

- 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, 2nd April, 2024
- Time:** 1.00 pm
- Venue:** Belle Vue Suite, 1 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.

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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 forward their case. If you wish to register to speak through this scheme, then please notify Vicky Davies, Senior Democratic Services Officer by midday on Tuesday, 26<sup>th</sup> March 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.

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## Agenda

1. **Apologies for Absence**
2. **Minutes for the Meeting held on 5th March 2024** (Pages 3 - 8)
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. **ZA23/25492/FUL - Full Planning Permission for Erection of Four Two Storey Houses and Works to Boundary Wall at Grundy Farm, Carleton, Skipton, BD23 3DE on behalf of RN Wooler & Co.** (Pages 9 - 34)  
Report of the Assistant Director Planning – Community Development Services.
5. **ZA23/25598/LBC - Listed Building Consent for Works to Boundary Walls at Grundy Farm, Carleton, Skipton, BD23 3DE on behalf of RN Wooler & Co.** (Pages 35 - 44)  
Report of the Assistant Director Planning – Community Development Services.
6. **ZC23/03583/FUL - Sub-Division of Existing Cottage into Two Dwellings and Erection of Single Storey Extensions to Rear. Erection of 2 no. Dwellings with Outbuildings to Rear (Revised Scheme with Alterations to Parking and Position of Dwellings) at 1 Harewell View, Glasshouses on behalf of Mr J Robinson** (Pages 45 - 66)  
Report of the Assistant Director Planning – Community Development Services.
7. **ZA23/25559/FUL - Erection of 1 no. Dwelling at Mill Cottage, Cowling on behalf of Mr Widdup** (Pages 67 - 82)  
Report of the Assistant Director Planning – Community Development Services.
8. **Any other items**  
Any other items which the Chair agrees should be considered as a matter of urgency because of special circumstances.
9. **Date of Next Meeting**  
Tuesday, 07 May 2024 at 1.00pm.

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)

Thursday, 21 March 2024

## North Yorkshire Council

### Skipton and Ripon Area Constituency Planning Committee

Minutes of the meeting held on Tuesday, 5th March, 2024 commencing at 1.05 pm.

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

Officers present Kelly Dawson, Senior Solicitor; Stuart Mills, Planning Manager; Neville Watson, Planning Manager; Andrea Muscroft, Principal Planning Officer, Mike Parkes, Senior Planning Officer – Development Management; Emma Howson, Senior Planning Officer - Development Management; Sam Binney, Senior Planning Officer; Amy Benfold, Planning Officer; Vicky Davies, Senior Democratic Services Officer; and David Smith, Democratic Services Officer.

sent: .

Other Attendees: Councillor Andy Solloway .

Apologies: Andrew Williams. .

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

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#### **69 Apologies for Absence**

An apology for absence was received from Councillor Andrew Williams.

#### **70 Minutes for the Meeting held on 6th February 2024**

The minutes of the meeting held on Tuesday, 6<sup>th</sup> February 2024 were confirmed and signed as an accurate record.

#### **71 Declarations of Interests**

Councillor Heseltine declared he was a Skipton Town Councillor and took no part in the debate or voting on application ZA24/25630/LBC.

#### **Planning Applications**

The Committee considered reports of the Assistant Director Planning – Community Development Services relating to applications for planning permission. During the meeting, Officers referred to additional information and representations which had been received.

Except where an alternative condition was contained in the report or an amendment made by the Committee, the condition as set out in the report and the appropriate time limit conditions were to be attached in accordance with the relevant provisions of Section 91 and 92 of the Town and Country Planning Act 1990.

In considering the reports 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 deferred consideration or refused planning permission the reasons for that decision are as shown in the report or as set out below.

Where the Committee granted planning permission in accordance with the recommendation in a report this was because the proposal is in accordance with the development plan, the National Planning Policy Framework or other material considerations as set out in the report unless otherwise specified below.

**72 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 Mr S Furlong**

Considered:

The Assistant Director Planning – Community Development Services sought determination of a planning application for change of use of an agricultural field to a dog walking field and associated car parking at Railer Bank, Mickley. The application had been deferred from a previous meeting of the Committee to enable officers to consider a further representation.

Judith Hooper spoke on behalf of the objectors.

On behalf of the Division Member, Councillor Felicity Cunliffe-Lister, a statement was read out by David Smith, Democratic Services Officer.

Simon Phillips spoke on behalf of Azerley Parish Council objecting to the application.

The applicant's representative Adrian Rose, spoke in support of the application.

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

- Concerns in relation to the disturbance of grazing sheep and that stock proof fencing would not mitigate from the sheep being worried and distressed by the smell and noise of barking dogs.
- The tranquillity to nearby residents of the Nidderdale National Landscape would be adversely affected by the noise of dogs barking.
- Concerns that boundary hedge planting would not alleviate the noise.

The decision:

That planning permission be REFUSED.

Voting record: a vote was taken and declared carried unanimously.

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 the 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 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.

**73 Application 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.**

Considered:

The Assistant Director Planning – Community Development Services sought determination of a planning application for a proposed sewage pumping station, manholes, gravity sewers, pumped sewage rising main and associated infrastructure to link to existing pumping foul sewer in Norton-le-Clay, Thirsk, North Yorkshire.

The applicant's representative Sarah Hogg spoke in support of the application.

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

1. The application was a necessity due to the MOD selling off 30 properties and subsequently being disconnected from the MOD sewage system.
2. The adjacent fields would not be affected by the proposed new sewage pumping station.

The decision:

That planning permission be GRANTED, subject to conditions presented to the Committee set out in the Assistant Director Planning – Community Services report:

Voting record: a vote was taken and declared carried unanimously.

**74 ZA23/25559/FUL - Erection of 1 No. dwelling at Mill Cottage, Cowling on behalf of Mr Widdup**

Considered:

The Assistant Director Planning – Community Development Services sought determination of a planning application for the erection of one dwelling at Mill Cottage, Cowling.

The applicant's representative Mr Will Cartwright spoke in support of the application.

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

1. Concern expressed that the site was in an area of high surface water flooding.
2. That the site needed to be seen by Members in order to get a proper perspective of the topography of the area together with viewing the access.

The decision:

That the application be DEFERRED pending a site visit and that the application is brought back to the next meeting of this Committee.

Voting record: a vote was taken and declared carried unanimously.

(A comfort break of 10 minutes was taken at this point in the meeting).

**75 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**

Considered – The Assistant Director Planning – Community Services sought determination of a planning application for change of use of a field and the erection of timber clad holiday lodges and associated access and parking at Carleton, Skipton.

Mr Will Cartwright spoke on behalf of the objectors.

Division Member, Councillor Andy Solloway spoke expressing concerns about flooding and that the application was not materially that different from a previous refusal.

Mr Phillip Holmes spoke on behalf of Carleton-in-Craven Parish Council.

Mr Keith Downs, the applicant spoke in support of his application.

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

- Concerns expressed about the effect the proposal would have on the open nature of the site and surrounding countryside.
- The applicant had endeavoured to mitigate the concerns raised from the previous applications.
- The protected trees and new planting of deciduous trees and lower level hedgerows wouldn't necessarily hide the structures during part of the year.
- The roads near the site were susceptible to flooding and standing water.
- Officers should re-engage with the sustainability assessment as only the bare minimum was included i.e. no solar panels and heat pumps.
- The lodges were lacking in design and incongruous.
- The proposal positively contributed to tourism in the area and didn't take away existing housing stock like Airbnb, second homes and bed and breakfast establishments.
- The development would aid future employment for future generations and assist with supporting our farming communities and help them diversify.

The decision:

That Members were MINDED to approve the application, subject to conditions and that decision is delegated to the Planning Manager for the Craven area, to determine the application in consultation with the Chairman and Vice-Chairman and to enter into discussions with the applicant to agree pre-commencement conditions before the development is begun and also to re-engage regarding the sustainability assessment and agree additional measures to improve sustainability of the development.

Voting record: Three Members voted for the motion; two Members voted against the motion; and one Member abstained, therefore the motion was carried.

Lobbying: Councillor Andy Brown declared that he had been lobbied by the applicant and people in the village.

**76 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.**

Considered – The Assistant Director Planning – Community Services sought determination for Listed Building Consent to undertake repairs to the ceilings of various rooms and associated works at the Town Hall, High Street, Skipton. Members noted that no-one had registered to speak regarding the application.

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

1. That the works were necessary to avoid further degradation of the rooms and maintain the historic fabric of the building.

The decision:

That the application be GRANTED, subject to the conditions presented to Committee set out in the Assistant Director Planning – Community Services report.

Voting record: a vote was taken and declared carried. Four Members voted for the motion; Councillor Robert Heseltine declared a non-pecuniary interest and took no part in the debate or voted thereon. Councillor David Noland did not vote.

## **77 Any other items**

No items were raised.

## **78 Date of Next Meeting**

2<sup>nd</sup> April 2024, venue to be confirmed.

The meeting concluded at 3.44 pm.

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## North Yorkshire Council

### Community Development Services

#### SKIPTON AND RIPON CONSTITUENCY COMMITTEE

2<sup>ND</sup> APRIL 2024

#### **ZA23/25492/FUL - FULL PLANNING PERMISSION FOR ERECTION OF FOUR TWO STOREY HOUSES AND WORKS TO BOUNDARY WALL AT GRUNDY FARM, CARLETON, SKIPTON, BD23 3DE ON BEHALF OF RN WOOLER & CO**

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

##### **1.0 Purpose of the report**

- 1.1 To determine planning application reference ZA23/25492/FUL for the above development at Grundy Farm, Carleton, Skipton, BD23 3DE.
- 1.2 The Corporate Director of Community Development Services considers the application raises significant planning issues of public interest. Therefore, in accordance with the North Yorkshire Council Area Constituency Planning Committees Scheme of Delegation, the application falls to be determined by the Craven and Ripon Constituency Area Planning Committee.

##### **2.0 EXECUTIVE SUMMARY**

**RECOMMENDATION:** That planning permission be GRANTED for the reasons set out below.

- 2.1 Full planning permission is sought for the erection of four two-storey houses and works to boundary walls at the location of Grundy Farm from where the proposal would be accessed off Main Street.
- 2.2 The proposed dwellings would be located to the rear of Grundy Farm (GII Listed Building) with associated boundary treatments and landscaping. The existing outbuilding would be partially demolished to form a garage for the Grundy Farmhouse.
- 2.3 The main issues regarding the proposal are the principle of housing on this site, the effect of the proposal on the setting of heritage assets and the character and appearance of the area, and whether public benefits of the scheme and material considerations would outweigh any identified harm.
- 2.4 In principle, the housing provision would contribute towards the district's spatial housing strategy and thus accords with Local Plan Policy SP4. The

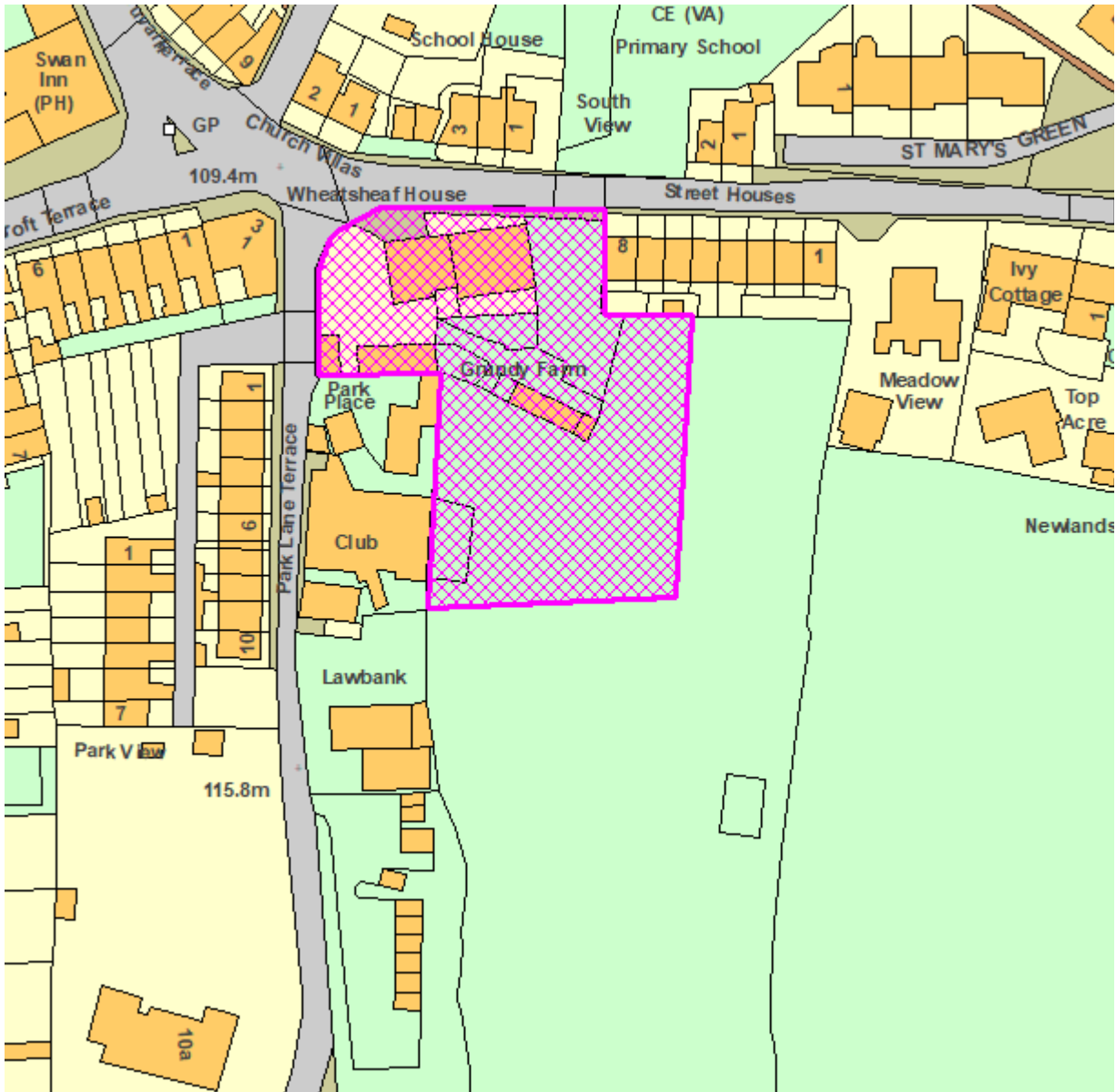
proposal would not give rise to any adverse amenity, flooding or highway issues and would provide sustainable and biodiversity benefits.

