. No part of the development shall be brought into use until the development flow restriction works comprising the approved scheme has been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

Reason: To mitigate additional flood impact from the development proposals and ensure that flood risk is not increased elsewhere.

10 No development shall take place until a suitable maintenance of the proposed SuDS drainage scheme arrangement has been demonstrated to the local planning

authority. Details with regard to the maintenance and management of the approved scheme to include; drawings showing any surface water assets to be vested with the statutory undertaker/highway authority and subsequently maintained at their expense, and/or any other arrangements to secure the operation of the approved drainage scheme/sustainable urban drainage systems throughout the lifetime of the development.

Reason: To prevent the increased risk of flooding and to ensure the future maintenance of the sustainable drainage system.

11 No development shall take place until an appropriate Exceedance Flow Plan for the site has been submitted to and approved in writing by the Local Planning Authority. Site design must be such that when SuDS features fail or are exceeded, exceedance flows do not cause flooding of properties on or off site.

This is achieved by designing suitable ground exceedance or flood pathways. Runoff must be completely contained within the drainage system including areas designed to hold or convey water for all events up to a 1 in 30 year event. The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that avoid risk to people and property both on and off site.

Reason: To prevent flooding to properties during extreme flood events and to mitigate against the risk of flooding on and off the site.

12 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 following drawings and details have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority

Detailed engineering drawings to a scale of not less than 1:250 and based upon an accurate survey showing

the proposed highway layout including the highway boundary
dimensions of any carriageway, cycleway, footway, and verges
visibility splays

the proposed buildings and site layout, including levels
accesses and driveways
drainage and sewerage system

lining and signing

traffic calming measures

all types of surfacing (including tactiles), kerbing and edging.

Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing

the existing ground level

the proposed road channel and centre line levels

full details of surface water drainage proposals.

c. Full highway construction details including

typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths

when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels

kerb and edging construction details

typical drainage construction details.

d. Details of the method and means of surface water disposal.

e. Details of all proposed street lighting.

Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.

g. Full working drawings for any structures which affect or form part of the highway network.

h. A programme for completing the works. The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority with the Local Planning Authority in consultation with the Highway Authority.

Reason:: To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.

13 There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.

Reason: In the interests of highway safety

14 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 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 4.5 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.

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 4.5 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.

Provision of tactile paving in accordance with the current Government guidance. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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.

15 There shall be no movement by construction or other vehicles between the highway and the application site except for the purposes of constructing the initial site access until that part of the access extending 20 metres into the site from the carriageway of the existing highway has been made up and surfaced in accordance with the approved details and/or Standard Detail number E6 and the published Specification of the Highway Authority. All works shall accord with the approved details unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority. Any damage during use of the access until the completion of all the permanent works shall be repaired immediately.

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.

16 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 120 metres westerly and 150 metres easterly measured along both channel lines of the major road A6131 from a point measured 2.4 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 Craven District Outside the Yorkshire Dales National Park Local Plan and guidance contained within the National Planning Policy Framework.

17 There shall be no access or egress by any vehicles between the highway or proposed highway estate road and the proposed vehicular access except for the purposes of constructing the initial site access until visibility splays providing clear visibility of 2 metres x 2 metres measured down each side of the access and the back edge of the footway of the major road have been provided. The eye height will be 1.05 metres and the object height shall be 0.6 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 to provide drivers of vehicles using the access and other users of the public highway with adequate inter-visibility commensurate with the traffic flows and road conditions to accord with Saved Policy T2 of Craven District Outside the Yorkshire Dales National Park Local Plan and guidance contained within the National Planning Policy Framework

18 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 in connection with the construction of the access road or building(s) or other works until

The details of the following off site required highway improvement works, works listed below have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority

An independent Stage 2 Road Safety Audit for the agreed off site highway works has been carried out in accordance with HD19/03 - Road Safety Audit or any superseding regulations and the recommendations of the Audit have been addressed in the proposed works.

The developer's programme for the completion of the proposed works has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.

The required highway improvements shall include

- a. Provision of tactile paving
- b. Provision of 2m wide footway to the site from junction Overdale Park; amendments to white lining on A6131 The Bailey

Reason: To ensure that the details are satisfactory in the interests of the safety and convenience of highway users and to accord with Saved Policy T2 of Craven District Outside the Yorkshire Dales National Park Local Plan and guidance contained within the National Planning Policy Framework

19 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 in connection with the construction of the access road or buildings or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

- a. tactile paving
- b. vehicular, cycle, and pedestrian accesses
- c. vehicular and cycle parking
- d. vehicular turning arrangements
- e. manoeuvring arrangements
- f. loading and unloading arrangements.

Reason: To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development and to accord with

Saved Policy T2 of Craven District Outside the Yorkshire Dales National Park Local Plan and guidance contained within the National Planning Policy Framework.

20 There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal

Reason: To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety and to accord with Saved Policy T2 of Craven District Outside the Yorkshire Dales National Park Local Plan and guidance contained within the National Planning Policy Framework

During Building Works

21 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 conservation 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.

22 During construction works there shall be no:

- a. Light Goods Vehicles exceeding 3.5 tonnes
- b. Medium Goods Vehicles up to 7.5 tonnes
- c. Heavy Goods Vehicles exceeding 7.5 tonnes permitted to arrive, depart, be loaded or unloaded on

Sunday or a Bank Holiday nor at any time, except between the hours of 07:30 to 17:00 on Mondays to Fridays and 08:00 to 13:00 on Saturdays.

Reason: To avoid conflict with vulnerable road users.

23 Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:

- a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
- b. on-site materials storage area capable of accommodating all materials required for the operation of the site.
- c. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

Reason: To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

24 Unless otherwise approved in writing by the Local Planning Authority, there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until details of the routes to be used by HCV construction traffic have been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. Thereafter the approved routes shall be used by all vehicles connected with construction on the site.

Reason: In the interests of highway safety and the general amenity of the area.

Prior to Occupation

25 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.

26 No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas.

- a. have been constructed in accordance with the submitted drawing Ref: Proposed Site Plan
- b. are available for use unless otherwise approved in writing by the Local Planning Authority.

Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times

Reason: To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

Ongoing Conditions

27 Notwithstanding the provisions of the Town and Country Planning General Permitted Development England Order 2018, for the time being in force, the garages 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.

2. Standard Notes to Applicant:

1. This consent applies only to that required by the Town and Country Planning Acts and does not include any permission or approval under any other enactment, bylaw or regulation.

2. Your attention is drawn to the attached notes explaining your rights of appeal regarding this decision.

3. The permission to which this notice refers MAY contain the requirement to comply with certain conditions

PRIOR to any works being commenced, as well as conditions to be met DURING and AFTER the completion of the development. You are hereby advised that non-compliance with ANY condition may render this permission invalid and the development itself UNLAWFUL and could lead to enforcement action and/or prosecution. It is YOUR responsibility to ensure that all conditions are complied with. If you are in any doubt as to the requirements established by any condition attached to this permission, you are strongly advised to contact Craven District Council Development Management for clarification prior to the commencement of any works.

4. The approval of details reserved by any conditions discharge of conditions is now treated as a formal application and as such requires a fee. A fee of £34 is applicable for householder applications, including extensions, any ancillary buildings within the curtilage of a dwelling, construction of fences, walls, car parking, etc., and £116 for any other type of development. Any number of conditions relating to a specific application can be considered as one application with the single fee. However, if conditions are submitted individually, then the fee will be applicable for each separate submission. There is a form on-line at www.cravendc.gov.uk/planning. We have 8 weeks in which to make our decision, after this date, you can appeal to the Secretary of State. You should note that if you have had no response within 12 weeks, then the fee has to be refunded.

3 Informatives

You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The '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.

There must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and the Highway Authority.

Works of repair to the adopted highway as a result of damage caused by construction traffic may include replacing carriageway, kerbs, footways, cycleways and verges to the proper line and level.

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. Applicants are advised to contact the County Council's Access and Public Rights of team at County Hall, Northallerton via paths@northyorks.gov.uk to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.

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.

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.

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.

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

4. Statement of Positive Engagement: -

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

2019/20936/FUL Application for the construction of rear decking (retrospective) at 9A Black Abbey Lane, Glusburn, Keighley BD20 8RY (SV) the Planning Manager in consultation with the Chairman is authorised to approve the application conditionally subject to the receipt of satisfactory amended plans within three months, providing for alterations to the decking and fencing to protect the amenities of 11 Black Abbey Lane and thereafter the alterations to be carried out within three months of approval of the scheme – the actual wording to be formulated by the Planning Manager and subject to the conditions below:

Conditions

Approved Plans

1 This permission relates to the following plans:

- Site location plan received 5th September 2019;
- Drawing No. SR-21 73-3 "Rear Decking" received 5th September 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 Local Plan (2012 - 2032) and the National Planning Policy Framework.

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 and creative way, in accordance with the requirements of paragraph 38 of the NPPF.

(SV indicates a site visit was held on the morning of the meeting.)

PL.952

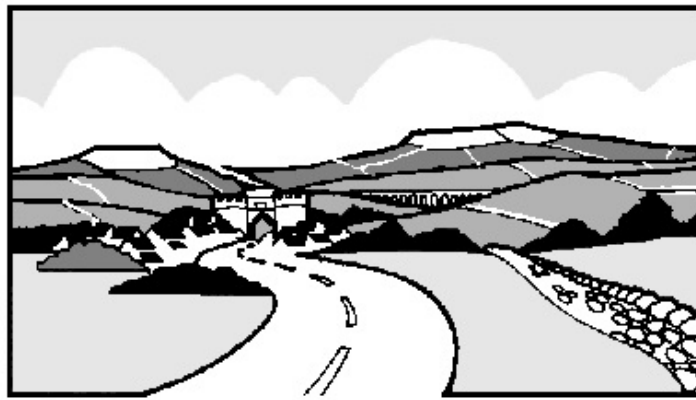
PLANNING ENFORCEMENT

The Strategic Manager for Planning and Regeneration submitted details of enforcement cases closed, and new enforcement complaints registered in the period from 13th September 2019 to 18th November 2019.

Minutes for Decision

- None -

Chairman.



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D I S T R I C T

PLANNING COMMITTEE AGENDA

DATE: 16th December 2019

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REPORT TO PLANNING COMMITTEE ON 16th December 2019

Application Number: 2019/20673/VAR

Proposal: Application to vary condition no. 2 (drawings) of original planning consent reference 45/2016/17387 granted 21.11.2016 (Plot 2 - re-orientation of dwellinghouse and garage, increased height and footprint of dwellinghouse including increased depth of front gable extension and increased height of side bay window, window and door amendments to front and rear of dwellinghouse, increased height and footprint of garage, amendment to garage door and additional door and windows to garage side elevation).,

Site Address: Land Opposite Greta Villas, Main Street, Ingleton, LA6 3BZ,

On behalf of: Mr John Davey

Date Valid: 29th August 2019

Expiry Date: 24th October 2019

EOT Date, if applicable: 20th December 2019

Case Officer: Ros Parker

This application has been referred to Planning Committee by Councillor Ireton because of substantial alteration to the original plans and the scale and form of the development as now proposed.

1. Site Description

- 1.1 The application site is located east of Main Street, and is one plot of a site with planning approval for 4 no. detached dwellings. Two of the dwellings (plots 3 and 4 to the north-east of the site are partly built). Building work on plot 1 has yet to begin. Limited building work on a low level retaining wall at the rear of plot 2 has begun, but has ceased at the request of the case officer.
- 1.2 This is a fairly level piece of land, which rises to the east. Two existing dwellings are situated adjacent to the east of the site. There are further residential properties of mixed styles to the west and south on Main Street, and to the north on Laundry Lane.
- 1.3 The site lies within a Designated Rural Area, as denoted in the 2012 to 2032 Craven Local Plan. The area has also been identified by the Coal Authority as a low risk development area.

2. Proposal

- 2.1 The application has been submitted under Section 73 of the Town and Country Planning Act 1990, and seeks the variation of condition no. 2 of planning consent reference 45/2016/17387 issued on 21.11.2016.
- 2.2 The condition relates to the approved plans. By means of this variation, the applicant is seeking planning approval for revised plans to Plot 2 only.

The proposed amendments, as shown in the revised plans received on 1st November 2019, are as follows. Comparisons are made against the approved design.

House

- re-orientate dwellinghouse to face squarely onto road, off-set in relation to plot 1

- increase width of main body of house by 0.8m to 12m, depth of main body unchanged from approved design.
- front gable to extend a further 0.9m to 1.8m; width increased by 0.7m to 4.9m; height to gable ridge increased by 0.4m to 8.3m. Height from ground level to ridge of main house unchanged from approved design.
- add single-storey extension to full width of rear, with a depth of 2m, blank side elevations and 5m width window between 2 no. smaller windows to rear.
- bay window to side (north) elevation widened by 0.7m to 2.7m and made double height
- 2 windows to first floor rear (east) elevation re-positioned

Garage

- enlarged from 6m² to 7m x 8.5m. Height increased by 0.3m to 5m from ground level to the ridge and by 0.1m to 2.5m at the eaves. Garage re-positioned to boundary, and re-oriented so that ridge will run east-west rather than north-south. Double garage door to replace 2 no. single garage doors. Window and pedestrian access door added to north elevation.

Rear Garden

- Retaining wall to rear (partially constructed) with 5 steps to higher level ground to rear

Officer Note 1: The above amendments relate to revised proposals received on 01.11.2019, which supersede the initial proposed amendments received 24.06.2019.

Officer Note 2: The planning consent for this application, if approved, would supersede the existing planning consent. All previous conditions not already discharged or ongoing – with the exception of Condition 2 as it relates to Plot 2 – will be incorporated in the new decision notice, should planning consent be granted.

3. Planning History

3.1 45/2016/17013 – Four self-build dwelling plots with associated off street parking – Deferred by Planning Committee 31st August 2016. Withdrawn 22.11.2016.

3.2 45/2016/17387 - Construction of four detached dwellings with associated off street parking. Approved 21.11.2016.

3.3 45/2017/18069 - Application to discharge condition no's 3, 4, 10, 11, 12 of original planning application reference 45/2016/17387 – Approved 31.05.2017

Officer Note 3: This application relates to the full site and includes materials (condition 3), landscaping (condition 4), surface water drainage (condition 10), sustainable drainage (condition 11) and on-site parking for construction workers (condition 12).

3.4 2019/20356/MMA - 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. – Approved 08.05.2019

Officer Note 4: This application relates to plot 4 only.

3.5 2019/20382/CND - Discharge of Condition 3 (Materials) and Condition 5 (Site Access) for plots 3 & 4 respectively of planning permission 45/2016/17387 granted 21st November 2016. – Approved 11.07.2019

3.6 2019/20414/MMA - Variation to condition no. 2 of planning approval referenced 45/2016/17387 (to add a bay window to the front elevation, add a sun room on the rear elevation, link the garage to the house on Plot 3 of the site). – approved 05.06.2019

4. Planning Policy Background

4.1 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 1990 (as amended) the Development Plan is the current Craven Local Plan adopted in 2019. Therefore, planning applications will be assessed against the adopted Local Plan and the NPPF.

