

**YORKSHIRE DALES NATIONAL PARK AUTHORITY****PLANNING COMMITTEE**

Public minutes of the meeting held at Bolton Abbey Village Hall on Tuesday, 11th April 2006.

**Present:**

RA Bird, J Blackie, Mrs A Brooks, WH Brown (in the Chair), SHK Butcher, G Dalton, W Fenten, C Hammond, TRN Harrison-Topham, D Heather, D Ireton, OJ Kendall, C Lis, Mrs D Millward, A Osborne, Mrs Y Peacock, Dr KM Petyt, Ms N Stedman and W Weston.

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**COPIES OF ALL DOCUMENTS CONSIDERED ARE IN THE MINUTE BOOK**

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**42/06 MINUTES**

The Deputy Head of Planning referred members to Resolution 37/06 and stated that he had attended South Lakeland District Council's Planning Committee meeting on 31<sup>st</sup> March when consideration had been given to a planning application for 22 static caravans at Firbank, Sedbergh. He informed Members that he had spoken against the proposal on behalf of the Planning Committee, and that determination had been deferred pending receipt of further information relating to the impact of the development on otters. He had written to the Government Office for the North West requesting that the application be "called in" in the event of a subsequent decision to approve the application.

**RESOLVED –**

That the minutes of the meeting held on 14th March 2006, having been printed and circulated, be taken as read and be confirmed and signed by the Chairman, subject to

- the sentence before Resolution 41/06 being amended to read "...a letter had been received from the Secretary of State..."; and
- the second sentence of 'Enforcement matter – Dykelands Farm, Airton' being amended to read "The barn was within the curtilage of a listed building..."

**43/06 PUBLIC QUESTION TIME**

No notifications of public questions or of the intention to make a statement had been received.

**44/06 EXCLUSION OF THE PUBLIC****RESOLVED -**

That pursuant to Section 100(A)(4) of the Local Government Act 1972, the public be excluded during the consideration of each of the items of business listed in column 1 of the following table on the grounds that each involves the likely disclosure of exempt information

as defined in the paragraph of Part 1 of Schedule 12A to the Local Government Act 1972 specified in column 2:

| <u>Item No on the agenda</u> | <u>Paragraph No</u> |
|------------------------------|---------------------|
| 11                           | 6 & 7               |
| 12                           | 6 & 7               |
| 13                           | 6 & 7               |
| 14                           | 6 & 7               |
| 15                           | 3                   |

**45/06 APOLOGIES FOR ABSENCE**

Apologies for absence were received from KJ Lancaster, Mrs S Marshall, JJ Pearlman and Mrs FG Ramsbottom.

**46/06 DECLARATIONS OF THE EXISTENCE AND NATURE OF PERSONAL INTERESTS**

The following declarations of the existence and nature of personal interests were made by members:

|                |   |
|----------------|---|
| G Dalton       | Personal and prejudicial interest in Plans List No B10, being an advertiser in publications produced by the applicant.  |
| Mrs A Brooks   | Personal non-prejudicial interest in Plans List No A01, being acquainted with the applicant.  |
| Mrs D Millward | Personal non-prejudicial interest in Plans List No A04, being a resident of Thornton Rust.  |
| Dr KM Petyt    | Personal and prejudicial interest in Plans List No A05 being acquainted with objectors to the application.<br>Personal non-prejudicial interest in Plans List No B10 being acquainted with a number of people who have a connection with the applicant. |

**47/06 DECLARATIONS OF LOBBYING**

Members made the following declarations of lobbying that had occurred too late to be notified in the appropriate way:

|              |  |
|--------------|--|
| W Fenten     | Lobbied on Plans List No A01                         |
| Mrs A Brooks | Lobbied on Plans List No A01                         |
| D Ireton     | Lobbied on Plans List No A01                         |
| J Blackie    | Lobbied on Plans List Nos A01, A02, A03, A04 and B09 |
| OJ Kendall   | Lobbied on Plans List Nos A01, A02 and A03           |
| Dr KM Petyt  | Lobbied on Plans List Nos A05 and B10                |
| C Lis        | Lobbied on Plans List No A01                         |
| C Hammond    | Lobbied on Plans List Nos A01 and B06                |
| WH Brown     | Lobbied on Plans List Nos A01 and A02                |

## 48/06 APPLICATIONS FOR PLANNING PERMISSION

The following member of the public addressed the meeting on the Plans List item indicated:

|                   |   |
|-------------------|---|
| Plans List No A01 | Mrs Gardner in support of the application |
|-------------------|---|

CONSIDERED –

The report of the Head of Planning listing applications for planning permission, the recommendations thereon, together with a late consultations report circulated after the despatch of the agenda but prior to the meeting and further late consultations circulated at the meeting.