- 2.5 Having considered the scheme, the Council's specialist heritage adviser has no objection on heritage grounds and considers the current proposal to be an improvement on the original proposal, and there are no objections from statutory consultees. The revised scheme accords with the provisions of the development plan overall, and there are no material considerations which indicate a decision should be taken other than in accordance with it. Therefore, approval is recommended subject to the conditions recommended below.



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### 3.0 Preliminary Matters

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

3.2 Key planning history

- 3.3 17/2009/9965 – Conversion of barn to 2no. residential units and construction of 3 no. new dwellings with associated off-street parking (Resubmission of application 17/2008/9164) – Approved October 2009.
- 3.4 17/2012/12543 – Discharge of conditions 3,5,6,7,9,10 & 11 of planning approval 17/2009/9965 – Approved.
- 3.5 17/2009/9980 (LBW) – Conversion of barn to 2no. residential units and construction of 3 no. new dwellings with associated off-street parking – Approved November 2009.
- 3.6 Officers Note: Approvals 17/2009/9980 & 9965 have been implemented. Therefore, there remains an extant permission for the provision of 5 dwellings on part of this site.
- 3.7 2018/19559/FUL - Full planning permission for the erection of five two-storey houses and one single-storey house and works to boundary walls – Refused at March 2019 Committee against an officer recommendation for 3 reasons:
- 1** - The proposal which includes the partial demolition of a boundary wall to the Grade II listed building (Grundy Farm) and the construction of six detached dwellings with associated infrastructure would have an adverse impact on the setting and significance of this heritage asset and would neither preserve or enhance the character and appearance of the conservation area. The proposal is therefore considered to be contrary to the requirements of Section 16 of the National Planning Policy Framework and the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2** - The proposed development would result in harmful encroachment and urbanisation in the countryside which would diminish its openness, character and quality in conflict with the requirements of saved policies ENV1 and ENV2 Craven District (Outside the Yorkshire Dales National Park) Local Plan which seeks to protect the countryside from sporadic development and paragraphs 127 and 170 of the National Planning Policy Framework which also seek to protect the intrinsic character of the open countryside.
- 3** - It has not been satisfactorily demonstrated that the visibility splays specified can be achieved due to the current situation of cars parking on the public highway. In particular, for highway safety, as vehicles exit the site without sufficient visibility could be at risk of collision. The proposal is therefore considered contrary to Saved Policies ENV2 & T2 of the Craven District (outside the Yorkshire Dales National Park) Local Plan and the requirements of Section Nine of the National Planning Policy Framework.
- 3.8 2018/19560/LBC – Listed building consent for works to boundary walls – Refused at March 2019 Committee against an officer recommendation for 1 reason:
- 1** - The Grade II boundary wall to Grundy Farm is situated in a prominent position within the conservation area and makes a positive contribution to the setting of the listed building and the character and appearance of the

conservation area. Therefore, the partial demolition of this boundary wall to the listed building (Grundy Farm) would have an adverse impact on the setting and significance of this heritage asset. The proposal is therefore considered contrary to the requirements of Section 16 of the National Planning Policy Framework and the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

- 4.1 The site of the proposal consists of Grundy Farm with an attached barn, outbuildings (Grade II Listed Buildings) and land to the rear, with the Carleton Conservation Area running east to west through the site. Beyond the northern and western boundaries are further residential dwellings, plus a Public House, Primary School, and local shop.
- 4.2 There are two extant planning approvals (ref: 17/2009/9965 & 9980) approving the conversion of the former barn to form two residential units with an area to the south of the farmhouse approved for the construction of three residential dwellings with associated off-street parking. As a result, part of the site is identified on the Policies Maps in the Local Plan as an existing housing commitment due to previous permission being granted.
- 4.3 The site is also located close to public transport, which connects the site with Skipton. In addition, there exists a pedestrian footpath from the site into the centre of Skipton.

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

- 5.1 Full planning permission for the erection of four two-storey houses and works to boundary walls.
- 5.2 The proposed dwellings would consist of 4no. 3-bedroom dwellings with off-street parking.
- 5.3 In terms of materials, the proposed dwellings would be constructed using natural stone under a slate roof. Windows and doors would be of timber construction with stone heads and cills. These reflect the traditional building methods common to the area.
- 5.4 The site would be accessed using the existing access off Main Street and resident parking would be split between side parking, detached and integral garages. One visitor parking space would be provided.
- 5.5 The application is supported by the following information:

Design & Access Statement  
Heritage Statement – updated 8.3.2024  
Planning & Heritage Statement  
Preliminary Ecological Appraisal  
Air Source Heat Pump Specification Sheet

- 5.6 A revised plan was received to address points raised by the highways and heritage officers; these include:

The stone gate post at the entrance being re-positioned.

Stone setts at the entrance to be retained.

Midden to the rear of the farmhouse (two walls to be retained).

Low wall to replace post and chain boundary treatment to the front of the barn

Visitor parking space shown adjoining parking close to the bin store.

Shared surface shown on plans.

- 5.7 The proposal has been assessed against the revised drawings and document.

## **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 the Craven Local Plan 2012 – 2032 (adopted 2019) (Local Plan).

### 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 December 2023 (The Framework)

National Planning Practice Guidance (PPG)

National Design Guide (NDG)

Craven Good Design SPD 2022

Craven Green Infrastructure and Biodiversity SPD 2022

Craven Flood Risk SPD 2022

Craven Affordable Housing SPD 2021

Carleton Conservation Area Appraisal 2023 (the Carleton CAA)

Craven Settlement Monitoring Report July 2023

Craven District Plan Approaching Housing Density and Mix 2017

Craven Authority Monitoring Reports 2021-2022 (AMR)

BRE Site Layout Planning for Daylight and Sunlight

## **7.0 Consultation Responses**

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

- 7.2 **Carleton Parish Council:** Recommend refusal for the following reasons:

Contrary to policy SP4  
Highway concerns  
Development in a conservation area would have an adverse impact.  
Previous reasons for refusal remain valid.

7.3 **NYC Environmental Officer:** No objections, recommend conditions relating to potential contamination and noise control.

7.4 **NYC Heritage Consultant:** The current proposal has resulted in dwellings 3 & 4 being moved westwards to create a gap between them and dwellings 1 & 2 being moved backwards to create a courtyard feel.

The current proposal for an additional dwelling over the approved scheme on a site extends further into open land, however, the current scheme is considered preferable to the previously approved scheme for the following reasons:

- It would retain a narrow view between the new dwellings
- Omits a dwelling immediately behind the listed farmhouse
- Helps retain some immediate open settings to the listed farmhouse
- Part of the single-storey outbuilding is retained
- Paddock on the road frontage would remain undeveloped further contributing to the open setting of the farmhouse and allowing views over it.
- Existing midden at the rear of the barn would be partially retained and that the area (with wall and potential midden) at the side of the barn would be unaltered.

The proposal would cause a low level of harm to the setting of the listed buildings and conservation area. However, the proposed impact would be no worse than the approved scheme and there are no overriding heritage reasons to refuse the principle of the application.

The proposed design and materials would reflect the prevailing character and materials of vernacular cottages and are considered acceptable, subject to the usual conditions requiring prior approval of samples.

A full cobbled courtyard would be preferable to the bitmac turning head, to create a more cohesive and characterful space. A condition requiring prior approval of a comprehensive hard landscaping plan for the whole site should be imposed regarding this matter.

The outbuilding to the rear of Grundy Farm, has some heritage significance as part of the group of historic farm buildings. Notwithstanding that the listed consent did not refer to the demolition of the outbuilding, the approved planning permission was granted consent for the full demolition of the outbuilding. As such, the previous permission is a material consideration.

Although the current proposal involves some loss of the historic fabric it is preferable to the approved scheme, especially as it would replace the metal sheet roof with natural slates. Furthermore, the quoins in the middle to the

rear, and the historic map suggest that the building was constructed in phases and the proposal would retain the earliest phase. On balance, the proposed partial demolition is acceptable, provided that acceptable detailed drawings are provided, including the proposed E elevation, with a traditional garage/cart door. Similarly, details should be provided of the proposed gates for the bin store.

It is accepted that there is a requirement to make necessary alterations to the boundary wall concerning providing safe access to the site and that this would cause low-level harm. This harm could be further minimised by amending the plan to confirm the retention of the W gate pier and the relocation of the W pier. This can be dealt with by a suitable worded condition.

Recommend that the principle of the proposed four houses is acceptable and that the revised detailed design, layout, and materials of the houses are also an considerable improvement and that outstanding issues can be resolved by appropriate conditions.

7.5 **NYC Highways Officer:** No objection, recommend conditions.

7.6 Yorkshire Water: No objection, recommend conditions relating to the management of surface and foul water.

#### Local Representations

7.7 At the time of writing 21 public comments have been received. A summary of comments made is provided below. However, comments can be viewed in full at the above web link. <https://publicaccess.cravendc.gov.uk/online-applications/>

#### Objections

7.8 Shouldn't be allowed to submit another application.  
Concern regarding traffic, congestion, and increased stress on parking requirements  
Noise and disturbance during the construction stage  
Adverse impact on the setting of listed building and surroundings  
No affordable provision  
Should not be considered against SP4.  
Pressure on local school  
Contrary to local plan policies  
This would lead to further development.  
Flood risk

#### Neutral

7.9 Should stay a farm.  
Unclear who is the applicant.  
It does not appear to be a specific Heritage Report  
All of Grundy Farm and field are in the conservation area.  
Unclear ref access  
Suggest archaeological surveys should be undertaken.  
No benefits



## 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:

Principle of development

Fallback position

Context of the previous refusals.

Density and mix of development.

The effect of the proposal on the character and appearance of Main Street.

The impact of the proposal on the setting of the adjacent heritage assets

The effect of the proposal on the living conditions of existing residents and future occupants

Biodiversity

The effect of the use of the proposed access on the safety of pedestrians and vehicle users.

Whether the proposed houses would be safe from flooding and be adequately served by drainage.

Highway safety

Other matters

## 10.0 ASSESSMENT

### Principle of Development

- 10.1 Carleton is a Tier 4a settlement with the application site consisting of farm buildings being located within the main built-up area of Carleton. The remaining site area is considered to adjoin the main built-up area of Carleton. It is acknowledged that under the requirements of the previous LP part of the site had been the subject of two planning approvals which deemed the principle of residential development (along with other material planning issues) as deemed acceptable in this location.

Table 1.

Planning Reference	Description	Resolution
17/2009/9980 (LBW)	Conversion of barn to 2no. residential units and construction of 3 no. new dwellings with associated off-street parking	Delegated approval decision
17/2009/9965	Conversion of barn to 2no. residential units and construction of 3 no. new dwellings with associated off-	Delegated approval decision

	street parking (Resubmission of application 17/2008/9164)	
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- 10.3 Policy SP4 (H) is of relevance in the consideration of this proposal. This policy is supportive of proposals for additional housing growth on non-allocated land for housing within the main built-up areas of Tier 1, 2, 3, 4a and 4b settlements, providing that they accord with all other relevant LP and any neighbourhood plan policies. There is however no adopted neighbourhood plan for Carleton.
- 10.4 As per the Framework and LP Policy SD1, the Council will take a positive and proactive approach to considering the development proposed that reflects the presumption in favour of sustainable development. In addition, as the Framework sets out, it is the Government's objective to significantly boost the supply of homes. Having regard to the section of the application site that lies within the main built-up area of Carleton a Tier 4a settlement, this part of the development would comply with the requirements of SP4 (H).
- 10.5 The remaining part of the application site adjoins the main built-up area of Carleton and thus policy SP4 (I) is of relevance. This policy is supportive of releasing non-allocated sites for housing subject to meeting one of the exceptions set out in the policy.
- 10.6 Carleton is currently showing a deficit housing figure (CDC Settlement Growth Monitoring January 2024). As such, the proposal would address this deficit and help deliver the expectations of the development plan regarding housing for the district. As a result, the proposal would comply with SP4 (H)(a).
- 10.7 In conclusion, having regard to the site's location within and adjoining the main built-up area of Carleton a Tier 4a settlement, the development would comply with and facilitate the realisation of the LP spatial strategy, with specific regard to Policies SP1 and SP4 (H), (I). It would also accord with the aims and objectives of paragraph 60 of the Framework to significantly boost the supply of homes.

### **Fallback position**

- 10.8 In this instance, part of the site benefits from extant permissions. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 (the Act) sets out that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Council acknowledges that the presence of the extant permissions is a material consideration.
- 10.9 The implementation of the extant permission would see the creation of 5no. dwellings on part of the application site, whereas the current proposal would see the creation of 6no. dwellings on the whole of the site thus providing one additional dwelling.
- 10.10 Regarding this proposal, it is considered that there is a real possibility that the extant permissions would be implemented should the proposal be refused.

This is evidenced by the existence of the extant permission and that the barn remains in a reasonably good condition and capable of conversion.

### **Context of previous refusals**

- 10.11 Planning consent was refused in March 2019 for the reasons outlined above in paragraphs 3.5 – 3.6. The applicant has engaged in pre-application discussions with the Council and Historic England to address the previous reasons for refusal.
- 10.12 To reduce harm to the designated heritage assets and open countryside, the site area has been reduced, access into the site would be via existing vehicle access, and the number of dwellings has been reduced. In addition, the spacing between proposed dwellings and heritage assets has been increased to maintain views identified within the CA and to provide an enhancement to the setting of the designated heritage assets.