4.3 **Craven Local Plan (CLP):**

- SD1 The Presumption in Favour of Sustainable Development
- ENV3 Good Design

4.4 **National Policy:**

- National Planning Policy Framework (NPPF 2019)
- Planning Practice Guidance (PPG)

5. Parish/Town Council Comments

5.1 Ingleton Parish Council – response received 08.10.2019 – Parish Council objected for the following reasons:

– development too high, out of keeping with character of area, would steal light from adjacent buildings and not in keeping with adjacent buildings.

5.2 A re-consultation request was sent to the Parish Council, following the receipt of the amended proposal. The Parish Council asked for an extension to the consultation period. Unfortunately, it was not possible to extend the deadline on this occasion. No response to the re-consultation has been received at the time of writing this report.

Officer Note 5: The above is a summary of the comments received on this application. The full written text is available for inspection on the Council's website at:

<https://publicaccess.cravendc.gov.uk/online-applications/>

6. Consultations

6.1 None applicable

7. Representations

7.1 Site notice expired 11.10.2019

7.2 No press notice required

7.3 40 letters of notification were sent as part of the original consultation, one letter was returned with an incomplete address. A re-notification was sent on the receipt of the amended proposal.

7.4 Fourteen letters of representation (from the occupiers of twelve properties) were received in response to the original notification. The comments in response to the original proposals may be summarised as follows:

- Not notified of application

Officer Note 6: a notification letter was addressed to the Dales Guest House at this address – on querying this with CDC addressing, it transpires the guest house is no longer in operation but Royal Mail had not been advised. However, a site notice was posted outside the application site, a short distance from this property. Subsequently, a re-notification letter was sent to the street address, and a further response received.

- Believe this should be a full application, rather than a variation

Officer Note 7: This is an application for the variation of condition 2 only which may be considered under this application type. Further details are given in paragraphs 8.2 and 8.3 below.

- Represents a significant increase in the footprint and bulk of the property
- Proposal bears little resemblance to the original

- Overly dominant, over large structure impacting street scene
- Disrupts solid to void ratio
- Height not in keeping with surrounding approved and existing properties
- Potential lack of privacy from windows, particularly first floor bay window to north elevation
- Increase in size and number of windows is out of keeping with other properties
- Risk of overshadowing
- Preference for original garage design; also lack of objection to garage amendments

Officer Note 8: Issues of scale, impact on the street scene and amenity will be considered in the body of this report

- Concerned alterations to driveway would result in the loss of an on street parking space, inadequate parking provision, increase in traffic

Officer Note 9: The original and amended proposal is for a 4-bedroom dwellinghouse. This is unchanged from the planning consent for this property. An increase in traffic is therefore not envisaged. No reduction to on-site parking provision is proposed.

- Concerned it will become a house of multiple occupation, 2 no. semi-detached properties, a bed and breakfast property or a holiday home for larger parties.

Officer Note 10: As already noted, the proposed number of bedrooms is unchanged from the original planning consent for this property. Any proposed change of use would require a further planning application.

- Inaccurate plans

Officer Note 11: It is acknowledged the original proposal did not contain a plan of the street scene. This was included in plans of the amended proposal, which show the relative heights of Plots 1, 2 and 3 and 53 Main Street.

- Concern that the garage and house may be built in coarsed stone, rather than random.

Officer Note 12: Reference to the use of coarsed stone on the garage appeared on the first proposed garage plan, reference revision A, received 24.06.2019. This has been removed from the amended plan, reference revision C, received 01.11.2019. Details of the materials to be used in the construction of all 4 properties was approved by application reference 45/2017/18069 which approved the use of random rubble (sandstone) and gritstone quoins and window surrounds for the walls. Plots 3 and 4 subsequently submitted a further discharge of condition applying to these plots only. As such, the details approved by application reference 45/2017/18069 are still applicable for plots 1 and 2.

- Concern at construction of rear garden retaining wall in a mix of coarsed and random stone.

Officer Note 13: Construction of this wall has now ceased at the request of the case officer, and the details included within the amended plans for assessment in the body of this report.

- Concern that the garage will be on the boundary, and asking if a maintenance agreement should be put in place.

Officer Note 14: As long as the garage does not breach the boundary line, maintenance is a private matter and cannot form part of this assessment.

- The owner of Plot 1 advised that the retaining wall breached the boundary.

Officer Note 15: The application was submitted with Certificate A to indicate the applicant's ownership of Plot 2 as indicated on the submitted plans. The issue of ownership has been raised with the applicant, and written confirmation received on 12.11.2019 confirming the boundary line is correct. As such, there is no requirement to serve notice on the adjoining landowner and the correct procedure has been followed. It is not for the planning authority to enter into matters of private

dispute regarding boundaries, however it is noted that planning consent, if granted, does not confer any right of access or ownership over land outside the applicant or developer.

7.5 A further seven letters of representation have been received in response to the re-notification. The comments in response to the revised proposals may be summarised as follows:

- objection on the grounds of scale, not in keeping with other 3 houses on the site, increase in footprint and bulk would be disproportionate, gable too dominant
- floor height raised which will increase ridge height, suggest level remains as per original consent, inaccurate on plans, should follow natural terrain
- change in orientation would adversely impact streetscape
- loss of privacy from first floor bay

Officer Note 16: see Officer Note 8

- concern that garage may become a dwelling, potential for change of use of dwelling to 2 houses or flats

Officer Note 16: see Officer Note 10

- concern at use of coursed not random stone

Officer Note 17: See Officer Note 12

- concern that garage is on boundary and no party wall agreement in place

Officer Note 18: As long as the garage does not breach the boundary, issues of maintenance are not a planning matter.

- the retaining wall, as constructed, breaches the boundary

Officer Note 19: The wall as included in this application does not breach the boundary. See Officer Note 15 regarding boundary issues.

- scale disproportionate to 2 bungalows that previously occupied the site

Officer Note 20: This last consideration cannot form part of this assessment. The assessment is based on current conditions.

8. Summary of Principal Planning Issues

8.1 Visual impact of proposed amendments

8.2 Impact on amenity

9. Analysis

9.1 **Variation of conditions**

9.2 Section 73 of the Town and Country Planning Act 1990 provides that an application may be made for planning permission without complying with conditions applied to a previous permission. It is stated that LPA's may decide whether to grant permission subject to differing conditions (this can include imposing new conditions), remove the conditions altogether or refuse to alter conditions. Thus it is possible to apply for conditions to be struck out, or for their modification or relaxation. The section makes it clear that in considering such an application a LPA may only consider the question of the condition and not revisit the principle of the original development.

9.3 Therefore, only the acceptability of the proposal in the context of the reasons for the imposition of the conditions falls to be considered in the determination of the current proposal. Notwithstanding this, a section 73 application should be treated just like any other application, and due regard paid to the Local Plan and other material considerations.

9.4 **Visual impact of proposed amendments**

- 9.5 Policy SD1 sets out that Craven District Council will take a positive and proactive approach in the consideration of development proposals that reflects the presumption in favour of sustainable development contained in the NPPF. To this end, development that accords with the provisions of the local plan will be approved unless material considerations dictate otherwise.
- 9.6 Policy ENV3 requires that development responds to context, and respects the form of existing and surrounding buildings including density, scale, height, massing and use of high quality materials which should be locally sourced wherever possible.
- 9.7 This is consistent with the NPPF which requires that development is sympathetic to local character and history, including the surrounding built environment.
- 9.8 The first set of plans submitted with this proposal indicated a substantial increase to the property when viewed from the street. The width was increased by 2m, the main ridge was increased by 1m, the gable extension to the front extended and increased in height and width. There were also changes to the fenestration and front door. The side bay window was widened and extended to the first floor. An increase in scale to the garage was also proposed.
- 9.9 In response to neighbour and officer concerns at the scale, dominance and impact of the proposed design on the street scene, amended plans were received on 01.11.2019. The details of the amended proposal are set out in Section 2 of this report, and will be assessed below.
- 9.10 The amended proposal will not increase the height of the dwellinghouse at Plot 2 from that originally approved and relative heights of the dwellinghouses will be maintained, as indicated on plan reference, Street Scene, received 01.11.2019. There has been some concern from interested parties that these floor levels are not consistent with floor levels on the extant plans, and it is acknowledged that the differing units of measurement make comparison unclear. For clarity, should planning be approved, the planning decision notice will list this submitted plan alongside the extant plans which show approved site levels and an informative will clarify that approved site levels are unchanged from those originally approved.
- 9.11 While the amended proposal will increase the width of the dwellinghouse by 1m, and the depth and width of the gable extension, it is considered that in this context, owing to the layout, separation distances and the distance from the pavement, the scale of increase proposed will not have a significant adverse impact on the character of the development or the wider street scene. Similarly, the orientation will not significantly alter the flow of the development when viewed from the street. The proposed single-storey extension is considered appropriate to the dwellinghouse in terms of design and scale, and being situated to the rear of the dwellinghouse will not impact the street scene to a significant degree.
- 9.12 The proposed garage amendments will see an increase in scale of the garage, however the amended scheme re-orientates the garage to reduce the mass of the roof on the street-facing side, and the increased length runs back into the garden behind. In this setting and with this orientation, the amendments to the garage are not considered to significantly interrupt the solid to void ratio when viewed from the street.
- 9.13 The proposed amendment to the bay window, being located to the side of the dwellinghouse and in keeping with the style of the approved ground floor bays already in use at this development, are not considered to have a harmful impact on the character of the dwellinghouse or street scene.
- 9.14 The proposed retaining wall which has been partially constructed is considered acceptable in terms of design and scale.
- 9.15 **Officer Note:** The retaining wall has been constructed in a mix of coursed and random stone. Only random stone has been approved for use on this site (discharge of condition reference 45/2017/18069). Should planning permission be granted, this would have no bearing on the approved materials, and would not serve to regularise the use of coarsed stone at this site. The breach has been reported to the Enforcement Team.

9.16 For the above reasons, the proposed development is considered to accord with the requirements of Policy ENV3 of the Craven Local Plan and the NPPF with regard to visual impact.

9.17 **Impact on amenity**

9.18 Policy ENV3 requires that development proposals will secure a good standard of amenity for all existing and future occupants. Similarly, the NPPF states that development should provide a high standard of amenity for existing and future users.

9.19 Concern has been raised in terms of loss of privacy and loss of daylight from overshadowing.

9.20 In terms of privacy, the only significant alteration with the potential to harm privacy is the extension of the north-facing side bay window to first floor level. Existing approved plans do not feature any first floor window to this elevation at Plot 2. While it is acknowledged that the first floor window will deliver views over Plot 3, these views will be of the front amenity area which is already subject to public views from the road, and the side elevation of the garage and main dwellinghouse at Plot 3 which are both blank. As such, there is not considered to be a significant adverse impact to the privacy of the neighbouring occupiers, as a result of these proposals.

9.21 With regard to overshadowing and loss of daylight, the amended plans will not increase the height of the dwellinghouse. Any increased overshadowing to Plot 3 owing to the increased width and amended orientation will fall largely on the garage.

9.22 In conclusion, there is not considered to be a significant adverse impact in terms of loss of privacy, daylight or increased overshadowing. The proposed amendments therefore meet the requirements of Policy ENV3 of the Craven Local Plan and the NPPF.

9.23 **Conclusion**

9.24 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.

9.25 In this instance, the proposed amendments are not considered to have a significant detrimental visual impact on the character of the development or the street scene. Furthermore, there is not considered to be a significant adverse impact on the amenity of the adjoining occupiers. On balance, it is considered that there are no adverse impacts arising from the amendments that would significantly and demonstrably outweigh the overarching presumption in favour of sustainable development contained within paragraph 11 of the NPPF, and therefore planning permission should be granted.

10. Recommendation

10.1 Approve with Conditions

Conditions

Time Limit for Commencement

1 Condition 1 (ref. approval 45/2016/17387) was a time limit condition, but as the development has commenced the condition is no longer applicable.

Approved Plans

2 The permission relates to the following plans in relation to Plot 2 only:

- Location plan - received 10th July 2019
- Site plan - revision C - received 1st November 2019
- Proposed plans - revision C - received 1st November 2019
- Proposed elevations - revision C - received 1st November 2019
- Proposed garage plans - revision C - received 1st November 2019
- Street scene - received 1st November 2019

The following plans are extant approved plans from planning permission 45/2016/17387:

- 1434DH/IVI/CP-01 Rev C 'Constraints Plan' -received by the Local Planning Authority on the 30th September 2016.
- 1434DH/IVI/PL01 Rev C 'Planning Layout' - received by the Local Planning Authority on the 30th September 2016.
- 1434DH/IVI/PB-01 Rev C 'Plot boundary Plan' - received by the Local Planning Authority on the 30th September 2016.
- 1434DH/IVI/P01-SS Rev B 'Site Sections' - received by the Local Planning Authority on the 30th September 2016.
- 1434DH/IVI/P1-EL Rev B 'Elevation drawings for Plot 1' - received by the Local Planning Authority on the 30th September 2016.
- 1434DH/IVI/P1- DGP(E) 'Detached garages' - received by the Local Planning Authority on the 30th September 2016.
- 1434DH/IVI/P1-FP Rev B 'Floor Plan for Plot 1' - received by the Local Planning Authority on the 30th September 2016.

Informative

Details of site boundaries and details of individual house types and site layout have been amended in respect of plots number 3 and 4 previously. The most recent approved plans detailed above relate specifically to Plot 2. However, floor levels have not been specified as part of the current application and consequently, for the avoidance of doubt, floor levels for each of the plots across the whole of the site, shall be as approved under planning consent reference 45/2016/17387.

The development shall be completed in accordance with the approved plans including the insertion of the stone jambs, heads, cills and stone quoins except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.

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

During Building Works

- 3 Subject to compliance with the approved details and materials agreed by discharge of condition reference 45/2017/18069 issued 31.05.2017, Condition 3 is discharged.

Reason: In the interest of the visual amenity of the area in accordance with Policy ENV3 of the Craven Local Plan and 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 45 metres measured along both channel lines of the major road Laundry Lane Ingletton 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.

- 5 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 Main Street Ingletton

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.

Before the Development is Occupied

- 6 Prior to occupation, the site access(es) will be set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
- (i) The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.
 - (ii) (c) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.
 - (iii) Any gates or barriers shall be erected a minimum distance of 4.5 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
 - (iv) That part of the access(es) extending 4.5 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 10.
 - (v) 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.
 - (vi) The final surfacing of any private access within 4.5 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.

- 7 Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

Ongoing Conditions

- 8 Subject to compliance with the approved details agreed by discharge of condition reference 45/2017/18069 issued 31.05.2017, and the maintenance of the agreed landscaping scheme, Condition 4 is discharged.

Reason: In the interest of the visual amenity of the area in accordance with Policy ENV3 of the Craven Local Plan and the National Planning Policy Framework.

- 9 Notwithstanding the provision of any Town and Country Planning General Permitted Order 2015 or any Order revoking or re-enacting that Order, the areas shown on Planning Layout 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.

