

- Meeting:** Skipton and Ripon Area Constituency Planning Committee
- Members:** Councillors Barbara Brodigan, Andy Brown (Vice-Chair), Robert Heseltine, Nathan Hull (Chair), David Ireton, David Noland and Andrew Williams.
- Date:** Tuesday, 5th March, 2024
- Time:** 1.00 pm
- Venue:** Belle Vue Square, Broughton Road, Skipton BD23 1FJ

Members of the public are entitled to attend this meeting as observers for all those items taken in open session. Please contact the named democratic services officer supporting this committee if you have any queries.

Recording is allowed at Council, committee and sub-committee meetings which are open to the public. Please give due regard to the Council's protocol on audio/visual recording and photography at public meetings. Anyone wishing to record is asked to contact, prior to the start of the meeting, the named democratic services officer supporting this committee. We ask that any recording is clearly visible to anyone at the meeting and that it is non-disruptive.

The Council operates a scheme for public speaking at planning committee meetings. Normally the following people can speak at planning committee in relation to any specific application on the agenda: speaker representing the applicant, speaker representing the objectors, parish council representative and local Division councillor. Each speaker has a maximum of three minutes to put their case. If you wish to register to speak through this scheme, then please notify Vicky Davies, Senior Democratic Services Officer, by midday on Thursday 29<sup>th</sup> February 2024.

If you are exercising your right to speak at this meeting, but do not wish to be recorded, please inform the Chairman who will instruct anyone who may be taking a recording to cease while you speak.

This meeting is being held as an in-person meeting that is being recorded and this will be available to listen to after the meeting via the following link <https://northyorks.gov.uk/your-council/councillors-committees-and-meeting/live-meetings> . Please contact the named democratic services officer supporting this committee if you would like to find out more or if you wish to watch the meeting live via MS Teams and we will send you the link.

## **Agenda**

### **1. Apologies for Absence**

2. **Minutes for the Meeting held on 6th February 2024** (Pages 5 - 14)
3. **Declarations of Interests**  
All Members are invited to declare at this point any interests, including the nature of those interests, or lobbying in respect of any items appearing on this agenda.
4. **ZC23/02361/FUL - Change of use of agricultural field to dog walking field, with associated gravel car parking area at field at Railer Bank, Mickley, North Yorkshire, on behalf of Ms L Furlong** (Pages 15 - 44)  
Report of the Assistant Director Planning – Community Development Services.
5. **ZC23/03155/FUL - Proposed sewage pumping station, manholes, gravity sewers, pumped sewage rising main and associated infrastructure to link with existing public foul sewer in Norton-le-Clay, The Close, Dishforth Airfield, Thirsk, North Yorkshire YO7 3DE on behalf of Annington Property Ltd.** (Pages 45 - 52)  
Report of the Assistant Director Planning – Community Development Services
6. **ZA23/25559/FUL - Erection of 1 No. dwelling at Mill Cottage, Cowling on behalf of Mr Widdup.** (Pages 53 - 66)  
Report of the Assistant Director Planning – Community Development Services
7. **ZA/23/25382/FUL - Change of use of agricultural land together with the erection of timber clad holiday lodges and associated access and parking at land to north of Carla Beck House, Carla Beck Lane, Carleton, Skipton, BD23 3BQ, on behalf of Mr K Downs.** (Pages 67 - 82)  
Report of the Assistant Director Planning – Community Development Services
8. **ZA24/25630/LBC - To remove the existing suspended ceilings and then remove defective lath and plaster ceilings and repair with plasterboard and skim and then install new suspended ceilings in rooms: THF11, THF12, THF13, THF14, THF20 and the room above the reception, all on the first floor, at Town Hall, High Street, Skipton, BD23 1AH on behalf of North Yorkshire Council.** (Pages 83 - 88)  
Report of the Assistant Director Planning – Community Development Services
9. **Any other items**  
Any other items which the Chair agrees should be considered as a matter of urgency because of special circumstances.
10. **Date of Next Meeting**  
Tuesday, 02 April 2024 at 1pm.

Members are reminded that in order to expedite business at the meeting and enable Officers to adapt their presentations to address areas causing difficulty, they are encouraged to contact Officers prior to the meeting with questions on technical issues in reports.

**Agenda Contact Officer:**

Vicky Davies, Senior Democratic Services Officer.  
Tel: 07565 620973 / 07542 029870  
Email: [committees.cra@northyorks.gov.uk](mailto:committees.cra@northyorks.gov.uk)

Monday, 26 February 2024

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## North Yorkshire Council

### Skipton and Ripon Area Constituency Planning Committee

Minutes of the meeting held on Tuesday, 6th February, 2024 commencing at 1.00 pm.

Councillor Nathan Hull in the Chair. plus Councillors Barbara Brodigan, Andy Brown, Robert Heseltine, David Ireton, David Noland and Nick Brown

Officers present: Kate Lavelle, Solicitor; Nick Turpin, Planning Manager; Emma Walsh, Senior Development Management Officer; Vicky Davies, Senior Democratic Services Officer and David Smith, Democratic Services and Scrutiny Officer.

Apologies: Andrew Williams (Councillor Nick Brown substituted).

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**Copies of all documents considered are in the Minute Book**

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#### **62 Apologies for Absence**

An apology for absence was received from Councillor Andrew Williams (Councillor Nick Brown substituted).

#### **63 Minutes for the Meeting held on 17th January 2024**

The minutes of the meeting held on Wednesday 17<sup>th</sup> January 2024 were confirmed and signed as an accurate record.

#### **64 Declarations of Interests**

There were none declared.

### **Planning Applications**

The Committee considered reports of the Assistant Director Planning – Community Development Services relating to applications for planning permission and Listed Building consent. During the meeting, Officers referred to additional information and representations which had been received. In considering the report of the Assistant Director Planning – Community Development Services regard had been paid to the policies of the relevant development plan, the National Planning Policy Framework and all other material planning considerations. Where the Committee granted planning permission contrary to the recommendation in the report the reasons for doing so and the conditions to be attached are set out below.

- 65 Application ZA23/01972/FUL – change of use to first, second and third floors to a HMO providing staff accommodation in association with existing ground and basement floor restaurant use, with a communal kitchen and sanitary facilities (use Class C4). Re-consultation and amended plans at Dragon Inn Chinese restaurant, 41 Market Place, Ripon, North Yorkshire HG4 1BZ on behalf of Mr Wang.**

Considered:

The Assistant Director Planning – Community Development Services sought determination of a planning application for change of use to a HMO providing staff accommodation in association with existing ground and basement floor restaurant use, with a communal kitchen and sanitary facilities at 41 Market Place, Ripon. The application was submitted for Committee decision due to raising significant material planning considerations.

The applicant's agent Mr Jonathan Green spoke in support of the application.

During consideration of the above application, the Committee discussed the following issues:

- The perceived level of harm to the designated heritage asset
- The installation of an additional internal staircase to the first floor would cause minimal internal impact.
- The application contributed to the much needed housing in Ripon.
- The public benefit of bringing the building back into use.
- The site was situated in a sustainable location in the town centre.

The decision:

That contrary to officers' recommendation planning permission be GRANTED subject to conditions presented to the Committee's meeting held on 5<sup>th</sup> September 2023 and replicated below as well as amendments proposed at the meeting by the Planning Officer relating to refuse collections:

#### **Condition 1 - Approved Plans**

The development hereby permitted shall be carried out in strict accordance with the following details and plans;

Location Plan; received 09.01.2024.

Proposed Site Plan, 2<sup>nd</sup> and 3<sup>rd</sup> Floor plan; drwg no. W28- 3D, received 09.01.2024.

Proposed BF, GF and FF Plan; drwg no. W28, 2C, received 09.01.2024

Proposed Elevations; drwg no. W28, 7A, received 09.01.2024

Reason: For the avoidance of doubt and in the interests of proper planning.

#### **Condition 2 - Window Details (discharge required)**

All necessary repairs to existing windows shall match the existing window. If windows are deemed to be beyond reasonable repair, details of replacement windows shall be submitted to and approved in writing prior to the removal of the existing windows. Thereafter the replacement windows shall be constructed and inserted into the

window opening in accordance with the approved details. The following information will be required in such circumstances:

- A means of identifying the location of the windows to be replaced (an elevation drawing or photo of the elevation, for example);
- Scale drawings of the replacement windows – to include an elevation drawing, horizontal and vertical sections (at a scale of 1:10 or 1:5, as appropriate) and a glazing bar cross section (at a scale of 1:1). The drawings shall make clear the relationship of the window to the window opening (to show the proposed reveal).
- Confirmation of materials and finishes;
- If a change in window style is proposed, the proposed change should be clearly identified and justified;
- A report on the condition of the existing windows by an adequately qualified professional experienced with the repair of traditional windows, pertaining to why it is not possible to repair them.

Reason; In the interest of safeguarding the special character of the Grade II Listed Building in line with policy HP2 and the NPPF.

### **Condition 3 - Occupation Restriction**

The development to the first, second and third floor accommodation of 41 Market Place, Ripon as hereby permitted, shall not be occupied other than by the owner, member of staff or dependents thereof of the commercial/business use located on the ground floor and basement level.

Reason; In the interest of safeguarding the amenity of future occupants in line with policy HP4.

### **Condition 4 - Refuse**

Prior to the occupation of the development hereby permitted, suitable and sufficient provision shall be made for:

- i. the storage and containment of refuse prior to collection.

ii. access for the collection of refuse.

iii. adequate frequency of collections to avoid dis-amenity from smell, flies and vermin.

iv. no waste and associated containers used for the storage and containment of waste should be stored off the premises.

The above shall be maintained for the lifetime of the development, unless further details and submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of residential amenity, in line with policy HP4.

#### **Condition 5 - Rear Path (discharge required)**

Prior to the occupation of the development hereby permitted, details of the improvements and alterations to the path within the amenity space of the development shall be submitted to and for the written approval of the Local Planning Authority.

Reason; In the interest of upgrading the accommodation to the satisfaction of the Housing Department while safeguarding the special character of the Grade II Listed Building in line Local Plan Policy HP2 and the NPPF.

#### **Condition 6 - Stair details (discharge required)**

Prior to the installation of the internal staircase hereby approved, detailed elevation and section drawings, including its fixings and fittings to the existing structure, at a scale of 1:10 or 1:20 shall be submitted to and for written approval of the Local Planning Authority. Thereafter, the development shall be carried out in strict accordance with the approved plans.

Reason; In the interest of safeguarding the special character of the Grade II Listed Building in line with policy HP2 and the NPPF.

#### **INFORMATIVES**

1. The Council's Estates team provided comments stating that "Land at the rear of the property fronting onto Water Skellgate is in the ownership of North Yorkshire Council. The applicants do not have any rights to access the rear of the application site over North Yorkshire Council's land." Agreement from



third party landowners may be required separate to any planning or Listed Building consent.

2. The business operator has a duty of care with respect to their waste. They must ensure their waste is stored safely and securely on site so that it does not escape their control. It should be given to an authorised person for disposal and with each transfer a waste transfer document must be produced and retained for 2 years. If the business operator wishes to transport their own waste to an authorised or permitted waste disposal site they must hold a waste carriers licence issued by the Environment Agency.
  
3. The Housing Officer advises the following with regards to Houses of Multiple Occupancy:

“The property would be classed as a House in Multiple Occupation under the Housing Act 2004. The HMO guidance can be found on the North Yorkshire Council website - <https://www.northyorks.gov.uk/housing-and-homelessness/private-renting/houses-multiple-occupation/houses-multiple-occupation-harrogate-area> - This information sets out what facilities and furniture should be provided to the occupants. The HMO would need to comply with The Management of Houses in Multiple Occupation (England) Regulations 2006.

HMO's require a higher level of fire safety than a normal privately rented property. We would expect a fire safety risk assessment to be undertaken. This must include all commercial and residential parts of the property. We would also expect the property to meet the standard set out in the LACORS housing fire safety guidance - <https://www.cieh.org/media/1244/guidance-on-fire-safety-provisions-for-certain-types-of-existing-housing.pdf> - Further information on fire safety is enclosed in the enforcement notices (information below)

In a House in Multiple Occupation bedrooms may be occupied by two people if they are over 15m<sup>2</sup>. I have not been provided with room sizes, but from my approximate measurements bedroom 1 and 3 are suitable for two people. Bedroom 2 is only suitable for occupation by one person.

If the property is to be occupied by 5 persons or more then it would be classed as a licensable House in Multiple Occupation under the Housing Act 2004. The owner would need to make an application to private sector housing, provide relevant information and documentation, have a full inspection of the property carried out, and comply with all relevant legislation prior to a licence being issued. The property will also be required to meet

certain amenity and space standards. The HMO licensing documents and guidance can be found on the North Yorkshire Council website - <https://www.northyorks.gov.uk/housing-and-homelessness/private-renting/houses-multiple-occupation/houses-multiple-occupation-harrogate-area>".

4. Please review the full comments from the Council's Housing Officer dated 15.06.2023, available of Public Access.

#### Voting Record

A vote was taken, and the motion was carried unanimously.

Reason: The Committee's reasons for granting the application were that the public benefit outweighed the less than substantial harm to a designated heritage asset due to the provision of housing and the intervention by virtue of the staircase in the building.

- 66 Application ZC23/01973/LB - Listed building application for works associated with change of use to first, second and third floors to a HMO providing staff accommodation in association with existing ground and basement floor restaurant use, with a communal kitchen and sanitary facilities (use Class C4). Reconsultation. Amended Plans at Dragon Inn Chinese Restaurant, 41 Market Place, Ripon, North Yorkshire HG4 1BZ on behalf of Mr Wang.**

Considered:

The Assistant Director Planning – Community Development Services sought determination of a planning application for Listed Building consent for works associated with change of use to a HMO providing staff accommodation in association with existing ground and basement floor restaurant use, with a communal kitchen and sanitary facilities at 41 Market Place, Ripon. The application was on submitted for Committee decision due to raising significant material planning considerations.

There were no public speakers in respect of the application for Listed Building consent.

The decision:

That contrary to officers' recommendation Listed Building consent be GRANTED subject to conditions presented to the Committee:

#### **Condition 1 Approved Plans**

The development hereby permitted shall be carried out in strict accordance with the following details and plans;

Location Plan; received 09.01.2024.

Proposed Site Plan, 2<sup>nd</sup> and 3<sup>rd</sup> Floor plan; drwg no. W28- 3D, received 09.01.2024.

Proposed BF, GF and FF Plan; drwg no. W28, 2C, received 09.01.2024

Proposed Elevations; drwg no. W28, 7A, received 09.01.2024

Reason: For the avoidance of doubt and in the interests of proper planning.

### **Condition 2 Window Details (discharge required)**

All necessary repairs to existing windows shall match the existing window. If windows are deemed to be beyond reasonable repair, details of replacement windows shall be submitted to and approved in writing prior to the removal of the existing windows. Thereafter the replacement windows shall be constructed and inserted into the window opening in accordance with the approved details. The following information will be required in such circumstances:

- A means of identifying the location of the windows to be replaced (an elevation drawing or photo of the elevation, for example);
- Scale drawings of the replacement windows – to include an elevation drawing, horizontal and vertical sections (at a scale of 1:10 or 1:5, as appropriate) and a glazing bar cross section (at a scale of 1:1). The drawings shall make clear the relationship of the window to the window opening (to show the proposed reveal).
- Confirmation of materials and finishes;
- If a change in window style is proposed, the proposed change should be clearly identified and justified;
- A report on the condition of the existing windows by an adequately qualified professional experienced with the repair of traditional windows, pertaining to why it is not possible to repair them.

Reason; In the interest of safeguarding the special character of the Grade II Listed Building in line with policy HP2 and the NPPF.

### **Condition 3 Rear Path (discharge required)**

Prior to the occupation of the development hereby permitted, details of the

improvements and alterations to the path within the amenity space of the development shall be submitted to and for the written approval of the Local Planning Authority.

Reason; In the interest of upgrading the accommodation to the satisfaction of the Housing Department while safeguarding the special character of the Grade II Listed Building in line Local Plan Policy HP2 and the NPPF.

**Condition 4 Stair details (discharge required)**

Prior to the installation of the internal staircase hereby approved, detailed elevation and section drawings, including its fixings and fittings to the existing structure, at a scale of 1:10 or 1:20 shall be submitted to and for written approval of the Local Planning Authority. Thereafter, the development shall be carried out in strict accordance with the approved plans.

Reason; In the interest of safeguarding the special character of the Grade II Listed Building in line with policy HP2 and the NPPF.

**Condition 5 sprinkler and smoke alarm system (discharge required)**

Prior to the installation of smoke alarm of sprinkler systems in relation to the development hereby approved, details of such systems shall be submitted to and for written approval of the Local Planning Authority. Thereafter, the development shall be carried out in strict accordance with the approved plans.

Reason; In the interest of safeguarding the special character of the Grade II Listed Building in line with policy HP2 and the NPPF.

A vote was taken and the vote was carried unanimously.

Reason: The Committee's reason for granting the Listed Building consent was that public benefit outweighed the less than substantial harm.

**67 Any other items**

A Member queried why an application deferred from the last Committee relating to the dog field at Mickley had not been on today's agenda as there was considerable public interest. As the case officer for the particular application was not present it had not been possible to provide details at the meeting

**68 Date of Next Meeting**

5<sup>th</sup> March 2024, venue to be agreed.

The meeting concluded at 2.10 pm.

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## North Yorkshire Council

### Community Development Services

#### Skipton and Ripon Area Constituency Planning Committee

#### **ZC23/02361/FUL – CHANGE OF USE OF AGRICULTURAL FIELD TO DOG WALKING FIELD, WITH ASSOCIATED GRAVEL CAR PARKING AREA AT FIELD AT RAILER BANK, MICKLEY, NORTH YORKSHIRE, ON BEHALF OF MS L FURLONG**

#### **Report of the Assistant Director Planning – Community Development Services**

### **1.0 Purpose of the Report**

- 1.1 To determine a planning application for the proposed change of use of an agricultural field to a dog walking field, with associated gravel car parking area on a field at Railer Bank, Mickley.
- 1.2 This application is brought to the Area Planning Committee because it is considered to raise significant planning issues that make it appropriate for the application to be considered by the Planning Committee.