### **Density and Mix**

- 10.13 LP Policy SP3 seeks to guide the mix and density of new housing developments, to ensure that land is used effectively and efficiently to address local housing needs. The policy also allows for flexibility in its requirements to achieve other local plan objectives.
- 10.14 In this instance, the proposed housing density would be below the suggested 32 dwellings per hectare. However, a key consideration regarding the development of this site is the protection of the historic character and appearance of the area and thus the lower density is considered appropriate.
- 10.15 Regarding the mix, the proposal would provide 4no. 3-bedroom dwellings. This mix is considered to accord with the most up-to-date Council evidence regarding need/demand. In addition, it would help address the under-provision of 3-bedroom dwellings as reported in the CDC Authority Monitoring Report 2021 – 2022 (Published 19.12.2022).
- 10.16 In conclusion, the proposal is considered to meet the requirements of Policy SP3 of the Local Plan. It would also accord with the aims and objectives of paragraph 60 of the Framework, which amongst other things seeks to ensure the efficient use of land, considering identified needs and the desirability of maintaining an area's prevailing character and setting.
- 10.17 The effect of the proposal on the character and appearance of Main Street and Park Lane.
- 10.18 The application site consists of a former agricultural farm (hardstanding and disused buildings), as well as undeveloped land adjoining the main built-up area of Carleton.
- 10.19 Main Street is located to the north of the site and is characterised by traditional rural cottages/terrace dwellings with stone boundary walls. Located at the junction of Main Street and Park Lane is a three-storey building

converted to apartments. Situated along Park Lane is a row of terrace dwellings to the east, located along the western side of Park Lane is a former mill (granted consent for residential accommodation), and several modern buildings (garage and club). The former garage site beyond the commercial garage has been granted planning permission for residential development.

- 10.20 The proposal would see the re-opening of a previous pedestrian opening between the former barn and wall fronting onto Main Street. In addition, the proposal would result in a section of boundary wall fronting Main Street and Park Lane being removed and the repositioning of the historic gate pillar. These minor alterations would not harm the surrounding street scene. Similarly, the repositioning of the parking to the rear of the Farmhouse and barn, the retention of the stone setts to the front, the construction of a low level wall to the front of the barn would result in a positive enhancement to the existing street scene compared to the extant permission.
- 10.21 Within the site, the proposal would see the partial demolition of an existing outbuilding to form a garage and the installation of gates to form a bin store. As part of these works the current unsympathetic roof covering to the outbuilding would be replaced with more appropriate slate roof tiles. It is acknowledged that due to the site's elevated position, these minor alterations would be visual from views outside of the site. However, due to the setback from Main Street and Park Lane and the use of appropriate materials this element of the proposal would assimilate well with the general character of the area and is considered preferable to the previously approved scheme which would have resulted in the complete demolition of the outbuilding and the construction of a two-storey detached dwelling in its place.
- 10.22 The construction of Plots 1 & 2 and Plots 3 & 4 would be set back within the site with boundary treatments and landscaping, partially screened by existing dwellings on Main Street and Park Lane. As such, these elements of the proposal would not have an adverse visual impact on the existing street scene.
- 10.23 Any planning approval should include conditions relating to materials and also seek to remove permitted development rights on the site due to the close relationships with the listed buildings to avoid any future extensions or further outbuildings which would detract from the overall setting of the designated heritage assets.
- 10.24 In conclusion, the proposal is considered to meet the requirements of Policies ENV1 and ENV3 of the Local Plan which seeks new development to create buildings etc which are sympathetic to the environment and their context in terms of layout, landscape, scale, appearance, and relationship with nearby buildings. It would also accord with the aims and objectives of paragraph 135 of the Framework, which amongst other things seeks to ensure the creation of high-quality, and sustainable buildings, and the desirability of maintaining an area's prevailing character and setting. The proposal does not conflict with the Government's priorities for well-designed places as expressed in the National Design Guide.

- 10.25 Impact of development on the setting and significance of designated heritage assets.
- 10.26 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving and enhancing the character and appearance of a conservation area. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest that it possesses.
- 10.27 Local Plan Policy ENV2 Heritage states that Craven's historic environment will be conserved and where appropriate enhanced. This will be achieved by paying particular attention to the conservation of those elements which contribute most to the district's distinctive character and sense of place, which includes the legacy of traditional barns. Under the policy, proposals will be supported that would preserve or enhance the character or appearance of a conservation area.
- 10.28 Part of the application site lies within the designated conservation area with the remaining area of the site located outside but adjacent. Fronting onto Main Street is the Grade II (G II) former farmhouse with associated buildings and structures located to the rear.
- 10.29 The proposed development would be located to the rear of the GII listed Farmhouse and barn. It is recognised that the proposal would cover a greater site area and provide an additional dwelling as well as partially retaining the outbuilding than previously approved. However, the increased site area allows for a more spacious pattern of development and would therefore not appear as an alien feature within the setting of these designated heritage assets.
- 10.30 Furthermore, the prominent location of the GII-listed farmhouse and barn fronting onto Main Street and the scale of these buildings, taken together with the setback of the proposed development would ensure that the Listed Buildings remain the pre-eminent structures marking the historic village centre. Thus, the proposal would not harm their significance.
- 10.31 The site is in an area shown on the CA appraisal map as an open space which provides a strong contribution to the character and appearance of the area of the conservation area. However, the Craven Conservation Areas Assessment Project: A General Introduction August 2016 also states in paragraph 2.3 that in "fulfilling its duty, the Council does not seek to stop all development, but to manage change in a sensitive way".
- 10.32 It is acknowledged that the development would impact upon that openness, but the impact of the proposal on this openness due to the spacing between dwellings, thus allowing views through and beyond the site to the open countryside beyond would be less than the extant permission and thus would not result in any unacceptable harm to the character and appearance of the conservation area.

- 10.33 Nevertheless, the Framework in paragraph 202 advises that any harm should be weighed against the public benefits of a proposal.
- 10.34 The Council's Heritage officer considers that the proposal would only result in low-level harm.
- 10.36 In accordance with the Framework, it is therefore necessary to consider whether the less than substantial harm to the Conservation area and the setting of Grundy Farm would be outweighed by the public benefits. This is returned to below under the planning and heritage balance.
- 10.37 PPG paragraph 020 Ref ID: 18a-020-20190723 outlines what is meant by the term public benefits. It states that public benefits may follow many developments and could be anything that delivers economic, social, or environmental objectives as outlined in the NPPF.
- 10.38 The proposal would contribute to the provision of housing in the district, and this carries significant weight as a public benefit whilst objections have been received regarding the settlement growth for Carleton. It is important to stress that there is no policy mechanism within Policy SP4 which would allow a planning application to be refused based on the 'over-provision' of housing in a particular settlement.
- 10.39 The delivery of housing in this main and adjoining built-up area of Carleton would be in an area with access to services and public transport and would be preferable to any proposed development located on the edge of the village.
- 10.40 The proposal would provide ecological benefits through the creation of new habitats (new planting of wildflowers, grassland, shrubs, tree planting, provision of bat boxes and bird boxes).
- 10.41 The proposal would enhance the economy of the community through the creation of jobs associated with the construction stage, and new residents would be likely to support existing local services and businesses. It is recognised that these benefits are common to similar developments and thus, are given limited weight.
- 10.42 The application site is sustainably located close to a school and within easy walking distance of a bus stop, shop, and public house. It is considered that these do not qualify as benefits as these would be expected from a well-located residential development and thus limited weight is attached to these factors.
- 10.43 The identified public benefits of the application site are considered to present cumulatively considerable weight to the heritage balance as set out in the Framework.

### **Heritage Balance**

- 10.45 It is recognised that there would be some very low-level harm to the significance of Grundy Farm and the CA of Carleton, however, on balance this harm is at the low end of the spectrum and when combined with the public benefits the proposal is considered acceptable on heritage grounds as confirmed by the Council's independent Heritage officer.
- 10.46 In conclusion, it is considered that the public benefits outweigh the very low-level harm to the setting of the conservation area and the listed buildings.
- 10.47 The proposal, therefore, does not conflict with the requirements of Policy ENV2 of the Craven Local Plan which seeks to preserve or enhance the character or appearance of a designated heritage asset. It would also accord with the aims and objectives of paragraph 203 of the Framework, which amongst other things seeks to ensure the creation of high-quality, and sustainable buildings, and the desirability of maintaining an area's prevailing character and setting.
- 10.48 The effect of the proposal on the living conditions of existing residents and future occupants
- 10.49 Policy ENV3 seeks to ensure that development protects the amenity of existing residents and provides a good standard of amenity for future occupants of land and buildings. Amongst other things, Framework paragraph 135 requires 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 users.

### **Existing residents**

- 10.51 The side gable of the proposed garage to Plot 1 would be sited to the south of No. 8, 7 & 6 Street Houses at separation distances of approx. 16m with a single-storey extension projecting of the rear elevation at a separation distance of approx. 23m. The first-floor side gable would be devoid of any window openings. A window would be inserted into the side gable to the garage and the single-storey rear extension would contain double patio doors. Notwithstanding this, it is considered that the separation distances are sufficient to ensure that the occupants of these properties would not experience any unacceptable loss of privacy or amenity.
- 10.52 The front gables of Plots 1 & 2 would be at a separation distance of approx. 28m from the rear elevations of the former Workshop (recently granted planning permission to residential). Similarly, the front gables of Plots 3 & 4 would front towards the rear elevation of the former barn (granted planning permission to residential) at a separation distance of approx. 30m. It is considered that the separation distances are sufficient to ensure that the future occupants of these buildings would not experience any unacceptable loss of privacy or amenity.

### **Future residents**

- 10.54 Regarding the proposed dwellings, it is considered that in terms of room sizes and storage, outlook, daylight and natural light, and outdoor amenity space, they would provide acceptable living conditions for future occupants.
- 10.55 The proposed dwellings would be designed to comply with Building Regulations Part M to ensure an acceptable degree of accessibility for all.
- 10.56 A condition is recommended in the event of a planning approval in relation to the hours of construction to reduce the impact of any build works on the amenity of the neighbouring properties.
- 10.57 The proposal is not considered to create issues in relation to residential amenity and thus accords with Local Plan Policy ENV3.

### **Biodiversity**

- 10.59 Local Plan Policy ENV4 provides that development will be accompanied by improvements in biodiversity and make a positive contribution towards achieving a net gain. Framework paragraph 180 d) states that planning decisions should minimise impact on and provide net gains for biodiversity.
- 10.60 The application is supported by a Preliminary Ecological Appraisal prepared by an appropriately qualified ecologist. There is no evidence to suggest that any protected species would be harmed, including bats. The site is not a Site of Special Scientific interest or designated as a 'European' site. As such, the proposal would not conflict with the development plan policy or the Framework in this regard.
- 10.61 Under the Environment Act 2021 and the statutory framework for biodiversity net gain (BNG), every grant of planning permission is deemed to have been granted subject to a general biodiversity gain pre-commencement condition. Unless the proposal falls under one of the exemptions (set out in Regulation 4 of The Biodiversity Gain Requirements (Exemptions) Regulations [2024]), the condition requires developers provide at least 110% of the biodiversity value found on the site prior to the development.
- 10.62 In this instance, the biodiversity gain planning condition does not apply in relation to planning permission for small development where the application was made before 2 April 2024. The proposal is not for major development within the meaning of Article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the application was made prior to the relevant date. Accordingly, the BNG biodiversity gain planning condition does not apply.
- 10.63 Notwithstanding this the proposal incorporates 45no. trees, shrubs, and flower planting, which would be likely to support pollinators and other wildlife and thereby meet the requirements of Local Plan Policy ENV4 and the Framework to achieve a net gain in biodiversity.
- 10.64 The effect of the use of the proposed access on the safety of pedestrians and vehicle users.



- 10.65 The National Planning Policy Framework (the Framework) requires applications to be only refused if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 10.67 Except for a minor alteration to the existing boundary wall, the proposal would utilise the existing access which was previously been granted permission for 3no. dwellings. The proposal would provide a sufficient level of off-street parking provision including the provision of a visitor parking space. NYC Highways have not raised any objections to the proposal on highway safety grounds or the proposed parking provision.
- 10.68 It is therefore considered that the proposal does not create any greater level of issues in relation to highway safety than that previously approved on the site and thus accords with Local Plan Policies INF4 & INF7 of the Local Plan which seeks to create safe suitable and convenient access to all development sites, and to paragraph 111 of the Framework.
- 10.69 Whether the proposed houses would be safe from flooding and be adequately served by drainage.
- 10.70 The application site is located within Flood Zone 1 which has a low probability of flooding from rivers and lies outside of any identified surface water flood risk area. Yorkshire Water has reviewed the submitted details and has not raised any objections to the proposal subject to the use of a condition. As a result, there would not be conflict with Local Plan Policy ENV6.

### **Other matters**

- 10.72 Part of the site was previously used in relation to agriculture and therefore there is potential for contamination to be found on the site during construction. A land contamination condition in relation to any unexpected contamination on the site is therefore considered to be expedient.
- 10.73 Concerns have been raised regarding the parking of vehicles on Main Street for the drop-off and picking-up of children from the primary school near the site. This appears to be a long-standing issue which is affecting residents accessing their properties. However, this should not prevent the development of this site.
- 10.74 At the time of compiling this report, the suggested changes to the conservation boundaries have not been adopted. As such, the site does not lie totally within the designated conservation area of Carleton.
- 10.75 Comments stating that the site lies within the designated conservation area are acknowledged. However, the extension of the Carleton Conservation Area is proposed but is not yet designated. A Conservation Area Appraisal was adopted in February 2023. The adoption of the CA Appraisal may be viewed as a measure of the LPA's intent to proceed to designation. However,

without formal designation of the CA at the time of writing this report, and no timetable for adoption, only limited weight may be applied.

- 10.76 Comments stating that the reasons for an appeal being dismissed are relevant to this proposal. The appeal decision (ref: 2020/21368/OUT) confirmed that the site did not adjoin the main built-up area of Carleton but rather in the open countryside and thus it failed the policy requirement of SP4 (I).
- 10.77 The proposal does not trigger the need for affordable, open space or education provision/contributions.