- 10 Subject to compliance with the approved details agreed by discharge of condition reference 45/2017/18069 issued 31.05.2017, and the maintenance of the agreed surface water drainage scheme, Condition 10 is discharged.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

- 11 Subject to compliance with the approved details agreed by discharge of condition reference 45/2017/18069 issued 31.05.2017, and the maintenance of the agreed sustainable drainage management and maintenance plan, Condition 11 is discharged.

Reason: To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development.

- 12 Subject to compliance with the approved scheme agreed by discharge of condition reference 45/2017/18069 issued 31.05.2017, Condition 12 is discharged.

Reason: To ensure the provision of adequate parking arrangements during construction in the interests of highway safety.

- 13 The detached garage hereby approved shall be used solely for ancillary residential purposes only and shall not at any time be used for any other purpose.

Reason: To ensure the garage is kept available for its intended use in the interests of highway safety and the general amenity of the development.

Informatives

1. The development is shown to be adjacent to or affect Electricity North West operational land or electricity distribution assets. Where the development is adjacent to operational land the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements. If planning permission is granted the applicant should verify such details by contacting Electricity North West, Estates and Wayleaves, Frederick Road, Salford, Manchester M6 6QH.

The applicant should be advised that great care should be taken at all times to protect both the electrical apparatus and any personnel working in its vicinity. The applicant should also be referred to two relevant documents produced by the Health and Safety Executive, which are available from The Stationery Office Publications Centre and The Stationery Office. Bookshops, and advised to follow the guidance given.

The documents are as follows:-

oHS(G)47 - Avoiding danger from underground services.

oGS6 - Avoidance of danger from overhead electric lines.

The applicant should also be advised that, should there be a requirement to divert the apparatus because of the proposed works, the cost of such a diversion would usually be borne by the applicant. The applicant should be aware of our requirements for access to inspect, maintain, adjust, repair, or alter any of our distribution equipment. This includes carrying out works incidental to any of these purposes and this could require works at any time of day or night. Our Electricity Services Desk (Tel No. 0800 1954141) will advise on any issues regarding diversions or modifications.

Electricity North West offers a fully supported mapping service, at a modest cost, for our electricity assets. This is a service which is constantly updated by our Data Management Team who can be contacted by telephone on 0800 195 4141 or access the website <http://www.enwl.co.uk/ourservices/know-before-youdig!>

It is recommended that the applicant give early consideration in project design as it is better value than traditional methods of data gathering. It is, however, the applicant's responsibility to demonstrate the exact relationship on site between any assets that may cross the site and any proposed development. Deep rooted shrubs and trees shall not be planted within the canopy width (at mature height) of the public sewer and overflow systems. Trees should not be planted directly over sewers or where excavation onto the sewer would require removal of the tree. A separate metered supply to each unit will be required at the applicant's expense and all internal pipe work must comply with current water supply (water fittings) regulations 1999.

Should this planning application be approved, the applicant should contact United Utilities on 03456 723 723 regarding connection to the water mains or public sewers. It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development. United Utilities offers a fully supported mapping service and we recommend the applicant contact our Property Searches Team on 03707 510101 to obtain maps of the site. Due to the public sewer transfer, not all sewers are currently shown on the statutory sewer records, if a sewer is discovered during construction; please contact a Building Control Body to discuss the matter further.

2. 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) No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development. Applicants are advised to contact the Country Council's Access and Public Right of Way Manager at County Hall, Northallerton on 0845 8 727274 to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.

You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The '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.

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

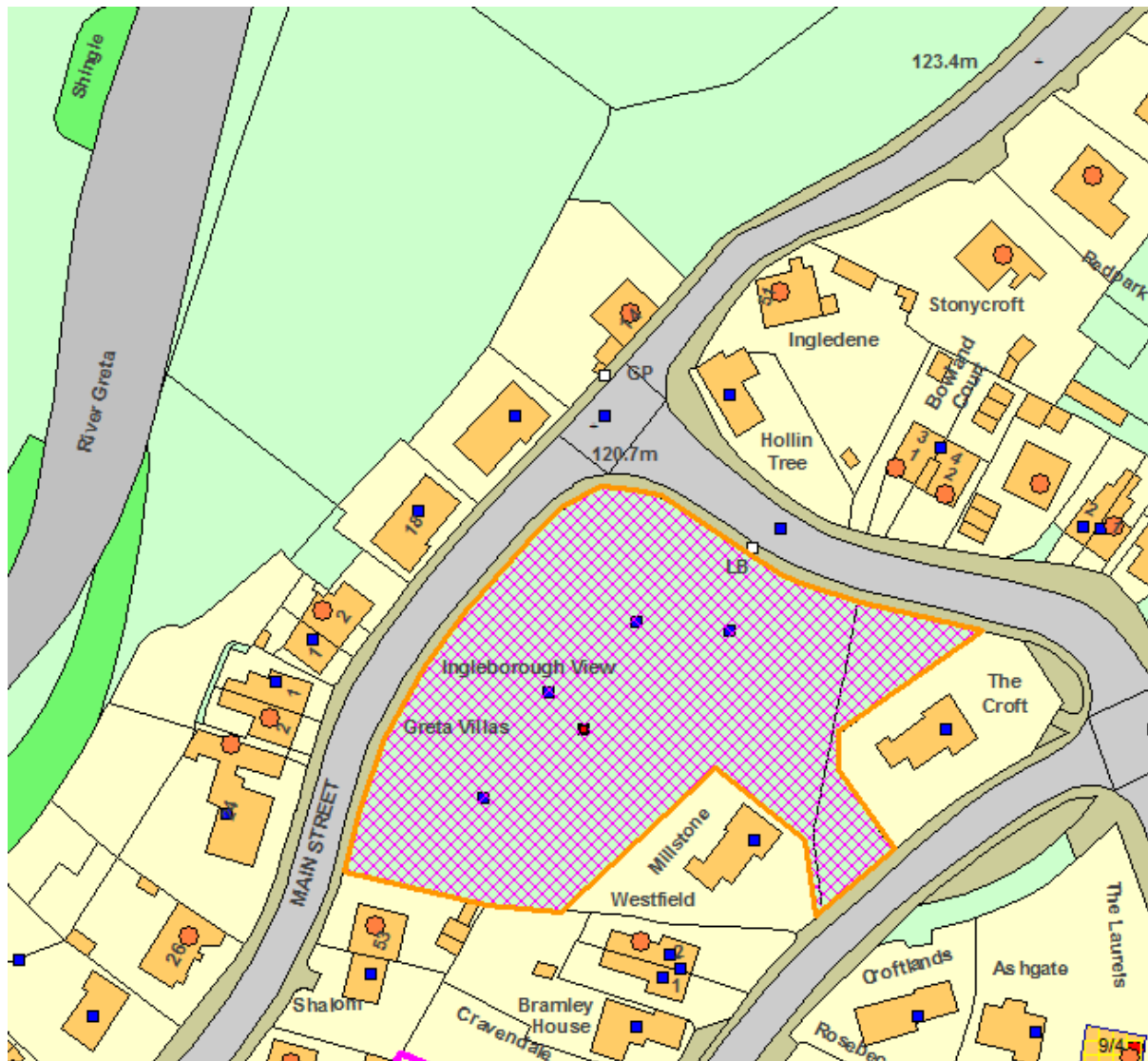
Further information is also available on The Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

4. The hours of operation during construction phase of development and delivery of construction materials or equipment to the site and associate 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.
5. This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, restrictive covenant, Byelaw, Order or Regulation. The permission does not confer any rights of ownership or access over any land outside the ownership of the applicant or developer.

The developer should comply with the requirements of the Party Wall Act whilst undertaking the development hereby approved.

6. 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: 2019/20673/VAR

Proposal: Application to vary condition no. 2 (drawings) of original planning consent reference 45/2016/17387 granted 21.11.2016 (Plot 2 - re-orientation of dwellinghouse and garage, increased height and footprint of dwellinghouse including increased depth of front gable extension and increased height of side bay window, window and door amendments to front and rear of dwellinghouse, increased height and footprint of garage, amendment to garage door and additional door and windows to garage side elevation).,

Site Address: Land Opposite Greta Villas, Main Street, Ingleton, LA6 3BZ,

On behalf of: Mr John Davey

REPORT TO PLANNING COMMITTEE ON 16th December 2019

Application Number: 2019/21049/FUL

Proposal: Construct 4 dwellings between 3 & 4 bedrooms with associated vehicular access and landscaping.

Site Address: Rockwood House Park Wood Close Skipton BD23 1QW

On behalf of: Firth Developments Ltd

Date Registered: 9th October 2019

Expiry Date: 4th December 2019

EOT Date, if applicable:

Case Officer: Miss Katie Chew

This application has been referred to Planning Committee as it is a resubmission of a previously refused scheme which was considered by Planning Committee.

1. Site Description

1.1 The application site comprises a parcel of land which once housed a large detached two storey residential dwelling. This dwelling has now been demolished under application 2018/19291/DEM granted 31st May 2018. The site is accessed via Park Wood Close, Skipton. The site is stepped back from the highway and has a sloped topography leading up from the public highway. The application site is located to the north west of the centre of Skipton.

1.2 The application site is located within the 'main built up area' of Skipton, and is unallocated within the Craven Local Plan.

2. Proposal

2.1 The application seeks full planning permission for the construction of 4 detached dwellings with associated vehicular access and landscaping.

2.2 The proposal can be broken down into:

2.3 Plot 1 will consist of 4 bedrooms, family bathroom, sitting area, kitchen/dining area, utility and downstairs wc. There will also be a garage attached which provides parking for 2 vehicles.

2.4 Plot 2 will consist of 3 bedrooms, family bathroom, kitchen/dining area, utility room, sitting area and downstairs wc. There will also be a garage attached which provides parking for 2 vehicles.

2.5 Plot 3 will consist of 4 bedrooms, family bathroom, kitchen/dining area, sitting room, utility and downstairs wc. There will also be an integral garage with parking for 1 vehicle.

2.6 Plot 4 will consist of 4 bedrooms, family bathroom, sitting room, kitchen/dining, utility and downstairs wc. There will also be an integral garage with parking for 1 vehicle.

2.7 The proposed boundary treatments would consist of 1.8m close boarded timber fences and 0.9m stone walls.

2.8 Vehicular access will be created off of Park Wood Close in Skipton, this will provide access to all 4 houses and 19 car parking spaces will be provided in total.

- 2.9 The materials proposed within the development comprise of natural coursed split faced stone, natural grey slate roof tiles, double glazed upvc windows and doors in 'off white'.

Officer note: Since the refusal of 2019/20479/FUL the number of dwellinghouses proposed has dropped from 6 to 4.

3. Planning History

- 3.1 2019/20479/FUL – Construction of 1 no. 2 bed bungalow, no. 3 bed bungalow and 4 no. 4 bed dwellings with associated vehicular access and landscaping. (Resubmission of previously refused application referenced 2019/20096/FUL). Refused 3rd July 2019. This application was refused as:

'The proposed development is considered to represent an overdevelopment of the site and will be overbearing in nature in relation to neighbouring properties in the vicinity. As such the proposal is contrary to the guidance contained in the National Planning Policy Framework'.

- 3.2 2019/20096/FUL – Construct 6 no. detached dwellings with associated vehicular access and landscaping. Refused 13th March 2019. This application was refused as:

'The proposed development is considered to represent an overdevelopment of the site, and will be overbearing in nature in relation to neighbouring properties located in the vicinity. As such, the proposal is contrary to the guidance contained within the National Planning Policy Framework'.

- 3.3 2018/19747/FUL – Construct 6 no. 4 bed detached dwellings with associated vehicular access and landscaping (resubmission of previous application referenced 2018/19018/FUL). Refused 17th December 2018. This application was refused as:

'The proposed two storey dwellings on plots 1 and 2, by virtue of their scale and form combined with the topography of the site, would result in a significant adverse overbearing impact on the existing dwellings to the east and south of the site, contrary to the guidance in Section 12 of the National Planning Policy Framework'.

This application was appealed under appeal reference: APP/2018/19747/FUL. This appeal was dismissed by the Inspector on the 13th September 2019.

- 3.4 2018/19291/DEM – Demolition of single detached dwelling with attached garage (prior notification). Prior approval granted 31st May 2018.

- 3.5 2018/19018/FUL – Demolish existing dwelling. Construction of 6 no. 4 bed detached dwellings with associated vehicular access and landscaping. Application withdrawn 18th April 2018.

4. Planning Policy Background

- 4.1 Craven Local Plan (2012-2032):

- SD1: Presumption in Favour of Sustainable Development
- SP1: Meeting Housing Need
- SP3: Housing Mix and Density
- SP4: Spatial Strategy and Housing Growth
- SP5: Strategy for Skipton – Tier 1
- ENV3: Good Design
- ENV4: Biodiversity
- ENV7: Land and Air Quality
- ENV8: Water Resources, Water Quality and Groundwater
- ENV12: Footpaths, Bridleways, Byways and Cycle Routes
- INF4: Parking Provision

- INF7: Sustainable Transport and Highways

4.2 National Planning Policy Framework (as amended February 2019)

4.3 Planning Practice Guidance

5. Parish/Town Council Comments

5.1 **Skipton Town Council** – Comments received 11th November 2019. Skipton Town Council has no objections to the planning application.

6. Consultations

6.1 **NYCC Highways** – Comments received 1st November 2019. The design standard for the site is MfS and the required visibility splay is 2 metres by 45 metres. The available visibility is 2 metres by 45 metres. The Local Highway Authority recommends conditions relating to mud on the highway, the construction of roads and footways and detailed plans of road and footway layouts.

6.2 **CDC Arboricultural Officer** – Comments received 16th October 2019. The trees officer requests further details to be provided on the types of trees that the applicant is seeking to plant at the site. They have also requested a protective fencing condition to be applied to the application if approved.

6.3 **NYCC LLFA** – Comments received 23rd October 2019. In assessing the submitted proposals the Authority deems the application to be a minor development and therefore this sits outside of the Authorities remit. The LLFA are the statutory consultee for all major developments (10 dwellings or more and/or 1 hectare or more) and have no requirement to comment on minor applications. Subsequent to the above and noting the development is in flood zone 1 with low flood risk the LLFA have no comments to make on this application.

6.4 **North Yorkshire Police** – Comments received 17th October 2019. North Yorkshire Police would not normally respond in relation to developments of less than 10 dwellings. Therefore unless specifically requested to do so by the Planning Officer, no comments will be made on this application.

6.5 **Yorkshire Water** – No comments received within statutory timescales.

Officer note: As no comments have been received from Yorkshire Water, it is deemed to be reasonable to transfer the proposed conditions outlined within their previous response under application 2019/20479/FUL into this report. Conditions proposed relate to separate systems of drainage for foul and surface water, and that there should be no piped discharge of surface water from the development prior to the completion of surface water drainage works. It is however, considered that by conditioning the submitted attenuation report the second condition proposed would already be covered, therefore this condition has not been added.

6.6 **CDC Environmental Health** – Comments received 18th October 2019. No objections to the proposals although informatives are provided which relate to noise, dust and clean topsoil.