### **2.0 SUMMARY**

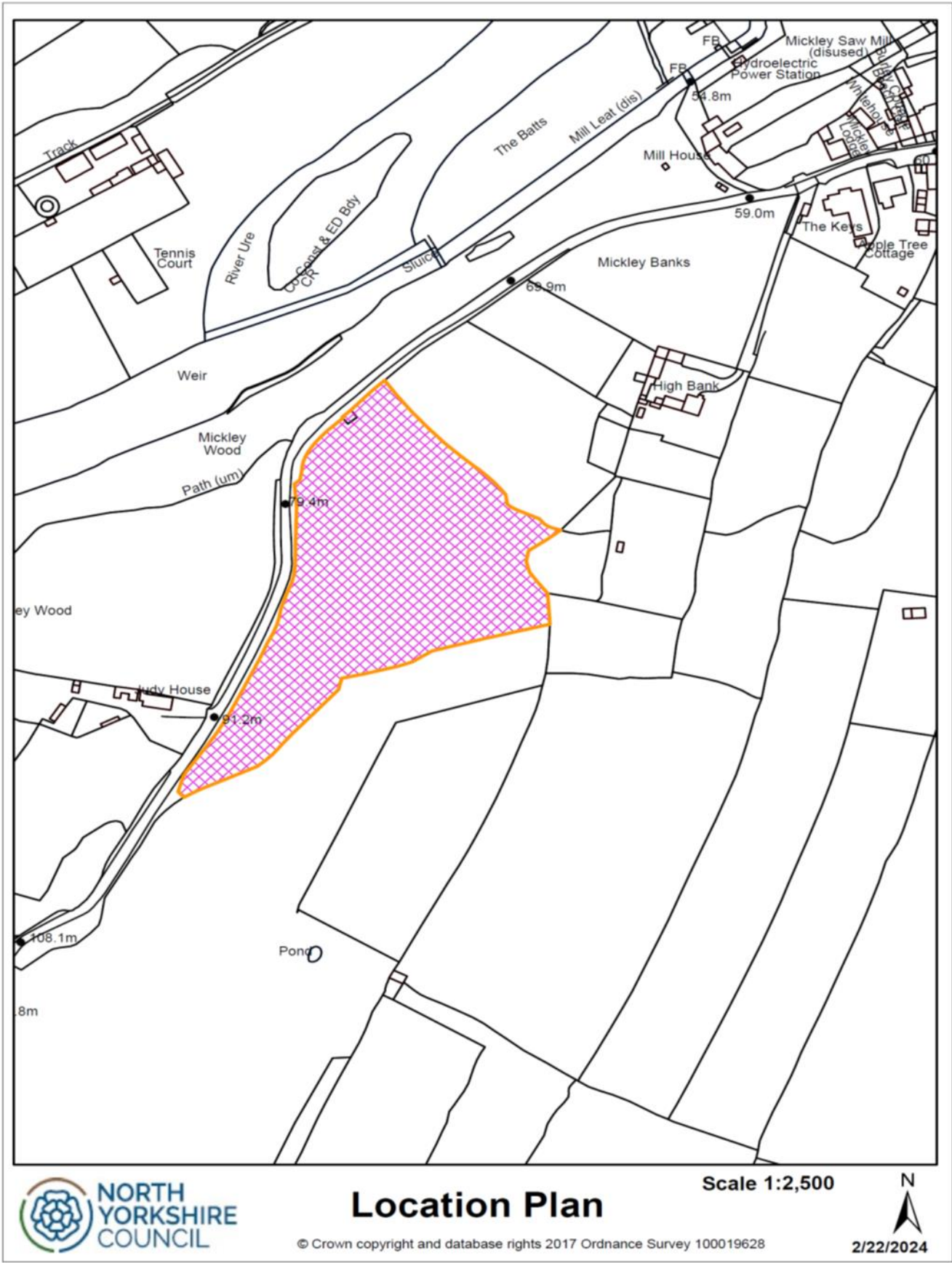
#### **RECOMMENDATION: That planning permission be REFUSED.**

- 2.1 The application seeks full planning consent for the change of use of an agricultural field to a dog walking field, with associated gravel car parking. The proposal seeks the installation of 2.2-metre-high fencing to the perimeter of the site with proposed additional tree planting to the north and south-eastern boundaries. The site will be accessed via an existing access point to the south-west of the site, off Railer Bank.
- 2.2 Policy GS2, Growth Strategy to 2035, of the Local Plan sets out the growth hierarchy for the area identifying settlements, centres, and villages where development should be focused. Development limits for places in the settlement hierarchy are identified under the provisions of Policy GS3. The proposal lies outside of development limits as identified in Policy GS3. Policy GS3 states that outside of development limits, proposals for new development will only be supported where expressly permitted by other policies of the Local Plan or a neighbourhood plan or national planning policy.
- 2.3 The application site is located within the Nidderdale National Landscape (the new name for the Nidderdale Area of Outstanding Natural Beauty (AONB)), just south of the village of Mickley and is bordered by pastureland, which is occupied by grazing sheep and breeding ewes. The perimeter of the site is currently bound by vegetation for the most part, with some exposed sections to the north-western perimeter of the site, adjacent the public highway (Railer Bank), sparse sections to the lower portion of the existing vegetation in place

along the northern boundary which adjoins the neighbouring field to the north, and along the south-eastern boundary of the site which abuts the public right of way (15.7/35/1). The public right of way borders an approximate 100 metres section of the south-eastern boundary of the site. There are also two nearby residential properties, Judy House to the west and High Bank to the north-east.

- 2.4 This application has presented a number of issues which are various, complex and sensitive. The proposal would give rise to an unacceptable level of disturbance to the sheep grazing land uses which exist in the neighbouring fields to the north and south. Additionally, the proposal would give rise to an unacceptable level of noise disturbance to the nearby residents and would result in disturbance to the tranquillity which exists to this part of the Nidderdale National Landscape (formerly known as the Nidderdale Area of Outstanding Natural Beauty).
- 2.5 Whilst the applicant has worked with the Local Planning Authority and the consultee recommendations in order to mitigate the level of disturbance to the nearby residents and breeding ewes and grazing sheep in the neighbouring fields by way of additional tree planting along the north and south-eastern boundaries and an updated Site Management Plan and site plan following recommendations from the Environmental Health Officer, on balance, it is not considered that any level of mitigation in this instance could eliminate the issues which will likely arise regarding noise disturbance to nearby residents and the disturbance on the sheep grazing land uses in the neighbouring fields.
- 2.6 The proposal would therefore be contrary to the requirements of Local Plan Policies GS3, HP7 (criteria D, iv), EC3 (criteria I) HP4 and GS6.





### **3.0 Preliminary Matters**

- 3.1 Access to the case file can be found [here](#).
- 3.2 Amended plans have been received during the course of the application including the relocation of the car parking area away from the canopy and root protection area of the veteran Beech Tree and pulling back of the fence line away from the south-eastern boundary. Further revisions were submitted to provide additional tree planting along the northern and south-eastern boundaries, additional waste bins and a revised Site Management Plan following consultee recommendations from Environmental Health. An additional section plan has been submitted to indicate the level of visibility from the application field to the neighbouring field to the north, owned by High Bank.
- 3.3 The following applications and appeals are considered relevant to this proposal:
- 3.4 None relevant.

### **4.0 Site and Surroundings**

- 4.1 This application relates to a parcel of land situated to the south-west of the village of Mickley. The site lies adjacent to Hackfall Woods to the west, which provides a public right of way (15.7/35/1) through the adjacent neighbouring property (Judy House) with the public right of way continuing from the south-western edge of the application site. The public right of way follows the south-western boundary of the site for approximately 100 metres before it trails off in an easterly direction. The topography of the land inclines at a steep gradient from west to east. The perimeter of the site is predominantly bound by dense vegetation with some open sections along the western and southern boundaries adjacent the public highway (Railer Bank) and public right of way, forming part of the Ripon Rowel walking route. The land was previously used for agricultural purposes to graze sheep and borders neighbouring agricultural fields, which also occupy grazing sheep and breeding ewes.
- 4.2 The application site is located outside of development limits identified in the Local Plan and is also situated within the Nidderdale National Landscape. The site is also located with the Vale Fringe Valley Farmland (Area 43) of the Council's local Landscape Character Assessment.

### **5.0 Description of Proposal**

- 5.1 The proposal seeks full planning consent for the change of use of an agricultural field to a dog walking field, with associated gravel car parking. The proposal seeks the installation of 2.2-metre-high fencing to the perimeter of the site with proposed additional planting to the northern boundary.

## **6.0 Planning Policy and Guidance**

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

### Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:
- Harrogate District Local Plan Policy 2014-2035, adopted March 2020

### Emerging Development Plan – Material Consideration

- 6.3. The Emerging Development Plan for this site is listed below.
- The North Yorkshire Local Plan. No weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

### Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:
- National Planning Policy Framework 2023
  - National Planning Practice Guidance
  - National Design Guide
  - Nidderdale AONB Management Plan
  - Landscape Character Assessment Harrogate District

## **7.0 Consultation Responses**

- 7.1 The following consultation responses have been received and have been summarised below.
- 7.2 **Environmental Health** - advised that amendments were made to the Site Management Plan to include a number of control measures and a complaints system which should be reviewed at least annually. Amended details have been provided.
- 7.3 **Minerals and Waste NYC Planning Services** – no comment.
- 7.4 **Parish Council** – objects for the following reasons:
- 6ft metal fencing not in keeping with surrounding local environment and would be highly visible.
  - highway safety.

- traffic generation.
- noise and disturbance – grazing and breeding ewes in surrounding fields.
- parking / landscaping – parking area would transform the natural landscape. Parking area can only accommodate 3 vehicles.
- nature conservation – the application states the proposals will not affect “woodland, field hedgerows, and or lines of trees with obvious connectivity to woodland or water bodies”. Contrary to this statement the site is encircled by hedges growing into trees and forming a canopy over the road to Hackfall and the western edge is of the ridge is on a ridge of calcareous springs. The site and area in general is full of wildlife that will be affected and prevented thoroughfare through the narrow gauge metal fencing. Badgers, hares, otters and deer have been seen in the vicinity of the site.
- hazardous materials/smells - dog excrement contains pathogens that can cause harm to wildlife and other animals especially grazing sheep.
- local, strategic, regional & national planning policies – the site is within the Nidderdale Area of Outstanding Natural Beauty and the application seeks to change the landscape from agricultural to an area which will be fenced with a hard surfaced parking area. This will not be in keeping with the AONB and its aim in preserving the landscape.

#### 7.5 Further comments –

In addition to the above objections the Parish Council would also make the following observations:

- The application suggests there is a need for this facility in the area. There are already many public rights of way in the area and there is already a similar dog walking area less than two miles away, Dogzone, Musterfield Lane, HG4 3JQ, so would question the need for another so close by.
- There is no mention of how the site will be staffed or if a member of staff will be on site to "police" activities and number of dogs/cars etc.
- Land Registry title number NYK429686 allows shooting/hunting rights over the site, this has the potential to cause conflict.
- Concern has also been raised around lack of toilet facilities for those using the site.

**7.6 Local Highway Authority (16.11.2023)** - Following amended plans which sought to alter the location of the proposed site plan, further swept path analysis and splay plans have been provided and assessed by the Local Highway Authority - no further objections were raised, and conditions have been recommended.

**7.7 AONB Joint Advisory Committee** - The Joint Advisory Committee notes the findings of surveys showing a sharp increase in dog ownership in recent years. Wildlife organisations nationally are concerned about the impact of dogs in nature-rich areas even when apparently under control and confined to

paths while farming organisations, alongside individual farmers in the immediate vicinity, continue to report wholly unacceptable and irresponsible behaviour of some dog owners leading to livestock death and severe injury. Controlled and dedicated spaces to allow owners to exercise their dogs is a valid if only partial response to these challenges.

- 7.8 The effect of the proposed change of use outlined in this application on the character of this part of the AONB will be relatively limited. However, any future planning consent must be subject to conditions designed to ensure strict enforcement of the operating framework as set out in the application including numbers of dogs, advance booking procedures and hours of operation. The Joint Advisory Committee would advise that a proposed fencing specification should be submitted to the planning authority prior to any work on site so that the authority can ensure fencing materials and the proposed method of construction are compatible with the deeply rural setting of the site. The planning authority should make it clear that advertising and other forms of signage, including directional signs, should be subject to a further application and that no structures may be introduced onto the site without prior approval.
- 7.9 **AONB Joint Advisory Committee** - following provision of fencing specification details, the JAC were re-consulted. No objections were raised to the fencing specification details.
- 7.10 **Principal Ecologist** - The field which is the subject of this application is predominantly a species-poor semi-improved pasture, which is typical of the local area. The disturbance to wildlife which would be caused by a controlled number of dogs will be generally limited to the immediate location and the times when the dogs are present. The field is proposed to be internally fenced around the site boundaries to keep the hedgerows, which are likely to support nesting birds and other wildlife, separate from dogs. The fence now also encompasses the steep sloping bank opposite the site entrance, to allow an area for wildflowers and pollinators to remain undisturbed. The access and car park have been moved slightly southwards to avoid the canopy and root system of the large veteran beech tree which is at the foot of bank and which will be separated from the small number of cars by the fence. The proposed use of the area as a dog-exercise area is unlikely to have a significant adverse impact on local wildlife, given these safeguards.
- 7.11 **National Sheep Association** - Objected - The proposal will cause unacceptable disturbance, stress, and anxiety to the sheep and the farmer. There are serious risks of escape, causing physical and stress related damage to the sheep. Even when secure, these dogs will be running around, chasing and barking - all behaviours that will stress any sheep in sight of hearing them.

Further comments were received on 16th and 18th January which note the following:

16th January 2024

When applications are made for dog parks (NSA) would advise seeking the permission of the land owner and where this is not also the grazier, the tenant graziers permission for the erection of any dog park close to their grazing fields. Where permission has been confirmed from the graziers, I would also suggest implementing the actions described below to ensure high welfare standards are maintained and to reduce the risks of sheep worrying and/or knock-on implications to the sheep themselves.

1. Ensure appropriate and secure fencing is put in place to reduce the risk of escaped dogs from the dog park. Ideally a single entry point with a double gate system would reduce the risk of escapes further. Where a single entry/exit point is not available, multiple points are not possible, there should still be a double gate system in place to reduce escapes through all entry/exit points.

2. In addition, putting structures in place to reduce/impair visual contact and prevent physical contact the sheep have with the dogs in the park will help alleviate any possible stress and/or sheep worrying/attacks caused by the sight of dogs, especially when off lead and/or running alongside the sheep next to the grazing sheep. For example, a hedge between the boundary fence and the 'secure fencing' would reduce visual contact and prevent physical contact between the two species as well as creating new habitats, supporting biodiversity and the environment.

We are unable to comment on individual situations but should the proposed advice be adhered to and advised actions be implemented to reduce the risks associated, then the dog park should provide a useful addition to the community.

18th January 2024

Further to our previous letter on erection of dog parks next to or in close proximity to sheep grazing fields dated 16th January 2024.

NSA has a huge number of its members affected by sheep attacks/sheep worrying by dogs and our priority is strategies to reduce and prevent loose and uncontrolled dogs in fields grazed by sheep. We cannot comment on the placement of individual dog parks, but feedback from members would suggest that a dog park can be a useful addition to the community to reduce sheep worrying in the local area when positioned in the right place. Finding locations for parks can be difficult but NSA recommends placement without sheep grazing adjacent be preferable.

The following comments set out the views of NSA on applications for a dog park where there are graziers in adjoining graziers. NSA would strongly advise as a prerequisite that agreement or permission be obtained from all graziers on all adjoining boundaries to any proposed dog park.

NSA cannot comment on individual situations but sheep health and welfare remains at the heart of our objectives and is paramount in any decision(s) where sheep health and welfare could be affected.

7.12 **Police Architectural Liaison Officer** - no objections.

7.13 **Hebridean Sheep Society** - Objects - for the following reasons:

Disturbance of the sheep by the sight, sound and scent of dogs running free in the adjacent field.

The topography of the site and the sparse hedge bottom mean that the dogs will be readily visible to the sheep. This, together with sound and scent, will alarm the sheep and, at the very least, restrict their grazing area to parts of their field distant from the boundary. These disturbances are likely to be of greater importance for pregnant ewes and ewes with young lambs.

Unless the boundary fence is solid (see 2.1.6) the dogs will be able to see the sheep and will be attracted to the fence, which is likely to lead to increased dog activity and barking causing enhanced distress for the sheep.

While Hebridean sheep will quickly habituate to dogs under close control (by lead or by command) routinely walking nearby or even through their field, the less predictable appearance and behaviour of groups of unknown dogs running free is always likely to invoke alarm.

Because they are a primitive breed, Hebridean sheep respond more vigorously to potential threats from predators. They run sooner, faster and further. It is for this reason they are used by many sheep dog trainers as the breed of choice. This level of response in pregnant ewes or ewes and young lambs would be potentially harmful.

The above will be much more severe if the boundary fence between the field and High Bank is not made robustly dog-secure. A dog breaking into the High Bank fields could result in a disastrous outcome.

The problem caused by the sight of dogs running close to the fence could be eliminated, but not that of sound or scent, by a high solid fence. However, it is unlikely this would be acceptable to villagers or the Nidderdale AONB on visual impact.

#### Disease Transmission

The application field slopes towards the lane and towards the adjacent fields of High Bank. Near the top of the field is a spring. It flows down the field some way and then through the boundary and spreads out across the adjacent High Bank field towards the lane. When I visited, after a week of freezing weather, it was still flowing. Eggs from protozoan or tapeworm species known to be

transmitted from dogs to sheep will be washed off the dog field onto the grazing field of the Hebridean sheep.

Because of the potentially large number of dogs from different homes using the application field, the feeding regime, scavenging behaviour and worming status of them cannot be verified or assured. With dogs running free over a considerable area there can be no assurance that all faeces will be collected up immediately.

Sarcocystis is a protozoan which commonly occurs in the UK. Infected dogs shed eggs in their faeces which, when ingested by sheep, develop into the ovine phase of the parasite and can infect the muscle tissue causing reduced growth rates and loss of carcass value; can cause abortion in pregnant ewes; and can cause neurological problems, especially in lambs. The disease can also be spread from ewe to lamb in pregnancy. There is no effective treatment or vaccination.

Tapeworms of four species are transmissible from dogs to sheep. In sheep, the tapeworms cause poor growth, neurological symptoms and, occasionally especially in lambs, death. The tapeworms can develop cysts in the muscle leading to loss of value of the carcass. The tapeworm eggs shed by the dog in its faeces are ingested by the grazing sheep. Dog tapeworms cost the English sheep industry more than £6M in 2012, just from abattoir condemnations.

**7.14 Ministry of Defence – no objections.**

Local Representations

7.15 93 letters of representation have been received at the time of writing. Some members of the public provided multiple letters of representation, some with detailed supporting information. 63 letters object and 30 letters support with comments summarised below. The full representations can be viewed on the case file on the Council's website.