## **11.0 PLANNING BALANCE AND CONCLUSION**

- 11.1 Paragraph 11 c) of the Framework advises that for decision-taking the presumption in favour of sustainable development means approving development proposals that accord with an up-to-date development plan without delay. This is also stated in LP Policy SD1.
- 11.2 As set out above the proposal would help address the shortfall in the number of homes being delivered in Carleton with the provision of four dwellings. Set against this significant benefit is the overall unit mix on site that falls below full policy compliance, albeit with reasonable justification to address the shortfall. Other matters can be sufficiently addressed through conditions.
- 11.3 The development would result in a low level of less than substantial harm to the setting of heritage assets; however, this has now been reduced to an acceptable level through appropriately designed dwellings, the internal configuration to provide a courtyard and spacing between plots 2 & 3 to allow views beyond to the open countryside. Historic England has not objected to the proposal. The Council's heritage advisor confirms that this scheme with suggested conditions is preferable to the previous proposal due to its more sympathetic design and confirms that refusal on this ground would not be justifiable.
- 11.4 It is also considered that the proposal has addressed the previous reasons for refusal as outlined above.
- 11.5 It is, therefore, considered that the proposal represents a better arrangement of accommodation that is offered by the fall-back approved scheme and this weighs in favour of the proposal. In considering Framework paragraph 202, the less than substantial harm would be outweighed by the addition of 4 homes to the local housing supply and the economic benefits that would flow both during construction and from the expenditure of future occupants in the local economy. The proposal would deliver biodiversity and sustainable enhancements which would further weigh in its favour.
- 11.6 For the reasons set out in this report the proposal would be acceptable in design terms, and it would not result in unacceptable highway impacts or any unacceptable harm to the living conditions of existing residents or future occupants. It would also not be at risk from flooding or increase the risk of

flooding elsewhere and would be adequately served by foul drainage. These are all neutral factors in the planning balance.

- 11.7 Having regard to the two previous reasons for refusal, it is considered that there are now insufficient highway grounds, heritage grounds and insufficient visual impacts on the open countryside grounds for refusing permission for the proposed development. Subject to suitable conditions, the proposal would satisfy the provisions of the relevant policies within the range of identified Local Plans, including a policy-compliant level of parking provision. Therefore, and having reviewed the proposal, officers do not consider that they would be able to offer any reasonable defence at appeal, regarding the previous reasons for refusal given for 2018/19559/FUL & 2018/19560/LBC.
- 11.8 Overall, with the tilted balance in mind, the benefits provided through the provision of new housing would be supported by the proposal's enhancements to the setting of heritage assets, economic, social and environmental objectives of sustainable development, as set out in the local plan and the provisions of the NPPF. The proposal therefore accords with the provisions of the development plan and material considerations do not indicate a decision should be taken other than in accordance with it. Approval is therefore recommended.

## **12.0 RECOMMENDATION**

- 12.1 That planning permission be GRANTED subject to the conditions set out below.

- 1 The development hereby permitted shall be begun before 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.

- 2 This permission relates to the following plans and documents

Location plan received 11th March 2024  
264439B Site plan received 11th March 2024

PRELIMINARY ECOLOGICAL APPRAISAL  
DESIGN ACCESS AND SUSTAINABILITY STATEMENT  
ECOLOGICAL  
AIR SOURCE HEAT PUMP SPEC SHEET

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

- 3 No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority.

Construction of the permitted development must be undertaken in accordance with the approved plan.

The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

1. details of any temporary construction access to the site including measures for removal following completion of construction works;
2. wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
3. the parking of contractors' site operatives and visitor's vehicles;
4. areas for storage of plant and materials used in constructing the development clear of the highway;
5. details of site working hours;
6. details of the measures to be taken for the protection of trees;
7. a dilapidation survey to be undertaken of the existing Highway within 50 meters of the access point to site; and
8. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason: In the interest of public safety and amenity and to accord with Policy INF7 of the Craven Local Plan

- 4 Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) has been submitted to and approved in writing by the local planning authority.

Reason: To safeguard the amenities of future occupants and to comply with Policy ENV7 of the Craven Local Plan and the National Planning Policy Framework.

- 5 Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority.

The development must only be carried out in compliance with the approved engineering drawings.

Reason: To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users and to accord with Policy INF7 of the Craven Local Plan.

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

Reason: To accord with Policy ENV8 of the Craven Local Plan.

- 7 Prior to any works to the existing three gate posts located to the rear of the farmhouse identified in Figure 8 of the Heritage Statement (dated March 2024) a plan indicating the relocation of these gate posts and stone wall shall be submitted to and approved in writing by the Local Planning Authority and retained thereafter as such.

Reason: To ensure the satisfactory preservation of these heritage assets and to comply with Policy ENV2 of the Craven Local Plan.

- 8 Prior to works above the laying of foundations of the buildings hereby approved a Landscape and Planting Plan shall be submitted to and approved in writing with the Local Planning Authority. The landscaping as detailed on the approved Landscape shall be implemented in accordance with the approved Landscaping Planting Plan.

Any trees or plants which, within a period of five years from the completion of the development or within 5 years from when they were originally planted die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the appearance of the development and to secure a biodiversity net gain and to ensure the proper implementation of all aspects of the proposal and to accord with Policies ENV2 and ENV4 of the Craven Local Plan .

- 9 All guttering and downpipes shall be black in colour.

Reason: In the interests of the appearance of the development and to accord with Policies ENV2 and ENV3 of the Craven Local Plan.

- 10 Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a land contamination Verification Report shall be submitted to the local planning authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for that part of the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the local planning authority. Where verification has been submitted and approved in stages for different areas of the whole site, a Final Verification Summary Report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of future occupants and to comply with Policy ENV7 of the Craven Local Plan and the National Planning Policy Framework.

- 11 Except in case of emergency no demolition and construction works or ancillary operations, including deliveries to and dispatch from the site which are audible beyond the boundary of the site shall take place on site other than between the hours of 08:00-18:00 Monday to Friday and between 08:00-13:00

on Saturdays. The Local Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

Reason: To protect the amenity of neighbouring properties and to accord with Policy ENV3 of the Craven Local Plan.

- 12 There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:-

- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
- b) evidence of existing positive drainage to public sewer and the current points of connection; and
- c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30 % reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage) and to accord with Policy ENV6 of the Craven Local Plan.

- 13 No above ground works shall take place until full details of the materials to be used on the external surfaces of the following elements of the development have been submitted to and approved in writing by the Local Planning Authority:

- a) A sample panel (measuring no less than 1 metre x 1 metre) of the stonework to be used on the external surfaces of the building. The sample panel shall demonstrate the type, texture, size, colour, bond and method of pointing for the stonework.
- b) The type, texture, size, colour, bond and method of pointing for the brickwork on the building's west-facing elevation.
- c) The type, texture, size and colour of the slates to be used on the external surfaces of the building's roof.
- d) The type, texture, finish and colour treatment of the gate enclosing the bin store to the site.
- e) The surface treatment of the new areas of hardstanding (including sub layers and surfacing materials and drainage)
- f) The surface treatment of the vehicle turntable.

The development shall thereafter be constructed in accordance with the duly approved materials.

Reason: To ensure the use of suitable materials which are sympathetic to the special architectural and historic character of the listed building and conservation area in accordance with the requirements of Craven Local Plan

policy ENV2 and the National Planning Policy Framework and the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 14 Notwithstanding any details shown on the approved plans of this permission, within 3 months of development first taking place details of the siting, height, design, materials and finish of all boundary treatments to the site shall be submitted to and approved in writing by the Local Planning Authority. The duly approved boundary treatments shall be constructed in full accordance with the approved details before the building hereby approved is first occupied and shall be retained as such thereafter.

Reason: In the interests of site security and to ensure a satisfactory relationship with the character of surrounding buildings and the street scene in accordance with the requirements of Craven Local Plan Policy ENV3 and the National Planning Policy Framework

- 15 Where further intrusive investigation is recommended in the Local Authority approved Preliminary Risk Assessment groundworks shall not commence until a land contamination Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the local planning authority.

Reason: To safeguard the amenities of future occupants and to comply with Policy ENV7 of the Craven Local Plan and the National Planning Policy Framework.

- 16 Where site remediation is recommended in the Local Authority approved Phase II Intrusive Site Investigation Report groundworks shall not commence until a land contamination remediation strategy has been submitted to and approved in writing by the local planning authority. The remediation strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To safeguard the amenities of future occupants and to comply with Policy ENV7 of the Craven Local Plan and the National Planning Policy Framework.

- 17 The solar panels and associated infrastructure hereby permitted shall be removed from the application site within 3 months of becoming redundant to its designated use.

Reason: In the interests of the visual amenity of the area and to accord with Policy ENV2 and ENV3 of the Craven Local Plan.

- 18 Land contamination remediation of the site shall be carried out and completed in accordance with the Local Planning Authority approved Remediation Strategy. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (save for site investigation works) shall cease immediately

and the local planning authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the local planning authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To safeguard the amenities of future occupants and to comply with Policy ENV7 of the Craven Local Plan and the National Planning Policy Framework.

- 19 The solar panels hereby permitted shall not be installed on the roof planes until details of their external appearance, colour and anti-reflective coating have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and so retained thereafter.

Reason: To safeguard the visual amenity of the area and to accord with Policies ENV2 and ENV3 of the Craven Local Plan.

- 20 The development hereby permitted shall not be occupied until a boundary treatment (means of enclosure) has been completed in accordance with details which shall have first been submitted to and approved in writing by the local planning authority. The approved boundary treatment shall be retained thereafter.

Reason: In the interest of visual amenity and to accord with Policy ENV3 of the Craven Local Plan.

- 21 The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with Policy ENV3 of the Craven Local Plan.

- 22 No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users at Grundy Farm Carleton Skipton BD23 3DE have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development and to accord with Policy INF4 of the Craven Local Plan.

- 23 The external finish of the solar panels shall be dark grey or black, with no silver or light coloured edgin or detailing which contrasts with the main dark grey or black finish of the panels.



Reason: In the interests of the amenity of the area which forms part of the Carleton Conservation Area and to accord with Policy ENV2 and ENV3 of the Craven Local Plan.

- 24 The rating level of sound emitted from the air source heat pump at the use hereby approved shall not exceed background sound levels between the hours of 0700-2300 (taken as a one hour LA90 at the nearest sound sensitive premises) and shall not exceed the background sound level between 2300-0700 (taken as a 15 minute LA90 at the nearest/any sound sensitive premises). All measurements shall be made in accordance with the methodology of BS 4142:2014+A1:2019 (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments.

Where access to the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property.

Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the local planning authority.

Reason: To protect the amenity of neighbouring properties and to accord with Policy ENV3 of the craven Local Plan.

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

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

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

Reason: In order to prevent overdevelopment of the site, to ensure that satisfactory provision of outdoor amenity space for the dwellinghouse is maintained and to safeguard the amenities of the occupiers of adjacent dwellings in accordance with the requirements of the Craven Local Plan Policy ENV3 and the National Planning Policy

Notes

- 1 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.

2. Whilst the site has been assessed as low risk for bats, the applicant is reminded that under the Habitat Regulations it is an offence to disturb, harm or kill bats. If a bat is found during demolition all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed.

3. 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.

4. Charging Points

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

5. Topsoil

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

6. Broadband Connectivity

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

The District Council has produced a document, "Broadband Connectivity for New Developments in Craven - A Briefing Note for Developers" which provides a general introduction to broadband connectivity in the District. The briefing note is available by emailing [Edu.cra@northyorks.gov.uk](mailto:Edu.cra@northyorks.gov.uk) or can be downloaded from the Council's website.

**Target Determination Date: 29 March 2024**

**Case Officer: Andrea Muscroft**  
[andrea.muscroft@northyorks.gov.uk](mailto:andrea.muscroft@northyorks.gov.uk)

## North Yorkshire Council

### Community Development Services

#### PLANNING COMMITTEE CONSTITUENCY COMMITTEE

2 APRIL 2024

#### ZA23/25598/LBC - LISTED BUILDING CONSENT FOR WORKS TO BOUNDARY WALLS AT GRUNDY FARM, CARLETON, SKIPTON, BD23 3DE, ON BEHALF OF RN WOOLER & CO

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

##### 1.0 Purpose of the report

- 1.1 To determine a listed building application reference ZA23/25598/LBC for the above development at Grundy Farm, Carleton, Skipton, BD23 3DE.
- 1.2 To determine listed building application reference ZA23/25492/FUL

##### 2.0 EXECUTIVE SUMMARY

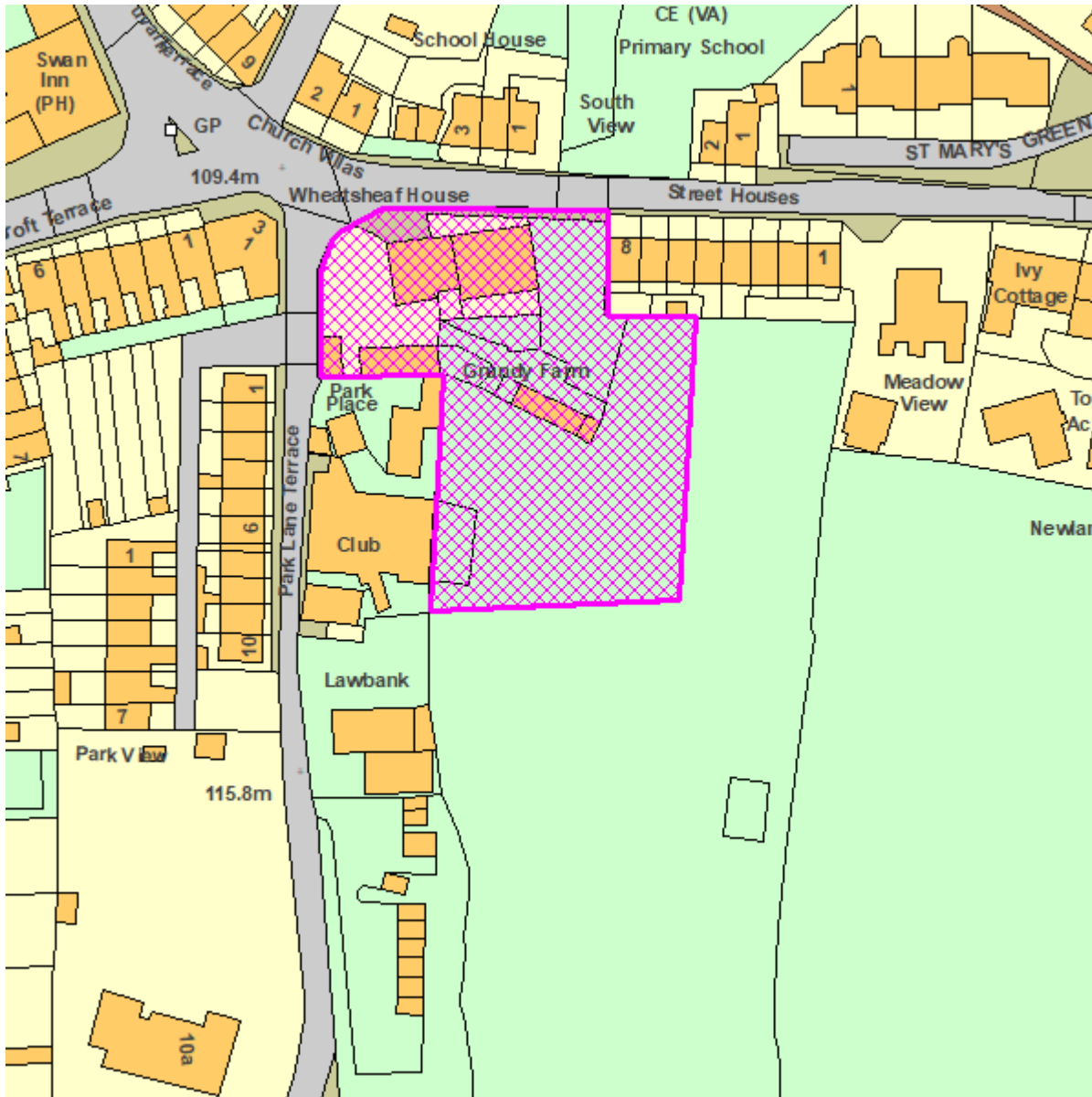
- 2.1 Having considered the scheme, the Council's specialist conservation adviser has no objection on heritage grounds and considers the current proposal to be an improvement on the original proposal, and there are no objections from statutory consultees. The revised scheme accords with the provisions of the development plan overall, and there are no material considerations which indicate a decision should be taken other than in accordance with it. Therefore, approval is recommended subject to the conditions recommended below set out in this report.