6.7 **CDC Environmental Protection** – Comments received 28th October 2019. There are no known contaminated land implications regarding the proposed development.

7. Representations

7.1 Neighbour Letters – Expired 6th November 2019.

7.2 10 representations have been received, comments are summarised below:

- 18 Park Wood Close will take the full impact of all four dwellings and the new road as they would occupy this properties full panorama;
- Residential gardens are excluded from the category of Previously Developed Land, this proposal would constitute garden grabbing;
- The proposals would constitute overdevelopment;

- The interests of residents must be taken into account in regards to nuisance caused by dirt, dust and noise. Safe pedestrian and vehicular access to private property in Park Wood Close must also be maintained at all times;
- The additional impermeable surfaces would increase the already problematic surface run off experienced during periods of high rainfall making flooding a risk;
- No measurements are given on the plans to show the exact positions of the properties, roof heights of the new builds nor the distances from the boundaries. What will stop the developer doing his own thing and changing the proposed outline?;
- There should be a clause included in any planning decision to reject any future extensions especially to plot 2;
- Concerns regarding drains;
- The Rockwood Estate is protected by a covenant forbidding building houses in gardens;
- Craven has in excess of 5 years housing land supply in Skipton;
- The proposals will essentially be a cul-de-sac within a cul-de-sac and unless permitted development rights are removed this could lead to a development of an overbearing nature and the potential for existing properties to be overlooked;
- Single storey dwellings would be more appropriate for the site which was originally occupied by one dwelling;
- It should be a formal requirement that windows in the north elevation of the house on Plot 4 will be fitted with opaque glass to ensure the privacy of neighbouring properties;
- Reassurances need to be made that the residents will not have to cope with a muddy road every day during construction;
- The Inspector noted that the development was contrary to emerging Local Plan ENV3 (para 11) and in conflict with para 127 of the National Planning Framework;
- To continue with the cycle of applications following the comments of the Planning Inspectorate should be discouraged on this and any subsequent application;
- Anything other than the approval of a single dwelling reflecting the property initially standing on the site would constitute a breach of the Inspector's ruling and encourage overdevelopment and garden grabbing elsewhere in and around Skipton;
- Reassurances should also be made regarding the final road surface of Parkwood Close as it will be affected by the contractors vehicles;
- Views through the estate have changed dramatically within the last 2 years;
- Fewer houses are better than the previously proposed 6 but 3 houses would be more preferable;
- Plot 4 is very close to the neighbouring dwelling 'The Coach House' and the wood burning chimney can only be detrimental because of the inevitable smoke nuisance;
- Although the applicant has reassured neighbours that the foul and surface drainage capacity in Park Wood Close is sufficient to support the development, the relevant information cannot be found. This documentary confirmation should be requested.
- The planned shrubbery at the front of the site appears to have no ownership, who would be responsible for maintaining the height of it?;
- It is not in keeping with the surrounding residential area;
- If the proposals are allowed, there should be very strict rules on where and when plant and delivery vehicles are allowed to park so as to minimise disruption to residents;

- What plans are there to address all the strains on the existing community facilities and the local ecology?;
- If the previous house had not been demolished its landscaped gardens would still be supporting wildlife and enhance the quality of life in Skipton;
- The developer took 2 years to get the site prepared for development, resulting in daily noise. If the plans are passed can there be a restricted timescale for completion so the building works does not carry on for years.

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.

8.4 Highway issues.

9. Analysis

Principle of development

- 9.1 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. This requirement is reinforced in paragraph 2 of the National Planning Policy Framework.
- 9.2 The Craven Local Plan 2012 to 2032 was formally adopted by the Council at its meeting on 12th November 2019 and, accordingly, has replaced the Craven District Local Plan 1999 as the statutory, adopted development plan for the District. Therefore, the Craven District Local Plan should guide decision making for the purpose of paragraph 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2 of the National Planning Policy Framework.
- 9.3 The application seeks to construct 4 no. detached dwellinghouses within a plot located just off Park Wood Close in Skipton. The site was formerly occupied by 1 residential dwelling and associated gardens and landscaping. The former dwelling was demolished in 2018 under application 2018/19291/DEM.
- 9.4 Local Plan Policy SP1 refers to the housing need within Craven. The policy highlights the overall identified housing need for the plan period and also sets out the principal means by which the housing need is to be met. Under Policy SP4 Skipton is identified as a Tier 1 settlement (Principal Town Service Centre) towards which most of the housing growth across the district is to be directed. Local Plan Policy SP5 outlines the strategy for Skipton and states that '*Skipton is the primary focus for growth*'. The policy then identifies a number of sites in Skipton which are allocated for residential development.
- 9.5 It is important to note that the application site is not identified within Local Plan Policy SP5 as a site allocated for housing. But this does not preclude it from being suitable for development as Local Plan Policy SP4 at criteria H states that housing proposals will be supported on non-allocated land for housing within the main built up areas of Tier 1 settlements, provided that they accord with all other relevant local plan and neighbourhood plan policies. In this instance the site is considered to be in the 'main built up area' which is defined as:

'...the settlement's closely grouped and visually well related buildings and any associated spaces between these buildings, and excludes:

1. *Individual buildings or groups of dispersed buildings or ribbon developments which are clearly detached from the main built up area of the settlement, and ribbon developments attached to the main built up area but where the housing relates more to the surrounding countryside than to the main built up area of the settlement, and*

2. *Gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where land relates more to surrounding countryside than to the main built up area of the settlement, and*
3. *Agricultural buildings and associated land on the edge of the settlement, and*
4. *Outdoor sports and recreational facilities and other formal open spaces on the edge of the settlement’.*

9.6 It is in officer opinion that the proposals are not excluded by any of the 4 criteria above, and whilst it is acknowledged that the site was previously occupied by 1 residential dwellinghouse and its residential curtilage, this is no longer the case and consequently the site does not fall into the category of a residential garden. For this same reason the site does not fall within the definition of previously developed land as defined within the Glossary to the NPPF. For the purposes of this application the site is an area of land that has retained its lawful residential use and is located within the ‘main built up area’ of Skipton where its development complies with Local Plan Policy SP4.

9.7 Local Plan Policy SP3 relates to housing mix and density. New housing developments will ensure that land is used in an effective and efficient manner to address local housing needs. The local authority will use 32 dwellings per hectare as a general guide for achieving an appropriate overall housing density across the plan area and across all tenures; the majority of housing should be 3 bedroomed, then 1 & 2 bedroomed and then finally aimed at 4+ bedroomed properties. It is noted that the local authority will be flexible with these general guidelines and will take account of local variations, scheme viability and where other local plan objectives dictate a different density.

9.8 In terms of this application, the scheme proposes 4 new detached dwelling houses, 3 of which are to be 4 bedroomed and 1 is to be 3 bedroomed.

In regards to the density proposed:

Application site measures: 0.2435ha (round up to **0.25ha**)

Local Plan Policy SP3 seeks a density of 32 dwellings per hectare.

0.25ha would equate to 8 dwellings .

9.9 In this case the application is proposing the construction of 4 dwellinghouses which would constitute underdevelopment as the site would need to provide 8 dwellinghouses in order to be consistent with Policy SP3. However, given the sites previous history, refusals at planning committee, and refusal by the Planning Inspectorate on appeal it is considered that there is justification in this instance to allow a lower density. This approach would in any case remain consistent with Policy SP3 which at part c) allows the local planning authority to be flexible in its requirements for housing mix and density where it is necessary to achieve other local plan objectives. In this case Policy ENV3 at criteria f) requires that development proposals demonstrate a good standard of amenity for all existing and future occupants of land and buildings. It is considered that this requirement is being met by the reduction in the number of houses on the site and that this then constitutes ‘*the other local plan objectives*’ referred to in Policy SP3.

Officer note: It is noted that on appeal the Inspector made no reference to the site being classed as ‘overdevelopment’ and actually dismissed the appeal based on the ‘*detrimental impact on the living conditions of No. 9 Park Wood Close with particular regard to outlook*’.

9.10 With regards to the housing mix proposed (1 no. three bedroomed house, 3 no. four bedroomed houses) this too would not be in accordance with Local Plan Policy SP3. However, given these exceptional circumstances it is not considered reasonable to require one or two bedroomed houses at this site. It is in officer opinion that the suggested 3 & 4 bedroomed properties proposed would be appropriate given the location, size of the site, density of properties proposed and the overall character of the area and wider street scene.

9.11 The conclusion drawn above would also appear to be in line with Local Plan Policy SD1, this policy seeks to deliver sustainable growth, and states that the Council should take a pro-active approach and work co-operatively with people and organisations wishing to carry out development. Solutions

should be met to secure sustainable development that meets relevant plan policies and can be approved wherever possible. It is therefore considered that this conclusion would be a sensible way to move forward with this site, and achieve 4 no. dwellinghouses which are located in a sustainable location, within the main built up area of Skipton, and is surrounded by other residential uses.

- 9.12 Local Plan Policy ENV4 relates to biodiversity. This policy states that proposals should ensure that there is no adverse effect on any international designated sites integrity, ensure that there is no adverse impact on any national or local designated sites and their settings, unless it can be demonstrated to the satisfaction of the local planning authority that the benefit of, and need for the development clearly outweighs the impact on the importance of the designation. Developments should avoid the loss of, and encourage the recovery or enhancement of ecological networks, habitats and species population by incorporating beneficial biodiversity features in the design, they should also conserve and manage the biodiversity and/or geodiversity value of land and buildings within the site, trees and woodlands should be increased by incorporating appropriate planting, using native and locally characteristic tree and plant species where possible, and retaining and integrating existing mature and healthy trees and hedgerows that make a positive contribution to the character, appearance and setting of an area. Proposals should also ensure there is no deterioration in the Water Framework Directive ecological status of surface or ground waterbodies as a result of the development, and enable wildlife to move more freely and easily throughout the local environment, including both the natural and built elements. The proposals are considered to be in line with this policy as the site is not located within any international, national or local designations, furthermore, a condition has also been recommended for a planting scheme to be approved by the CDC trees officer prior the dwellings occupation, this will allow native and locally characteristic tree and plant species to be incorporated throughout the site.
- 9.13 Local Plan Policy ENV7 refers to land and air quality. The policy seeks to safeguard and improve air quality by ensuring that development will avoid severe residual cumulative impacts of traffic congestion, and where possible ease existing traffic congestion. The location, layout and design of development should encourage walking, cycling and the use of public transport. Most importantly this policy seeks proposals where the location, layout and design of development will avoid or reduce harmful or unpleasant emissions from buildings, and mitigation measures will be introduced where necessary. As discussed within the highways impacts section of this report, this site is located within a sustainable location which should encourage walking, cycling and the use of public transport. It is therefore considered that the proposals are in line with Local Plan Policy ENV7.
- 9.14 Local Plan Policy ENV8 relates to water resources, water quality and groundwater. This policy seeks to safeguard and improve water resources by ensuring developments are served by adequate sewerage and waste water treatment infrastructure, which matches the type, scale, location and phasing of the development, it should also safeguard surface and ground water resources. Development should also seek to maximise opportunities for the incorporation of water conservation and reduce the risk of pollution and deterioration of water resources by anticipating any likely impact and incorporating adequate mitigation measures into the design. An attenuation report has been provided within the planning submission, in which NYCC LLFA and United Utilities were consulted on the proposals, no concerns have been raised in regards to water resources, water quality or groundwater, it is therefore considered that the proposals are in line with Local Plan Policy ENV8.
- 9.15 The report will now look at the sustainability of the proposals below.
- 9.16 In terms of the NPPF there is a presumption in favour of all forms of sustainable development provided that any adverse impacts of doing so would *significantly and demonstrably* outweigh the benefits. As highlighted within section 2 of the NPPF, achieving sustainable development means that the planning system has 3 overarching objectives – economic, social and environmental objectives. However, it is important to note that paragraph 9 of the NPPF does state that:

‘These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework, they are not criteria against which every decision can or should be judged’.

- 9.17 These objectives are all mutually independent and need to be pursued together in order to try and achieve net gains across each of the different objectives.

Economic

- 9.18 Whilst it is recognised that the proposed development would provide some economic benefits associated from the proposed dwellings, including the provision of construction jobs and from the future residents of the proposed dwellinghouses. It is also acknowledged that these benefits would be minimal and would not provide a significant material consideration in the planning balance of this application in this instance.

Social

- 9.19 In regards to social objectives, the proposal would provide some benefits as the development would provide 4 additional dwellings that could help to support the vitality of the local community. However, as the proposals are only for 4 dwellinghouses, it is acknowledged that the benefits arising from the scheme wouldn't be significant in this instance.

Environmental

- 9.20 Turning to the environmental dimension of sustainable development, it is acknowledged that the property would be located within the main built up area on a parcel of land that did once contain 1 dwellinghouse and gardens. The site is surrounded by other residential dwellings and is located within a sustainable location, in close proximity to the centre of Skipton. It is therefore considered that the proposals would not have a serious and harmful impact on the environmental dimension of sustainable development with regards to the impact on the landscape character of the area.
- 9.21 It is therefore considered, taking the above into account, that the proposals would be located within a sustainable location, within the main built up area of Skipton. It would provide some economic, social and environmental benefits. However it is acknowledged that these would not be significant benefits given that only 4 dwellings are proposed at the site. The proposals are however also considered to be in line with Local Plan Policies SP1, SP3, SP4, SP5, SD1, ENV4, ENV7 and ENV8, and guidance contained within the National Planning Policy Framework.

Scale, design and visual impact of the proposed development.

- 9.22 Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policy ENV3 also carries this interpretation in which Craven seeks to ensure that growth results in positive change which benefits the local economy, environment and quality of life, including health and wellbeing. This will be achieved by following the general design principles such as; context, infrastructure, ensuring development is accessible, art and culture, designing out crime, shop fronts/advertisements, and sustainable design and construction.
- 9.23 However, 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.
- 9.24 The application proposed 4 new detached dwellinghouses on a parcel of land which was previously occupied by 1 detached dwelling. The properties are to be two storeys in height, with car parking provided for 19 vehicles. The proposed development would sit between existing residential dwellings to the north, south and west. To the east is a public highways (Park Wood Close) and across from that, more residential dwellings.
- 9.25 Although the proposed dwellings can be said to be large in scale in comparison to what previously resided on the site, they are of a similar size and massing to what currently exists on Park Wood Close and within the surrounding area of Skipton. It is also noted that the proposals would create a small cul-de-sac; this is not uncommon within this location with a number of small cul-de-sacs being

found up along Rockwood Drive. The properties are all set back from the public highway and all consist of rear garden areas, along with amenity space to the front and side of the dwellings. The proposed materials consist of natural coursed split faced stone, natural grey slate roof tiles, double glazed upvc windows and doors in 'off white'. The proposed housing is traditional in style with a contemporary twist; they do not attempt to replicate any of the surrounding properties. It is nevertheless, an appropriate design that is respectful of its surroundings and would not appear incongruous in this location.

- 9.26 In conclusion, the proposals are considered to be appropriate in size, scale and design in this location, and that they would not appear incongruous or overly dominant in the general context of this site. It would provide an efficient use of a large portion of land, and it is in officers opinion that it would not have an unacceptable detrimental impact upon the character and appearance of the area.