7.16 Objections:

- A dog walking facility already exists a short distance away
- Existing dog walking facility appears to have capacity to absorb additional customers
- No social or economic need
- There is no new employment associated with this application
  
- Rare sheep located in neighbouring field – noise disturbance could cause distress and loss of lamb before they are born
- Danger to livestock
  
- The peace and tranquility of the village will be disrupted



- Noise pollution of barking dogs for residents in the village and surrounding neighbours
- Unsociable opening hours for the nearby neighbouring properties
- The site is close to two residential properties
  
- Impact on AONB
- Altered outlook on the natural rural landscape
- The fence will detract the views across the field to the woods around and across the Vale of York to the North York Moors
- Portable toilet on site? Not in keeping with environment
- Hardstanding would be out of keeping with the area and AONB
- Concern regarding additional advertising boards and the additional impact this will have on the appearance and character of the AONB
- Impact of change of use on 7 mature trees on site
  
- The field is overlooked by the adjacent public right of way – impact on AONB and its setting
- Public rights of ways perimeter the site which can be used for dog walking
- Impact on the enjoyment of the Ripon Rowel Way
  
- Lack of ecological investigation submitted – nesting birds, bats and other wildlife species inhabit this area
- Impact on wildlife – badgers and other species inhabit this area
- Impact of wildlife and biodiversity in nearby nature reserve
- Impact on the SSSI and nature reserve adjoining High Bank
- Loss of Flora and Fauna
  
- Faeces left behind and its impact on the local and natural environment (get into waterways)
- Odour emissions from faeces which has not been picked up and binned
- Odour intensified by westerly prevailing wind direction towards Mickley village
- The site is at the western edge of the calcareous springs
  
- Risk of fire from dead hedgerows and shrubs
- Impact of increasing carbon emissions and climate change
- Safety of the site in icy / wet conditions due to topography of land
  
- Risk and harm to humans and animals from escaped dogs
- Limited to no phone signal – no contact if emergency on site
  
- Traffic generation on narrow single-track road with limited visibility
- Traffic generation and impact on pedestrian safety
- Danger to cyclist safety
- Danger to the safety of horses using Railer Bank

- No street lights or footpaths along Railer Bank, which would add to the impact on pedestrian and vehicle safety
- Lack of turning facilities within the proposed car park
- No room in the village to facilitate additional parking for the users of the site
  
- Surface water cannot be disposed by a mains sewer – therefore poses risk of contamination to humans and animals
- Availability of fresh water on site for the dogs?
- How will the grass be maintained without the sheep? Steepness of land and lawn mower?
- Shooting rights over the field – the proposal will limit accessibility to the land
- Residents in support of the application are not local

#### 7.17 Support:

- This an opportunity to bring services to more dog owners in a safe and secure way
- Will provide a safe place for dogs to run around off-lead
- Increased dog welfare
- Dogs are walked along this route anyway
- Help to get antisocial and badly trained dogs off the public footpaths
  
- Supports the district's economy
- Supports a small business
  
- Hardstanding and fencing not out of keeping with AONB
- Fences being replaced and land being maintained would be good for the area
  
- Leaves other public open spaces to be enjoyed without dogs
  
- Field can be used by locals which will limit traffic generation
- Parking is only for 3 cars to traffic impact is negligible
  
- Re-planted hedgerows will increase wildlife
- Field kept in its natural state
- Maximum of 12 dogs is appropriate

## 8.0 **Environmental Impact Assessment**

8.1 Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

8.2 The development proposed falls within the description at 10 (b) of Schedule 2 to the above Regulations. In the opinion of the Local Planning Authority, having

taken into account the criteria in Schedule 3 to the above Regulations, the proposal would not be likely to have significant effect on the environment in the context of the EIA Regulations for the following reasons:

- 8.3 Although located within a designated sensitive area (the Nidderdale National Landscape, (formerly known as the Nidderdale Area of Outstanding Natural Beauty, AONB), there would be no likely significant impacts in terms of noise, waste, contamination, flooding, archaeology, ecology, heritage issues or complex construction. Given the nature, scale and location of the proposal, the impacts of the development are unlikely to be significant in the context of the EIA Regulations. The Proposed Development is therefore not EIA Development.

## **9.0 Main Issues**

9.1 The key considerations in the assessment of this application are:

- Principle of Development
- Impact on character and appearance / landscape character / Nidderdale National Landscape
- Residential Amenity
- Highway Safety and Parking Provision
- Impact on Enjoyment of Public Right of Way
- Ecology
- Drainage
- Land Use

## **10.0 ASSESSMENT**

### Principle of Development

- 10.1 The Harrogate District Local Plan 2014-2035 was adopted by the Council on 4 March 2020. The Inspectors' Report concluded that, with the recommended main modifications which are set out in his report, that the Harrogate District Local Plan satisfies the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended) and meets the criteria for soundness in the NPPF. All the policies in the Local Plan can therefore be given full weight.
- 10.2 Local Plan Policy GS2, Growth Strategy to 2035, sets out the growth hierarchy for the area, identifying settlements, centres and villages where development should be focused. Development limits for places in the

settlement hierarchy are identified under the provisions of Policy GS3. The proposal lies outside of development limits as identified in Policy GS3. Policy GS3 states that outside of development limits, proposals for new development will only be supported where expressly permitted by other policies of the Local Plan or a neighbourhood plan or national planning policy.

10.3 This application seeks consent for the proposed change of use of an existing parcel of land to the south-west of the village of Mickley, which currently operates as agricultural land and seeks to change its use to provide an enclosed dog walking field. The application will introduce a new recreational facility and employment development within the countryside and therefore relates directly to Local Plan Policies HP7 and EC3.

10.4 Criteria D of Local Plan Policy HP7 states:

*Proposals for sport and recreational activities that require a countryside location will be permitted in the open countryside outside of development limits (or the built up area of settlements) only where they:*

- i. Cannot be located adjacent to a built up area; and*
- ii. Are of a scale and nature appropriate to their landscape setting; and*
- iii. Do not involve a significant number or size of buildings or structures; and*
- iv. Would not cause excessive noise disturbance or light pollution to other users of the countryside, land uses or residents in the area or adversely impact on wildlife; and*
- v. Would not give rise to significant traffic congestion or road safety problems.*

10.5 The proposal relates to a parcel of land situated to the south-west of the village of Mickley, which is located within the AONB. The land in question covers an approximate area of 1.87 hectares and is predominantly screened by hedging and vegetation along the perimeter of the site. The site lies adjacent with the public highway to the west, Railer Bank, and follows the existing field boundary line which tapers in and narrows towards the south of the site. It is intended to utilise the existing access point into the site with proposed associated hardstanding, which will provide parking provision for up to 3 vehicles. The proposal will also see the erection of 2.2 metres high fencing to the perimeter of the site. Following recommendations forwarded by the Council's Principal Ecologist, plans have since been amended to pull back the fence line to the south-eastern boundary of the site to enable the preservation of wildlife beyond, and the repositioning of the proposed car parking area away from the canopy of the large veteran Beech Tree to ensure minimal disturbance.

- 10.6 The nature of the proposal would require a field of a substantive size to carry out its intended purpose to provide a secure field for a number of off-lead dogs. A proposal of this nature would also need to be situated away from built up areas in order to protect neighbouring amenity with regards to noise disturbance. Given the nature of the proposal, the siting of the proposal away from a built-up area in this instance would broadly be considered appropriate in relation to Part (D)(i) of Policy HP7.
- 10.7 As noted above, the application site is located within the AONB and therefore the Local Planning Authority will only permit development which does not detract from the natural beauty and special qualities of the AONB and its setting as detailed in Local Plan Policy GS6. The application site is also bordered by pastureland, which occupies grazing sheep and breeding ewes. There are also two nearby residential properties, Judy House, located approximately 33 metres to the west of the application site, and High Bank, located approximately 83 metres to the north-east of the application site.
- 10.8 The proposed site will see the creation of hardstanding covering an approximate area of 19 metres by 17 metres, alongside the erection of 2.2 metres high fencing to the perimeter of the site, and proposed car parking area, comprising of timber posts with wire mesh to allow for the growth of the surrounding vegetation. The proposed fencing will mostly sit behind existing established vegetation, however, there are some exposed sections to the north-western perimeter of the site, adjacent the public highway (Railer Bank), and along the south-eastern boundary of the site which abuts a public right of way. Both exposed sections will be visible from public vantage points. The AONB Joint Advisory Committee (JAC) have advised that a proposed fencing specification should be submitted to the local planning authority prior to any work on site so that the authority can ensure fencing materials and the proposed method of construction are compatible with the deeply rural setting of the site. Further fencing specification details were provided and the AONB JAC re-consulted, it was noted that the fencing specification details provided were considered appropriate in this rural setting. Whilst there will be some exposed sections surrounding the perimeter of the site where the proposed fencing will be visible, this is limited. It is also noted that the proposed fence line to the south-eastern boundary has been pulled back and will no longer directly abut the public right of way which runs alongside the south-eastern boundary of the site. It is not considered that the level of exposed fencing will have a detrimental impact on the character or appearance of the area or surrounding landscape.
- 10.9 The majority of the proposed hardstanding will remain mostly unseen from the public vantage points along Railer Bank given the established vegetation and hedging it will sit behind. No excavation or engineering works are required. Sample details of the proposed hardcore have been provided and is considered acceptable in this rural setting. Thus, it is not considered that the proposed hardstanding will detrimentally impact the character or appearance of the area or surrounding landscape and will therefore satisfy the requirements of Local Plan Policy HP7, criteria D (i).

- 10.10 The proposal does not intend to erect a significant number of associated buildings or structures (and therefore satisfies the requirements of Local Plan Policy HP7, criteria D (ii).
- 10.11 The nature of the proposed development will likely see an increase in noise level and traffic generation and therefore assessment of the impact on highway safety in relation to paragraph (D)(v) of Policy HP7, neighbouring amenity and the impact of the proposal on the livestock located in the surrounding fields in relation to paragraph (D)(iv) of Policy HP7 is required.
- 10.12 With regards to the impact the proposal will have on highway safety, there have been a number of concerns raised by local residents regarding the increase in traffic generation through the village of Mickley and along Railer Bank, which is a narrow, bending, single track road. The proposal seeks to utilise the existing access point onto Railer Bank and create hardstanding in the form of gravel with no excavation or engineering work required. The hardstanding will provide parking provision for up to 3 vehicles. The Site Management Plan (SMP) submitted in support of the planning application details that the field can be used for up to 12 dogs with a maximum ratio of 6 dogs to 1 person. The SMP notes that the field will be predominantly used by the applicant to walk dogs associated with their own dog walking business, utilising custom crafted vans which can transport up to 12 dogs. Therefore, only 1 or maximum 2 vehicles will be parked on the site within business hours. For public use, a maximum of 2no. households can book to use the field within the same 1-hour allocated time slot. For public use, there would be a maximum of 2 vehicles on site. The booking allows for 50 minutes exercise time on the field and 10 minutes for entry and exit which will avoid overlap of site users.
- 10.13 Upon consultation with the Local Highway Authority, and the submission of additional swept path analysis and visibility splay plans by the agent, no objections have been raised by the Local Highway Authority, however, a number of conditions have been recommended to ensure highway safety is maintained. As noted above, following recommendations put forward by the Council's Principal Ecologist, the car parking area has been re-positioned to ensure minimal disturbance to the existing veteran Beech Tree on site. The Local Highway Authority were re-consulted and no further objections were raised. Subject to compliance with the recommended conditions, it is not considered that the proposal would not give rise to a prejudicial impact on highway safety and would therefore be compliant with the requirements of criteria D (v) of Policy HP7.
- 10.14 The nature of the proposal to provide an enclosed dog park would likely see an increase in the level of noise in this part of the local area. As noted above, the surrounding fields are pastureland with the neighbouring field to the north occupying breeding ewes and the neighbouring field to the east / south-east often occupying grazing sheep. A number of representations have been received strongly objecting to the proposal regarding the impact the proposal will have on the sheep in the neighbouring fields.

- 10.15 An objection has been received by the Hebridean Sheep Society (HSS) concerning the negative impact the proposal will have on the physical and mental well-being of the sheep through the sight, sound and scent of the dogs running free in the adjacent field. The HSS note that the topography of the site and the sparse hedge bottom mean that the dogs will be readily visible to the sheep. This, together with sound and scent, will alarm the sheep and, at the very least, restrict their grazing area to parts of their field distant from the boundary. These disturbances are likely to be of greater importance for pregnant ewes and ewes with young lambs.
- 10.16 Comments have also been received from the National Sheep Association (NSA). An initial objection was received on 23rd November 2023 which noted that "even when secure - these dogs will be running around and chasing - all behaviours that will stress any sheep in sight of hearing them." It was then advised in their later comments received on 16<sup>th</sup> and 18<sup>th</sup> January 2024 that the National Sheep Association are unable to comment on individual situations and could only provide general comments and advice. It was advised in their comments received on 16th January 2024 that the implementation of secure fencing to include a single entry/exit point with a double gate system and the introduction of structures to reduce visual contact with the sheep would reduce the risks associated with 'sheep worrying.' Additional comments were then received on 18th January 2024 noting that finding locations for parks can be difficult but the NSA recommends placement without sheep grazing adjacent be preferable. It was also advised that agreement or permission should be obtained from all graziers on all adjoining boundaries to any proposed dog park.
- 10.17 'Sheep worrying' is defined in Section 1(2) of The Dogs (Protection of Livestock) Act 1953 which outlines the following:
- (2) For the purposes of this Act worrying livestock means -*
- (a) attacking livestock, or*
- (b) chasing livestock in such a way as may reasonably be expected to cause injury or suffering to the livestock or, in the case of females, abortion, or loss of or diminution in their produce, or*
- (c) being at large (that is to say not on a lead or otherwise under close control) in a field or enclosure in which there are sheep.*
- 10.18 The applicant has provided additional structures by way of additional tree planting and hedgerow enhancement along the northern boundary of the site adjacent to the neighbouring field at High Bank. A double gate system at the single entry/exit point onto the field has also been proposed. The secure 2.2 metre high fencing to the perimeter of the site, accompanied by the single entry/exit point with a double gate system, will ensure that the dog park is secure and mitigate as much as possible the risk of a physical dog attack on the sheep in the neighbouring fields.

- 10.19 A section plan indicating the level of visibility from the application field into the neighbouring field to the north has been provided by the applicant (drawing reference - AL\_(0)004). The section plan highlights the ground level changes across the application field and neighbouring fields and indicates an approximate visibility sightline of 60m from the neighbouring field at High Bank to the application field, taking into consideration the existing and proposed planting along the northern boundary.
- 10.20 Whilst the proposed planting along the northern boundary will impair the level of visibility to an approximate distance of 60m from the application field to the neighbouring field to the north, this could only be achieved in the longer term, in the short term whilst the proposed planting is establishing visibility sightlines will ultimately be reduced. The proposed planting will likely not prevent free-roaming dogs using the field being able to access the proposed wire mesh fencing along the northern boundary at which point visibility into the neighbouring field at High Bank will be achievable via the wire mesh panels of the proposed fencing and the sparse hedge bottom of the existing hedge.
- 10.21 As noted by the HSS, unless the boundary fence is solid the dogs will be able to see the sheep and will be attracted to the fence, which is likely to lead to increased dog activity and barking causing enhanced distress for the sheep.
- 10.22 The problem caused by the sight of dogs running close to the fence could be eliminated through the provision of a high solid fence, however, a fence of this nature would not be visually appropriate in this rural setting within the Nidderdale National Landscape (formerly known as the Nidderdale Area of Outstanding Natural Beauty).
- 10.23 The concerns regarding that of sound and scent of the dogs, however, cannot be eliminated in this instance. As noted in the comments received by the National Sheep Association, "even when secure - these dogs will be running around and chasing - all behaviours that will stress any sheep in sight of hearing them." The Hebridean Sheep Society have also made comment on the sound and scent of the dogs which "will alarm the sheep and, at the very least, restrict their grazing area to parts of their field distant from the boundary. These disturbances are likely to be greater importance for pregnant ewes and ewes with young lambs." Whilst the level of visibility could be impaired in the longer term through the establishment of the proposed planting, free-roaming dogs using the field will not be prevented to access the proposed wire mesh fencing which is likely to lead to increased dog activity and barking and the resultant distress to the sheep in the neighbouring fields. No mitigation measures could be introduced to eliminate the sound and scent of the dogs which is considered to adversely impact the land uses in the neighbouring fields.
- 10.24 It is considered that the use of the application field as a dog park would conflict with the land uses in the neighbouring fields and could not appropriately co-exist in this context without forwarding an adverse impact to the land uses in the neighbouring fields which occupy breeding ewes and grazing sheep.



10.25 Whilst the applicant has worked with the Local Planning Authority and the consultee recommendations in order to mitigate the level of disturbance to the breeding ewes and grazing sheep by way of additional tree planting along the north and south-eastern boundaries and an updated Site Management Plan and site plan following recommendations from the Environmental Health Officer, on balance, it is not considered that any level of mitigation in this instance could eliminate the issues which will likely arise regarding noise disturbance and the adverse impact on the land uses in the neighbouring fields. In that regard, the proposal would fail to satisfy criteria D (iv) of Local Plan Policy HP7.

10.26 The proposal is for a business located in the countryside, outside of development limits and therefore relates directly to Local Plan Policy EC3.

10.27 Local Plan Policy EC3 states that new employment development will be permitted in open countryside where all the following criteria are met:

*A. It involves either:*

- i. the re-use or adaptation of an existing building, a proposal for farm or other land-based business diversification, or other small-scale proposal requiring a countryside location for operational reasons; or*
- ii. small-scale new building which is well related to a rural settlement, benefits the local economy, and reduces the need for increased car commuting to urban centres.*

*B. The local road network can accommodate proposed traffic movements;*

*C. It would not have a significant adverse effect on the character, appearance or general amenity of the area. Outside defined settlement development limits the re-use of existing buildings to employment use from other uses will be supported where:*

*D. The building is of permanent and substantial construction, structurally sound and capable of conversion without the need for substantial extension, alteration or reconstruction.*

*E. The scale, form and general design of the building and its proposed conversion are in keeping with its surroundings, local building styles and materials.*

*F. The proposed alterations are of a high quality design, retaining the features that contribute positively to the character of the building and its surroundings.*

*G. The building and its curtilage can be developed without an adverse effect on the historic environment, the character of the local landscape or its setting.*

*H. It can be demonstrated that there is no unacceptable adverse impact on local biodiversity, including protected habitats and species.*

*1. The proposed use would not harm the countryside by way of traffic, parking, storage, light and noise pollution, or the erection of associated structures.*

- 10.28 The proposal relates to the change of use of an existing parcel of land which was previously used for agricultural purposes to graze sheep. The proposal seeks permission for a change of use of the site to create a dog walking field. The proposal therefore relates directly to point (i) of criteria A of Policy EC3.
- 10.29 The proposal seeks to utilise the existing access point onto Railer Bank and create hardstanding in the form of gravel with no excavation or engineering work required. The hardstanding will provide parking provision for up to 3 vehicles. The planning statement submitted in support of the planning application details that the field can be used for up to 12 dogs with a maximum ratio of 6 dogs to 1 person. Upon consultation with the Local Highway Authority, as noted above, the Local Highway Authority have no objections to the proposal and have recommended conditions to ensure that highway safety is maintained. Therein, subject to compliance with the recommended conditions, the proposal will satisfy criteria B of Policy EC3.
- 10.30 The proposed site will see the creation of hardstanding covering an approximate area of 19 metres by 17 metres, alongside the erection of 2.2 metre fencing to the perimeter of the site comprising of timber posts with wire mesh to allow for the growth of the surrounding vegetation. The proposed fencing will mostly sit behind existing established vegetation, however, there are some exposed sections to the north-western perimeter of the site, adjacent the public highway (Railer Bank), and along the south-eastern boundary of the site which abuts a public right of way. Both exposed sections will be visible from public vantage points. The Joint Advisory Committee have advised that a proposed fencing specification should be submitted to the local planning authority prior to any work on site so that the authority can ensure fencing materials and the proposed method of construction are compatible with the deeply rural setting of the site. Further fencing specification details were provided and the JAC re-consulted, it was noted that the fencing specification details provided were considered appropriate in this rural setting. Whilst there will be some exposed sections surrounding the perimeter of the site where the proposed fencing will be visible, this is limited. It is also noted that the proposed fence line to the south-eastern boundary has been pulled back and will no longer directly abut the public right of way, which runs alongside the south-eastern boundary of the site. It is not considered that the level of exposed fencing will have a detrimental impact on the character or appearance of the area or surrounding landscape.
- 10.31 The majority of the proposed hardstanding will remain mostly unseen from the public vantage points along Railer Bank given the established vegetation and hedging it will sit behind. No excavation or engineering works are required. Sample details of the proposed hardcore have been provided and is considered acceptable in this rural setting. Thus, it is not considered that the proposed hardstanding will detrimentally impact the character or appearance of the area or surrounding landscape.