**RESOLVED -**

That the applications for planning permission be determined as set out below, subject to: -

- (a) the imposition of the conditions required in accordance with the provisions of Sections 91 and 92 of the Town and Country Planning Act 1990 except in those instances where an alternative condition is approved, and
- (b) the Head of Planning being authorised to add such conditions as he may consider necessary in the light of observations received from District Councils and/or the Highway Authorities in the specified time period but not warranting reconsideration of the application by the Committee: -

| <b>Application [Plans List No – Application No - Proposal]</b>   |
|--|
| <b>Decision</b>  |
| <i>[Note: These decisions are recorded in the order in which they appeared in the Schedule of Planning Applications NOT the order in which they were considered by the Committee.]</i>   |
| <p><b>Application:</b> A01 C/45/640A Full planning permission for erection of farm workers dwelling, Philpin Farm, Chapel-le-Dale.</p> <p><b>Decision:</b> That consideration be deferred, as members were minded to approve the application contrary to policy and/or the officers' recommendation. In accordance with the Members' Code for the Exercise of Development Control a report will be submitted to a future meeting of the Committee for determination of the application. The bases for members' decision were that:</p> <ol style="list-style-type: none"><li>1. There is a proven need for a further dwelling.</li><li>2. Low Mill Farmhouse is not available for occupation by a farm worker.</li><li>3. In accordance with PPS 7 this is a case where the nature and demand of the work and the potential adverse weather conditions as a result of the geographical location of the site, support approval of the application.</li></ol> <p>The named vote in respect of this decision being as follows:</p> <p><u>For the motion to approve the application:</u><br/>RA Bird, J Blackie, Mrs A Brooks, WH Brown, SHK Butcher, G Dalton, W Fenten, C Hammond, TRN Harrison-Topham, D Heather, D Ireton, OJ Kendall, C Lis, Mrs Y Peacock and W Weston.</p> <p><u>Against the motion to approve the application:</u><br/>Ms N Stedman.</p> |

**Application [Plans List No – Application No - Proposal]  
Decision**

Abstentions:

Mrs D Millward, A Osborne and Dr KM Petyt.

**Application:** A02 R/01/51E Full planning permission for change of use of annexe to form separate dwelling, Woodside Cottage, Whaw.

**Decision:** That, following an unsuccessful proposal that the application be approved, the application be refused on the basis of the following Planning Officer's recommendation:

That the application be refused for reasons based on the following:

1. The site is not within a housing development boundary as defined in the emerging Yorkshire Dales Local Plan (2005). The applicant has not been able to demonstrate an essential need to live on the site, in connection with an agricultural or other rural-based enterprise. The creation of a separate, self-contained dwelling on this site is therefore contrary to Policy H4 (housing in the countryside) of the emerging Yorkshire Dales Local Plan(2005) and Policy E1 of the adopted North Yorkshire County Structure Plan (1995).

The named vote in respect of the unsuccessful motion to approve the application being as follows:

For the unsuccessful motion to approve the application:

RA Bird, J Blackie, WH Brown, G Dalton, C Hammond, D Ireton, OJ Kendall and Mrs Y Peacock.

Against the unsuccessful motion to approve the application:

Mrs A Brooks, W Fenten, D Heather, C Lis, Mrs D Millward, A Osborne, Dr KM Petyt, Ms N Stedman and W Weston.

Abstentions:

TRN Harrison-Topham.

*[Note: Messrs Blackie and Kendall requested that their votes against refusal of the application be recorded.]*

**Application:** A03 R/06/87L Full planning permission for erection of extension and external refurbishment, Kearton Country Hotel, Thwaite.

**Decision:** That, on the casting vote of the Chairman, consideration be deferred, as members were minded to approve the application contrary to policy and/or the officers' recommendation. In accordance with the Members' Code for the Exercise of Development Control a report will be submitted to a future meeting of the Committee for determination of the application. The bases for members' decision were that:

1. There will be planning gain from the development.
2. There will be economic benefits resulting from the creation of additional jobs and a positive impact on local tourism.
3. There is support for the proposal from the local community.