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

- 9.27 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.
- 9.28 This is echoed within Local Plan Policy ENV3 states that development should protect the amenity of existing residents as well as creating acceptable amenity conditions for future occupiers. The policy also states that development should be able to demonstrate that they will secure a good standard of amenity for all existing and future occupants of land and buildings.
- 9.29 The application site is surrounded by residential dwellings in all directions. The nearest properties with the potential to be impacted are; The Coach House, Nos. 33, 35 and 37 Rockwood Drive and Nos. 9, 16 and 18 Park Wood Close.
- 9.30 The Coach House is located to the north of the application site. This property is most likely to be impacted by plot no. 4. In regards to overshadowing, due to the location and orientation of the plot no. 4 and The Coach House, there may be some overshadowing of the rear garden of this neighbouring dwelling towards the afternoon/evening however, it is in officer's opinion that there should be no overshadowing of any habitable room windows within The Coach House. In regards to overlooking and privacy, there are 3 windows proposed within the north elevation of plot 4. It is important to note however that these windows provide light into the hallway, en-suite and downstairs wc. A condition has been recommended by the officer in regards to all bathroom windows (including en-suite and downstairs wc) must be obscure glazed. This would mean that there is only one opaque window looking out across the garden of The Coach House and this would be from the hallway of plot 4. This is not a habitable room and therefore there are no concerns in regards to overlooking and lack of privacy at this neighbouring property. In terms of overbearingness, there is a separation distance of approximately 7.8m from the eastern elevation of plot 4 to The Coach House. However it should be noted that The Coach House has an attached double garage to the south and therefore if measured from the dwellinghouse itself to the eastern elevation of plot 4, there is an approximate separation distance of 16.4m. It is therefore in officer opinion that there are no concerns in regards to overbearingness in this instance. Representations have also been made in respect of the chimney proposed in plot 4, CDC Environmental Health were consulted on the proposals and provided no objections in respect of smoke from this chimney. If approved the chimney does cause issues to The Coach House, it would be for Environmental Health to inspect and to provide mitigation measures to help to alleviate these concerns.
- 9.31 No. 33 Rockwood Drive is located to the south west of the application site. This property is most likely to be impacted by plot 3. In regards to potential overlooking from Plot 3, one 1 window is proposed within the south-western elevation of plot 3. This window provides light into the proposed en-suite; a condition has been recommended which entails all bathroom windows (including en-suites and downstairs wc's) to be obscure glazed. It is therefore considered that there are no concerns in regards to overlooking from this dwelling into the neighbouring property at no. 33. Whilst it is acknowledged that there will be a material change to the rear of no. 33 as the existing high

hedges are to be removed, it is considered that given the location, orientation and separation distances between No. 33 and Plot 3, it is considered that there will be no concerns in regards to overshadowing or the proposed dwelling becoming overbearing.

- 9.32 Nos. 35 & 37 Rockwood Drive are also located to the south west of the application site. These properties are most likely to be impacted by plot 2. In regards to overlooking, no windows are proposed within the western elevation of plot 2 and is it therefore considered that there are no concerns in regards to loss of privacy at nos. 35 & 37 Rockwood Drive. In terms of overshadowing, given the location, orientation and separation distances between Plot 2 and Nos. 35 & 37, it is not considered that there will be any concerns in regards to the loss of light of these neighbouring properties. It is also considered that the proposals will not appear overbearing as there is a separation distance of approximately 10m (No. 35 Rockwood Drive) and 11.4m (No. 37 Rockwood Drive) to plot 2. Furthermore, on the western elevation of plot 2 there is a single storey attached garage (measuring approximately 6m in width), this provides a buffer between these neighbouring properties and the two storey element proposed at plot 2.
- 9.33 39 Rockwood Drive is located to the south of the application site; this property is most likely to be impacted by plot 2. In terms of overlooking 3 windows are proposed within the southern elevation of plot 2, a set of bi-fold doors are also proposed within the elevation at ground floor level. Whilst the properties rear garden area will be open to views from plot 2's rear windows, this level of overlooking is not uncommon within this area, the property is already overlooked by a number of neighbouring dwellings, and there would be no direct views into habitable room windows from the proposed house. It is therefore considered that the addition of one further dwelling would not have such a significant impact on the loss of privacy on No. 39 to recommend that the application be refused. In terms of overshadowing, due to the orientation and location of the proposed dwelling and this neighbouring property, it is not considered that there will be any adverse impacts arising from the loss of light if this dwelling is approved. In regards to overbearingness, given the separation distances and the location of the proposed dwelling; it is not considered that the house could be considered to be overbearing in this instance.
- 9.34 9 Park Wood Close is located to the south of the application site. This property is most likely to be impacted by plot 1. This neighbouring property residential amenity and privacy has been considered under every application at this site. In the Inspectors report for the appeal of application reference 2018/19747/FUL, the appeal was dismissed on the basis that there would be a '*...detrimental impact on the living conditions of No. 9 Park Wood Close with particular regard to outlook*'. The current submission has taken the concerns raised within the Inspectors report and although the dwelling proposed is still two storeys in height, it has been stepped back significantly from the boundary of the application site to allow a separation distance of approximately 7.3m, it is therefore considered that the proposals are no longer significantly overbearing to No. 9 Park Wood Close. The windows within this rear elevation have also been removed and replaced with skylights, which would allow occupiers to look out over the property, rather than into the dwelling or its amenity area. Whilst there are still bi-fold doors proposed within the southern elevation of plot 1, it is considered that the proposed 1.8m high close boarded fence would screen this element of the proposals. In terms of overshadowing, due to the orientation and location of the proposed dwelling, there are no concerns to the loss of light at No. 9 Park Wood Close.
- 9.35 Nos. 16 & 18 Park Wood Close are located to the east of the application site, on the opposite side of the street. These properties are most likely to be impacted by plot 1. In regards to overlooking there are 6 windows located within the eastern elevation of the proposed dwelling. These windows provide views from the living room, utility and bedrooms 3 & 4. It is important to note that there is a separation distance from plot 1 to the boundary of the site of approximately 13m. There is then the public highway and the front gardens of Nos. 16 & 18 Park Wood Close to take into consideration. There is therefore a separation distance of approximately 30.5m to No. 16 Park Wood Close and 31m to No. 18 Park Wood Close. Furthermore nos. 16 & 18 Park Wood Close are stepped down from the highway and the application site is slightly raised up. This does mean that there will be no direct views into windows of these neighbouring dwellings.

- 9.36 In conclusion, the proposals submitted have provided a reduce scheme from 6 dwellings down to just 4, this has enabled a more spacious arrangement, and has allowed for larger amenity areas both to the side and back of the proposed dwellings. These larger spaces have allowed for more respectful buffers between neighbouring properties, 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.

Highway issues

- 9.37 The site is accessed to the east off Park Wood Close in Skipton. The application proposes 3 no. visitor car parking spaces and 16 no. off-street car parking spaces for the dwellinghouses. Notwithstanding this, the application site is located in a highly accessible and sustainable location. Skipton centre is located just a 15 minute walk away, with the nearest bus stop just a 5 minute walk from the site. Finally, Skipton railway station is located an 18 minute walk away from the application site.
- 9.38 Local Plan Policy INF4 refers to the parking provision and management of cars and other vehicles within new developments. The aim of this policy is to minimise congestion, encourage sustainable transport modes and reduce conflict between road users. Developments should provide safe, secure and convenient parking of an appropriate quantity, including the need for parking or secure storage for cars, cycles and motorcycles. Encouragement will be given to the increase of use of low emission vehicles, including where appropriate the provision of electric vehicle charging points and the incorporation of SuDs.
- 9.39 Local Plan Policy INF7 relates to sustainable transport and highways. The spirit of the policy is that development should maximise opportunities to travel by non-car modes, reduce greenhouse gases and congestion and provide safe and accessible travel facilities, which avoid severe residual cumulative impacts relating to transport.
- 9.40 Local Plan Policy ENV12 relates to footpaths, bridleways, byways and cycle routes. The Council seeks to support proposals which avoid obstruction, diversion or confinement of existing footpaths, bridleways, byways and cycle routes, particularly where they would provide new links to enhance the local network. Proposals will also be supported if they improve access for disabled people, create links between new development and the local network, create, enhance or extend national trails, enhance green infrastructure corridors, contribute to the creation of town or village loops, or include short, well-surfaced, stile free circuits available for wheelchair users and people with limited mobility.
- 9.41 The NPPF policy requirement is that permission should only be refused on highway grounds if the impacts of granting permission are shown to be severe. In this case it is not considered that the impact of the development would be severe in terms of highway safety grounds. This is due to NYCC Highways having no objections to the proposals, subject to conditions and informatives relating to mud on the highway, the construction of roads and footways and detailed plans of road and footway layouts. The proposals are therefore considered to be in line with the policy requirements of Local Plan Policies INF4, INF7 and ENV12 of the Local Plan and the guidance contained within the NPPF, and is therefore considered to be acceptable in terms of highway safety.
- 9.42 Conclusion
- 9.43 The application relates to the construction of 4 no. detached dwellinghouses within the main built up area of Skipton. Although the site could be classed as being 'underdeveloped', this approach is considered to be the most reasonable given the sites previous history. It is also considered practical to allow a mix of 3 four bedroomed properties and 1 three bedroomed property at this site for this reason. Whilst the proposals would provide some economic, social and environmental benefits, these would not be significant given that only 4 dwellings are proposed at the site. However, the proposals are considered to be compliant with NYCC highways standards, and deemed to be acceptable in respect of residential amenity. The proposed dwellings would be of a similar size and height to other residential developments within and around Skipton and the proposed design and materials are considered to be appropriate in this location.

- 9.44 The proposal is therefore considered to be in accordance with the relevant policies of the Craven District Local Plan 2012-2032 and the objectives of the National Planning Policy Framework.
- 9.45 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. 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 planning permission should be granted.

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 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Plans

- 2 This permission relates to the following plans:
- Drawing No. 808.01(--)001 - Location Plan, received 9th October 2019;
 - Drawing No. 808.01(--)002 - Existing Site Plan, received 9th October 2019;
 - Drawing No. 808/01/200 Rev B - Additional Planting, received 9th October 2019;
 - Drawing No. 808/01/201 - Plots 1 & 2, received 9th October 2019;
 - Drawing No. 808/01/202 - Plots 3 & 4, received 9th October 2019;
 - Drawing No. 808/01/203 - Section Drawings, received 9th October 2019;
 - Attenuation Report dated 3rd October 2019, received 21st October 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 Local Plan and the National Planning Policy Framework.

- 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 following drawings and details have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

a. Details engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:

- The proposed highway layout including the highway boundary
- Dimensions of any carriageway, cycleway, footway, and verges
- The proposed buildings and site layout, including levels
- Accesses and driveways

- Drainage and sewerage system
 - Lining and signing
 - Traffic calming measures
 - All types of surfacing (including tactiles), kerbing and edging.
- b. Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
- The existing ground level
 - The proposed road channel and centre line levels
 - Full details of surface water drainage proposals.
- c. Full highway construction details including:
- Typical highway cross-sections to scale of not less than 1:50 showing a specification for all types of construction proposed for carriageways, cycleways and footways/footpaths
 - When requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
 - Kerb and edging construction details
 - Typical drainage construction details
- d. Details of the method and means of surface water disposal.
- e. Details of all proposed street lighting.
- f. Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
- g. Full working drawings for any structures which affect or form part of the highway network.
- h. A programme for completing the works.

The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority with the Local Planning Authority in consultation with the Highway Authority.

Reason: To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.

- 4 There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

Reason: To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

Before the Development is Occupied

- 5 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 completions 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.

- 6 Notwithstanding any details shown on the approved plans and the requirement of condition 2 of this permission, prior to any of the dwellinghouses hereby approved being occupied, 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: 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.

Ongoing Conditions

- 7 Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B and C 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, to ensure that satisfactory provision of outdoor amenity space for the dwellinghouse is maintained and to safeguard the amenities of the occupiers of adjacent dwellings.

- 8 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning condition.

Reason: To ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity of the development.

- 9 Notwithstanding the provisions of Schedule 2, Part 1, Class A 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), all bathroom windows (including en-suites and downstairs WC's) in the hereby approved dwellinghouses shall be obscurely glazed to a minimum of level 3 on the Pilkington Scale (where 1 is the lowest and 5 the greatest level of obscurity) before the dwellings hereby approved are first occupied, and shall be retained as such thereafter.

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

- 10 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.

Informatives

1. During construction there is a potential for noise nuisance to nearby residential properties.

Operating times for construction should be limited to:

- 08:00am - 18:00pm Monday to Friday
- 08:00am - 13:00pm Saturday
- No Sunday or Bank Holiday working.

2. 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.
3. 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.

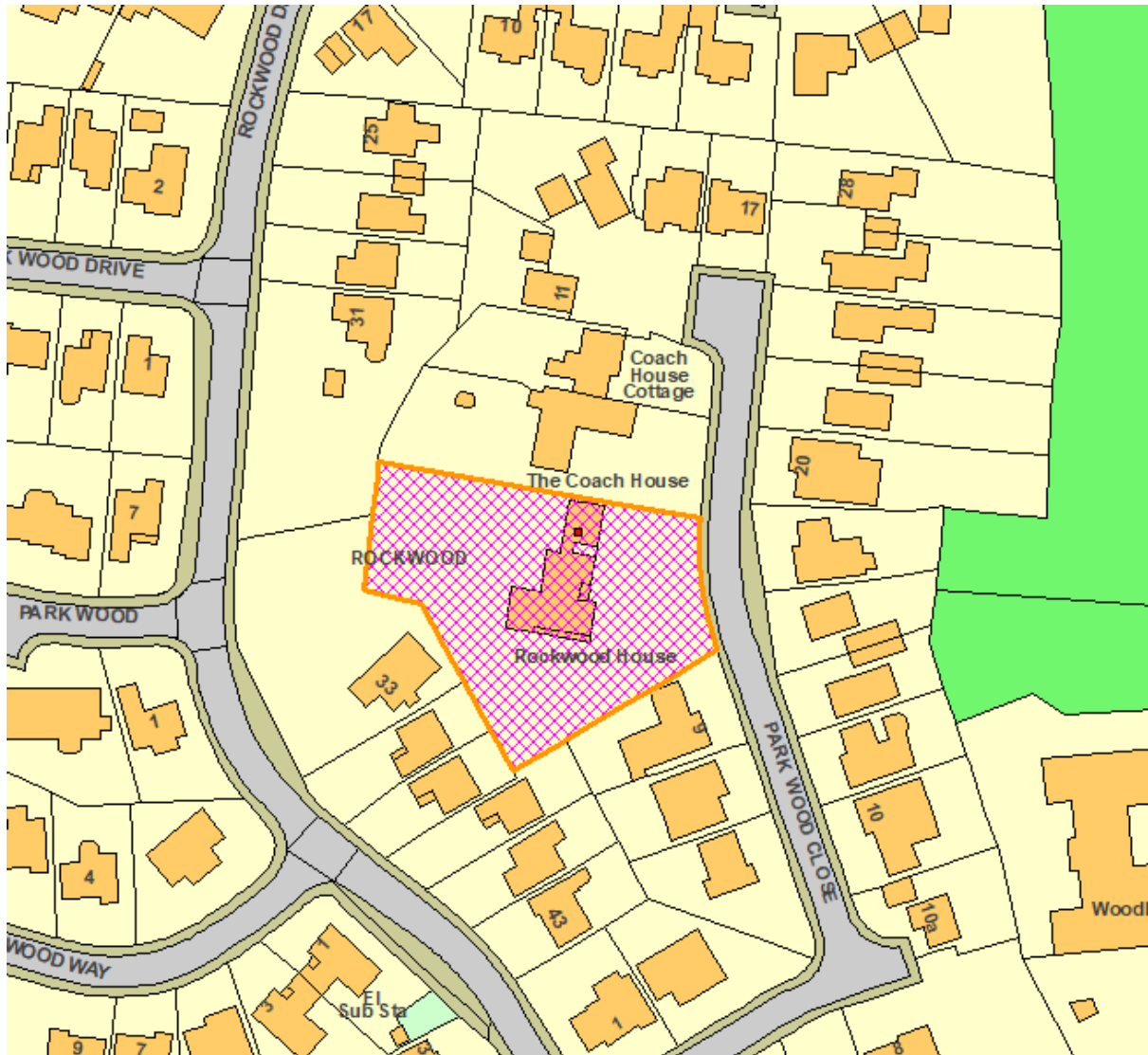
4. In imposing condition no. 3 it is recommended that before a detailed planning submission is made a draft layout is produced for discussion between the applicant, the Local Planning Authority and the Highway Authority in order to avoid abortive work. The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.