- 10.32 It is therefore considered that the proposal satisfies criteria C, F and G of Policy EC3.
- 10.33 No buildings are proposed and therefore criteria D and E of Policy EC3 are not relevant in this case.
- 10.34 The application site is located adjacent the Hackfall Woods, which is a Site of Special Scientific Interest (SSSI) and is also situated nearby a nature reserve, which lies beyond High Bank to the north-west of the site. The site itself incorporates 7 mature trees within the site with the perimeter of the site also comprising of established vegetation and hedging. The application site also lies within the AONB. The Council's Principal Ecologist was consulted on this application and it was advised that the proposed car parking area be re-positioned further south away from the canopy and roots of the large veteran Beech Tree on site and the fence line to the south eastern boundary be pulled back to preserve the wildlife beyond. It is noted that concerns have been raised by local residents regarding the impact the proposal would have on local ecology and biodiversity. The Council's Principal Ecologist has assessed the application and is of the view that the disturbance to wildlife which would be caused by a controlled number of dogs will be generally limited to the immediate location and the times when the dogs are present. The Principal Ecologist is of the view that the proposed use of the area as a dog-exercise area is unlikely to have a significance adverse impact on local wildlife, given the safeguards. It is therefore not considered that the proposal would harm local biodiversity nor harm protected habitats or species). The proposal is therefore considered to satisfy criteria H of Policy EC3.
- 10.35 As mentioned above, the proposal would not harm the countryside by way of traffic or parking. No lighting, storage or associated structures are proposed under this application.
- 10.36 The nature of the proposal to provide an enclosed dog park would likely see an increase in the level of noise in this part of the local area. As noted above, the surrounding fields are pastureland with the neighbouring field to the north occupying breeding ewes and the neighbouring field to the east / south-east often occupying grazing sheep. A number of representations have been received strongly objecting to the proposal regarding the impact the proposal will have on the sheep in the neighbouring fields. An objection has been received by the Hebridean Sheep Society (HSS) concerning the level of disturbance to the sheep in the neighbouring field by the sight, sound and scent of dogs running free in the adjacent field. A number of literature sources have been supplied by objectors regarding 'sheep worrying', which notes that the dogs do not have to be in the same field as the sheep themselves for sheep worrying to occur.
- 10.37 Whilst the applicant has worked with the Local Planning Authority and the consultee recommendations in order to mitigate the level of disturbance to the nearby residents and breeding ewes and grazing sheep in the neighbouring fields by way of additional tree planting along the north and south-eastern boundaries and an updated Site Management Plan and site plan following

recommendations from the Environmental Health Officer, on balance, it is not considered that any level of mitigation in this instance could eliminate the issues which will likely arise regarding noise disturbance to nearby residents and the disturbance on the sheep grazing land uses in the neighbouring fields. In that regard, the proposal would fail to satisfy criteria I of Local Plan Policy EC3.

- 10.38 Given the above assessment, it is considered that the proposal would fail to satisfy criteria D of Policy HP7 and criteria I of Policy EC3 of the Local Plan. The proposal would therefore also fail to satisfy the requirements of Policy GS3.

Impact on Character and Appearance/Landscape Character / Nidderdale National Landscape

- 10.39 National and local planning policies seek to encourage good design and to ensure that new development respects local distinctiveness
- 10.40 NPPF paragraph 131 states: The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 10.41 Paragraph 139 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes.
- 10.42 Local Plan Policy HP3 (Local Distinctiveness) requires development to incorporate high quality building, urban and landscape design that protects, enhances or reinforces those characteristics, qualities and features that contribute to the local distinctiveness of the district's rural and urban environments.
- 10.43 Policy NE4 states proposals that will protect, enhance or restore the landscape character of Harrogate district for its own intrinsic beauty and for its benefit to the economic, environmental and social well-being of the district will be supported. Development proposals must protect and / or enhance the character, appearance and local distinctiveness of the landscape, including the natural and man-made heritage features.
- 10.44 The proposed site will see the creation of hardstanding covering an approximate area of 19 metres by 17 metres, alongside the erection of 2.2 metres high fencing to the perimeter of the site comprising of timber posts with wire mesh to allow for the growth of the surrounding vegetation. The proposed fencing will mostly sit behind existing established vegetation, however, there are some exposed sections to the north-western perimeter of

the site, adjacent the public highway (Railer Bank), and along the south-eastern boundary of the site which abuts a public right of way. Both exposed sections will be visible from public vantage points. The Joint Advisory Committee have advised that a proposed fencing specification should be submitted to the local planning authority prior to any work on site so that the authority can ensure fencing materials and the proposed method of construction are compatible with the deeply rural setting of the site. Further fencing specification details were provided and the JAC re-consulted, it was noted that the fencing specification details provided were considered appropriate in this rural setting. Whilst there will be some exposed sections surrounding the perimeter of the site where the proposed fencing will be visible, this is limited. It is also noted that the proposed fence line to the south-eastern boundary has been pulled back and will no longer directly abut the public right of way which runs alongside the south-eastern boundary of the site. It is not considered that the level of exposed fencing will have a detrimental impact on the character or appearance of the area or surrounding landscape.

10.45 The majority of the proposed hardstanding will remain mostly unseen from the public vantage points along Railer Bank given the established vegetation and hedging it will sit behind. No excavation or engineering works are required. Sample details of the proposed hardcore have been provided and is considered acceptable in this rural setting. Thus, it is not considered that the proposed hardstanding will detrimentally impact the character or appearance of the area or surrounding landscape.

10.46 The proposal will ultimately increase the intensification of the site, however, will remain mostly visibly as per the existing. No additional structures or lighting is proposed.

10.47 The proposal is therefore considered to comply with Local Plan Policy HP3 and NE4.

10.48 Local Plan Policy GS6 states that proposals will only be supported where they:

*A. Do not detract from the natural beauty and special qualities of the AONB and its setting;*

*B. Contribute to the delivery of the Nidderdale AONB Management Plan objectives;*

*C. Support the economic, social and environmental well-being of the area or support the understanding and enjoyment of the area.*

10.49 Paragraph 182 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important

considerations in these areas and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

- 10.50 Following from the assessment above, in terms of the visual impact of the proposal, it is not considered that the proposal would result in an adverse impact on the character or appearance of the AONB or its setting and would therefore satisfy criteria A of Policy GS6.
- 10.51 As noted in the assessment of the principle of development above and consideration of the proposal against Local Plan Policies HP7 and EC3, it was noted that whilst the applicant has worked with the Local Planning Authority and the proposed recommendations forwarded by the Environmental Health Officer, on balance, it is not considered that any level of mitigation in this instance could eliminate the issues which will likely arise surrounding the disturbance to the sheep grazing land uses in the neighbouring fields and the noise disturbance to nearby residents. The presence of sheep in the neighbouring fields would likely cause an increased level of dog activity and barking from the dogs using the field which would subsequently result in negative impacts on the health and well-being of the sheep which would have negative implications for the neighbours agricultural business and therefore rural economy. The proposal would therefore be of detriment to the economic, social and environmental well-being of the area and would thus fail to satisfy criteria C of policy GS6.
- 10.52 Aim (L2) of the Nidderdale AONB Management Plan seeks to maintain and enhance the AONB's natural beauty with objective 4 of the aim seeking to safeguard the tranquillity of the AONB. Given the above assessment with the resultant dog barking in connection with the sheep in the neighbouring fields, it is considered that the tranquillity of the AONB could not be safeguarded in this regard. As noted above, whilst the applicant has followed recommendations of the Council's Environmental Health Officer in order to mitigate the level of disturbance, it is not considered that any level of mitigation in this instance would eliminate the concern regarding the disturbance to the sheep grazing land uses in the neighbouring fields and the noise disturbance to nearby residents. As such, the proposal would not satisfy objective 4 of aim L2 outlined in the Nidderdale AONB Management Plan and accordingly fail to satisfy criteria B of Policy GS6.
- 10.53 As such, the proposal would be contrary to the requirements of Local Plan Policy GS6 and would not safeguard the special qualities of the AONB.

#### Residential Amenity

- 10.54 The NPPF advises, in paragraph 135, that decisions should ensure developments create places that are safe, inclusive and accessible and which

promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

10.55 Paragraph 191 of the NPPF states that Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;

b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and

c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

10.56 Local Plan policy HP4 states that proposals should be designed to ensure that they will not result in significant adverse impacts on the amenity of occupiers and neighbours. Amenity considerations listed in Policy HP4 include overlooking and loss of privacy, overbearing and loss of light and vibration, noise and other disturbance.

10.57 There are two nearby residential properties, Judy House, located approximately 27 metres to the west of the application site, and High Bank, located approximately 93 metres to the north-east of the application site. The proposed hardstanding and access is located approximately 30 metres south of the entrance to Judy House and will sit behind existing established vegetation along the western boundary of the site. The proposed access to the site does not directly face onto the neighbouring property (Judy House) and is of a sufficient distance away to not give rise to neighbouring amenity issues with regards to an overlooking impact.

10.58 The use of the site as a dog walking facility will, however, likely result in an increased level of noise from barking dogs using the site which will likely be exacerbated by the presence of sheep in the neighbouring fields. The majority of the western boundary is screened by established vegetation with the main dog field located further south of the proposed hardstanding and access. The vegetation along the west and northern boundaries will provide a level of noise mitigation for the neighbouring properties at Judy House, located approximately 27 metres from the site, and High Bank, located approximately 93 metres from the site. However, following assessment of the proposal with regards to the impact of the proposal on noise disturbance, given the siting of the application site directly neighbouring agricultural fields which occupy breeding ewes and grazing sheep, this will likely increase the level of barking

and subsequently the level of noise pollution particularly for the closest neighbouring property, Judy House.

- 10.59 The Council's Environmental Health department were also consulted regarding noise impact on neighbouring properties and it was advised that all the control measures (controlled hours, controlled numbers, security on who can go on site, management of the site through regular visits, a detailed booking scheme so the manager know who is on at what time etc.) are to be included in a site management plan which could be subsequently conditioned to control the level of disturbance. It was also advised that a complaint system is set up with a notice in the car park of who complaints can be made to. If there is excessive noise from barking the manager can identify who was on at the time the barking is alleged, giving the manager an opportunity to investigate and ban certain dogs if necessary. This gives residents an element of control if there are justifiable complaints. It is noted that the applicant provided an updated site management plan following the recommendations forwarded by the Council's Environmental Health department.
- 10.60 Criteria C of Local Plan Policy HP4 makes regard to the safeguarding of amenity with regards to noise disturbance. Whilst the applicant has worked with the Local Planning Authority and the consultee recommendations in order to mitigate the level of disturbance to the nearby residents by way of additional tree planting along the north and south-eastern boundaries and an updated Site Management Plan and site plan following recommendations from the Environmental Health Officer, on balance, it is not considered that any level of mitigation in this instance could eliminate the issues which will likely arise regarding noise disturbance to nearby residents.
- 10.61 The proposal would fail to safeguard neighbouring amenity and would therefore be contrary to the requirements of Local Plan Policy HP4.

#### Highway safety and parking provision

- 10.62 Paragraph 115 of the NPPF states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.
- 10.63 Local Plan Policy TI3 seeks to approve development to include sufficient provision of vehicle and bicycle parking.
- 10.64 The proposal seeks to utilise the existing access point onto Railer Bank and create hardstanding in the form of gravel with no excavation or engineering work required. The hardstanding will provide parking provision for up to 3 vehicles. The planning statement submitted in support of the planning application details that the field can be used for up to 12 dogs with a maximum ratio of 6 dogs to 1 person. Upon consultation with the Local Highway Authority, as noted above, the Local Highway Authority have no



objections to the proposal and have recommended conditions to ensure that highway safety is maintained.

- 10.65 Therein, the proposal therefore and subject to conditions requiring the maintenance of the parking area, adequately safeguards highways safety. This accords with paragraph 115 of the NPPF and policies TI1 and TI3 of the Local Plan.

#### Impact on enjoyment of public right of way

- 10.66 Paragraph 104 of the NPPF seeks to ensure that planning policies and decisions protect and enhance public right of ways.
- 10.67 Local Plan Policy HP5 details that the area's network of public rights of way, together with permissive routes, provide an important recreational resource that enables the public to experience and enjoy the district's high quality natural, built and historic environments through activities such as walking, cycling and horse riding. As such, these routes play an important role in ensuring the physical and mental health and wellbeing of the district's residents, as well as contributing to what the area has to offer to visitors.
- 10.68 This policy aims to protect public rights of way so that the routes and their existing recreational and amenity value is not undermined by new development.
- 10.69 The site lies adjacent the Hackfall Woods (a Site of Special Scientific Interest) to the west, which provides a public right of way (15.7/35/1) through the adjacent neighbouring property (Judy House) with the public right of way continuing from the south-western edge of the application site. The public right of way follows the south-western boundary of the site for approximately 100 metres before it trails off in an easterly direction.
- 10.70 Following consultation with the Council's Principal Ecologist, the proposed fencing to the south-eastern boundary which lies adjacent with the public right of way, has been since re-positioned further west, approximately 8.5 metres away from the public right of way. As such, it is not considered that the proposed 2.2 metre fencing will now detract from the enjoyment of the public right of way and is therefore considered to accord with Local Plan Policy HP5.

#### Ecology

- 10.71 Paragraph 186 of the National Planning Policy Framework states that when determining planning applications, local planning authorities should apply several principles. One of these states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

- 10.72 Policy NE3 relates to protecting the natural environment.
- 10.73 The application site is located adjacent the Hackfall Woods which is a Site of Special Scientific Interest (SSSI) and is also situated nearby a nature reserve which lies beyond High Bank to the north-west of the site. The site itself incorporates 7 mature trees within the site with the perimeter of the site also comprising of established vegetation and hedging. The application site also lies within the AONB. The Council's Principal Ecologist was consulted on this application and it was advised that the proposed car parking area be re-positioned further south away from the canopy and roots of the large veteran Beech Tree on site and the fence line to the south eastern boundary be pulled back to preserve the wildlife beyond. It is noted that concerns have been raised by local residents regarding the impact the proposal would have on local ecology and biodiversity, and the sheep and ewes on the neighbouring fields. The Council's Principal Ecologist has assessed the application and is of the view that the disturbance to wildlife which would be caused by a controlled number of dogs will be generally limited to the immediate location and the times when the dogs are present. The Principal Ecologist is of the view that the proposed use of the area as a dog-exercise area is unlikely to have a significance adverse impact on local wildlife, given the safeguards. It is therefore not considered that the proposal would harm local biodiversity nor harm protected habitats or species).
- 10.74 Following amendments made to the proposed site plan to site the proposed car parking area further south away from the roots and canopy of the large Beech Tree and the re-positioning of the fence line along the south-eastern boundary, no further objections were raised and the proposal is considered to accord with Local Plan Policy NE3 and Paragraph 186 of the NPPF.

#### Drainage

- 10.75 Policy CC1 of the Local Plan states development proposals will not be permitted where they would have an adverse effect on watercourses or increase the risk of flooding elsewhere.
- 10.76 The proposal does not incorporate any facilities on site which requires the discharge or drainage of water.
- 10.77 The proposed hardstanding seeks to incorporate a permeable material and will therefore not give rise to an increased risk of flooding to the site or surrounding area.
- 10.78 Comments raised by objectors raised concern regarding dog faeces and this contaminating water via its entry into surface water run-off and into the springs and across the fields to the north.
- 10.79 The Planning Statement submitted in support of the planning application has stated that a dog waste bin will be provided for users of the field near the car park area, and this will be emptied daily by the applicant. The waste will be

double bagged and then collected by a licenced waste contractor. The site will also be inspected at regular intervals to ensure the site remains clean and clear. It is not considered that faecal matter will accumulate on site. In order to ensure the site is maintained and up kept, this can be conditioned.

- 10.80 The proposal is therefore considered to accord with Local Plan Policy CC1.

#### Land use

- 10.81 Policy NE8 seeks to protect 'The best and most versatile agricultural land (grades 1, 2 and 3a)' from development not associated with agriculture or forestry except where it can be demonstrated to be necessary.
- 10.82 The proposal site is located on agricultural land classified as grade 3 'good to moderate' according to the Agricultural Land Grading maps.
- 10.83 Whilst the proposed change of use of the land in question will cease the use of agricultural activities, the Planning Statement submitted in support of the planning application states that sheep will be allowed to graze the field at agreed times when not in use.
- 10.84 The proposal will result in an intensification of the use of the site; however, the land is not considered to be of high grading and is therefore not viewed inappropriate in this instance and will therefore accord with Local Plan Policy NE8.

### **11.0 PLANNING BALANCE AND CONCLUSION**

- 11.1 This application has presented a number of issues which are various, complex and sensitive. Whilst the applicant has worked with the Local Planning Authority and the consultee recommendations in order to mitigate the level of disturbance to the nearby residents and breeding ewes and grazing sheep in the neighbouring fields by way of additional tree planting along the north and south-eastern boundaries and an updated Site Management Plan and site plan following recommendations from the Environmental Health Officer, on balance, it is not considered that any level of mitigation in this instance could eliminate the issues which will likely arise regarding noise disturbance to nearby residents and the disturbance on the sheep grazing land uses in the neighbouring fields. The proposal would also fail to safeguard the tranquillity of the Nidderdale National Landscape.
- 11.2 The proposal would therefore be contrary to the requirements of Local Plan Policies GS3, HP7 (criteria D, iv), EC3 (criteria I) HP4 and GS6.