**RECOMMENDATION:** That listed building consent be GRANTED.



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### 3.0 Preliminary Matters

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

3.2 Key planning history

- 3.3 17/2009/9980 (LBW) – Conversion of barn to 2no. residential units and construction of 3 no. new dwellings with associated off-street parking – Approved November 2009.
- 3.4 Officers Note: Approvals 17/2009/9980 & 9965 have been implemented. Therefore, there remains an extant permission for the provision of 5 dwellings on part of this site.
- 3.5 2018/19560/LBC – Listed building consent for f works to boundary walls – Refused at March 2019 Committee against an officer recommendation for 1 reason:

1 - The Grade II boundary wall to Grundy Farm is situated in a prominent position within the conservation area and makes a positive contribution to the setting of the listed building and the character and appearance of the conservation area. Therefore, the partial demolition of this boundary wall to the listed building (Grundy Farm) would have an adverse impact on the setting and significance of this heritage asset. The proposal is therefore considered contrary to the requirements of Section 16 of the National Planning Policy Framework and the Planning (Listed Buildings and Conservation Areas) Act 1990,

- 3.6 Access to the case file on Public Access can be found here

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

- 4.1 The site of the proposal consists of Grundy Farm (Grade II Listed Building) and land to the rear, with the Carleton Conservation Area running east to west through the site. Beyond the northern and western boundaries are further residential dwellings, plus a Public House, Primary School and local shop.
- 4.2 There are two extant planning approvals (ref: 17/2009/9965 & 9980) approving the conversion of the former barn to form two residential units with an area to the south of the farmhouse also approved the construction of three residential dwellings with associated off-street parking. As a result, part of the site is identified on the Policies Maps in the Local Plan as an existing housing commitment due to previous permission being granted.
- 4.3 The site is also located close to public transport, which connects the site with Skipton. In addition, there exists a pedestrian footpath from the site into the centre of Skipton.

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

- 5.1 The proposal is seeking Listed Building consent for the following:
- Re-opening of pedestrian access between barn and wall fronting Carla Beck Lane
  - Removal of a section of boundary wall and repositioning of the historic pillar.

- Partial demolition and remodelling of outbuilding to form garage.

5.2 The application is supported by the following information:

- Design & Access Statement
- Heritage Statement
- Planning & Heritage Statement

## 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 the Craven Local Plan 2012 – 2032 (adopted 2019) (Local Plan).

### 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 December 2023 (The Framework)  
 National Planning Practice Guidance (PPG)  
 National Design Guide (NDG)  
 Craven Good Design SPD 2022  
 Carleton Conservation Area Appraisal 2023 (the Carleton CAA)

## 7.0 Consultation Responses

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

7.2 **Carleton Parish Council:** No comments received at the time of compiling this report.

7.3 **NYC Independent Heritage Officer:** The current proposal has resulted in dwellings 3 & 4 being moved westwards to create a gap between them and dwellings 1 & 2 being moved backwards to create a courtyard feel.

The current proposal for an additional dwelling over the approved scheme on a site extends further into open land, however, the current scheme is considered preferable to the previously approved scheme for the following reasons:

- It would retain a narrow view between the new dwellings
- Omits a dwelling immediately behind the listed farmhouse
- Helps retain some immediate open setting to the listed farmhouse
- Part of the single-storey outbuilding is retained
- Paddock on the road frontage would remain undeveloped further contributing to the open setting of the farmhouse and allowing views over it.
- Existing midden at the rear of the barn would be partially retained and that the area (with wall and potential midden) at the side of the barn would be unaltered.

The proposal would cause a low level of harm to the setting of the listed buildings and conservation area. However, the proposed impact would be no worse than the approved scheme and there are no overriding heritage reasons to refuse the principle of the application.

The proposed design and materials would reflect the prevailing character and materials of vernacular cottages and are considered acceptable, subject to the usual conditions requiring prior approval of samples.

A full cobbled courtyard would be preferable to the bitmac turning head, to create a more cohesive and characterful space. A condition requiring prior approval of a comprehensive hard landscaping plan for the whole site should be imposed regarding this matter.

The outbuilding to the rear of Grundy Farm, has some heritage significance as part of the group of historic farm buildings. Notwithstanding that the listed consent made no reference to the demolition of the outbuilding, the approved planning permission was granted consent for the full demolition of the outbuilding. As such, the previous permission is a material consideration.

Although the current proposal involves some loss of the historic fabric it is preferable to the approved scheme, especially as it would replace the metal sheet roof with natural slates. Furthermore, the quoins in the middle to the rear, and the historic map suggest that the building was constructed in phases and the proposal would retain the earliest phase. On balance, the proposed partial demolition is acceptable, provided that acceptable detailed drawings are provided, including the proposed E elevation, with a traditional garage/cart door. Similarly, details should be provided of the proposed gates for the bin store.

It is accepted that there is a requirement to make necessary alterations to the boundary wall concerning providing a safe access to the site and that this would cause low-level harm. This harm could be further minimised by amending the plan to confirm the retention of the W gate pier and the relocation of the W pier.

Recommend that the principle of the proposed four houses is acceptable and that the revised detailed design, layout, and materials of the houses are also acceptable subject to suggested conditions.

- 7.4 **Historic England:** In this case, we are not offering advice as we engaged in pre-application with the applicant and the proposals broadly follow the advice given at that stage. We suggest that you seek the views of your specialist conservation and archaeological advisers.

#### Local Representations

- 7.5 At the time of writing 21 public comments have been received. A summary of comments made is provided below. However, comments can be viewed in full at the above weblink.

#### Objections

- 7.6 Concern regarding traffic, congestion, and increased stress on parking requirements  
Noise and disturbance during the construction stage  
Adverse impact on the setting of listed building and surroundings  
No affordable provision  
This would lead to further development.

#### Neutral

- 7.7 All of Grundy Farm including the field is in the conservation area  
Unclear ref access

### **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:

The impact of the proposal on the setting of the adjacent heritage assets

### **10.0 ASSESSMENT**

- 10.1 The effect of the proposal on the character and appearance of Main Street and Park Lane.
- 10.2 Impact of development on the setting and significance of designated heritage assets. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving and enhancing the character and appearance of a conservation area. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest that it possesses.



- 10.3 Local Plan Policy ENV2 Heritage states that Craven's historic environment will be conserved and where appropriate enhanced. This will be achieved by paying particular attention to the conservation of those elements which contribute most to the district's distinctive character and sense of place, which includes the legacy of traditional barns. Under the policy, proposals will be supported that would preserve or enhance the character or appearance of a conservation area, especially those positive elements which have been identified in a Conservation Area Appraisal.
- 10.4 The proposal would see the re-opening of a former gate between the former barn and wall fronting onto Main Street. In addition, the proposal would result in a section of boundary wall fronting Main Street and Park Lane being removed and the repositioning of the historic gate pillar. Although this will cause a low level of harm to the curtilage of the listed building and the CA, it is a requirement to provide safe access to the site.
- 10.5 The current proposal includes the demolition of the E end of the outbuilding but the retention of the W end of the building. Thus, although the current proposal involves the loss of some historic fabric and a part of the farm ensemble, it is preferable to the approved scheme, especially as the proposal is to replace the metal sheet roof with natural slates. Furthermore, the quoins in the middle of the rear wall and the historical map suggest that the building was constructed in phases and the proposal will retain the earliest phase.
- 10.6 Any planning approval should include conditions relating to materials and also seek to remove permitted development rights on the site due to the close relationships with the listed buildings to avoid any future extensions or further outbuildings which would detract from the overall setting of the designated heritage assets.
- 10.7 Nevertheless, the Framework in paragraph 202 advises that any harm should be weighed against the public benefits of a proposal.
- 10.8 The Council's Heritage officer considers that the revised proposal would only result in low-level harm.
- 10.9 In accordance with the Framework, it is therefore necessary to consider whether the less than substantial harm to the Conservation area and the setting of Grundy Farm would be outweighed by the public benefits. This is returned to below under the planning and heritage balance.
- 10.10 PPG paragraph 020 Ref ID: 18a-020-20190723 outlines what is meant by the term public benefits. It states that public benefits may follow many developments and could be anything that delivers economic, social, or environmental objectives as outlined in the NPPF.
- 10.11 The proposal would contribute to the provision of housing in the district, and this carries significant weight as a public benefit. In addition, the proposal would see the removal of redundant farm buildings, the siting of vehicle

parking to the rear and the provision of newly landscaped gardens and courtyard. These would provide conservation gains and provide an enhancement to the setting of the listed farmhouse and attached barn and an appreciation of the former agricultural heritage of the site and outweigh the harm caused by the removal of a section of boundary wall and the repositioning of the pillar.

10.12 The identified public benefits of the application site are considered to present cumulatively considerable weight to the heritage balance as set out in the Framework.

10.13 Heritage Balance

10.14 It is recognised that there would be some very low-level harm to the significance of Grundy Farm and the CA of Carleton, however, on balance this harm is at the low end of the spectrum and when combined with the public benefits the proposal is considered acceptable on heritage grounds as confirmed by the Council's independent Heritage officer.

10.15 In conclusion, it is considered that the public benefits outweigh the very low-level harm to the setting of the conservation area and the listed buildings. The proposal, therefore, does not conflict with the requirements of Policy ENV2 of the Craven Local Plan which seeks to preserve or enhance the character or appearance of a designated heritage asset. It would also accord with the aims and objectives of paragraph 203 of the Framework, which amongst other things seeks to ensure the creation of high-quality, and sustainable buildings, and the desirability of maintaining an area's prevailing character and setting.

## **11.0 PLANNING BALANCE AND CONCLUSION**

11.1 The proposed development would result in some low-level "less than substantial" harm to the setting of the heritage assets. Where harm is identified, the NPPF requires this to be balanced against public benefits, including securing the optimum viable use of the heritage asset.

11.2 In this case, it is acknowledged that the proposal would result in the partial loss of the outbuilding located to the rear, a small section of the boundary wall, the repositioning of the historical pillar and the opening of a former pedestrian opening. However, these alterations combined with the removal of modern redundant farm buildings and the removal of the need for vehicles to park at the front of the listed building would result in an enhancement of the principal listed building compared to the extant permission. The enhancement of the frontage of the barn and farmhouse is a substantial public benefit and the other benefits of the provision of four houses add further weight in favour of the scheme.

11.3 In conclusion, it is considered that the harm is outweighed by the public benefits of the scheme. On this basis, the tests within the NPPF paragraph 202 are considered to have been met and it is recommended that Listed Building Consent be granted.

## 12.0 RECOMMENDATION

12.1 To grant Listed Building Consent subject to the following conditions.

- 1 The development hereby permitted shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2 This permission relates to the following plans and documents

Location plan received 11th March 2024  
264439B Site plan received 11th March 2024

PRELIMINARY ECOLOGICAL APPRAISAL  
DESIGN ACCESS AND SUSTAINABILITY STATEMENT  
ECOLOGICAL  
AIR SOURCE HEAT PUMP SPEC SHEET

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

- 3 No above ground works shall take place until full details of the materials to be used on the external surfaces of the following elements of the development have been submitted to and approved in writing by the Local Planning Authority:

- a) A sample panel (measuring no less than 1 metre x 1 metre) of the stonework to be used on the external surfaces of the building. The sample panel shall demonstrate the type, texture, size, colour, bond and method of pointing for the stonework.
- b) The type, texture, size, colour, bond and method of pointing for the brickwork on the building's west-facing elevation.
- c) The type, texture, size and colour of the slates to be used on the external surfaces of the building's roof.
- d) The type, texture, finish and colour treatment of the gate enclosing the bin store to the site.
- e) The surface treatment of the new areas of hardstanding (including sub layers and surfacing materials and drainage)
- f) The surface treatment of the vehicle turntable.

The development shall thereafter be constructed in accordance with the duly approved materials.

Reason: To ensure the use of suitable materials which are sympathetic to the special architectural and historic character of the listed building and conservation area in accordance with the requirements of Craven Local Plan

policy ENV2 and the National Planning Policy Framework and the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 4 Prior to any works to the existing three gate posts located to the rear of the farmhouse identified in Figure 8 of the Heritage Statement (dated March 2024) a plan indicating the relocation of these gate posts and stone wall shall be submitted to and approved in writing by the Local Planning Authority and retained thereafter as such.

Reason: To ensure the satisfactory preservation of these heritage assets and to comply with Policy ENV2 of the Craven Local Plan.

Notes

- 1 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.