5. Charging Points

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

6. 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: 2019/21049/FUL

Proposal: Construct 4 dwellings between 3 & 4 bedrooms with associated vehicular access and landscaping.

Site Address: Rockwood House Park Wood Close Skipton BD23 1QW

On behalf of: Firth Developments Ltd

REPORT TO PLANNING COMMITTEE ON 16th December 2019

Application Number: 2019/20724/FUL

Proposal: Retention of existing biomass boilers

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

On behalf of: Mr & Mrs Barker

Date Registered: 22nd July 2019

Expiry Date: 16th September 2019

EOT Date, if applicable: 29th November 2019

Case Officer: Miss Katie Chew

This application has been referred to planning committee by the Strategic Manager for Planning and Regeneration.

1. Site Description

- 1.1 Anchor Croft Farm is an established business whose land is split into 5 parcels totalling approximately 12.5 hectares. The site comprises of an existing storage/processing building to the west, residential dwelling to the north east, and further associated buildings to the business adjacent to the dwelling.
- 1.2 The application site is located within a cluster of existing development, located to the west of the main settlement of Gargrave.

2. Proposal

- 2.1 The application seeks retrospective planning permission for the retention of 2 existing biomass boilers (Central Boiler E-Classic 3200) located to the south east of the existing dwelling at Anchor Croft Farm, a further biomass boiler (Dragon Boiler D330) is to be retained to the north of the existing storage building located to the west of the site.
- 2.2 The biomass boilers address the local need for the facilities that are able to dry logs to meet the standards required for 'Wood sure and Ready to Burn' Schemes which the Government have put in place to ensure that dry wood is burnt on household fires. The purpose of the boilers is to create heat which is used to warm the two kilns on site to dry the timber products. A large portion of the logs are collected from golf clubs etc. within the local area however, the applicant has confirmed that some logs are also imported from countries abroad in order to meet the local demand.
- 2.3 An Environmental Permit has been applied for and the process will be regulated under Section 6.6, Part B, The Environmental Permitted (England and Wales) Regulations 2016.

3. Planning History

- 3.1 2019/20194/FUL – Erection of new steel portal framed building. Pending decision.
- 3.2 2019/20193/FUL – Extension to existing building. Pending decision.
- 3.3 2019/20192/FUL – Extension to existing building. Pending decision.
- 3.4 2018/20026/PNAG – Prior notification for extension to existing forestry building. Refused 9th January 2019.

- 3.5 20/2014/14679 – Prior notification for change of use from agriculture to shop. Prior approval not required 15th July 2014.
- 3.6 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.
- 3.7 30/2007/7909 – New conservatory. Approved 29th October 2007.
- 3.8 30/2004/4729 – Alterations and extensions to agricultural workers dwelling. Approved 31st January 2005.
- 3.9 30/2004/4305 – Extensions to existing dwelling. Approved 4th June 2004.

4. Planning Policy Background

- 4.1 Gargrave Neighbourhood Development Plan (July 2019)
- 4.2 Craven Local Plan (2012-2032) – SD1 ‘Presumption in Favour of Sustainable Development’, SD2 ‘Meeting the Challenge of Climate Change’, ENV1 ‘Countryside and Landscape’, ENV3 ‘Good Design’, ENV7 ‘Land and Air Quality’, ENV9 ‘Renewable and Low Carbon Energy’, ENV12 ‘Footpaths, Bridleways, Byways and Cycle Routes’.
- 4.3 National Planning Policy Framework (as amended February 2019)
- 4.4 Planning Practice Guidance (2012)

5. Parish/Town Council Comments

- 5.1 Gargrave Parish Council – Comments received 22nd August 2019. The Parish Council object to the proposals and provided the following comments:

‘The Parish Council has concerns about the aesthetic and environmental aspects of this application. The application states that the development is not visible from the highway or from a public right of way. This statement is simply wrong. One chimney in particular is clearly visible from the A65, from the footpath of the Leeds-Liverpool canal and indeed from the public footpath that runs through the site. The development is adjacent to the Grade 2 listed structures on the canal and a report from Craven’s heritage consultant on the associated application for additional storage has already drawn attention to the detrimental effect of the site on the visual amenity. Turning to the environmental impact, the Parish Council has received a number of complaints from villagers about smoke and fumes from this site. The application does not include any evidence of the nature or possible impact of emissions from the site. Complaints have come from Marton Road and the centre of the village so the impact is widely felt. The Parish Council has no wish to close the business down but before the application is granted we feel that there must be a robust assessment of emissions from the boilers, an equally robust assessment of what can be done to avoid nuisance or health risks from the smoke, and a comprehensive screening plan. Operations at Anchor Farm are now industrial in both nature and appearance. They have nothing to do with farming or forestry. This is development in the open countryside on a site not designated for industrial use in Craven’s Draft Local Plan or in the Gargrave Neighbourhood Plan which is now in force and must be taken into account. The planning officer’s report on the associated application for additional storage failed to recognise or address any of these issues and we would ask that on this occasion they be given proper consideration’.

Officer note: The Parish have made reference to the potential impact on the Grade II Listed Lock, this has not been discussed within the officer report as it is in officer’s opinion that this structure would not be impacted by the retention of the existing biomass boilers on site due to them being somewhat hidden by other buildings and structures on site.

6. Consultations

- 6.1 CDC Environmental Health – Comments received 3rd September 2019.

‘In relation to planning application 2019/20724/FUL, I have received some nuisance complaints from residents living in the vicinity of Anchor Croft Farm, Gargrave, relating to noise from the reverse

alarms fitted to on site vehicles and smoke emanating from the chimneys of the biomass boilers. On assessing the application and considering the complaints, I request the following conditions are imposed...’.

6.2 Conditions recommended relate to smoke from the biomass boilers and noise from onsite vehicles.

Officer note: A site visit was undertaken on the 4th October 2019 with an environmental health officer. It was confirmed on site that the processes being undertaken by the applicants were acceptable and to a high standard. The applicants are burning virgin timber only within their biomass boilers, at a water content of 20% or less. The Environmental Health officer has advised that the above is acceptable and that the biomass boilers are being run as they should be.

Further comments were received on the 28th November 2019. The Environmental Health Officer states:

‘Around the same time the recent planning application for this site was received, the environmental health department was made aware by Ofgem that three biomass boilers had been installed at Anchor Farm, Gargrave, though the governments renewable heating incentive scheme (RHI). It must be noted that such boilers are emission tested prior to commissioning to ensure they are compliant with the relevant regulations.

The environmental health department are responsible under the Environmental Permitting Regulations (England and Wales) 2016, Schedule 1, Part 2, Chapter 5, Section 5.1, Part B, (a) (v) to permit combustion appliances with an aggregate capacity of 50kg or more of wood waste; this information was relayed to the proprietors of Anchor Logs subsequently leading to them to submit an environmental application.

Further to receiving the environmental permit application, due process was followed and we notified local Councillors, relevant agencies, residents and businesses in the immediate vicinity of the application as part of the statutory consultation process; I also scheduled an inspection of the premise so I could get an understanding of the processes taking place on site and fully determine as to whether an environmental permit was required. As part of the consultation process the department had 4 responses expressing concerns about smoke from the boilers impacting those in the area i.e. Marton Road. I responded to all those who submitted comments and met with 3 of the responders; at the meetings I advised that I cannot refuse an environmental permit where conditions can be imposed to control pollution and that it will be beneficial to have such controls in place to alleviate the smoke issues identified, this appeared to be understood.

On the 4th October 2019, I undertook an inspection of the premises; prior to this visit I made Mr and Mrs Barker aware of the consultation responses (addresses and names were not disclosed). They advised that prior to the inspection it had been identified that some staff members were not putting wood into the boiler with the correct moisture content as specified in the manufacturers operating guidance i.e. <20% for the Central Boilers; this consequently was causing abnormal levels of smoke to be emitted from the flues. On the inspection I was advised all relevant staff have now been trained on how to correctly operate the boilers in accordance with manufacturer’s instructions and it was observed that the moisture content of the wood fuel was being checked by use of a moisture metre (protimeter).

In determining waste wood, environmental health must have regard to the Environment Agencies ‘Waste Wood Quick Guide 43_17’. In this document it states “Virgin timber is not waste. We will not apply waste controls to virgin timber residues if the residues are certain to be used for the same purpose to which you would use virgin timber. This includes: fuel in an appliance such as a biomass boiler or wood burning stove (but not burning in open for disposal)”. On the inspection and from examining consignment records, it was identified that the wood fuel burnt in the boilers was virgin timber only and in accordance with the Environment Agencies guide this fuel type is not classified as waste, consequently I determined a section 5.1 permit was not required for the operation of the biomass boilers.

However, upon examining the entire process undertaken on site, I concluded that a permit was required under The Environment Permitting Regulations (England and Wales) Regulations 2016,

Schedule 1, Part 2, Chapter 6, Section 6.6; this section relates to the processing of wood (cutting, sawing, curing etc) with a throughput over a 12 month period of 1000 cubic meters. The statutory guidance for this process which the Council must take account of when drafting permits and setting conditions mainly relates on the control of dust emissions i.e. sawdust, however, there is some focus on smoke control from the combustion process linked to kiln drying. The statutory guidance for the previous application related almost wholly to combustion.

I can confirm that we have received an environmental application for the working of wood which is currently being processed, the information that forms part of this application is on our website and includes documents such as a timber process management plan, emission and commissioning certificates etc.; see <https://www.cravendc.gov.uk/environmental-health/pollution-public-health/air-pollution/permitted-processes/>

Consultation letters regarding this application have again been sent to local councillors, various agencies and those residents and businesses in the immediate vicinity’.

7. Representations

7.1 Site Notice – Expired 23rd August 2019.

7.2 Press Notice – Expired 22nd August 2019.

7.3 Neighbour Letters – Expired 19th August 2019.

7.4 3 representations have been received to date, comments are summarised below.

- The machinery can be heard anytime day or night across on Marton Road with the reversing beepers late at night – noise pollution;
- Anchor Logs is in the countryside and not an industrial estate;
- If planning permission is granted CDC and Anchor Logs should be held accountable for the health hazard it is subjecting local residents in Gargrave to;
- Affects the garden centre;
- The village primary school gets covered in smoke;
- Biomass boiler will encourage Anchor Logs to increase the business impacting the local community;
- Affects tourists to the village and puts people off coming back;
- Anchor Logs already have billowing smoke coming out of a chimney that never got planning permission in the first place;
- Smoke engulfs neighbouring properties on a regular basis and people cannot sit in their gardens, open windows or hang their washing out to dry;
- When walking on the canal you are engulfed by smoke leaving people gasping for breath and stinging eyes.

Officer note: In response to the representations received above, an Environmental Health officer has visited the site and assessed the proposals, deeming them to be acceptable and safe. If any concerns arise in regards to smoke or noise moving forward, neighbours are recommended to contact the Environmental Health team so that they can investigate the issues. The biomass boilers are existing and this application is to retain them, not to expand the business.

8. Summary of Principal Planning Issues

8.1 Principle of development and visual impact.

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

9. Analysis

Principle of development and visual impact.

- 9.1 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 1990 (as amended) the Development Plan is the current Craven District Local Plan adopted in 2019. Therefore planning applications will be assessed against the adopted Local Plan and the NPPF.
- 9.2 In July 2019 the Gargrave Neighbourhood Development Plan was “made”, the proposals are partially located within the settlement boundary identified by the plan, the other part of the proposals are located outside this settlement boundary. The site as a whole has no proposed allocations within the Neighbourhood Plan. The plan does identify that any expansion of employment operations in the village should be undertaken sensitively.
- 9.3 Local Plan Policy ENV1 seeks to ensure that the quality of Craven’s countryside and landscape is conserved for future generations to enjoy; and that opportunities to restore and enhance the landscape are taken wherever possible.
- 9.4 Local Plan policy ENV7 refers to land and air quality. The policy seeks to safeguard and improve air quality by ensuring that development will avoid severe residual cumulative impacts of traffic congestion, and where possible ease existing traffic congestion. The location, layout and design of development should encourage walking, cycling and the use of public transport. Most importantly this policy seeks proposals where the location, layout and design of development will avoid or reduce harmful or unpleasant emissions from buildings, and mitigation measures will be introduced where necessary.
- 9.5 Local Plan Policy ENV12 relates to footpaths, bridleways, byways and cycle routes. The Council seeks to support proposals which avoid obstruction, diversion or confinement of existing footpaths, bridleways, byways and cycle routes, proposals which enhance the route, usability and amenity value, schemes which accommodate existing footpaths, bridleways, byways and cycle routes with green open space and/or create new footpaths, bridleways, byways and cycle routes, particularly where they would provide new links to enhance the local network. Proposals will also be supported if they improve access for disabled people, create links between new development and the local network, create, enhance or extend national trails, enhance green infrastructure corridors, contribute to the creation of town or village loops, or include short, well-surfaced, stile free circuits suitable for wheelchair users and people with limited mobility.
- 9.6 Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policy ENV3 also carries this interpretation in which Craven seeks to ensure that growth results in positive change which benefits the local economy, environment and quality of life, including health and wellbeing. This will be achieved by following the general design principles such as; context, infrastructure, ensuring development is accessible, art and culture, designing out crime, shop fronts/advertisements, and sustainable design and construction.
- 9.7 However, 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.
- 9.8 Section 6 of the NPPF discusses how LPA’s should be supporting developments that assist business growth in rural areas. This application is seeking permission for the retention of existing biomass boilers which play a key role in the Anchor Logs business. Paragraph 154 of the NPPF also states that LPA’s should recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and approve applications if its impacts are (or can be made) acceptable.
- 9.9 Local Plan Policy SD2 refers to climate change. The Local Plan seeks to adopt proactive strategies to mitigate and adapt to climate change. The Local Plan supports the move to a low carbon future

and actively supports energy efficiency improvements to existing buildings, and supports renewable and low carbon technologies.