### **12.0 RECOMMENDATION**

12.1 That planning permission be REFUSED.

Reasons for refusal:

1. The proposal would give risk to an unacceptable level of disturbance to the sheep grazing land uses which exist in the neighbouring fields to the north and south. This is contrary to the objectives of paragraph 191 of the National Planning Policy Framework, and Local Plan Policies GS6 (criteria C), EC3 (criteria I) and HP7 (criteria D, iv), which seek to support the economic, social and environmental well-being of the Nidderdale Area of Outstanding Natural Beauty (Nidderdale National Landscape) and ensure that the proposed uses do not harm the countryside, other users of the countryside and land uses by way of noise disturbance.
2. The proposal would give rise to an unacceptable level of noise disturbance to nearby residents and would result in disturbance to the tranquillity which exists to this part of the Nidderdale National Landscape. The proposal would fail to safeguard the special qualities of the Nidderdale National Landscape and is therefore considered to be contrary to the objectives of paragraph 182 and 191 of the National Planning Policy Framework, and Local Plan Policies GS3, GS6 (criteria C), EC3 (criteria I) and HP7 (criteria D, iv) and HP4.

**Target Determination Date:** 20th February 2024.

**Case Officer:** Amy Benfold  
amy.benfold@northyorks.gov.uk.

## North Yorkshire Council

### Community Development Services

#### Skipton and Ripon Area Constituency Planning Committee

5 MARCH 2024

**ZC23/03155/FUL - PROPOSED SEWAGE PUMPING STATION, MANHOLES, GRAVITY SEWERS, PUMPED SEWAGE RISING MAIN AND ASSOCIATED INFRASTRUCTURE TO LINK WITH EXISTING PUBLIC FOUL SEWER IN NORTON-LE-CLAY. THE CLOSE DISHFORTH AIRFIELD THIRSK NORTH YORKSHIRE YO7 3DE ON BEHALF OF ANNINGTON PROPERTY LTD**

#### Report of the Assistant Director – Planning

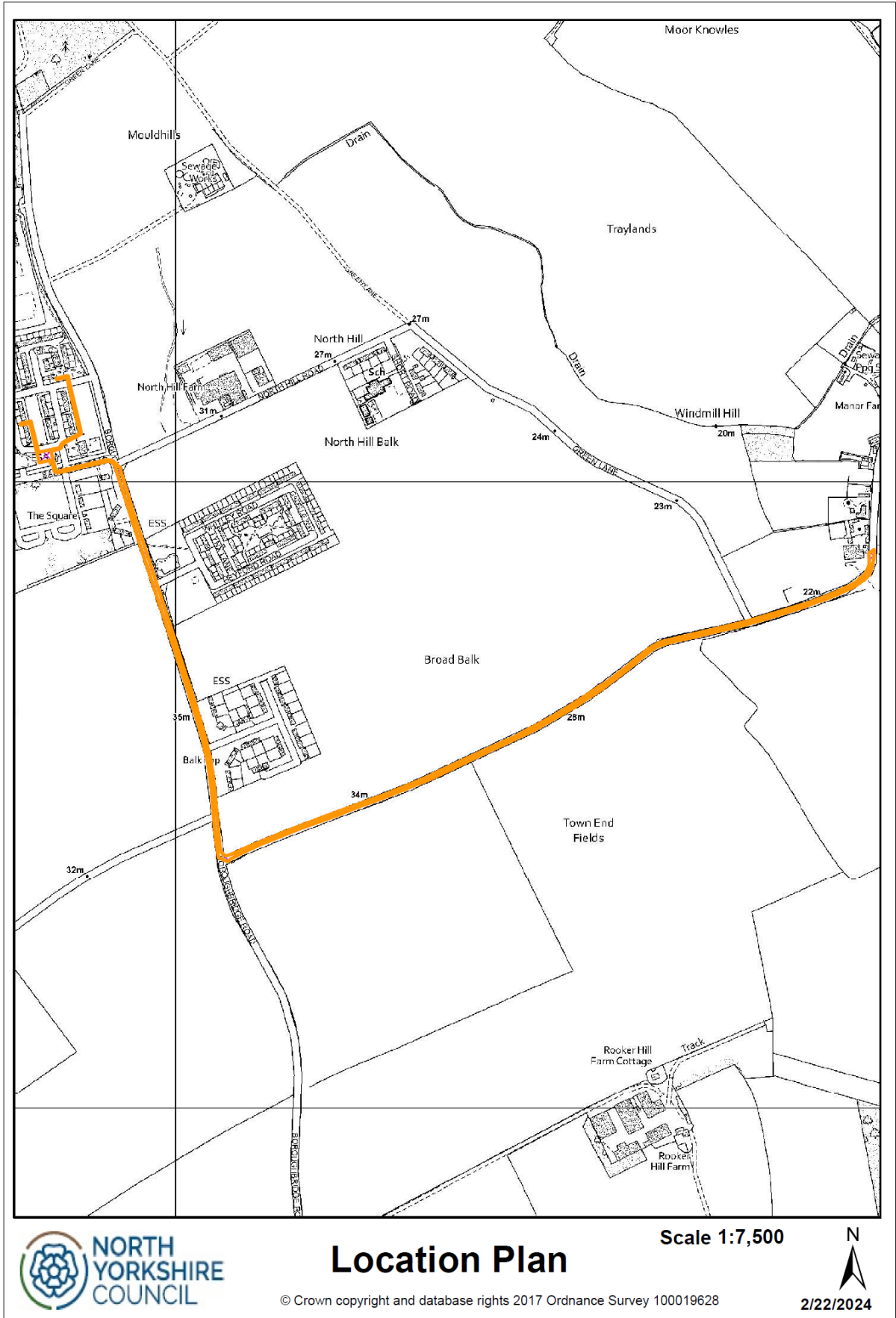
##### 1.0 Purpose of the Report

- 1.1 To determine a planning application for Proposed sewage pumping station, manholes, gravity sewers, pumped sewage rising main and associated infrastructure to link with existing public foul sewer in Norton-le-Clay on behalf of Assistant Director – Planning
- 1.2 This application is brought to the Planning Committee at the request of the Division Member

##### 2.0 SUMMARY

**RECOMMENDATION: That planning permission be granted subject to the conditions given below**

- 2.1. The proposal seeks to provide a foul drainage system for thirty privately owned dwellings within the Dishforth Airfield married quarters. This is separate to the existing private MOD foul sewerage network and treatment works
- 2.2. The works involve the provision of a pumping station and a discharge toward the waste treatment plant that is situated to the north of Norton-le-Clay.
- 2.3. The proposal has been amended to mitigate the impact on the existing sewerage system in Norton-le-Clay and the pumping station, accepting of its utilitarian nature, is appropriate with no undue harm being caused on neighbouring residents by any part of the proposal.



**3.0 Preliminary Matters**

- 3.1. Access to the case file on Public Access can be found [here:-](#)
- 3.2 The proposal has been modified with regard to the location of the connection of the proposed foul sewer within the Yorkshire Water network.

#### **4.0 Site and Surroundings**

- 4.1. The application concerns various sections of land and roadways at Dishforth Airfield and along Broad Balk Lane to Norton-le-Clay.
- 4.2. Amongst the married quarters thirty of dwellings are privately owned. All are served by the existing private MOD foul sewerage network and treatment works.

#### **5.0 Description of Proposal**

- 5.1 It is stated that “Due to the properties no longer being used by the MOD and therefore being privately owned, there is a legal obligation to remove these properties from the private MOD foul sewerage network and provide a connection to the public Yorkshire Water foul sewer network.”
- 5.2 The proposal therefore, is to provide new underground gravity sewers and manholes to separate the 30 properties from the existing private network. The sewerage will be piped at 1.39 litres/second to a new pumping station compound situated above ground, on land to the south of dwellings, east of a playground, and surrounded by a 1.8m high green steel palisade fence. The actual peak flows are stated to be around 0.58 litres/second.
- 5.3 The sewerage will then be pumped by underground pipe to connect into the Yorkshire Water system in Norton-le-Clay. That originally was shown as being linked at the southern end of the village but now is to be extended to link at the point of divergence of the existing sewerage system from Broad Balk Lane to the wastewater treatment works to the north of the village.

#### **6.0 Planning Policy and Guidance**

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

##### Adopted Development Plan

- 6.2. The relevant Adopted Development Plan for this site is:
- The Harrogate District Local Plan 2014-2035
  - Emerging Development Plan – Material Consideration

6.3. The Emerging Development Plan for this site is listed below.

- The North Yorkshire Local Plan. No weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

Guidance - Material Considerations

6.4. Relevant guidance for this application is:

- National Planning Policy Framework 2021
- National Planning Practice Guidance

**7.0 Consultation Responses**

7.1. The following consultation responses have been received and have been summarised below.

7.2. **Norton-le-Clay Parish Council:** Object.

Norton le Clay has a combined top water and foul drain, not a full sewerage drain. At present, only septic tank discharges are put into the combined sewer. This still results in very bad smells from the road gullies, especially in summer.

The combined sewer adjacent to Norton House Farm where the connection from the Airfield is planned to be made, is very flat and needs regular jetting to keep flowing. That section only ever carries rainwater as no septic tanks join the system until further down the village. If untreated sewerage is added at the proposed starting point, the drain will block, as it is so flat and the road in Norton le Clay will become an open sewer. The height differential between the Airfield and the Village will only make this worse.

Members of the Parish Council are very concerned that if this system is constructed, many more houses in the future will be connected to it from the Airfield. The Councillors also wonder how the Ministry of Defence can sell houses and then disconnect them from their own very good sewerage works.

7.3. **Yorkshire Water Services Limited:** Do not object.

7.4. Consider in principal the scheme to be acceptable and can be appropriately modified by conditions attached to a permission. They require the peak pumped rate of foul water discharge into their sewer not to exceed 4.75 litres per second.

7.5. Separately have advised the receiving wastewater treatment works does have capacity to accept the additional foul water. State the connection is not online



within any combined water outfalls to watercourse or the sea, so should not have any impact on the duration of sewage discharges to those locations.

### Local Representations

- 7.6. A letter of representation was received from one author, reiterating the Parish Council comments and noting the sewer is totally blocked.

## **8.0 Environment Impact Assessment (EIA)**

- 8.1. The development proposed does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environment Statement is therefore required.

## **9.0 Main Issues**

- 9.1. The key considerations in the assessment of this application are:
- Principle of development
  - Amenity
  - Design

## **10.0 ASSESSMENT**

### Principle of Development

- 10.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 10.2. The Harrogate District Local Plan 2014-2035 was adopted by the former Harrogate Borough Council in March 2020.
- 10.3. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions

### Amenity

- 10.4. Local Plan Policy HP4 'Protecting Amenity' notes development proposals should be designed to ensure that they will not result in significant adverse impacts on the amenity of occupiers and neighbours. It notes that such

considerations will include odour. The NPPF, at para 135, requires a high standard of amenity for existing and future users.

- 10.5. Local Plan Policy CC1 'Flood Risk and Sustainable Drainage' advises development proposal will not be permitted where, amongst another matter, they increase the risk of flooding elsewhere.
- 10.6. This application has clearly raised local concern in Norton-le-Clay due to issues with the existing sewerage system. The applicant, in discussion with Yorkshire Water agreed to relocate the point of discharge, so that the only section of the existing Yorkshire Water system to be used is the c.100m length from Broad Balk Lane to the wastewater treatment works, rather than also a section of around 1.9km under Broad Balk Lane.
- 10.7. The added outfall into that wastewater treatment works has been confirmed as being acceptable by Yorkshire Water, subject to the precise details being confirmed by way of a condition.
- 10.8. The new foul sewer would potentially allow for future improvements to be made to the local sewerage system in the village.
- 10.9. Given the dwellings to be served are existing, it is not considered necessary to include the Yorkshire Water conditions that requires no buildings to be occupied or brought into use prior to completion of the approved foul drainage works.
- 10.10. The proposed pumping station has been confirmed by the applicant's agent as not expected to produce any odours at all. A dosing unit would dose sodium nitrate, or calcium nitrate, to the sewage at source in the pumping station wet well; both chemicals do not produce odours. That chemical dosing unit is a standard arrangement for pumping stations, with long rising mains to prevent septicity.
- 10.11. The wet well itself is sealed but will have a small (75mm diameter) vent pipe fitted with a charcoal-filled odour control cylinder, to allow air in and out for incoming sewage flows that displace air and to replace air when the wet well is vacated by the pumps. The latter is not a standard Sewers for Adoption requirement, but at the agent specifies these on all pumping stations for which they design and manage the construction of to ensure the pumping stations are as odour free as they possibly can be.
- 10.12. It is therefore considered no undue harm to amenity will arise from the proposal.

### Design

10.13. Local Plan Policies HP3 'Local Distinctiveness' and NE5 'Blue and Green Infrastructure' amongst their requirements require high quality building respecting spatial qualities to a high standard. The NPPF encourage good design (para 131) and that is ensured that developments function well and add to the overall quality of the area (para 135).

10.14. The most noticeable element of the proposal is the pumping station with two kiosks and a cylindrical, curved top dosing unit just slightly higher the palisade fence that would surround it, along with a 4m high floodlight, for emergency use.

10.15. In terms of a utilitarian installation, the proposal is relatively neat.

## **11.0 PLANNING BALANCE AND CONCLUSION**

11.1. The proposal has been amended to mitigate the impact on the existing sewerage system in Norton-le-Clay and the pumping station, accepting of its utilitarian nature, is appropriate with no undue harm being caused on neighbouring residents by any part of the proposal.

## **12.0 RECOMMENDATION**

12.1 That permission be granted subject to the conditions below

### **Recommended conditions:**

#### **Time Limit**

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

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

#### **Approved Plans**

2 Development shall be carried in strict accordance with the following drawings as modified by the further conditions of this permission:

P156-02-3001 Rev P2 Location Plan 1 of 3 dated 18/01/24

P156-02-3002 Rev P2 Location Plan 2 of 3 dated 18/01/24

P156-02-3003 Rev P2 Location Plan 3 of 3 dated 18/01/24

P156-02-3005 Rev P1 Proposed Plan & Elevations dated 23/08/23

P156-02-3006 Rev P1 Proposed Compound Plan dated 23/08/23

Reason: For the avoidance of doubt.

**Yorkshire Water required condition**

- 3 No development shall take place until details of the proposed means of disposal of foul water drainage for the whole site, including details of any balancing works, off-site works and phasing of the necessary infrastructure, have been submitted to and approved by the Local Planning Authority. If sewage pumping is required from any part of the site, the peak pumped foul water discharge must not exceed 4.75 (four point seven five) litres per second. Furthermore, unless otherwise approved in writing by the local planning authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: To ensure that no foul water discharges take place until proper provision has been made for their disposal.

**INFORMATIVE**

In respect of condition 3 Yorkshire Water Services Limited require the connection point to be shown on a mapped section of public sewer and the rate of discharge indicated.

## North Yorkshire Council

### Community Development Services

#### SKIPTON AND RIPON AREA CONSTITUENCY PLANNING COMMITTEE

5<sup>TH</sup> MARCH 2024

#### ZA23/25559/FUL – ERECTION OF 1 NO. DWELLING AT MILL COTTAGE, COWLING ON BEHALF OF MR WIDDUP

#### Report of the Assistant Director Planning – Community Development Services

#### 1.0 Purpose of the Report

- 1.1 To determine a planning application for the erection of 1 no. detached dwelling at Mill Cottage, Cowling.
- 1.2 This application is brought to the Area Planning Committee because the applicant is the partner of a member of the Craven Area Development Management Team and the applicant has an interest in the land.

#### 2.0 SUMMARY

#### **RECOMMENDATION: That planning permission be REFUSED**

- 2.1. This application seeks permission for the erection of 1 no. dwelling within the main built-up area of Cowling. Local Plan Policy SP4(H) sets out that additional growth in this area is supported providing that it accords with all other relevant local plan policies. It is not considered that the proposal complies with local plan policies in relation to heritage, amenity, highway safety and flood risk and therefore is contrary to Local Plan Policy SP4.
- 2.2. The proposed development by virtue of its location, scale and design would create harm to the openness of the Conservation Area. The proposal would create 'less than substantial harm' and the public benefits are not considered to outweigh this harm. The proposal is therefore contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990; Local Plan Policies ENV2 and ENV3 and Section 16 of the NPPF.
- 2.3. The property would not provide a high level of amenity due to the proximity of the trees and level of overshadowing. This would be contrary to Local Plan Policy ENV3 and paragraph 135 of the NPPF and would put the trees under the threat, in contradiction of Local Plan Policies ENV3 and ENV4 and also paragraph 180 of the NPPF.
- 2.4. The intensification of the access arrangement and proposed parking would have the potential to create issues in terms of highway safety. This would be contrary to Local Plan Policy INF4.
- 2.5. The site is also located in Flood Zone 3, which carries the highest level of flood risk. It is not considered that the sequential test for development in this area has been met

and that there are no other reasonably available sites within the area of the Local Plan and therefore the proposed development would be contrary to paragraphs 165, 168 and 173 of the NPPF and Local Plan Policy ENV6.



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### 3.0 **Preliminary Matters**

3.1. Access to the case file on Public Access can be found here:-

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

3.2. There are no relevant previous planning applications for this application.

#### **4.0 Site and Surroundings**

- 4.1. The application site comprises of an area of garden to the south of Mill Cottage. The site presently benefits from a garage building and a large shed. The site is located off the A6068 and can also be accessed from Gill Lane to the north. The site is located within Cowling Conservation Area and within 40m of the Grade II Listed Town End Farm.
- 4.2. Cowling is considered to be a Tier 4a Settlement within the Settlement Hierarchy. The site has a number of large trees along the southern and western boundary and a public footpath runs along the eastern boundary and then to the south.
- 4.3. The site is located in Flood Zone 3. Ickornshaw (Holdgate) Beck runs to the east of the site beyond a banking with a large retaining wall.

#### **5.0 Description of Proposal**

- 5.1. This application seeks Full Planning Permission for the erection of 1 no. dwelling within the garden of Mill Cottage. The plans have been amended during the application process.
- 5.2. The proposal as amended is for a two bedroom detached bungalow with a large patio area and two parking spaces situated to the south of the site across the access from Colne Road and adjacent to the public right of way.
- 5.3. The dwelling is proposed to be constructed of natural coursed stone and random stone with an artificial stone room and aluminium double glazing. The scale and design of the dwelling has been amended during the application process, along with the access to the site. Boundaries are proposed as 1m dry stone walls and native hedgerows.

#### **6.0 Planning Policy and Guidance**

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

##### Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:

- Craven Local Plan 2012 to 2032 (adopted 2019).
- Joint Minerals and Waste Plan (adopted 2022).

##### Emerging Development Plan – Material Consideration

- 6.3. The North Yorkshire Local Plan is the emerging development plan for this site though no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

##### Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:

- National Planning Policy Framework 2023
- National Planning Practice Guidance
- National Design Guide
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Cowling Conservation Area Appraisal
- Sustainable Design and Construction Guidance Note
- Good Design SPD
- Flood Risk and Water Management SPD.