**Target Determination Date: 29 March 2024**

**Case Officer: Andrea Muscroft**

[andrea.muscroft@northyorks.gov.uk](mailto:andrea.muscroft@northyorks.gov.uk)

## North Yorkshire Council

### Community Development Services

#### Skipton and Ripon Area Constituency Planning Committee

2<sup>ND</sup> APRIL 2024

**ZC23/03583/FUL - SUB-DIVISION OF EXISTING COTTAGE INTO 2 DWELLINGS AND ERECTION OF SINGLE STOREY EXTENSIONS TO REAR. ERECTION OF 2 NO DWELLINGS WITH OUTBUILDINGS TO REAR (REVISED SCHEME WITH ALTERATIONS TO PARKING AND POSITION OF DWELLINGS) AT 1 HAREWELL VIEW GLASSHOUSES ON BEHALF OR MR J ROBINSON**

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

**1.0 Purpose of the Report**

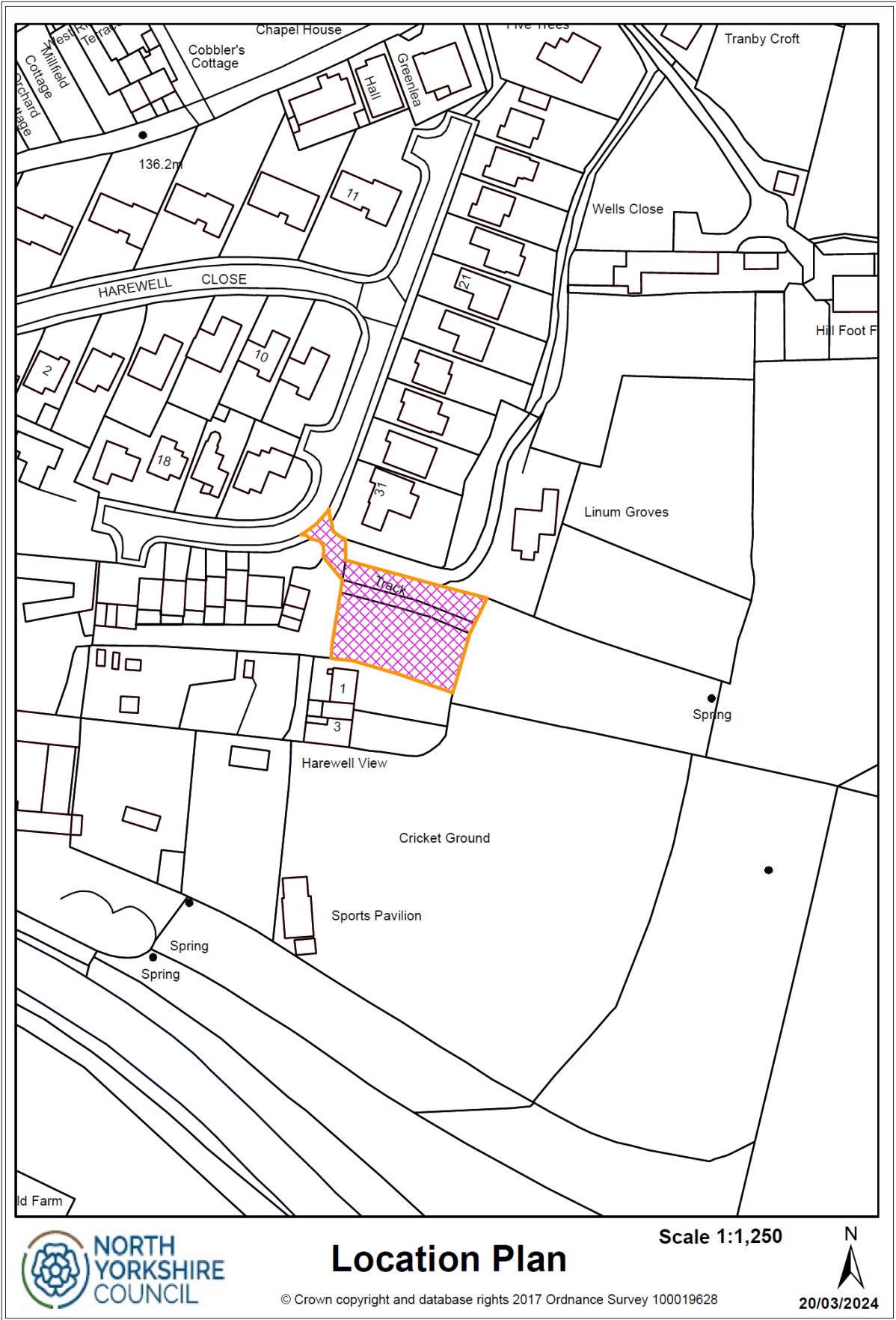
- 1.1 To determine a planning application for the sub-division of an existing cottage into two dwellings with single storey extensions proposed to the rear and the erection of 2 no. dwelling with rear outbuildings on land at 1 Harewell View, Glasshouses.
- 1.2 This application is brought to the Area Planning Committee at the request of a Member of the Committee due to the level of public interest and impact on the conservation area.

**2.0 EXECUTIVE SUMMARY**

**RECOMMENDATION: That planning permission be GRANTED subject to conditions**

- 2.1. This application seeks full planning permission for the sub-division of an existing semi-detached property and the erection of rear extensions to both elements of the subdivision; the erection of a pair of semi-detached dwellings along with an outbuilding to the rear and the provision of parking on land including 1 Harewell View and land to the north.
- 2.2. The application site is located within the defined development limits of Glasshouses, which is a designated service village within the development hierarchy of the Local Plan Area as set out in Local Plan Policy GS2, where the principle of housing is considered to be acceptable.
- 2.3. The site is also situated within the Nidderdale National Landscape (AONB) and part of the site lies within the Glasshouses Conservation Area. A public right of way runs through part of the site.
- 2.4. The development of the site is not considered to harm the character and appearance of the Nidderdale National Landscape as the reduced scale of the revised scheme ensures that part of the open space remains and also that views through the site are available. It is considered that this would comply with Local Plan Policies GS6 and NE4.

- 2.5. The proposal will create 'less than substantial harm' to the Conservation Area, due to the loss of an area of open space around the settlement, but the design and layout of the scheme are considered appropriate and the public benefit of housing is considered to outweigh the 'less than substantial harm' created, which is in line with Section 72 of the Listed Buildings and Conservation Area Act, Section 16 of the NPPF and Local Plan Policy HP2.
- 2.6. Concerns have been raised by local residents with regards to highway safety but these concerns relate to existing issues and operational problems in relation to the nearby school. It is not considered that the proposed development would create issues in relation to highway safety.
- 2.7. The proposed development of the site is considered to comply with local and national planning policies.



### **3.0 Preliminary Matters**

- 3.1. Access to the case file on Public Access can be found [here](#)
- 3.2. The application has been changed during the determination process. The number of proposed dwellings has been reduced from 3 to 2 and the dwellings have been reduced in scale. The extensions proposed to the existing cottage have been reduced in scale and the proposed car port has been omitted and replaced with a small outbuilding. The parking layout has also been redesigned. The application amendments have been readvertised.
- 3.3. There are two relevant planning applications for this application which are detailed below.

23/01224/FUL Erection of 4no terraced dwellings, alterations to existing access point and erection of carports to the rear. WITHDRAWN 22.06.2023. Concerns raised by the Local Planning Authority.

23/01225/FUL Splitting existing cottage into 2 dwellings. Erection of single storey extensions to rear. Provision of car parking to rear. WITHDRAWN 22.06.2023. Concerns raised by the Local Planning Authority.

### **4.0 Site and Surroundings**

- 4.1. The application site comprises of an existing semi-detached property and an area of adjoining land, which is accessed from Harewell Close in Glasshouses. The existing dwelling is a stone traditional dwelling, which historically formed two dwellings in a terrace of three. An access track runs to the frontage of the dwellings and serves a garage to the neighbouring property. This can also be accessed by an adjoining track which serves a stable building to the south.
- 4.2. The land adjacent to the existing properties is an open field with a farm access to the agricultural fields beyond and provides access to a farmers field used as temporary overflow car parking for the nearby Cricket Club.
- 4.3. The site is approximately 0.10 hectares in size. A public right of way runs through part of the site before climbing the northern embankment into the garden of Linum Groves to the northeast.
- 4.4. The site of the existing dwellings is within the Glasshouses Conservation Area with the area of the proposed dwellings sited outside. It is noted as an important open space



within the appraisal and as providing an important view through the site to the open countryside beyond. The site is within the Nidderdale National Landscape (AONB).

- 4.5. The site is within the defined development limits of Glasshouses, which is a designated service village within the development hierarchy of the Local Plan Area as set out in Local Plan Policy GS2.

## **5.0 Description of Proposal**

- 5.1. This application seeks full planning permission for the sub-division of the existing semi-detached property and the erection of rear extensions to both elements of the subdivision; the erection of a pair of semi-detached dwellings on the land to the north along with an outbuilding to the rear.
- 5.2. The proposed sub-division will create 2 no. two bedroom properties and the pair of semi-detached properties would provide 3-bedroom accommodation. Boundaries are proposed to be stone walls with parking to the front of the proposed new dwellings and to the northern boundary of the sub-divided dwellings.
- 5.3. It is not proposed to make any changes to the proposed access track or public right of way as part of this application, however, an indication of a possible diversion route is shown on the plans.

## **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 (adopted 2020).
- 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 2021
- Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990
- Glasshouses Conservation Area Character Appraisal
- Residential Design Guide
- House Extensions and Garages Design Guide

## 7.0 **Consultation Responses**

7.1. The following consultation responses have been received and have been summarised below. Focus on the most recent comments from consultees.

7.2. **Parish Council:** Do not object or support but raise the following areas of concern:

- Pedestrian access along the old railway line and vehicular access to the fields beyond would be compromised
- Additional cars will exacerbate existing congestion on Harewell Close and the wider road network
- Sewage infrastructure may not be able to cope with the additional demand
- Request protection that the right of way be protected through the site as the gate is presently locked.
- Request protection for the vehicular right of way to 2 Harewell View
- Yorkshire Water conditions must be attached to any approval
- Request investigation by the Highways Authority

7.3. **Ward Member(s):** Concerns raised that the land includes areas not in the ownership of the applicant; and that the access track would be restricted; and that there are anomalies on the plans.

7.4. **Conservation Officer:** Raised concerns over the scale of the development and elements of the design and requested amendments. The Conservation Officer has verbally agreed that the revised plans overcome the above concerns.

7.5. **Highways Authority:** Raise no objections subject to conditions including the provision of access, turning and parking areas and the submission of a construction management plan.

7.6. **Public Rights of Way Team:** An informative is recommended.

7.7. **Environmental Health** – No objections but recommend conditions in relation to unforeseen land contamination and refuse storage.

7.8. **Nidderdale AONB Joint Advisory Board** – seek safeguards in relation to the spatial gaps within the Conservation Area Appraisal and to ensure the public right of way is not blocked.

7.9. **Yorkshire Water** – recommend conditions

### Local Representations

7.10. 38 local representations have been received of which 1 is in support; 2 seek safeguards and 35 raise objections. A summary of the comments is provided below, however, please see website for full comments.

7.11. 19 letters or representations were received in relation to the original scheme which included the erection of 3 no. dwellings. One letter of support and 18 objections.

## 7.12. Support:

- There is a lack of housing available in the area for first time buyers and young families.
- The development provides sufficient parking provision.

## 7.13. Objections:

- Impact on highway safety
- No local facilities in area
- Disruption from development
- Impact on public right of way
- Impact on community through restricted access to cricket club
- Congestion and parking
- Insufficient sewerage capacity
- Exacerbate existing parking issues in area
- Already issues with Glasshouses Mill Development
- Proposal has potential to cause damage to neighbouring properties
- Not sympathetic to neighbouring properties or the Conservation Area
- Land not owned by the applicant
- Impact on wildlife
- Impact on AONB
- Over development of the site
- Site has been deliberately cleared
- Inconsistencies within the plans.
- Access to farmland
- Design

Following the re-advertisement of the reduced scheme, 19 further representations were received. 2 seek safeguards and 17 raise objections:

## Safeguards:

- Concern over access to Cricket Club
- Concern over drainage infrastructure
- Safeguarding of public right of way

## Objections:

- Overlooking and impact on privacy
- Impact on ecology
- Impact on AONB
- Impact on Public Right of Way
- Restricted access and highway safety
- Property damage
- Danger to children playing
- Infrastructure capacity
- Impacts of Glasshouses Mill Development
- Overdevelopment
- Housing not needed
- Parking situation
- Right of Access to other properties
- Deliveries

- Blocked Public Right of Way
- Impact on agricultural access
- Out of character/impact on Conservation Area
- Inconsistencies in submitted information
- Not advertised correctly

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

- 8.1. The Proposed Development was screened under 10 (b) of the Town and Country Planning (Environmental Impact Assessment) 2017.
- 8.2. The Proposed Development is located within Nidderdale National Landscape (formerly known as the Nidderdale Area of Outstanding Natural Beauty) and it is a designated sensitive area as defined by the EIA Regulations.
- 8.3. Considering the nature, scale and location of the Proposed Development and nature of the receiving environment, whilst there may be some impact on the surrounding area and surrounding designated sensitive area as a result of this development, it would not be of a scale and nature likely to result in a significant environmental impact within the context of the EIA Regulations.
- 8.4. The Proposed Development is not therefore EIA Development.

## **9.0 Main Issues**

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

- Principle of development
- Landscape Impact/Impact on Nidderdale National Landscape (AONB)
- Impact on Heritage Assets
- Impact on residential amenity
- Highways
- Impact on public right of way
- Drainage
- Land Contamination
- Ecology
- Sustainability
- Legal matters and right of access

## **10.0 ASSESSMENT**

### Principle of Development

- 10.1. The National Planning Policy Framework 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. Paragraph 83 of the NPPF states that 'to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities'.
- 10.3. Material to the consideration of this application is the Local Plan and the 5 year land supply position. The Council's Local Plan for this area makes allocations of land and sets development limits to meet the housing needs of the Local Plan area to 2035. Sites have been identified as allocations in the Local Plan as those that best deliver the Plan's growth strategy. Development should therefore be directed toward these sites and other sites within development limits that accord with policies in the Local Plan. Proposals coming forward on other sites outside the development limits are unlikely to be viewed favourably.
- 10.4. In regard to 5-year land supply the Council has a healthy land supply position in this area, currently 7.7 years when compared against the housing requirement, with an appropriate buffer. Accordingly, the policies which are most important for determining the application are not considered to be out-of-date. Full weight can be afforded to the housing policies in the Local Plan.
- 10.5. Local Plan Policy GS2 sets out the Growth Strategy for the Local Plan Area which aims to focus growth within main settlements. The application site is located within the defined development limits of Glasshouses, which is designated as a Service Village within the development hierarchy and thereby capable of accommodating growth.
- 10.6. The provision of housing in this location is therefore acceptable in principle subject to no other matters outweighing the benefits of the provision of housing.