- 9.10 Local Plan policy ENV9 relates to renewable and low carbon energy. Proposals will be supported where they offer a good balance of economic, environmental and social benefits, and are not outweighed on balance by one or more negative impacts. They should ensure that there are no significant adverse impacts on natural, built and historic assets and that they harmonise with the local environment and respect the character of the immediate setting and wider landscape. Proposals should safeguard the amenity of local residents and communities, and ensure that satisfactory mitigation can be achieved to minimise impacts such as noise, smell or other pollutants. Finally, proposals will be supported where the potential cumulative impacts are not found to be significantly adverse.
- 9.11 In this instance the existing biomass boilers are located 1 (Dragon Boiler D330) to the north of the existing 'barn' and 2 (Central Boilers E-Classic 3200) to the south east of the existing dwelling. The Dragon Boiler measures approximately 2.3m in height with an addition 5m flue, 4.05m in length and 1.72m in width. This boiler is visible from the public highway but as views are fleeting it is not considered to be significantly adverse. The other 2 Central Boilers measure approximately 2.2m in height, with an additional 4m of flue, 1.72m in length and 1.27m in width. These boilers are somewhat screened by high conifer trees and it is therefore considered that these boilers have minimal impact on the character and appearance of the area. It is important to note that there is a PROW located to the south of the site, the applicant has fenced this route off and installed an access gate to allow safe passage for walkers, whilst the bio mass boilers may be visible from the PROW, they are viewed amongst other industrial buildings and machinery and therefore in officer's opinion do not appear incongruous within their surroundings.
- 9.12 In conclusion, the application site is located within a cluster of existing development, which comprises a hotel, restaurant and garden centre, to the west of the main settlement of Gargrave. It is considered that the proposals are not sporadic or inappropriate given the nature of the application site and the business operating from it. The biomass boilers are required for the rural business to operate from the site and are small in scale and size in comparison to existing structures located there, it should also be noted that they provide a small-scale contribution to cutting greenhouse gas emissions. The proposals are considered to be of a scale and design compatible and proportionate to the existing site, and whilst would be partially visible from the surrounding highways, would not have any significantly adverse impacts on the character and appearance of the area. It is also considered that taking this approach in this instance would be pro-active and in line with Local Plan policy SD1 and paragraph 11 of the NPPF, which states that unless there are any adverse impacts of granting permission for a proposal that would significantly and demonstrably outweigh the benefits, then there should be a presumption in favour of sustainable development. Furthermore, the proposals are considered to accord with Local Plan policies ENV1, ENV7, ENV9, ENV12 and SD2, and the National Planning Policy Framework, and therefore the proposals are deemed to be acceptable in principle.

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

- 9.13 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 states that all development should protect the amenities of neighbouring residents and occupiers.
- 9.14 There are no residential properties lying immediately adjacent to the site except the applicants dwelling, which is located within the middle of the site. Across the A65 to the north is a residential dwelling located approximately 120 metres away. CDC's Environmental Health officers were consulted on this application and provide no objections but do recommend conditions relating to smoke emissions and noise.

Officer note: Whilst the noise condition recommended by CDC Environmental Health is noted, it is considered that applying this condition would not be reasonable in respect to this application, which

is simply for the retention of existing biomass boilers. The above has been discussed with the Environmental Health officer who understands and agrees with this decision.

9.15 In conclusion, it is considered the proposal would not cause any significant detrimental impact on the privacy and amenity of any neighbouring properties in accordance with the requirements of the National Planning Policy Framework and the general development principles of the Local Plan.

9.16 Conclusion

9.17 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. 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 planning permission should be granted.

10. Recommendation

10.1 Approve with Conditions

Conditions

Approved Plans

1 This permission relates to the following plans:

- Site Location Plan - Drawing No. CD158-1, received 17th July 2019;
- Site Plan - Drawing No. CD158-2, received 17th July 2019;
- Elevations - Drawing No. CD158-3, received 17th July 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 Local Plan and the National Planning Policy Framework.

Ongoing Conditions

2 Emissions from the biomass boilers hereby approved shall be free from dark smoke and shall not exceed the equivalent of Ringlemann Shade 1 as described in British Standard BS2742:2009. In addition emissions shall be free from offensive odour as assessed on the site boundary by the Local Planning Authority.

Reason: To protect the amenity of the locality, especially for people living and working nearby.

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: 2019/20724/FUL

Proposal: Retention of existing biomass boilers

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

On behalf of: Mr & Mrs Barker

REPORT TO PLANNING COMMITTEE ON 16th December 2019

Application Number: 2019/20773/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: 30th August 2019

Expiry Date: 25th October 2019

EOT Date, if applicable:

Case Officer: Mr Neville Watson

Referred to Committee by Planning Manager, previous decisions by Committee.

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. Works to remove the off-shoots commenced last year. What remains on site is a rectangular building with two substantial buttresses to the front elevation and one buttress on the rear elevation. This current application seeks to retain a simple rectangular building with a floor area of approximately 140sqm. 5m. to the eaves and 8 m. to the ridge. The reconstructed buttresses formed part of the flank walls to the offshoots, but it is now proposed to remove the buttresses.

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.
- 3.10 2018/19919/FUL. Application to retain the building with the buttresses. Refused 3 June 2109 for the following reason.

'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'.

4 The Policy Position

- 4.1 The relevant policies in the Local Plan 2012-2032 are as follows:-
- 4.2 Policy ENV1 of the Local Plan Countryside and Landscape seeks to respect the landscape character of the area. This policy reinforces the policy base on which previous decisions have been made.
- 4.3 Policy ENV3 Good Design. This policy seeks to ensure that development should respond to the context and proposals shall be based on a proper understanding and appreciation of environmental features including both natural and built elements. Design should reflect the form of existing buildings.
- 4.4 Policy EC3 Rural Economy. This policy supports new farm buildings to enable the farm to function efficiently.
- 4.5 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 is the same as previously stated and we hope 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 or applicant resources on this planning dispute.

6 Consultations

6.1 None

7 Representations

7.1 None

8 Summary of Main Planning Issues

8.1 The implications of retaining the building without the buttresses

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 current application as submitted is 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 (with the buttresses) 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 what is on site 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 three applications in an attempt to retain the building in the form considered unacceptable to Inspector Dowsett (see paragraphs 3.8.,3.9 and 3.10) 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. 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.
- 9.8 However, the current application seeks to retain the building without the buttresses, but it is necessary to include an appropriate condition to secure the removal of the buttresses within an appropriate timescale following the Inspector's condition. The applicant's agent has stated "I can confirm that my clear advice to the Applicant is that any condition requiring the removal of the flank walls attached to a planning permission should be complied with". It would also be appropriate to remove permitted development rights without which it may be possible to extend the building in a form similar to or indeed larger than the development considered by both Inspector's.
- 9.9 Conclusion
- 9.10 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. Notwithstanding the complex history to this site it is considered that subject to the removal of the buttresses will satisfy the requirements of Policies ENV1,

ENV3 and EC3 of the Local Plan and approval is recommended. Once the buttresses have been removed the enforcement notice can be withdrawn. In the absence of compliance with the recommended condition due consideration would have to be given to pursuing the requirements of the enforcement notice that would require the removal of the whole building.

10. Recommendation

10.1 Approve with Conditions

Conditions

Approved Plans

- 1 This permission relates to the following plans:-
Location Plan P1572/003 received on 18 July 2019
Floor Plan received on 18 July 2019
Elevations received on 18 July 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.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies in the Craven Local Plan 2012- 2032.

During Building Works

- 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 three months of the date of this permission the building shall be altered by the removal of the buttresses in accordance with the details shown on the floor plans and elevations received on 18 July 2019.
 - 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.

Reason: To ensure compliance with the approved plans in the interests of the visual amenities of the countryside.

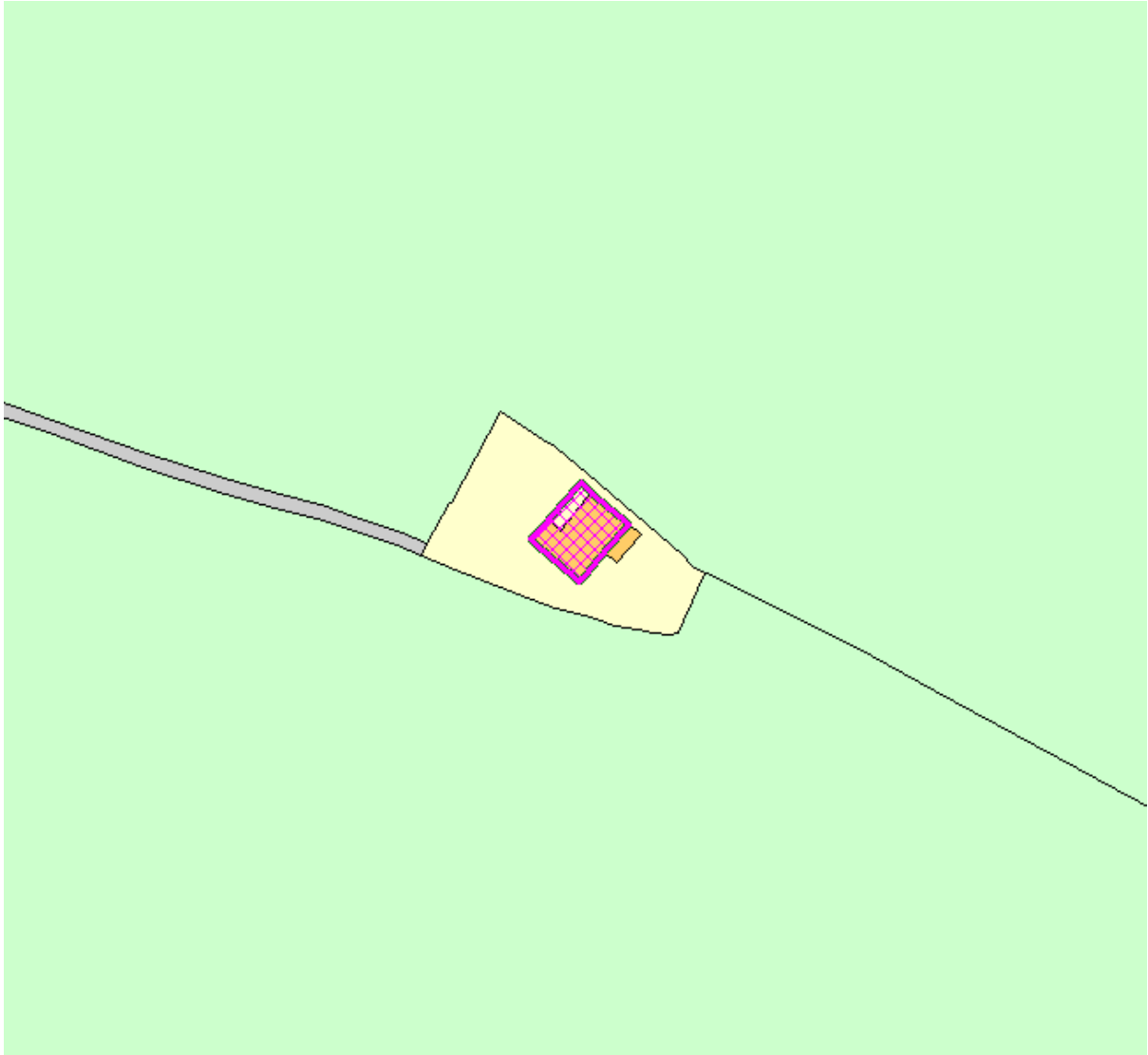
Ongoing Conditions

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order 2015 (as amended) or any Order revoking or re-enacting that Order the premises shall only be used for agricultural purposes and for no other purpose whatsoever (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 those Classes in any statutory instrument revoking and re-enacting that Order with or without modification

Reason: To ensure compliance with the provisions of the Craven Local Plan 2012-2032

- 4 Notwithstanding the provisions of Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) the agricultural building hereby approved shall not be extended or altered without the formal approval in writing of the Local Planning Authority.

Reason: To avoid adverse landscape impact.



Application Number: 2019/20773/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

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:

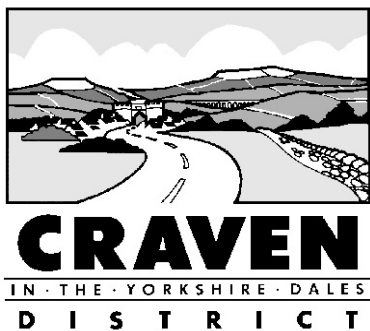
Neville Watson – Development Control Manager, Craven District Council
Cathy Dakin – Enforcement Team Leader, Craven District Council

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
SKIPTON
North Yorkshire
BD23 1FJ

(Main Switchboard) Telephone: 01756 700600

Craven District Council - List of Planning Decisions made between 16.11.2019 & 04.12.2019

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
2018/19563/REM	Henry Boot Developments Ltd & Bellway Homes Ltd (Yorkshire)	Land North Of A629 And West Of Carleton Road Skipton BD23 3BT	Revised description 188 dwellings with associated internal roads, parking and landscaping alongside highways and drainage infrastructure for this development and the wider development site. The original outline application was EIA development and an Environmental Statement was submitted to the planning authority at that time.	Approve with Conditions	22.11.2019
2018/20053/CND	Henry Boot Developments Ltd And Bellway Homes Ltd	Land North Of A629 And West Of Carleton Road Skipton	Application to discharge condition no. 23 of planning approval referenced 2017/18136/VAR granted 16.03.2018	DOC satisfactory	27.11.2019
2019/20701/MMA	Mr Chris Jardine	Gill Bottom Cottages Lower Gill Bottom Shop Lane Cowling Keighley BD22 0LS	Minor material amendment application to vary condition no 2 (Approved Plans) of Planning Application 2018/19646/FUL and Listed Building Consent 2018/19647/LBC granted 24.01.2019	Approve with Conditions	29.11.2019
2019/20743/FUL	Mr Adam Carr	Land Off Mill Lane Low Bentham LA2 7DF	Single detached dwelling, garage and kennels, associated landscaping and new vehicle access.	Approve with Conditions	02.12.2019