## 7.0 **Consultation Responses**

- 7.1. The following consultation responses have been received and have been summarised below.
- 7.2. **Parish Council:** no comments received
- 7.3. **Footpath Officer:** recommend informative in relation to Public Right of Way (PROW).
- 7.4. **Highways:** recommend REFUSAL on the grounds that the road leading to the site are by reason of their poor alignment/ poor junction / insufficient width / poor condition and unsuitable gradient considered unsuitable for the traffic which would be likely to be generated by this proposal and will cause an unacceptable risk to Highway safety.
- 7.5. **Arboricultural Officer:** No objection in relation to the loss of the tree on the site but raise significant concerns over the level of overshadowing from the adjacent trees and level of pressure for future works to increase light levels.
- 7.6. **Environment Agency:** Object - The submitted Flood Risk Assessment (FRA) does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change planning practice guidance and its site-specific flood risk assessment checklist. The FRA does not therefore adequately assess the flood risks posed by the development. Notes the requirement for the sequential test to be undertaken.
- 7.7. **Environment Health:** require a noise report and recommend conditions in relation to land contamination and waste.
- 7.8. **Heritage** – Object - The amended plan would reduce the impact on the Conservation Area, however, it is not considered that it overcomes the fundamental harm to the significance of the CA through the loss of openness and there are insufficient public benefits to outweigh the 'less than substantial harm'.

### Local Representations

- 7.9. None received.

## 8.0 **Environment Impact Assessment (EIA)**

- 8.1 The Proposed Development does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environment Statement is therefore required.



## **9.0 Main Issues**

9.1. The key considerations in the assessment of this application are:

- Principle of development
- Impact on Heritage Assets
- Flood Risk and Drainage
- Residential Amenity
- Highways
- Land Contamination
- Sustainability

## **10.0 ASSESSMENT**

### Principle of Development

- 10.1. The National Planning Policy Framework Dec 2023 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions. There is a presumption in favour of sustainable development and the NPPF advises that there are three dimensions to sustainable development: economic; social and environmental.
- 10.2. Local Plan Policy SP4 sets out the Spatial Growth Strategy for the former Craven District. The application site falls within the settlement of Cowling which is identified as a Tier 4a settlement (Villages with Basic Services). Policy SP4 (D) sets out that these areas are capable of limited growth to sustain their vitality and function of the NPPF sets out that planning decisions should support a prosperous rural economy through sustainable growth.
- 10.3. SP4(H) continues that support can be given for additional housing on non-allocated sites within the main built-up areas whilst SP4(I) supports the release of non-allocated housing which adjoins these main built-up areas where certain criteria are met.
- 10.4. The definition of 'main built up area' within the policy is defined as 'the settlement's closely grouped and visually well related buildings and any associated spaces between these buildings' and excludes individual buildings or groups or dispersed buildings or ribbon development, along with gardens, paddocks and other undeveloped land within the curtilage of building son the edge of the settlement where land relates more to the surrounding countryside than to the main built up area of the settlement.
- 10.5. The application site is not an allocated housing site and is located on the edge of the settlement set apart from the existing housing in an area of garden. Following a recent appeal decision APP/C2708/W/22/3309412 it is considered that this area of Ickornshaw forms part of the main built-up area.
- 10.6. Local Plan Policy SP4(H) sets out that additional growth in this area is supported providing that it accords with all other relevant local plan policies. As set down further

in this report it is not considered that the proposal complies with local plan policies and therefore is contrary to Local Plan Policy SP4.

#### Impact on Heritage Assets

- 10.7. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities, in carrying out their development control functions pay special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 10.8. In determining planning applications concerning the historic environment, Section 16 of the NPPF indicates that local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
- 10.9. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply: the nature of the heritage asset prevents all reasonable uses of the site; and no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and the harm or loss is outweighed by the benefit of bringing the site back into use.
- 10.10. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 10.11. Local Plan Policy ENV2 seeks to conserve and enhance the historic environment of the Local Plan area.
- 10.12. The application site lies within the Cowling Conservation Area in an area identified as open land which contributes to the character and appearance of the setting of the

Conservation Area and across which important views are noted in the appraisal (view HD2).

10.13. Whilst it is noted that the existing garage and shed on the site detracts from the character and appearance of the area, the openness and greenery of the site and its surroundings make a positive contribution to the character and appearance of the Conservation Area.

10.14. The Heritage Officer describes the site:

*'The application site is within an area of steep-sided topography, in which the Summer House Beck (notated as Ickornshaw/Holdgate Beck on the site plan) is a strong feature, falling sharply from S to N, at a lower level than both the main road and the driveway/Gill Lane on its W bank, in stone-lined channel. A public footpath runs diagonally between the main road at a higher level and the driveway between parts of the mill at a lower level, past the application site and so the application site can be seen from a number of dynamically changing views from public access points. A similar private access road runs between the road and the lower level on the W side of the beck.*

*The application site is within a generally wooded area, with the effect that views of the site are strongly filtered. The deciduous trees contribute to the attractive character and softness of the area (as well as creating shade) but a dense line of leylandii trees higher up on the sloping land to the W of the application site creates an inappropriate and unnatural hard visual barrier and an overall suburban character'.*

10.15. The application site is of reduced visibility from Colne Road, as suggested by the applicant, due to the level of screening and topography, but views are still available, but it is highly visible from the public right of way that runs around the site from Colne Road.

10.16. The proposed building would reduce the openness of the area and create a more modern structure which would detract from the historic qualities of the site.

10.17. The Heritage Officer continues:

*'The positive visual attributes of the CA are the combined effects of the historic buildings, the open spaces, the vegetation and the topography. I agree with the assessment in the CAA that the openness of the land along the N edge of Colne Road makes a strong positive contribution to the character and appearance of the CA. Accordingly, the loss or dilution of the openness by the construction of a detached house must cause some harm to the conservation area.*

10.19. *I also accept that the existing modern buildings on the site detract from the historic character and appearance of the area but they are relatively small and are single storey only. Although their removal would enhance the historic character and appearance of the area, I consider that their presence alone does not justify a new dwelling on the site, as I consider that the harm caused by the proposed building would outweigh the benefits of their removal.*

- 10.20. It is noted that the scale of the application has been reduced during the application determination period reducing from a two-storey dwelling to a bungalow, however, the Heritage Officer has had the opportunity to review these revised plans and whilst the reduction in scale would reduce the overall impact it is not considered that the revisions would overcome the level of harm.
- 10.21. The site is in an area shown on the Conservation Area appraisal map as an open space which provides a strong contribution to the character and appearance of the Conservation Area and also in a location designated as providing significant dynamic views into the settlement and in particular that of Ickornshaw Mill.
- 10.22. The proposed development by virtue of its impact on the openness would result in harm to the relationship of the historic buildings and their setting and therefore would create 'less than substantial harm' to the character and appearance of the Conservation Area.
- 10.23. In addition, the scale of the property does not reflect the local grain of development. The neighbouring properties are thin linear two storey properties with a larger plot to dwelling ratio. The proposal would be for a single storey property of much greater depth, which leaves little garden area. This would be contrary to Local Plan Policy ENV3 and the Good Design SPD.
- 10.24. Whilst it is noted that the proposal would lead to the removal of the garage and outbuilding on the site, and that these detract from the overall quality of the area and that there would be economic benefits from the construction works, spend from future occupiers and the addition of a dwelling to the local housing stock, however, the nature and scale of the associated public benefits are not considered to be significant and would not outweigh this harm and therefore in line with the NPPF the development should be refused.
- 10.25. The development is therefore in conflict with Section 16 of the NPPF and Local Plan Policy ENV2 by reason of the harm to the character and appearance of the Conservation Area.

#### Flood Risk and Drainage

- 10.26. The Environment Agency (EA) Flood Maps identify the site as being within Flood Zone 3. As defined in the Planning Practice Guidance (PPG) that zone is defined as having a 'high probability' of flooding.
- 10.27. NPPF paragraph 165 states that inappropriate development should be avoided by directing development away from areas at higher risk of flooding. Framework paragraph 168 seeks to steer new development to areas with the lowest risk of flooding through requiring the sequential test for new development. It sets out that development should not be permitted if there are 'reasonably available sites', appropriate for the proposed development, in areas with a lower risk of flooding.
- 10.28. Similarly, Policy ENV6 of the Local Plan seeks to ensure development in areas of flood risk is avoided wherever possible, through the application of the sequential test and exception test.

- 10.29. The PPG guides that the search area to apply the sequential test across will be based on the development type proposed and relevant spatial policies. The applicant will need to identify whether there are any other 'reasonably available' sites within the area of search, that have not already been identified by the planning authority in site allocations or relevant housing and/or economic land availability assessments, such as sites currently available on the open market.
- 10.30. The Council's Flood Risk and Water Management SPD sets out how the sequential test should be applied across the Local Plan Area.
- 10.31. The designation for the area has recently been increased from Flood Zone 2 to Flood Zone 3 by the EA and the applicant has set out the case as to why this designation is incorrect.
- 10.32. The EA set out how to address any areas of disagreement between parties over the designation, however, this requires the provision of flood modelling data by the applicant which can be prohibitively expensive. This, however, is not a matter for the LPA to intervene in as the EA are the designated authority for determining areas of Flood Risk.
- 10.33. Whilst the applicant may not agree with the designation the site is clearly located within Flood Zone 3 on the Environment Agency maps and regardless of whether the applicant agrees with the designation, the national policy position is clear that the sequential test is required. A sequential test would also be required if the previous designation at Flood Zone 2 had been retained.
- 10.34. The applicant has not supplied a sequential test and as evidence has not been provided to show that there are no reasonably available sites in a lower area of flood risk then the proposed development would conflict with paragraphs 165,168 and 173 of the NPPF and Local Plan Policy ENV6.
- 10.35. The Surface Water Flood Risk for the location is also classed as High Risk which is where rainwater cannot drain away through normal drainage systems. The application states that the drainage for the site would be via a package treatment plant and also by surface water drainage into a SUDS or to drain into the existing watercourse.
- 10.36. The site is in Flood Zone 3 and thus the issue of the risk from Surface Water Drainage would also need to be addressed to ensure that it is feasible to drain the site using the proposed methods. The application does not provide this level of detail and therefore it is not possible to determine whether adequate drainage can be provided for the site which would not raise issues in relation to increased flood risk.
- 10.37. The EA has also objected on the basis that no suitable FRA has been provided by the applicant.
- 10.38. At the point that a sequential test is met, the exception test would need to be met. In order to do a suitable Flood Risk Assessment would need to be provided to ensure that

the development can be made safe from potential flood risk. The FRA supplied does not provide this level of information.

- 10.39. The proposal is therefore in conflict with paragraphs 165, 168 and 173 of the NPPF of the NPPF and Local Plan Policy ENV6.

#### Residential Amenity

- 10.40. Paragraph 135 of the NPPF sets out the requirement for a high standard of amenity to be provided for both existing and future occupiers.

- 10.41. Local Plan Policy ENV3 states that 'development should protect the amenity of exiting residents' and 'secure a good standard of amenity for all existing and future occupants'.

- 10.42. The proposal would provide a 2-bedroom property which would meet the required NDSS for internal space and it is considered that there is sufficient separation distance between the proposed dwelling and Mill Cottage to ensure that amenity is not compromised.

- 10.43. It is, however, recommended that a condition is imposed that would restrict any further windows being installed in the western elevation of the property as any additional windows into the roof space would overlook the garden area of Mill Cottage.

- 10.44. The proposal is affected by a large number of trees outside the site. The Tree Impact Plan shows the area of shade that would be created from the surrounding trees. This reduces light to the southern, eastern and western elevation as well as restricting light into the rear garden.

- 10.45. The property would be compromised in terms of its level of amenity due to the proximity of the trees which would make the house dark with restricted light to the kitchen and bedrooms along with the rear patio area.

- 10.46. This would be contrary to Local Plan Policy ENV3 and paragraph 135 of the NPPF and would put the trees under the threat from requests to complete works to the trees to allow more light into both the house and the garden. This would be contrary to Local Plan Policies ENV3 and ENV4 and also paragraph 180 of the NPPF.

- 10.47. In addition, Environmental Health have raised concerns with regards to the proximity of the property to the A6068 and the potential for noise and disturbance for future users. Environmental Health have recommended that before any application is approved that an acoustic report is submitted to ensure that a suitable level of amenity can be provided.

- 10.48. Highway Safety

- 10.49. Paragraphs 114 and 115 in the NPPF set out the requirement for safe and suitable access to be achieved for all users and that development should only be refused on highways grounds where there would be an unacceptable impact on highway safety.

- 10.50. The Highways Authority has objected to the proposal due to the poor access arrangements which would intensify the use through the proposal. The applicant has responded by altering the application site to include both accesses available to the site and stating that the access arrangement could be conditioned for the existing and proposed dwelling.
- 10.51. The site has the ability to access the highway from two parts of the network, the steep driveway to Colne Road and a small access track which passes in front of the existing terrace and through the Mill complex.
- 10.52. The existing property has use of both access points and it would not be appropriate to reduce that access nor would a planning condition be effective in restricting the use of vehicles from using part of the highway.
- 10.53. The applicant has brought several planning approvals for development in the area forward for consideration in relation to the access. These applications have already been approved and therefore the impact on the highway has already been assessed. The proposal would be considered to intensify the use of the access.
- 10.54. In addition, the proposal shows parking which is situated away from the house and adjacent to the access track. The applicant has stated that this parking area would also act as a turning area. Two parking spaces are required as a minimum for a development of this time along with the ability to turn. If these parking spaces are in use there would be no ability to turn and the road is too narrow to allow vehicles to pass.
- 10.55. The applicant states that a new house has been approved to the rear of the site at Squirrel Cottage (2021/23588/FUL), however, this application is not considered comparable due to the previous use of the land and the fact that a passing place has been provided within the access track.
- 10.56. The proposal is considered to be unacceptable on highways grounds due to the intensification of an existing access and the proposed parking arrangement, which has the potential to create highway safety issues and therefore is contrary to paragraphs 114 and 115 of the NPPF and Local Plan Policy INF4.

#### Land Contamination

- 10.57. Local Plan Policy ENV7 sets out the need for remediation of contaminated land. Whilst the site is within a domestic garden area there is a garage and shed which may have given rise to contamination and as such any approval should include a condition in relation to unexpected contamination found during development.
- 10.58. An additional condition is also recommended with regards to providing suitable and sufficient provision for waste storage and collection.

#### Sustainable Design

- 10.59. Local Plan Policy ENV3 requires sustainability to form part of the design of developments. The application is accompanied by a sustainability statement which sets out how the development is designed with sustainability in mind.
- 10.60. It is considered that any planning approval should condition the development to be undertaken in accordance with the measures set out within the statement.

## **11.0 PLANNING BALANCE AND CONCLUSION**

- 11.1. This application seeks permission for the erection of 1 no. dwelling within the main built-up area of Cowling. Local Plan Policy SP4(H) sets out that additional growth in this area is supported providing that it accords with all other relevant local plan policies. It is not considered that the proposal complies with local plan policies and therefore is contrary to Local Plan Policy SP4.
- 11.2. The proposed development by virtue of its location, scale and design would create harm to the openness of the Conservation Area and the dynamic views down to the valley floor of the historic core of Ickornshaw from Colne Road and the nearby public footpath. The proposal would create 'less than substantial harm' and the public benefits are not considered to outweigh that harm. The proposal is therefore contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990; Local Plan Policies ENV2 and ENV3 and Section 16 of the NPPF.
- 11.3. The application site is located within Flood Zone 3, which is defined as having the highest probability of flooding and in an area of high risk in terms of surface water flooding. This has been confirmed by the Environment Agency. The applicant has not supplied a sequential test and has not demonstrated that there are no reasonably available sites in a lower area of flood risk than the proposed development. This would conflict with paragraphs 165, 168 and 173 of the NPPF and Local Plan Policy ENV6.
- 11.4. The property would be compromised in terms of its level of amenity due to the proximity of the trees which would make the house dark with restricted light to the kitchen and bedrooms along with the rear patio area. This would be contrary to Local Plan Policy ENV3 and paragraph 135 of the NPPF and would put the trees under the threat. This would be contrary to Local Plan Policies ENV3 and ENV4 and also paragraph 180 of the NPPF.
- 11.5. The development has been amended to include two means of access and egress from the site, however, the proposal would intensify the use of two poor quality access arrangements and would have the potential to create issues in terms of highway safety. The proposed parking arrangement would exacerbate these issues as the proposal does not provide adequate turning arrangements. This would be contrary to Local Plan Policy INF4.

## **12.0 RECOMMENDATION**

- 12.1 That planning permission be REFUSED for the following reasons:



1. The proposed development by virtue of its location, scale and design would create harm to the openness of the Conservation Area and the dynamic views down to the valley floor of the historic core of Ickornshaw from Colne Road and the nearby public footpath. The proposal would create 'less than substantial harm' and the public benefits are not considered to outweigh that harm. The proposal is therefore contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990; Local Plan Policies ENV2, ENV3 and SP4 and Section 16 of the NPPF.
2. The application site is located within Flood Zone 3, which is defined as having the highest probability of flooding and in an area of high risk in terms of surface water flooding. This has been confirmed by the Environment Agency. The applicant has not supplied a sequential test and has not demonstrated that there are no reasonably available sites in a lower area of flood risk than the proposed development. This would conflict with paragraphs 165, 168 and 173 of the NPPF of the NPPF and Local Plan Policies ENV6 and SP4.
3. The proposed development would provide a poor level amenity due to the proximity of the large trees adjacent to the site which would make the house dark with restricted light to the kitchen and bedrooms along with the rear patio area. This would be contrary to Local Plan Policy ENV3 and paragraph 135 of the NPPF.
4. The proposed development due to its proximity to the neighbouring trees and the impact on amenity would put the trees under the threat from future works. This would be contrary to Local Plan Policies ENV3 and ENV4 and also paragraph 180 of the NPPF.
5. The proposal would intensify the use a poor quality access arrangement which would have the potential to create issues in terms of highway safety. The proposed parking arrangement would exacerbate these issues as the proposal does not demonstrate that adequate turning arrangements can be provided. This would be contrary to Local Plan Policy INF4 and paragraphs 114 and 115 of the NPPF.

**Target Determination Date:** 15<sup>th</sup> March 2024

**Case Officer:** Emma Howson [emma.howson@northyorks.gov.uk](mailto:emma.howson@northyorks.gov.uk)

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## North Yorkshire Council

### Community Development Services

#### SKIPTON AND RIPON CONSTITUENCY COMMITTEE

05 MARCH 2024

**ZA23/25382/FUL - CHANGE OF USE OF AGRICULTURAL LAND TOGETHER WITH THE ERECTION OF TIMBER CLAD HOLIDAY LODGES AND ASSOCIATED ACCESS AND PARKING AT LAND TO NORTH OF CARLA BECK HOUSE, CARLA BECK LANE, CARLETON, SKIPTON, BD23 3BQ, ON BEHALF OF MR K DOWNS**

#### Report of the Assistant Director/Planning – Community Development Services

##### 1.0 PURPOSE OF THE REPORT

- 1.1 To determine a planning application for the proposed change of use of land to accommodate timber clad holiday lodges with associated access and parking on land to the North of Carla Beck Lane, Carleton in Craven.
- 1.2 This application is brought to the Area Planning Committee by Councillor Solloway due to public interest, concerns over flooding that the proposal is not policy compliant.