**Application [Plans List No – Application No - Proposal]  
Decision**

The named vote in respect of this decision being as follows:

For the motion to approve the application:

J Blackie, WH Brown, G Dalton, C Hammond, D Heather, D Ireton, OJ Kendall, C Lis and Mrs Y Peacock.

Against the motion to approve the application:

RA Bird, Mrs A Brooks, W Fenten, TRN Harrison-Topham, Mrs D Millward, A Osborne, Dr KM Petyt, Ms N Stedman and W Weston.

Abstentions:

None.

**Application:** A04 R/59/35F Full planning permission for conversion of barn to provide additional living accommodation, Barn adj to Nettle Cottage, Thornton Rust.

**Decision:** That, following an unsuccessful proposal that the application be refused, the application be approved on the basis of the following Planning Officer's recommendation:

Recommendation is to grant permission subject to a Section 106 Agreement to ensure that the accommodation being provided in the form of an annex is not occupied independently of the dwelling known as Nettle Cottage and is tied to that property so that it can not be sold off or let separately and conditions based on the following:

1. Standard time limit - 3 years.
2. Accordance with approved plans.
3. Withdraw permitted development rights.
4. No rebuilding works unless agreed.
5. Retention of existing/matching roofing materials.
6. External doors and window frames to be made of timber and painted/stained a colour to be agreed.
7. Other than those shown on the approved plans, no new windows, rooflights or solar panels to be installed unless agreed.
8. Recessing of window frames - 100mm.
9. Rainwater goods fixed to masonry and painted black.

The named vote in respect of the unsuccessful motion to refuse the application being as follows:

For the unsuccessful motion to refuse the application:

J Blackie, OJ Kendall and Mrs Y Peacock.

Against the unsuccessful motion to refuse the application:

Mrs A Brooks, WH Brown, W Fenten, D Ireton, C Lis, A Osborne, Dr KM Petyt, Ms N Stedman and W Weston.

Abstentions:

RA Bird, G Dalton, C Hammond, TRN Harrison-Topham and D Heather.

**Application [Plans List No – Application No - Proposal]**

**Decision**

**Application:** A05 S/03/395 Full planning permission for erection of extension, 6 Rawthey Gardens, Sedbergh.

*The application was withdrawn from the meeting to allow further time for the neighbours to consider amended plans submitted in respect of the proposed development.*

**Application:** B06 C/02/97B Full planning permission for separation of dwelling from legal tie to the New Inn and change of use of garage/dwelling to form mountain bike livery and house, The New Inn, Appletreewick.

**Decision:** That the application be approved on the basis of the following Planning Officer's recommendation:

Approve the removal of the section 106 legal agreement tying the dwelling to the New Inn and its replacement with a Section 106 agreement relating to a local occupancy restriction. Grant conditional planning permission for the retention of the mountain bike livery.

1. The permission hereby granted for the mountain bike livery shall enure for the benefit of Mr JD Pitcher only.

**Application:** B07 C/46/53C Full planning permission for conversion of gift shop to include retail area, residential accommodation and erection of rear extension, The Smithy, Kettlewell.

**Decision:** That, the application be approved on the basis of the following Planning Officer's recommendation, amended at the meeting (by the deletion of the proposed Conditions 2 and 11 and their replacement with a Section 106 Local Occupancy Agreement to tie occupation of the accommodation to the business:

Grant planning permission subject to conditions and the applicant entering into a S.106 agreement.

1. Standard Time Limit

~~2. No material operation as defined in Section 56 of the Town & Country Planning Act 1990 shall be carried out to commence the development pursuant to this planning permission until a planning obligation pursuant to Section 106 of the said Act relating to the land has been signed and sealed. The said planning obligation will provide that the occupancy of the residential unit hereby approved shall be restricted to a person or persons meeting the criteria laid out in policy H2 of the Yorkshire Dales Local Plan 2005.~~

3. Specified Details, date 2 February 2006.

4. Materials (roof) The Smithy.

5. Materials (walls - existing) The Smithy.

6. Materials (windows) timber dark brown.

7. Windows (reveals) 100

8. Materials (rainwater goods) black.

9. Restricting Permitted Development Rights, windows external fabric.

10. Restricting Permitted Development Rights (alteration of dwelling in curtilage of dwelling).

~~11. The occupation of the dwelling house hereby approved shall be restricted to a person or persons fully or mainly employed in the business utilising the attached retail unit,~~

**Application [Plans List No – Application No - Proposal]**

**Decision**

~~together with the dependents of such person or persons.~~

**Application:** B08 R/03/102 Full planning permission for erection of one local occupancy dwellinghouse, Neddy House Kitchen Garden, Grinton.