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2019/20762/MMA	Green End Properties Ltd	Land To East Of Green Lane Glusburn Keighley BD20 8RT	Minor Material Amendment to previously approved application reference number: 32/2015/15768 granted 23/12/2015 to allow an amendment to condition number 1 (approved plans) to vary the design details for Plot 50.	Approve with Conditions	22.11.2019
2019/20861/CND	Snell Construction Ltd	Lumb Mill Farm Carr Head Lane Cowling Keighley BD20 8DX	Application to discharge condition number 3 (access), condition 6 (tree survey), condition 7 (drainage details) and condition 8 (construction method statement) on planning permission referenced 22/2017/18068 granted 09 August 2017	DOC satisfactory	25.11.2019
2019/20880/HH	Mrs Heather Jackson	Hill Side Skipton Road Silsden Keighley BD20 9AB	Install of air source heat pumps to 1. Hill Side and 2. Annex to Hill Side consented under application 2018/20033/FUL	Approve with Conditions	26.11.2019
2019/20885/FUL	Mrs Janet Little	2 - 4 King Street Cononley Keighley BD20 8LH	Change of use from mixed use to residential upstairs and commercial downstairs.	Approve with Conditions	29.11.2019
2019/20908/CND	Enoch Harrison & Son Ltd	Land Off Meadow Lane Cononley BD20 8NA	Application to discharge condition no. 16 (groundworks) and no. 17 (highway works) on planning permission 21/2016/16967	DOC satisfactory	20.11.2019
2019/20914/FUL	Messrs K & E Bell	The Sidings Business Park The Sidings Skipton BD23 1TB	Construction of new storage shed	Approve with Conditions	21.11.2019
2019/20924/FUL	Mr & Mrs Neil Robinson	Land To Rear Of Westfield House Matthew Lane Low Bradley Keighley BD20 9DF	1 detached dwelling	Approve with Conditions	25.11.2019

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2019/20935/OUT	Messrs Clark	Pendle Street Garage Broughton Road Skipton North Yorkshire BD23 1SS	Outline application with some matters reserved for demolition of existing workshops and construction of 7 no. houses (resubmission of previous application referenced 63/2016/17196	Application Withdrawn	19.11.2019
2019/20942/FUL	Mr Joseph Wade	Land South Of Royd House Lingah Hill Cononley Road Glusburn	Agricultural building to cover an existing outdoor feeding area for cattle	Approve with Conditions	02.12.2019
2019/20953/HH	Mr Philip Spencer	11 Windsor Avenue Skipton BD23 1HS	First floor bedroom extension above existing garage	Approve with Conditions	26.11.2019
2019/20966/HH	Leigh Tyrer	Garland Doctors Hill Low Bentham Lancaster LA2 7DZ	Loft conversion including new rooflights and installation of PV Panels	Approve with Conditions	04.12.2019
2019/20967/HH	Mr Stephen Angus	Maple House Ingleton Carnforth LA6 3DE	First floor extension over existing garage	Application Withdrawn	28.11.2019
2019/20972/HH	Mr D Gorman	7 Harrison Place Colne Road Glusburn Keighley BD20 8QS	First floor rear extension	Approve with Conditions	18.11.2019
2019/20974/HH	Mr & Mrs McKenzie	107 New Village Ingleton Carnforth LA6 3DJ	Front and rear single storey extension (Resubmission of previously approved scheme under reference 2019/20507/HH granted 18 July 2019)	Approve with Conditions	28.11.2019
2019/20979/MMA	Mr Andy Furniss	Barn 3 Stott Fold Farm Cowling Hill Lane Cowling Keighley	Application to vary condition no. 2 on application reference numbers: 2017/18769/LBC and 2017/18775/FUL to allow stone cladding of the gable wall in a different plane to the existing outer leaf.	Approve with Conditions	03.12.2019

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2019/20984/FUL	Mrs M and Miss S Pickles	Bent Laithe Farm Mitton Lane Lothersdale Keighley BD20 8HS	Proposed erection of funeral parlour and temporary change of use of agricultural building to funeral parlour	Approve with Conditions	26.11.2019
2019/20986/MMA	Co-op Estates	United Co Operatives Late Shop Main Street High Bentham Lancaster LA2 7HE	Application to vary condition no. 2 (Plans) on application reference number 2019/20438/FUL granted 06 June 2019 to allow Co-op Estates to make changes to the layout and external alterations to the elevations.	Approve with Conditions	22.11.2019
2019/20989/CPL	J Hodgkinson Design & Construction	Storrs Cottages High Street Ingleton Carnforth LA6 3AH	Single storey rear extension	Refuse Cert. Lawful Development	19.11.2019
2019/20991/FUL	Mr M Sarfraz	82 Broughton Road Skipton BD23 1TT	Partial change of use from retail to residential and 2-storey rear extension	Approve with Conditions	27.11.2019
2019/20992/CPL	Mr Malcolm Weaving	Leeds Liverpool Canal Adjacent To The Rendezvous Hotel Keighley Road Skipton BD23 2TA	60 ft restaurant and function boat. The boat will be used for private, tourist and commercial events to be carried out whilst cruising on the canal.	Refuse Cert. Lawful Development	19.11.2019
2019/20995/HH	Mr Adrian Mole	South View Farm Low Lane Draughton Skipton BD23 6EB	Partial demolition of existing rear lean to roof structure and replacement with new single storey lean to extension.	Approve with Conditions	18.11.2019
2019/20997/HH	Mr Tim Kay	Sunny Bank 48 Mount Pleasant High Bentham Lancaster LA2 7LA	Conversion of loft into master bedroom suite with new dormer and velux roof window	Approve with Conditions	20.11.2019

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2019/21003/FUL	Mr Ogden	Black Bicycle 8 Station Road High Bentham Lancaster LA2 7LF	Change of use from retail area to additional residential area and external alterations.	Application Withdrawn	18.11.2019
2019/21044/PPP	Miss Alice Fitton	Land & Buildings The Old School Bank Newton Skipton BD23 3NT	Proposed re-development of the site including demolition of the existing building and erection of five dwellings including garages and car parking	Refuse	20.11.2019
2019/21011/FUL	Mr & Mrs Ackroyd	New Brighton House Gargrave Skipton BD23 3NS	Proposed detached dwelling	Refuse	26.11.2019
2019/21010/FUL	Mr Neil Bland	Land Adjacent To Moss End Farm Moss End Lane Keighley Cowling BD22 0NA	Change of use of agricultural land adjacent to approved house site, to allow for extensions to approved house	Approve with Conditions	18.11.2019
2019/21018/HH	Airedale NHS Trust	44 Greenroyd Drive Sutton-in-Craven Keighley BD20 7JL	Two storey side extension and rear dormer window.	Approve with Conditions	22.11.2019
2019/21127/TCA	Mrs Helen Lupton	Underwood 4 Constitution Hill Settle BD24 9ER	T1 Hawthorn - Crown hard to leave approx 5' diameter round shape. T2 Apple - Small crown lift and draw back branch growing over outbuilding roof window. T3 Bay - Reduce by approx 1m in height and trim back. T4 Lilac - Cut back to approx 1.5 - 1.8 m in height. T5 Holly - Trim/shape.	Approve Tree Works in Conservation Area	03.12.2019
2019/21022/MMA	The Wooler Property Partnership	Land Off Matthew Lane Low Bradley Keighley BD20 9DH	Minor material amendment to vary condition no. 2 (Approved Plans) of planning approval referenced 2018/19910/MMA	Approve with Conditions	29.11.2019

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2019/21026/HH	Mr & Mrs Medd	Stonecroft Ingleton Carnforth LA6 3DU	Single storey rear sunroom extension; side/front extension to form double garage; formation of glazed front porch.	Approve with Conditions	27.11.2019
2019/21027/HH	Mr & Mrs M Happenstall	Beckansgill Henbusk Lane Newby Clapham Lancaster LA2 8HR	Proposed Extension to Rear and New Porch To Side Of Existing Dwelling To Include Other Associated Internal And External Alterations. Resubmission of application referenced 2019/20818/HH withdrawn 23 September 2019	Approve with Conditions	03.12.2019
2019/21028/HH	Mr Jim Crawford	11 Collinge Road Cowling Keighley BD22 0AG	Single storey rear extensions to existing kitchen and office / snug. Replacement of external door and roof over existing office / snug.	Approve with Conditions	18.11.2019
2019/21031/HH	Mr & Mrs Bateman	Woodlands Netherghyll Lane Cononley Keighley BD20 8PB	Proposed change of use of first floor of garage from games room to form ancillary accommodation	Approve with Conditions	22.11.2019
2019/21039/TPO	Mrs Jenny Johnson	9 Cross Bank Skipton BD23 6AH	T1 and T4 Rowan - remove. T2 and T5 Maples - reduce by 20% and crownlift. T3 Willow - Reduce by 20% and crownlift.	Approved Tree Work under TPO	03.12.2019
2019/21046/CND	Dalesview Developments	Former Allotments And Garages Broughton Road Skipton BD23 1SZ	Application to discharge condition no. 23 (carriageway and footpath) on planning approval 2017/18656/FUL granted 14 December 2017.	DOC satisfactory	20.11.2019
2019/21055/TPO	Mrs McFall	19 Gainsborough Court Skipton BD23 1QG	Fell 2 no. Larch	Approved Tree Work under TPO	03.12.2019
2019/21063/CPE	R N Wooler & Co Ltd	Park Lane Garages Park Lane Carleton Skipton BD23 3DJ	Confirmation of commencement of development works within three years at Park Lane Garages, granted planning permission ref 17/2016/17560	Approve Cert. Lawful Devt	04.12.2019

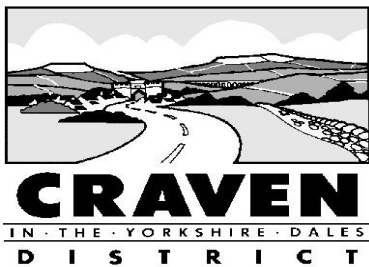
Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2019/21054/FUL	Mr Stuart Fort	High Malsis Farm High Malsis Malsis Lane Sutton-in-Craven Keighley BD20 8DU	Agricultural portal frame shed for rearing beef cattle.	Approve with Conditions	19.11.2019
2019/21072/LBC	Miss Gillian Metcalfe	16 North Street Gargrave Skipton BD23 3RN	Replacement aluminium powder coated cream bifold doors in existing opening	Approve with Conditions	20.11.2019
2019/21083/FUL	Platinum Stairlifts Ltd	Unit 10 Riparian Way Cross Hills Keighley BD20 7BW	Retention of portacabins for a temporary period of six months.	Approve with Conditions	29.11.2019
2019/21069/CND	Mr Andrew Booth	Stainton Cotes Farm Moorber Lane Coniston Cold Skipton BD23 4EN	Application to discharge condition no. 3 (Materials) on planning permission referenced 2019/20686/HH granted 27 September 2019	DOC satisfactory	03.12.2019
2019/21086/FUL	Karen Buncher	Willow Tree Austwick Lancaster LA2 8AH	New garage, link corridor and 2 storey extension; change of use of land to residential curtilage	Approve with Conditions	03.12.2019
2019/21087 /LHSHLD	Mr A Alam	17 Regent Road Skipton BD23 1AT	Single storey rear extension to provide dining room, measuring 4.5m beyond rear wall; 2.77m in height from ground level; 2.77m in height to eaves from ground level (prior approval notification)	PD HH Refuse Details	28.11.2019
2019/21074/HH	Mr & Mrs Richard McAlpine	Stone Gappe Hall Lothersdale Keighley BD20 8EE	Construction of garage for domestic use	Approve with Conditions	28.11.2019

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2019/21089/TCA	Mr Thomas Taggart	Burlington High Barn Lothersdale Keighley BD20 8EL	T1 Sycamore - Crown reduction by 30%.	Approve Tree Works in Conservation Area	03.12.2019
2019/21077/TCA	David Snelson	Croft Mount Silsden Road Low Bradley Keighley BD20 9EB	T1 - Rowan - Reduce back by approx 0.5m in height and up to 1 metre in width to bring back into shape T2 - Cherry - Reduce by 2.5 m in height and shape the sides T3 - Hazel - Cut back to approx 0.5m in height in order to allow managed regrowth.	Approve Tree Works in Conservation Area	03.12.2019
2019/21097/CND	Mr Oliver Osborne	Raygill Barn Raygill Lane Lothersdale	Application to discharge conditions 3 (Samples of external surfaces) and 5 (Method statement) of 2019/20268/MMA	DOC satisfactory	03.12.2019
2019/21091/FUL	Mrs Sally Woodhead	Moss Bar Farm Colne Road Cowling BD22 0NA	Change of use of field from agricultural to dog walking field secured by fencing (resubmission of application ref. 2019/20777/FUL)	Approve with Conditions	03.12.2019
2019/21094/TCA	Mrs Windsor	7 Low Street Burton In Lonsdale Carnforth LA6 3LF	T1 Cherry - Fell.	Approve Tree Works in Conservation Area	03.12.2019
2019/21099/PNAG	Mr John Hopkinson	Fairplace Farm Piper Lane Cowling Keighley BD22 0NS	Extension to existing agricultural building (Prior Notification)	PN Process Not Applicable	29.11.2019
2019/21109/TCA	Mrs Jennifer Dawson	Station Gates Main Street Ingleton Carnforth LA6 3HG	Trees 3 x Laylandii - Fell. T4 Willow - Fell. T5 Beech - Fell T6 and T7 Beech - Fell	Approve Tree Works in Conservation Area	03.12.2019

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2019/21130/ OFFRES	Mr Chris Harbron	4 Victoria Street Skipton BD23 1JE	Prior approval of change of use from office to a dwellinghouse	PN Refuse and Application Required	02.12.2019
2019/21124/TCA	Mr Paul Fryers	Oak Bank Main Street Farnhill Keighley BD20 9BW	1 no. Scotts Pine Tree - Fell.	Approve Tree Works in Conservation Area	03.12.2019
2019/21131/TCA	Mr John Sedgewick	Meraly Gill Lane Cowling Keighley BD22 0DF	T1 Ash - Fell	Approve Tree Works in Conservation Area	03.12.2019

Planning Committee Report of New Cases Registered **From 19/11/2019 to 04/12/2019**

Enforcement Reference	Alleged Breach	Site Address	Ward
ENF/03190/2019	Alleged creation of two driveways to no's 5 and 6 New Brighton	New Brighton House Gargrave Skipton BD23 3NS	Gargrave And Malhamdale
ENF/03189/2019	Alleged engineering works to widen bridge	Mill House Bell Busk BD23 4DU	Gargrave And Malhamdale
ENF/03191/2019	Alleged development not being built in accordance with the approved plans (2019/20310/FUL)	Crag Side Farm Cottage Dick Lane Cowling Keighley BD22 0JZ	Cowling
ENF/03192/2019	Alleged unauthorised change of use from residential ancillary accommodation to holiday cottage (Breach of condition?).	Meadow Cottage Hill End Lane Cowling Keighley BD22 0LZ	Cowling
ENF/03193/2019	Bathroom window not obscured as per Dwg No 8 of 2017/18821/FUL	Loen Croft Road Ingleton Carnforth LA6 3BZ	Ingleton And Clapham



Planning Enforcement
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Planning Committee Report of Cases Closed
From 19/11/2019 to 04/12/2019

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
ENF/03015/2019	22nd February 2019	2nd December 2019	Retrospective Planning	Erection of garage- in breach of condition no. 3 of planning application ref: 22/2016/17178.	Fleet Farm Cottage Pad Cote Lane Cowling Keighley BD22 0FA	Cowling