##### 2.0 EXECUTIVE SUMMARY

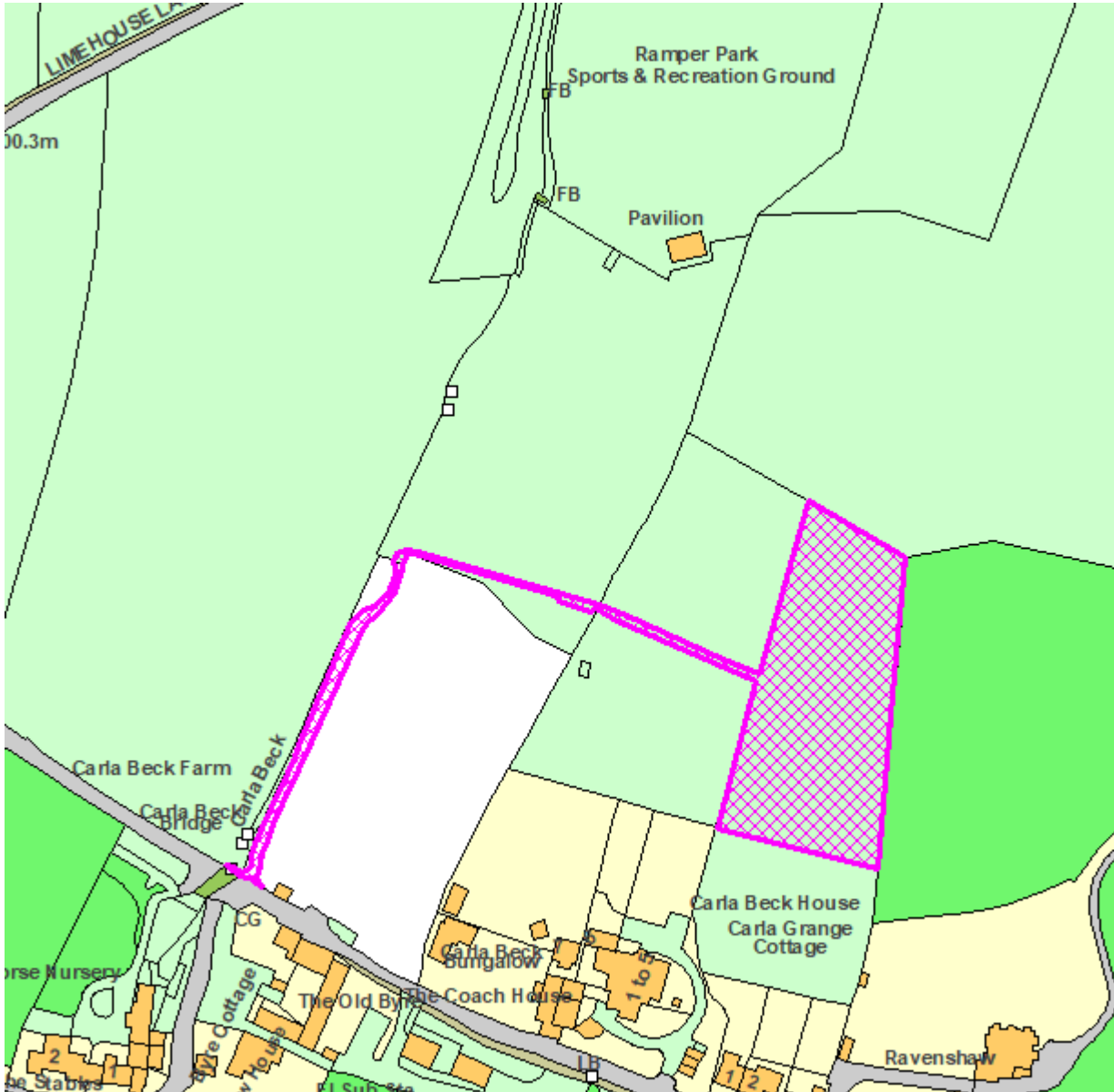
###### RECOMMENDATION:

- 2.1 The proposal would result in the construction of 8 holiday lodges on the site on the periphery of Carleton in Craven. There are concerns regarding flooding, highways, design, amenity, visual impact and biodiversity. However, the proposal is considered to have mitigated these concerns subject to imposition of planning conditions.
- 2.2 Approval is therefore recommended.



N

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### 3.0 PRELIMINARY MATTERS

3.1 This proposal has been brought forward twice before 2019/20779/FUL and 2020/22178/FUL. The most recent refusal was appealed but the appeal was withdrawn prior to an appeal decision being issued. The reasons for refusal for 2020/22178/FUL included the social and environmental harm arising from the proposal, erosion of the open nature of the area affecting the character and appearance of the surrounding landscape, and insufficient visibility

splays. It is considered that the current proposal addresses the previous reasons for refusal.

3.2 Access to the case file on Public Access can be found here: - <https://publicaccess.cravenc.gov.uk/online-applications/>.

3.3 The following relevant planning history has been identified for the application site:

- 2019/20779/FUL: Proposed change of use of agricultural land to site timber clad lodges for holiday use. Refused 10th March 2020.
- 2020/22178/FUL: Proposed change of use of agricultural land to site timber clad lodges for holiday use. Refused 02nd December 2021. Appeal lodged but withdrawn by the appellant.

#### **4.0 SITE AND SURROUNDINGS**

4.1 The application site relates to a parcel of agricultural land to the north of Carla Beck Lane and west of Pale Lane, Carleton. The site is rectangular in shape and is accessed via an existing access track to the south-west of the site connecting directly to Carla Beck Lane to the south-west.

4.2 The site is relatively flat with substantial landscaping to the east boundary of the site toward Pale Lane. The site is mostly enclosed by timber post and rail fencing, with drystone walls further to the west toward the public right of way.

4.3 Located to the south of the site are a small group of residential dwellings and a former farmyard granted full planning permission for residential development (Reference: 17/2017/18073 ). Travelling southwest is the settlement of Carleton. Running along the western boundary is Carla Beck and a PROW public right of way (05.10/6/1). There is also a Tree Preservation Order 282 (2020) which protects 15 trees within the area, 3 of which are within the site boundary. The site access track falls within an area at risk to surface water flooding and the site lies within a SSSI impact zone.

4.4 The application site is located outside of the main built-up area for the village of Carleton and therefore lies within the open countryside.

#### **5.0 DESCRIPTION OF DEVELOPMENT**

5.1 The application seeks full planning permission for the change of use of a parcel of agricultural land to allow the siting of 8 No. timber clad holiday lodges. The proposal will create an access adjacent to the Public Right of Way connecting Carla Beck Lane to the south-west of the site with the recreation field and Limehouse Lane to the north-west of the site.

5.2 In addition to the proposed holiday lodges there will be parking and turning areas sufficient for 1 parking space per lodge.

## 6.0 PLANNING POLICY AND GUIDANCE

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise.

### Adopted Development Plan

- 6.2 The Adopted Development Plan for this site is the Craven Local Plan 2012-2032 adopted November 2019.

### Emerging Development Plan - Material Consideration

- 6.3 The North Yorkshire Local Plan is the emerging development plan for this site though no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

### Guidance - Material Considerations

- 6.4 Relevant Guidance for this application is
- National Planning Policy Framework 2023 (The Framework)
  - National Planning Practice Guidance (The PPG)
  - National Design Guide (The NDG)
  - CDC Good Design SPD
  - CDC Flood Risk SPD
  - CDC Biodiversity SPD

## 7.0 CONSULTATION RESPONSE

- 7.1 The following consultation responses have been received and have been summarised below:

### Consultees

- 7.2 **Carleton in Craven Parish Council:** Object as the proposal does not comply with local and national policies, flooding concerns, light pollution concerns, and highway impact concerns.
- 7.3 **Yorkshire Water Services:** The proposal is in an area not served by the public sewerage network. In this instance, the application should be referred to the Environment Agency and the Local Authority's Environmental Health Section for comment on private treatment facilities."
- 7.4 **NYC Environmental Protection:** No objections to the scheme but recommend conditions regarding noise, construction noise, waste, and contaminated land.
- 7.5 **NYC Highway Authority:** No objection but recommend a condition for access, turning and parking.

- 7.6 **NYC Public Rights of Way Officer:** No objection but recommend informatives regarding the protection of the Public Right of Way.

Local Representations

Site Notice dated 20th October 2023.  
Press Notice not required.

- 7.7 At the time of writing 77 letters of representation have been received all in objection to the scheme. A summary of the comments is outlined below. However, comments can be viewed in full at the [Public Register](#).

7.8 Visual impact

The access track is too long to get to the site.  
Visually unacceptable upon surrounding area.  
Materials not in keeping with local area/inappropriate design.

7.9 Flooding/drainage

Flooding concerns.  
Foul drainage unacceptable.

7.10 Highways

Highway safety concerns.  
Emergency services access not acceptable.  
Insufficient public transport.  
Inadequate parking.

7.11 Amenity

Light and noise pollution.  
Amenity impact on neighbouring residents.  
Strain on local services and amenities.  
No consideration of security.

7.12 Biodiversity

Impact upon wildlife/ecology.

7.13 Policy

Not a sustainable location.  
No economic benefits.

7.14 Other matters

Not much difference to previously refused applications  
Inaccuracies on application form  
Enough holiday lets in the area already.

**8.0 ENVIRONMENTAL IMPACT ASSESSMENT**

- 8.1 Having regard to the scale and nature of the proposal, the development does not fall within Schedule 1 or 2 of the Town and Country Planning

(Environmental Impact Assessment Regulations 2017) (as amended).  
Therefore, no Environment Statement is required.

## **9.0 MAIN ISSUES**

9.1 The main issues are:

- Principle of development
- Holiday Accommodation
- Visual impact of development.
- Sustainable design.
- Impact of development on the amenity of neighbouring properties.
- Highway Considerations.
- Biodiversity.
- Other Matters.

## **10.0 ASSESSMENT**

### **Principle of Development**

- 10.1 The proposal is for a change of use of agricultural land to sit together with the erection of timber clad holiday lodges and associated access and parking. The site is situated in open countryside with Carleton Village centre located in relatively close proximity to the site. Local Plan Policies ENV1, ENV3, EC3 and EC4 all support sustainable tourist related development that respect the character of the local area whilst promoting social and economic benefits for the rural communities.
- 10.2 Paragraph 88 of the NPPF states that LPAs should enable "the sustainable growth and expansion of all types of business in rural areas." They should also enable "sustainable rural tourism and leisure developments which respect the character of the countryside."
- 10.3 The proposal would result in part of an agricultural field being lost. However, to support the existing farming enterprise the applicant is seeking to diversify the farming operation through the provision of a new rural tourism business.
- 10.4 The provision of the tourism development is considered to be beneficial to the rural economy and of benefit to the rural community including through employment opportunities. Whilst the full visual impact of the development would be considered in detail later in this report, policy EC4 is supportive of tourism development where it is sustainable, and helps to improve the economy, environment and quality of life.
- 10.5 It is acknowledged that the public transport to the site is limited so there is an expectation that visitors to the site will arrive through private domestic vehicles. Given the rural and semi-rural locations of most chalet accommodation schemes, reliance on car travel is to be expected for such developments.



- 10.6 It is considered that the proposal would result in a boost to the local economy, both through construction of the site and through local spending for future visitors to the site. It is considered that there could be some environmental and biodiversity benefits brought as a result of the proposed significant landscaping to the area.
- 10.7 In conclusion, the proposal is for a tourism development and as such the proposal is therefore acceptable in principle, subject to the proposal being found to be in accordance with the other policies of the Local Plan.

### **Holiday Accommodation**

- 10.8 The proposal has not stated whether or not the holiday lodges would be utilised for 12 months of the year. However, it is not considered that the use of the site 12 months of the year would be an issue. While there are concerns that the proposal could result in permanent accommodation on the site if open 12 months of the year this can be controlled through planning conditions ensuring that the chalets are used purely for holiday purposes.

### **Visual impact of Development on the surrounding area and on designated heritage assets**

- 10.9 Policy ENV1 expects new development proposals to respect, safeguard, and wherever possible, restore or enhance the landscape character of the area.
- 10.10 Policy ENV2 states that development acceptable in principle under policy ENV1 should only be permitted where it is compatible with the character of the surrounding area and does not have an unacceptable impact on the surrounding area. The design of structures should also relate well to the setting taking into account of the immediate impact and public views of the development.
- 10.11 Paragraph 180 of the NPPF states that planning decision should contribute and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.
- 10.12 The applicant has submitted a landscape character and visibility appraisal, which acknowledges that the sense of openness will be affected by the proposal, but this impact is slight considering that previously farm buildings were located on this site. Furthermore, it states that visual effects would only be experienced over a limited area due to intervening screening and the local topography and the small-scale nature of the development.
- 10.13 It is acknowledged that the application site is enclosed, albeit relatively distantly, by Carla Beck Lane to the south, Pale Lane to the east and Limehouse Lane to the north. The site is also partially screened by existing landscaping including dense tree coverage to the east on Pale Lane, and some existing trees within the site. The site has timber post and rail fencing to the site boundaries, with the exception of the north-west section adjacent to

lodge No. 1 and the southern section of the site adjacent to lodge No. 6 which are both open boundaries to other agricultural land.

- 10.14 The site has open views toward it from Limehouse Lane in particular which is the main highway access connecting Carleton to Skipton. Similarly, there is a public right of way to the west of the site which connect Carla Beck Lane with Limehouse Lane to the west of the recreation ground. The existing and proposed boundaries are all timber post and rail fencing. This treatment is relatively transparent and allows for views of the site from Limehouse Lane, Pale Lane, and from the public right of way.
- 10.15 The applicant has shown on the submitted plans that the existing trees would be retained. Further, a statement has been submitted indicating that additional tree planting would take place at the site, details of which have been included on a landscape plan including specific numbers, schedule and location of the landscaping works.
- 10.16 It is considered that the most dominant views of the site would have been achieved from the Public Right of Way in close proximity to the site. These views would include the access track, as well as the chalets and proposed landscaping. The proposed landscaping would help to soften the visual impact of the chalets. The access track is proposed to utilise grasscrete which will reduce the visual impact of the access. The main visual impact is considered to be further to the north from Limehouse Lane. However, as shown in the submitted Landscape and Visual Impact Assessment, the visual impact of the chalets is considered to be minimal and acceptable. Due to the proposed landscaping, views of the site from the nearest public viewpoints will be significantly screened and softened. It is therefore considered that the proposed development would not be visually intrusive upon the surrounding area.
- 10.17 The proposal is outside of the designated Carleton Conservation Area, with the nearest boundary at the junction of Carla Beck Lane and Limehouse Lane to the west of the site.
- 10.18 The proposal is suitably separated from the Carleton Conservation Area and it is considered that the proposal would therefore result in no harm to this designated heritage asset. Similarly, due to the separation distances and intervening built forms the proposal would not have an adverse impact on the setting or significance of The Rectory and Spence's Court both Grade II listed buildings.
- 10.19 The Appraisal states that viewpoint V7 is a highly significant dynamic view from Limehouse Lane into the settlement and to either side are highly important in terms of defining the historic core of Carleton and its relationship with the surrounding rural landscape.
- 10.20 It is considered that the proposal would not harm the historic core of the Conservation Area, nor the relationship between the built form of the settlement and the rural landscape character to the north due to suitable

separation through existing and proposed boundary treatment and the development proposed adjacent to existing built form.

### **Sustainable design**

10.21 In regard to sustainability of design, this has been taken into consideration by the applicant. This includes the use of sustainable materials, minimal external lighting, use of low energy fittings, and are well insulated to reduce the use of heating. Overall, it is considered that the proposed development has incorporated a sustainable design while retaining the visual character of the area.

### **Amenity impact**

10.22 Policy ENV3 states that development should protect the amenity of existing residents and business occupiers as well as create acceptable amenity conditions for future occupiers.

10.23 Paragraph 135 of the NPPF states that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future uses.

10.24 The site is on the edge of the settlement of Carleton on agricultural land. The nearest built form to the site is to the south along the frontage of Carla Beck Lane. The nearest residential property to the site is 79m, with the nearest residential garden 52m from the boundary.

10.25 In terms of privacy, overshadowing or appearing overbearing it is considered that the proposed separation distance of the application site from neighbouring properties is sufficient. The application site is on a similar ground level to the nearest properties so overshadowing and appearing overbearing would not occur. It is considered that given the separation distance of the site from the nearest neighbouring occupiers, the proposal would not result in an unacceptable loss of privacy or amenity to neighbouring occupiers.

10.26 Objections have been lodged stating that there would be an increase in light and noise as a result of the development. Presently, the background noise around the site is predominantly from movement of vehicles on the highway, and trains to the north of the site. It is acknowledged that the proposed holiday lodges may result in an increase in noise than currently experienced. Neighbouring occupiers would experience an increase in noise levels due to an increase in traffic and general activity on the site. However, it is not considered that any noise generated would be at such a level to justify withholding planning permission. Furthermore, the Council's Environmental Health Officer has not objected to the proposal regarding noise nuisance.

10.27 Concerns have been raised regarding light pollution as a result of the proposal. It is acknowledged that the proposal would result in addition light

from this area. However, there is no significant external lighting other than the low-level lighting on the bollards following the access track. The lighting emanating from the proposed lodges itself will mostly be contained by the existing and proposed soft landscaping within the site. Furthermore, any light that escapes beyond the site boundary would be to a low level and would be seen in the context of the settlement of Carleton in Craven.

### **Highway considerations**

- 10.28 Policy INF4 states that new developments will help to minimise congestion, encourage sustainable transport modes and reduce conflict between road users by ensuring proper provision and management of parking for cars and other vehicles. When determining development proposals, relevant consideration will be given to any likely impacts on public off-street parking and parking on the public highways (on-street parking).
- 10.29 Paragraph 115 of the Framework indicates that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."
- 10.30 The application form states that the development would provide 10 off-street parking spaces. These spaces are broken down into 8 allocated spaces for the lodges and 2 for visitors. The proposal would also include the construction of an access track adjacent to the existing Public Right of Way.
- 10.31 The Highway Authority has been consulted on the application and have no objections to the scheme subject to a condition for the access, parking and turning areas.
- 10.32 The internal roads will be surfaced and constructed fully in accordance with the requirements of any future site licence and pathway lighting would consist of low-level bollard lighting. This low level lighting along the access track will aid access to the site by emergency vehicles as and when required and this would be covered by the site licence.
- 10.33 In conclusion, it is not considered that the proposal would unduly conflict with Local Plan Policies INF4 and INF7. Therefore, according to Framework paragraph 115, planning permission should not be refused on highway grounds.

### **Biodiversity**

- 10.34 Policy ENV4 requires that development avoids the loss of, and encourages the recovery or enhancement of habitats, and that the biodiversity of buildings is conserved. Development proposals that result in a significant loss in, or harm to, biodiversity on site, and where no compensatory measures are proposed, will be resisted. Furthermore, development proposals should achieve benefits

in biodiversity at least equal to the biodiversity value of the site prior to development.