Landscape Impact/Impact on Nidderdale National Landscape (AONB)

- 10.7. Paragraph 131 of the Framework states that 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.
- 10.8. Paragraph 135 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 10.9. The application site is located in open countryside and within the Nidderdale National Landscape (AONB). Paragraph 182 of the NPPF states that 'great weight should be given to conserving and enhancing landscaping and scenic beauty' in these areas and that these should be given the 'highest status of protection'.
- 10.10. Local Plan Policy GS6 sets out the criteria against which development within the AONB will be considered. Local Plan Policy HP3 seeks to retain and enhance local distinctiveness; whilst policy NE4 seeks to protect landscape character.
- 10.11. The site is located within Landscape Character Area 11 – Nidderdale Valley (Pateley Bridge to Summerbridge), which describes the landscape as having extensive views

across and along the valley with farmsteads, houses, villages and hamlets are scattered along the valley floor and sides.

- 10.12. The capacity of this character area to absorb further development was judged to be very limited in 2004 without detriment to the rural pastoral landscape and guidance urged that building beyond development limits should be discouraged. The site lies within the AONB where the overriding purpose of this national designation is to conserve the Natural Beauty of the landscape. The development proposal has to be considered within this context.
- 10.13. The application site lies within the development limits of Glasshouses on the edge of the settlement. The site is bounded by residential properties to the north; west and south with open fields to the east.
- 10.14. The proposal would infill a gap between the existing properties whilst retaining access through to the fields and open landscape of the AONB beyond. The scale of the proposed properties are larger than the traditional properties to the south but of a similar scale to the more modern properties to the north. The height of the proposed properties has been reduced to match those of the traditional properties adjacent.
- 10.15. The garden areas to the rear retains the open aspect when seen from the east with low level boundary walls forming the rear boundaries of the site. The existing access track and embankment are to remain and there will be views through the site between the buildings into the village and out to the Nidderdale National Landscape. It is considered expedient to remove permitted development rights for extensions, outbuildings and boundary treatments to ensure that future development does not detract from the character and appearance of the Nidderdale National Landscape.
- 10.16. The proposed sub-division of the existing dwelling would return the property to its original form, as it was previously two dwellings. The proposed alterations have been reduced in scale and now include the installation of rooflights and the erection of rear extensions. The proposed alterations are considered to be in keeping with the character of the buildings as is the proposed design of the additional properties. Samples of proposed materials should be required as a condition of any consent to ensure that they are in keeping with the locality.
- 10.17. The proposed parking has been re-arranged to avoid an impact to the public right of way through the site and also positioned to the frontage of the buildings reduces the impact on the Nidderdale National Landscape.
- 10.18. It is not considered that the proposal would harm the character or appearance of the Nidderdale National Landscape and would therefore accord with Local Plan Policies NE4 and GS6.

#### Heritage

- 10.19. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving and enhancing the character and appearance of a Conservation Area.

- 10.20. 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.
- 10.21. 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.
- 10.22. 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.
- 10.23. 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.
- 10.24. Harrogate Local Plan Policy HP2 seeks to ensure that proposals for development that would impact on heritage assets (designated and non-designated) will be determined in accordance with national policy. Proposals affecting a heritage asset, or its setting, must protect or enhance those features which contribute to its special architectural or historic interest. Local Plan Policy HP3 seeks to preserve local distinctiveness.
- 10.25. The existing dwellings sit within the Conservation Area boundary, whilst the site of the proposed housing sits adjacent but outside. The Conservation Appraisal identifies a key view from Glasshouses Mill towards the site and also identifies it as an important open space alongside the Cricket Ground and surrounding fields.
- 10.26. The Conservation Officer has been consulted on the proposal and initially raised concerns over the scale and elements of the design. The applicant has amended the proposals to reduce the overall scale of the proposal and improve the design of the properties. This has overcome the concerns of the Conservation Officer.
- 10.27. The proposal has been designed to ensure that there remains a view through the site through the position of the proposed parking and also by retaining the access track and

embankment. This preserves the key view identified on the Conservation Area appraisal.

- 10.28. The revised scale and number of houses enables more of the site to be left open and retains some of the green space to the north of the proposed housing and does not impact on the surrounding areas of important open space. Thereby retaining the important elements of the openness associated with the Nidderdale National Landscape which can be seen through the built form and form part of the setting of the Conservation Area.
- 10.29. The Conservation Area appraisal identifies a strategic pedestrian route, however, this does not follow the line of the public right of way and continues around the site rather than cutting through it.
- 10.30. The design of the properties and the alterations to the existing properties are considered to be appropriate to the surroundings and would not detract from the setting and character and appearance of the Conservation Area, which has already been affected by the large modern housing estate to the north of the site. The proposed dwellings take some design cues from the more traditional dwellings on the site which enhances the setting of the Conservation Area and provides a further transition between the traditional properties and the modern housing estate.
- 10.31. Whilst the proposal will lead to the loss of part of the open space around the settlement it is considered that the 'less than substantial harm' to the Conservation Area would be outweighed by the benefit of the provision of 2- and 3-bedroom housing, in line with the HEDNA housing mix, within the development limits of the village.
- 10.32. It is considered that the proposal complies with Section 72 of the Listed Buildings and Conservation Area Act, Section 16 of the NPPF and Local Plan Policy HP2.

#### Impact on Residential Amenity

- 10.33. Paragraph 135 of the NPPF sets out the requirement for a high standard of amenity to be provided for both existing and future occupiers. Policy HP4 of the Local Plan states that 'development proposals should be designed to ensure that they will not result in significant adverse impacts on the amenity of occupiers and neighbours'.
- 10.34. The proposal is to subdivide the existing property into two dwellings. This proposal will not provide any issues in terms of residential amenity as the openings are already in situ and the proposed rooflights do not produce any issues with overlooking of the neighbouring property.
- 10.35. The rear extension will not cause overshadowing to the existing attached property due to the orientation and is set away from the boundary to ensure that the single storey extension does not have an overbearing impact.
- 10.36. The proposed dwellings are greater in depth than the existing traditional properties but again due to the orientation this will not create an overshadowing issue and there is sufficient separation to avoid any overbearing.



- 10.37. The proposed properties are situated 5.8m from the side elevation of the existing traditional dwelling and whilst there are windows in the side elevations of the properties, these are offset and would not create issues of overlooking between the properties but would provide the benefit of natural surveillance over the proposed car parking areas of both sets of properties.
- 10.38. The proposed dwellings are situated 21m from the side elevation of the nearest property on Harewell Close, which more than meets the required separation distance for this arrangement. There is also screening provided by the existing garage building at first floor level which is situated between the two sets of properties.
- 10.39. The properties are located over 19m from the side elevation of no.31 Harewell Close which meets the required separation distances.
- 10.40. The proposed subdivision properties and the new build properties provide a suitable level of both internal and external space to provide a high level of amenity for future residents.
- 10.41. Concerns have been raised with regards to the impact from construction traffic and during the build works. There is always an element of disruption from development but this is a short term impact which can be minimised by restricting the hours of work and the use of a Construction Management Plan to manage the impacts of the development process.
- 10.42. The access track through the site is also used by farm traffic and on occasions by the Cricket Club. There is considered to be sufficient separation distance between the proposed dwellings and the access for these limited traffic movements to harm the amenity of the residents.
- 10.43. It is considered that the proposed development would not create harm to residential amenity and would accord with Local Plan Policy HP4 and paragraph 135 of the NPPF.

#### Highways

- 10.44. 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.
- 10.45. A large number of concerns have been raised by the neighbouring residents in relation to highway safety and parking. Many of these relate to the fact that there is a parking issue within the existing estate and also from parents dropping off and collecting from school.
- 10.46. The proposal provides a sufficient level of parking for the level of accommodation proposed and it would not be appropriate to require additional parking due to the actions of other residents or school users. This should be dealt with by other areas of Highway legislation and by the organisations to which the parking disruption relates by encouraging the use of public transport; walking and cycling.

- 10.47. Concerns have also been raised with regards to the suitability of the access. The Highways Authority have been consulted on the above proposal and have confirmed that the access is suitable for the level of housing proposed and that there is sufficient parking provided within the scheme.
- 10.48. The scheme has been amended to overcome the issues raised by the original proposed parking and turning arrangements and the large car port. The small outbuildings to the rear of the proposed dwellings are designed to provide cycle storage and not for the storage of domestic vehicles. This can be conditioned as part of any approval.
- 10.49. The Highways Authority have stated that the applicant will need to ensure that they have all appropriate permissions in terms of access to the site from any third parties and recommend that a Construction Management Plan is a condition of any approval to reduce any highway impacts during the proposed development.

#### Impact on the Public Right of Way

- 10.50. Local Plan Policy HP5 seeks to protect public rights of way. The site has a public right of way which runs along the existing access track before continuing over the embankment into the garden of Linum Groves.
- 10.51. Concerns have been raised over the impact of the proposal on the public right way and residents have raised issues over the fact that the right of way is presently blocked by the landowner who has locked the gate.
- 10.52. The proposed development has been amended so that the existing access track is no longer altered and there is no parking or development which would impact on the public right of way.
- 10.53. The issue of the blocked right of way has been passed on to the Public Rights of Way team, however, this is not a planning matter.
- 10.54. The plans show both the existing right of way and also a possible route for a diversion but this diversion does not form part of the application proposal. The protected railway line stops short of the site boundary to the east and restarts in the centre of the village beyond the Harewell Close estate, which is built across the route. The proposal does not affect the public right of way or the protected railway route and complies with Local Plan Policy HP5.

#### Drainage and Flood Risk

- 10.55. The application site is located within Flood Zone 1, which is the lowest risk of flooding. The application form states that the proposed drainage would be connected to the existing mains sewer.
- 10.56. Concerns have been raised by members of the public with regards to the ability of the existing sewerage network to cope with the additional capacity. Yorkshire Water have been consulted and raise no objections to the proposal subject to conditions.

10.57. It is not considered that the proposal would have a significant adverse impact in terms of drainage or flood risk.

#### Land Contamination and Air Quality

10.58. Local Plan Policy NE9 sets out the requirements in relation to land contamination. The existing cottage is in existence as a dwelling, and therefore there are no concerns raised in relation to land contamination. The accompanying contamination screening assessment form is suitable for this type of development and does not indicate any waste activities or pollution incidents on site or in the vicinity of the site that could affect the proposal. The proposal to construct three cottages in the garden is also covered by the contamination assessment. It is considered expedient to include informatives in relation to unforeseen contamination and the importation of topsoil.

10.59. Environmental Health also recommend a condition in relation to providing sufficient refuse storage and collection arrangements for the site.

10.60. Local Plan Policy NE1 seeks to improve air quality and it is therefore considered expedient to attach a condition requiring electric vehicle charging points to be provided, which will aid in the options for more sustainable travel and therefore improve air quality within the Local Plan area.

10.61. Ecology

10.62. Paragraph 180 of the NPPF states that the 'intrinsic character and beauty of the countryside' should be recognised including trees and woodland and minimising impacts on biodiversity.

10.63. Paragraph 186 of the NPPF states that opportunities to improve biodiversity in and around development should be integrated as part of their design.

10.64. Local Plan Policy NE3 seeks to protect and enhance biodiversity whilst Policy NE7 seeks the protection of the natural landscape and trees and woodland.

10.65. The site is not in an ecological designation and is an area of open land. The application site is an area of overgrown grassland with an existing access track which is regularly used to access the fields beyond.

10.66. Concerns have been raised with regards to protected species using the existing building however the existing properties have living accommodation in the roof and whilst there will be some disturbance of the roof from the provision of rooflights, this would be in the area of the building already inhabited. An informative is recommended in relation to finding any protected species during works as this is covered by additional legislation outside of planning.

10.67. It is not considered that the proposal would create harm to local ecology and would comply with Local Plan Policy NE3.

Sustainability

- 10.68. Local Plan Policy CC4 requires all developments to be designed to reduce both the extent and the impacts of climate change. The design and access statement includes a statement as to how this would be achieved, including the use of air source heat pumps.
- 10.69. No details of the pumps have been provided and therefore details of the proposed location of the pumps and technical specifications are required to ensure that there is no harm to residential amenity.

Other issues including rights of access

- 10.70. A number of concerns have been raised with regards to legal issues relating to rights of access in connection with the site. The applicant is now aware of other ownership rights in relation to the access to the site and has served notice on the relevant persons. This is in line with planning regulations.
- 10.71. Concerns have been raised about the restriction to the vehicular access to the adjoining neighbouring property, however, no one has come forward with evidence to suggest that this right of access exists. The issue of legal rights of access are not a planning consideration but a private matter and cannot be considered as part of a planning application.
- 10.72. Equally concerns have been raised over the access rights to the agricultural fields and the Cricket Club to the rear of the site. At present it appears from the evidence submitted that this is an existing agreement between parties and is not a material consideration in a planning application.
- 10.73. The landowner would have the same rights to restrict access, if this was to be applicable, regardless of a planning application being under consideration. The submitted statement sets out that there is no intention to alter these rights.
- 10.74. A number of comments have also been made with regards to anomalies on the plans where annotations have been left on from previous iterations – this should now be resolved in the latest set of plans which have removed the annotations.
- 10.75. Concerns have been raised that the application has not been correctly advertised however the application has been advertised by both site notice and press notice and has been re-advertised to make members of the public aware of the proposed alterations.

**11.0 PLANNING BALANCE AND CONCLUSION**

- 11.1. The application site is located within the defined development limits of Glasshouses which is designated as a Service Village within the development hierarchy and thereby capable of accommodating growth. The provision of housing in this location is acceptable in principle subject to no other matters outweighing the benefits of the provision of housing and would accord with Local Plan Policy GS2.