**Decision:** That the application be approved on the basis of the following Planning Officer's recommendation:

That the application be approved subject to the prior completion of a Section 106 Agreement restricting occupancy of the proposed dwelling in perpetuity to persons meeting the local need criteria as defined in the Local Plan, and to conditions based on the following:

- i) standard time limit
- ii) specified details
- iii) removal of permitted development rights (extensions and alterations; development within the curtilage; oil tanks)
- iv) sample of roof material to be approved
- v) sample of stonework to be approved
- vi) prescription of design standards (rainwater goods, timber windows)
- vii) retention of car parking on site
- viii) retention of trees along eastern boundary of site.

**Application:** B09 R/56/391 Change of use of redundant agricultural barn to form agricultural workers dwellings, Brownmoor Farm, Hawes.

**Decision:** That, following unsuccessful proposals that:

- (a) consideration be deferred to enable a site visit to be undertaken; and
- (b) consideration be deferred to enable the applicants to attend and speak in support of their application at a future meeting of the Committee,

the application be refused on the basis of the following Planning Officer's recommendation:

That, subject to the consideration of the findings of the independent appraisal of the agricultural justification, planning permission is REFUSED for reasons based on the following:

1. As contrary to Emerging Local Plan Policies H4, B13, GP3 and EP2.

*[Note: J Blackie requested that his vote against refusal of the application be recorded.]*

**Application:** B10 S/03/30K Full planning permission for variation of Condition 7 of planning permission S/03/30F to allow additional retail areas, Farfield Mill, Garsdale Road, Sedburgh.

**Decision:** That the application be approved on the basis of the following Planning Officer's recommendation, but subject to the Retail Scheme referred to (the revised version circulated with the Late Consultations – received 7 April 2006) being amended by

**Application [Plans List No – Application No - Proposal]  
Decision**

members at the meeting to delete the words “within Cumbria or elsewhere” from Clause 5:

That, subject to the successful outcome of further negotiations, to be reported at the meeting, the application be approved subject to the following conditions:

1. Adherence to the Retail Scheme.
2. Restricting the permission to the Sedbergh and District Arts and Heritage Trust.

**49/06 UNAUTHORISED ERECTION OF STABLE, OS FIELD 4228, HETTON**

CONSIDERED –

The report of the Enforcement Officer, together with a letter, circulated at the meeting from a representative of the landowner.

**RESOLVED –**

That the Authority’s Solicitor be authorised to serve an enforcement notice to secure the removal of the stable and the hard standing, to require the reinstatement of the land to grass, and to require the removal of the timber post and rail visibility splays and the reinstatement of the access at OS Field 4228, Hetton, the compliance period to be 6 months.

**50/06 UNAUTHORISED SITING OF RESIDENTIAL STATIC CARAVAN AT LINTON CAMP, LINTON**

CONSIDERED –

The report of the Enforcement Officer.

**RESOLVED –**

That the Authority’s Solicitor be authorised to take enforcement action to ensure that the static caravan, associated fixtures and fittings are removed from Linton Camp, Linton, the compliance period to be 12 months.

**51/06 REPORT OF THE HEAD OF PLANNING**

CONSIDERED –

The report of the Head of Planning.

A member requested information on the number of appeals that the Authority had lost with costs.

**RESOLVED –**

That:

- (a) the report be noted; and
- (b) a report be produced for a future meeting on the number of appeals that the Authority has lost with costs.

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**The remainder of business was considered in private.**

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**PUBLIC SUMMARY OF BUSINESS CONSIDERED IN PRIVATE**

**(a) Private Minutes**

The Committee confirmed, as a correct record, the Private Minutes of the meeting held on 14th March 2006 that had been circulated with the agenda. The Minutes were duly signed by the Chairman.

**(b) Unauthorised Creation of Track at Crina Bottom, Ingleton**

The Committee considered a report on progress being made with remedial works to reduce the adverse impact of an access track for which retrospective planning permission had been refused.

Whilst progress with the remedial work was slow, members agreed to defer the enforcement action for six months.

**(c) Planning Enforcement Closures Report**

Members considered a report that listed planning enforcement cases that had been resolved and approved those cases that were recommended for closure.

**(d) Planning Enforcement Quarterly Report**

Members considered and noted a report that summarised enforcement activity since 28<sup>th</sup> December 2005.