- 10.35 The NPPF promotes the conservation, restoration and enhancement of priority habitats and the protection of priority species. In determining applications, it states that where significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or compensated, planning permission should be refused (paragraph 186 refers).
- 10.36 Furthermore, paragraph 188 advises that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.
- 10.37 The applicant's agent has submitted a thorough landscaping scheme which includes the creation of a wildflower meadow at the southern end of the site, a native hedge to the southern and western boundaries, a native woodland to the southern, western and northern boundaries, and the inclusion of bat and bird boxes within the site. It is considered that the proposal sufficiently demonstrates the impact of the proposal upon biodiversity and that the impact is acceptable, subject to conditions.

### **Other Matters**

- 10.38 Concerns have been raised regarding drainage and flooding at the site claiming that the site is more susceptible to flooding than it was when previously refused. The majority of the site lies within Flood Zone 1 the lowest probability of flooding however the proposed access off Carla Beck Lane does lie within at risk of surface water flooding. This has been addressed by the application in the submitted Design and Access Statement. It is acknowledged that Pale Lane and Carla Beck Lane can sometimes become impassable during periods of heavy rainfall and the northern part of Limehouse Lane is also susceptible to flooding during these periods. However, the applicant states that the site itself is less prone to flooding from watercourses or surface water. This has been further evidenced through the Environment Agency flood risk maps which confirms that the site is not at risk from either fluvial or surface water flooding.
- 10.39 Concerns have been raised through letters of objection regarding waste collection. While there has not been a specific identified location for the waste on site, the collection of waste from the site will be covered by the site licence.

## **11.0 PLANNING BALANCE AND CONCLUSION**

- 11.1 Paragraph 11 of the NPPF advises that LPA's should be approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or

the policies which are most important for determining the application are out-of-date, granting permission unless:

"the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

- 11.2 The proposal would not adversely affect the character and appearance of the area, given the existing capacity of the site and its ability for the local area to absorb the development.
- 11.3 The proposal given its limited visibility from public vantage points would not be harmful to the rural landscape. Nor would the proposal give rise to any adverse impacts on resident's amenity, highway safety or increase in any flood risk.
- 11.4 The proposal would provide biodiversity benefits.
- 11.5 On balance, it is considered that there are no adverse impacts arising from the proposal and would accord with the requirements and expectations of the relevant Spatial Principles and Core Policies of the Craven Local Plan, and with the relevant sections of the National Planning Policy Framework and the national Planning Practice Guidance.

## **12.0 RECOMMENDATION**

12.1 To GRANT planning permission subject to the conditions listed below.

- 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.

- 2 The permission relates to the following plans:

Drawing No. TS418-5C "Site Plan" received 25th September 2023.

Drawing No. 448/01 Rev D "Landscape Layout" received 25th September 2023.

Drawing titled Essence Collection 3 Bedroom" received 25th September 2023.

Drawing titled Essence Collection 2 Bedroom" received 25th September 2023.

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

District (Outside the Yorkshire Dales National Park Authority) Local Plan and the National Planning Policy Framework.

- 3 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 works shall be implemented in accordance with the approved details. No part of the development shall be brought into use until the drainage works approved has been completed.

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

- 4 No above ground works shall take place until a Construction Exclusion Zone has been formed around the Root Protection Areas of those trees and hedgerows identified as being retained on the approved plans. The Construction Exclusion Zone shall be provided in the form of protective fencing of a height and design which accords with the requirements BS 5837: 2012. The Construction Exclusion Zone shall be maintained in the duly installed positions during the entirety of the construction period insofar as it relates to these areas of the site.

Reason: To ensure that adequate measures are put in place to protect existing trees and hedgerows which are to be retained as part of the development before any construction works commence in accordance with the requirements of the Craven Local Plan and the National Planning Policy Framework.

- 5 Prior to the installation of the hereby chalets, details of the exact materials and external colour treatment options for the chalets shall be submitted to and approved in writing by the Local Planning Authority. Once approved, all new chalets installed on the site shall be coloured in accordance with the approved schedule of colours.

Reason: In order to ensure that the lodges are well assimilated into the countryside, and to reserve the rights of the Local Planning Authority with regard to this matter.

- 6 Prior to use a noise management scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the provisions to be made for the control of noise emanating from the site.

The scheme shall be implemented from the start of use and maintained for the lifetime of the development.

A review of the written noise management scheme shall be carried out by the person responsible for the site every 12 months and upon receipt of a justified noise complaint. Any alterations to the written noise management scheme as a result of a review must be submitted to and approved in writing by the Local Planning Authority.

The agreed written noise management scheme and last 12 months of written reviews must be kept on the premises at all times and be available to the Local Planning Authority upon request within 7 days of such a request.

Reason: In the interests of the protection of amenities of local occupiers.

- 7 Should any significant contamination be encountered during development, the local planning authority shall be notified in writing immediately. A Remediation Strategy shall be submitted to, and approved in writing by, the local planning authority, The approved remediation measures shall be implemented in accordance with the timescales in the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy, a Validation Report shall be submitted within agreed timescales to, and approved in writing by, the local planning authority. The site shall not be brought into use until such time as all the validation data has been approved in writing by the local planning authority at the agreed timescales. The Remediation Strategy and Validation Report shall be prepared in accordance with current best practice.

Reason: To enable the local planning authority to ensure that unexpected contamination at the site will not present significant environmental risks and that the site will be made suitable for use.

- 8 No part of the development shall be brought into use until there has been submitted to, and approved in writing by, the Local Planning Authority, a detailed scheme of the hard landscaping, including details of the permeable surfaces used on the access track and parking spaces, for the site.

Reason: In the interests of the appearance of the proposed development and to reserve the rights of the Local Planning Authority with regard to this matter.

- 9 The holiday lodges shall not be occupied as a person's sole, or main place of residence.

Furthermore, the owners/operators of the site shall at all times maintain an up-to-date register of the names of all owners and occupiers of each individual holiday unit on the site together with the addresses of their main place(s) of residence and shall make this information available on request at all reasonable times to the Local Planning Authority.

Reason: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation.

- 10 Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the parking spaces identified on the approved plans shall be retained and maintained for their intended purpose at all times.



Reason: To ensure proper provision and management of parking for cars in accordance with Craven Local Plan 2012 to 2032 Policy INF4 and the National Planning Policy Framework.

- 11 Unless otherwise approved in writing, the external lighting hereby approved shall be installed in accordance with the approved details and retained for the lifetime of the development.

Reason: To ensure safe access to the site while minimising the impact upon the surrounding area in accordance with Policy ENV3 of the Local Plan.

- 12 The development shall be undertaken in full accordance with the landscaping scheme shown on Drawing No. 448/01 Rev D.  
The 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 in accordance with the requirements of the Craven Local Plan policy ENV4 and the National Planning Policy Framework.

### **Notes**

- 1 Statement of Positive Engagement:

In dealing with this application North Yorkshire Council (Craven) 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.

- 2 Existing Public Rights of Way on the site should remain unobstructed and available for use unless and until an application (whether temporary or permanent) under Sections 247 or 257 of the Town and Country Planning Act (or any other relevant legislation) is approved to allow the diversion or stopping up of any of these routes. Approval of any such application should be confirmed prior to the carrying out of any operations that would obstruct the use of the relevant Public Rights of Way.

- 3 Hours of Construction

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

- 4 The business operator has a duty of care with respect to their waste. They must ensure their waste is stored safely and securely on site so that it does not escape their control. It should be given to an authorised person for disposal and with each transfer a waste transfer document must be produced and retained for 2 years. If the business operator wishes to transport their own waste to an authorised or permitted waste disposal site they must hold a waste carriers licence issued by the Environment Agency.

**Target Determination Date: 1 March 2024**

**Case Officer: Mr Sam Binney**

**[Sam.Binney1@northyorks.gov.uk](mailto:Sam.Binney1@northyorks.gov.uk)**

## North Yorkshire Council

### Community Development Services

#### SKIPTON AND RIPON CONSTITUENCY COMMITTEE

05 MARCH 2024

**ZA24/25630/LBC - TO REMOVE THE EXISTING SUSPENDED CEILINGS AND THEN REMOVE DEFECTIVE LATH AND PLASTER CEILINGS AND REPAIR WITH PLASTERBOARD AND SKIM AND THEN INSTALL NEW SUSPENDED CEILINGS IN ROOMS; THF11, THF12, THF13, THF14 THF20 AND THE ROOM ABOVE THE RECEPTION ALL ON THE FIRST FLOOR. AT TOWN HALL, HIGH STREET, SKIPTON, BD23 1AH, ON BEHALF OF NORTH YORKSHIRE COUNCIL**

#### **Report of the Assistant Director/Planning – Community Development Services**

#### **1.0 PURPOSE OF THE REPORT**

- 1.1 To determine a planning application for Listed Building Consent for repairs to the existing ceilings of Skipton Town Hall.
- 1.2 To set out details of the proposal, a description of the site and its surroundings, a summary of planning policy and planning history, details of views expressed by consultees, a summary of the relevant planning issues and a recommendation to assist the Committee in considering and determining this application for planning permission.

#### **2.0 EXECUTIVE SUMMARY**

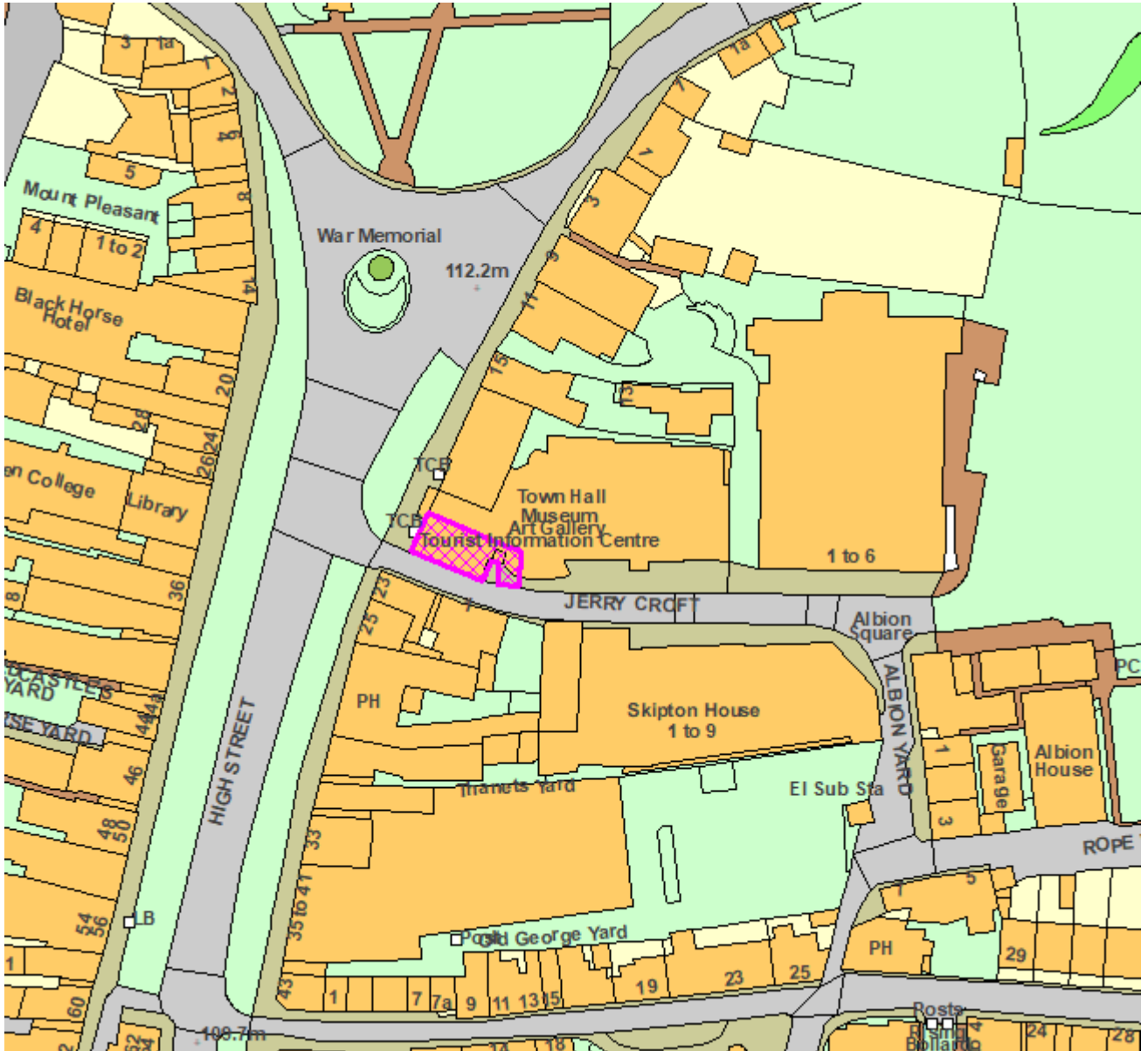
##### **RECOMMENDATION:**

- 2.2 The applicant seeks listed building consent for repairs to the ceilings of several rooms and associated works to the Skipton Town Hall.
- 2.3 The main issue is the effect of the proposed internal works on the historical fabric of the building.
- 2.4 In principle, the proposed works would contribute to the long-term future of this heritage asset, and thus the proposal would accord with Local Plan Policy ENV2. The proposal also accords with the aims and objectives of the Framework.
- 2.5 Listed building approval is therefore recommended.



N

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### 3.0 PRELIMINARY MATTERS

3.1 Access to the case file on Public Access can be found here: - <https://publicaccess.cravenc.gov.uk/online-applications/>.

### 4.0 SITE AND SURROUNDINGS

4.1 The application relates to several internal ceilings of Skipton Town Hall, a Grade II Listed building constructed in 1862. The main elevation fronting the

High Street is particularly detailed, with columns and pilasters, moulded architraves to the windows, and arches to the entrance. The side elevation facing Jerry Croft has been subject to several alterations.

4.2 The site occupies a prominent position on the High Street in Skipton Town Centre.

4.3 The site is located within the designated conservation area of Skipton.

## **5.0 DESCRIPTION OF PROPOSAL**

5.1 To remove the existing suspended ceilings and then remove defective lath and plaster ceilings and repair with plasterboard and skim with new suspended ceilings being installed into rooms; THF11, THF12, THF13, THF14 THF20 and the room above the reception all on the first floor.

## **6.0 PLANNING POLICY AND GUIDANCE**

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with the Development Plan so far as material to the application unless material considerations indicate otherwise.

### Adopted Development Plan

6.2 The Adopted Development Plan for this site is the Craven Local Plan 2012 – 2032 adopted in November 2019

### Emerging Development Plan - Material Consideration

6.3 The North Yorkshire Local Plan is the emerging development plan for this site though no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

### Guidance - Material Consideration

6.4 Relevant guidance for this application is:

National Planning Policy Framework 2021  
National Planning Practice Guidance  
Historic England Advice in Planning Notes 1, 2 & 3

## **7.0 CONSULTATION RESPONSES**

7.1 The following consultation responses have been received and have been summarised below:

### Consultees

7.2 **Skipton Town Council:** No response.

- 7.3 **CDC Independent Heritage Officer:** Recommend that the application be approved, subject to a condition that the works be implemented in accordance with the methodology provided in the heritage statement

#### Local Representations

- 7.4 At the time of writing, no third-party comments were received.

### **8.0 ENVIRONMENT IMPACT ASSESSMENT (EIA)**

- 8.1 Having regard to the scale and nature of the proposal, the development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment Regulations 2017) (as amended). Therefore, no Environment Statement is required.

### **9.0 MAIN ISSUES**

- 9.1 The key considerations in the assessment of this application are:
- 9.2 The impact on the special architectural or historic interest of the listed building and its setting

### **10.0 ASSESSMENT**

- 10.1 The impact on the special architectural or historic interest of the listed building and its setting.
- 10.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building, or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 10.3 Local Plan Policy ENV2 states that the historical environments will be conserved and, where appropriate, enhanced and their potential to contribute towards the economic regeneration, tourism offer, and education of the area exploited.
- 10.4 The proposal would consist of internal repairs/alterations to the existing ceilings including the installation of a roof void and a new walkway. The Council's external heritage officer considers that the proposed works are acceptable and would not result in any adverse impact on the decorative plaster ceilings subject the works are carried out in accordance with the methodology and a condition is proposed to secure this.
- 10.5 The proposal would lead to some harm to the significance of the designated heritage asset; however, the harm is considered to be at the lower end of the less than substantial scale. Nevertheless, in accordance with the Framework (paragraph 205) great weight should be given to the asset's conservation. Following paragraph 208, the harm should be weighed against the public

benefits of the proposal, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

#### 10.6 Public benefits

10.7 In this instance, benefits would accrue from securing the optimum viable use of this heritage asset through its long-term conservation and its associated links with the local economy. Officers consider that significant weight should be afforded to the benefits of the scheme.

### 11.0 PLANNING BALANCE AND CONCLUSION

11.1 The proposal is acceptable in principle in accordance with Local Plan Policy ENV2. It is considered the proposal would result in less than substantial harm to the designated heritage asset. In accordance with Local Plan Policy ENV2 and the Framework, the harm should be weighed against the public benefits of the proposal.

11.2 In terms of any public benefits, the proposal would secure the optimum viable use of the building combined with economic and tourism benefits and as such are given significant weight. On balance, it is considered that the public benefits of the scheme would outweigh the less than substantial harm to the designated heritage asset. Therefore, for reasons set out above, the proposal would not conflict with the development plan as a whole and would accord with the requirements of the Framework and the Planning (Listed Buildings and Conservation Areas) Act 1990 thus is recommended for approval.

### 12.0 RECOMMENDATION

12.1 To GRANT Listed Building Consent subject to the conditions listed below.

#### Time condition

1 The development to which this consent relates shall be begun before the expiration of 3 years from the date of this decision.

Reason: To comply with the requirements of Section 18 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

#### Approved Plans and Documents

2 The development hereby permitted shall be carried out in accordance with the following approved plans:

000001	LOCATION PLAN
000100	ENABLING WORKS
000120	PROPOSED WORKS
000160	REFLECTED CEILING PLAN-CEILING

Reason: To clarify which plans have been approved.

- 3 The development shall be carried out in accordance with the details specified in the Heritage Statement which shall not be varied without details being first submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the historic fabric, character, and appearance of the listed building and to accord with Local Plan Policy ENV2 of the Craven Local Plan.

### **Notes**

#### **Adherence to approved plans/conditions**

Failure to adhere to the details of the approved plans or to comply with the conditions contravenes the Town and Country Planning Act 1990 and enforcement action may be taken.

#### **Statement of Positive Engagement**

In dealing with this application North Yorkshire Council (Craven) 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.

**Target Determination Date: 1 March 2023**

**Case Officer: Andrea Muscroft**

**[Andrea.Muscroft@northyorks.gov.uk](mailto:Andrea.Muscroft@northyorks.gov.uk)**