- 11.2. The site is located within the Nidderdale National Landscape, however it is considered that the proposal would not adversely impact on the character of the AONB as elements of the spatial gap and views through the site would remain. This would comply with Local Plan Policy GS6.
- 11.3. The proposal will lead to the loss of part of the open space around the settlement it is however considered that the 'less than substantial harm' to the Conservation Area would be outweighed by the benefit of the provision of 2- and 3-bedroom housing within the development limits of the village, which would be in line with the HEDNA housing mix for the area.
- 11.4. The proposal takes some of its design cues from the more traditional properties within the Conservation Area and provides a transition from the Conservation Area to the modern housing estate. The proposal ensures that the key view through to the openness of the Nidderdale National Landscape is retained which forms the setting of the Conservation Area. The design and layout of the housing is considered to be appropriate to the area and all required separation distances between properties are met. It is considered that the proposal would comply with Local Plan Policies HP2, HP3 and HP4 in relation to design, heritage and residential amenity.
- 11.5. The proposal is not considered to create harm in terms of highway safety, public rights of way, drainage, flood risk, or land contamination or ecology and meets the requirements of Local Plan Policy CC4 in terms of sustainability.
- 11.6. Issues relating to legal matters and rights of access are not material planning considerations.

## 12.0 **RECOMMENDATION**

- 12.1 That planning permission be GRANTED subject to conditions listed below

### **Recommended conditions:**

#### **Condition 1 Time Limit**

The development hereby permitted shall be begun on or before 3 years of date of decision

Reason: To ensure compliance with Sections 91-94 of the Town and Country Planning Act

#### **Condition 2 Approved Plans**

The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details:

Proposed Site and Location Plans – 5055 Rev K submitted to LPA on 6<sup>th</sup> March 2024  
 New Houses – Proposed Dwellings; Plans, Elevations and 3D - 5055 Rev K submitted to LPA on 6<sup>th</sup> March 2024

Proposed Long Sections – 5055 Rev K submitted to LPA on 6<sup>th</sup> March 2024  
 Cottages – Proposed Site and Location Plans including elevations and floorplans - 5055 Rev K submitted to LPA on 6<sup>th</sup> March 2024

Reason: In order to ensure compliance with the approved drawings.

**Condition 3 Materials – subdivision of cottages**

The materials to be used in relation to the extension and subdivision of the existing cottages shall match those of the host building.

Reason: In the interests of visual amenity and to protect the character and appearance of the Conservation Area and the Nidderdale National Landscape and to comply with Local Plan Policies HP2, HP3 and GS6.

**Condition 4 Materials – new dwellings**

Before the first use of any materials in the external construction of the roof and walls of the new dwellings hereby approved, samples of those materials shall have been made available for inspection by, and the written approval of, the Local Planning Authority and the development shall be carried out in strict accordance with the approved details.

Reason: In the interests of visual amenity and to protect the character and appearance of the Conservation Area and the Nidderdale National Landscape and to comply with Local Plan Policies HP2, HP3 and GS6.

**Condition 5 – outbuildings**

The outbuildings approved shall be used for domestic storage and cycle storage only and shall not be used for the storage of motorised vehicles.

Reason: Use of the buildings by motorised vehicles would create a highway safety issue as there is no appropriate turning provision within the site and would conflict with the public right of way. This would be in conflict with Local Plan Policies TI3 and HP5.

**Condition 6 – Hours of Work**

Site preparation and construction works shall be restricted to:

08:00 until 18:00 Mondays to Fridays

08:00 until 13:00 Saturdays

No work on Sundays or Bank Holidays

Reason: In the interests of protecting the residential amenity of the neighbouring properties during construction and to accord with Local Plan Policy HP4.

**Condition 7 – Highways Parking and Turning**

No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users of the application site have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

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

**Condition 8 – Construction Management Plan**

No development for any phase of the development must commence until a Construction Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved Construction Management Plan.

The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

- details of any temporary construction access to the site including measures for removal following completion of construction works;
- restriction on the use of all access roads off the B6265 for HGV traffic for construction purposes, unless unavoidable;
- wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- the parking of contractors' site operatives and visitor's vehicles clear of the highway;
- areas for storage of plant and materials used in constructing the development clear of the highway;
- measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
- details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
- details of site working hours, to show no deliveries during peak times, including peak school times;
- erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
- means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
- measures to control and monitor construction noise;
- an undertaking that there must be no burning of materials on site at any time during construction;
- removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;
- details of external lighting equipment;
- details of ditches to be piped during the construction phases;
- a detailed method statement and programme for the building works; and
- contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason:

In the interest of public safety and amenity and to accord with Local Plan Policy HP4.

#### **Condition 9 – Waste Water**

The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.

Reason: In the interest of satisfactory and sustainable drainage

#### **Condition 10 – Surface Water**

No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network.

**Condition 11 – Refuse**

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.

Reason: In order to protect the local environment and in the interests of the residential amenity and to accord with Local Plan Policy HP4.

**Condition 12 – Permitted Development Rights**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions, garages, outbuildings, or boundary treatments other than any expressly authorised by this permission shall be erected without the grant of further specific planning permission from the Local Planning Authority.

Reason: To protect the character and appearance of the Nidderdale National Landscape and the Glasshouses Conservation Area in accordance with Local Plan Policies GS6 and HP2.

**Condition 13 – Electric Vehicle Charging**

An electric vehicle infrastructure strategy and implementation plan shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the dwelling hereby permitted. The plan shall contain details of the number and location of all electric vehicle charging points which shall be of Mode 3 type (specific socket on a dedicated circuit with a minimum current rating of 16 amp). Buildings and parking spaces that are to be provided with charging points shall not be brought into use until associated charging points are installed in strict accordance with the approved details and are operational. The charging point installed shall be retained and maintained thereafter.

Reason: In the interests of improving air quality and sustainable travel and to accord with the NPPF.

**Informatives:**

1. **Yorkshire Water** - On the Statutory Sewer Map, there is a unknown diameter public foul water sewer recorded to cross the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme.

a.) It may not be acceptable to raise or lower ground levels over the sewer and we will not accept any inspection chambers on the sewer to be built over.

b.) In this instance, Yorkshire Water would look for this matter to be controlled (by Requirement H4 of the Building Regulations 2010).

c.) A proposal by the developer to alter/divert a public sewer will be subject to Yorkshire Water's requirements and formal procedure in accordance with Section 185 Water Industry Act 1991.

2. **Bats** - All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 41 (1) of the Conservation of Habitats and Species Regulations 2010. Should any bats or evidence of bats be found prior to or during



development, work must stop immediately and in the first instance contact the National Bat Helpline on 0845 1300 228. Developers/contractors may need to take further advice from Natural England on the need for a European Protected Species Licence in order to continue the development in a lawful manner. Natural England can be contacted at consultations@naturalengland.org.uk, or by calling 0300 060 3900, or Natural England, Consultation Service, Hornbeam House, Crewe Business Park, Electra Way, Crewe, Cheshire, CW1 6GJ.

**3. Contamination** - The applicant / developer is advised that they have a duty to adhere to the regulations of Part 2A of the Environmental Protection Act 1990, the National Planning Policy Framework and the current Building Control Regulations with regards to contaminated land. If any unforeseen contamination is encountered during the development, the Local Planning Authority (LPA) should be informed immediately. Any investigation / remedial / protective works carried out in relation to this application shall be carried out to agreed timescales and approved by the LPA in writing. Furthermore, any soil or soil forming materials to be brought to site for use in garden areas or soft landscaping should be tested for contamination and suitability for use prior to importation to site. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.

**4. Topsoil** - If any topsoil is taken onto site for the formation of a domestic garden it should be certified as suitable for a domestic garden. This should be validated through sampling once on site.

#### 5. Public Right of Way

i) There is a Public Right of Way or a 'claimed' Public Right of Way within or adjoining the application site boundary.

ii) If the proposed development will physically affect the Public Right of Way permanently in any way an application to the Local Planning Authority for a Public Path Order/Diversion Order will need to be made under S.257 of the Town and Country Planning Act 1990 as soon as possible. Please contact the Local Planning Authority for a Public Path Order application form.

iii) If the proposed development will physically affect a Public Right of Way temporarily during the period of development works only, an application to North Yorkshire Council Highway Authority for a Temporary Closure Order is required. Please contact the Council or visit the website for an application form.

iv) The existing Public Right of Way on the site must be protected and kept clear of any obstruction until such time as an alternative route has been provided by either a temporary or permanent Order.

v) It is an offence to obstruct a Public Right of Way and enforcement action can be taken by the Highway Authority to remove any obstruction.

vi) If there is a 'claimed' Public Right of Way within or adjoining the application site boundary, the route is the subject of a formal application and should be regarded in the same way as a Public Right of Way until such time as the application is resolved.

vii) Where public access is to be retained during the development period, it shall be kept free from obstruction and all persons working on the development site must be made aware that a Public Right of Way exists and must have regard for the safety of Public Rights of Way users at all times.

Applicants should contact the Council's Countryside Access Service at County Hall, Northallerton via [CATO@northyorks.gov.uk](mailto:CATO@northyorks.gov.uk) to obtain up-to-date information regarding the exact route of the way and to discuss any initial proposals for altering the route.

**Target Determination Date:** 22.04.2024

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

## North Yorkshire Council

### Community Development Services

#### Skipton and Ripon Area Constituency Planning Committee

2<sup>ND</sup> APRIL 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 a 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 EXECUTIVE SUMMARY

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

- 2.1. This application was considered by the Skipton and Ripon Area Constituency Planning Committee on 5<sup>th</sup> March and deferred for a site visit. The site visit will take place in advance of the committee meeting. The report has also been updated to include the officer's update during the original presentation at the 5<sup>th</sup> March committee in relation to the issues raised by the applicant in a late information submission report.
- 2.2. 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.
- 2.3. 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.
- 2.4. 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.

- 2.5. 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.
- 2.6. 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 two relevant planning applications for this application:

2023/24721/TCA – Fell 2 Ash; 1 Sycamore and 1 Poplar and pruning works to various trees. Granted 28 Feb 2023

2022/23635/TCA – T1 Ash – Fell. Granted 18 March 2022.

### 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 identified in the Local Plan. 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.
- 4.4. A 2 metres high fence has been erected around the garden area of Mill Cottage. No record of any planning approval has been found in relation to this fence and as the fence would be adjacent to a public highway and a public right of way, it is considered that planning permission would be required for the erected fence. The enforcement team are now aware.

## **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. Following the deferral the Arboricultural Officer has provided additional comments in relation to the issues relating to overshadowing and the potential for future pressure to the trees.

7.6. **Environment Agency:** Object - The submitted 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. **Environmental 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 adjoin these main built-up area 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 on 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. It is noted that the Conservation Area appraisal excludes gardens from the definition of open space however it also continues that features such as gardens can make a positive contribution to the character and appearance of the Conservation Area. The fact that the site lies within an area of open space does not mean that it forms part of the open space by definition but it is still able to contribute to openness.
- 10.14. The existing garage and shed on the site detract from the character and appearance of the area, however, the openness and greenery of the site and its surroundings make a positive contribution to the character and appearance of the Conservation Area.
- 10.15. 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'.*

- 10.16. 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 and it is highly visible from the public right of way that runs around the site from Colne Road.
- 10.17. 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.
- 10.18. The Heritage Officer continues:
- 10.19. *'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.*

- 10.20. *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.*
- 10.21. 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.
- 10.22. 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.
- 10.23. 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.
- 10.24. 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.
- 10.25. 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, it is not considered that this provides a significant public benefit which would outweigh this harm and therefore in line with the NPPF the development should be refused.
- 10.26. 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

- 10.27. The Environment Agency 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.
- 10.28. 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.

- 10.29. 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.
- 10.30. 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.
- 10.31. The Council's Flood Risk and Water Management SPD sets out how the sequential test should be applied across the Local Plan Area.
- 10.32. 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.
- 10.33. 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. The EA set out how an applicant can ask for the zoning to be re-considered and this is the appropriate way to address this, as the EA have the expertise in the area and the LPA do not have all the relevant information to be able to consider the level of risk in the area.
- 10.34. 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.
- 10.35. 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.
- 10.36. 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.
- 10.37. High Risk Surface Water flooding carries the same weight in the NPPF as fluvial flooding in Flood Zone 2/3 and is not related the proximity of the watercourse.
- 10.38. 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.

- 10.39. The EA has also objected on the basis that no suitable FRA has been provided by the applicant.
- 10.40. At the point that a sequential test is met, the exception test would need to be met. In order to do so 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.
- 10.41. 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

- 10.42. Paragraph 135 of the NPPF sets out the requirement for a high standard of amenity to be provided for both existing and future occupiers.
- 10.43. 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’.
- 10.44. 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.
- 10.45. In the event that planning permission is granted, 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.
- 10.46. 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.
- 10.47. The plan within the Arboricultural Impact Assessment shows the level of shading that would be produced from the neighbouring trees and does not include those trees to which approval has already been granted for removal or pruning works.
- 10.48. The Arboricultural Officer has set out the likely implications of the proposed development as:
- The proposed development would be surrounded by trees especially on the south and west boundaries. Residential amenity and useable outdoor space during the warmer months will be challenging due to almost perpetual shade conflict.

- Pv panels are unlikely to receive sufficient sunlight for efficiency leading to notices/apps to fell or inappropriately prune. Leading to a point of conflict as more panels are located close to retained tree populations.
- The submitted Treeplan shows the extent of shading for the height of summer – shade either side of this season will be increased resulting in high levels of shade/gloom. Light issues increased by the levels – site sunk into surrounding landscape which results in trees overbearing. Note moss/lichen on existing structures due to lack of light and damp conditions. These are not welcomed by householders resulting in additional complaints and requests for more light.
- 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 and would have the potential to restrict light to the proposed solar panels.

10.49. 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.

10.50. 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.

10.51. Highway Safety

10.52. 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.

10.53. 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.

10.54. 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.

10.55. 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.

10.56. 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.

- 10.57. 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.
- 10.58. 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.
- 10.59. 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

- 10.60. 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.
- 10.61. An additional condition is also recommended with regards to providing suitable and sufficient provision for waste storage and collection.

#### Sustainable Design

- 10.62. 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.
- 10.63. 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 and the character and appearance 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. Nor has a suitable Flood Risk Assessment been provided. 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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