

YORKSHIRE DALES NATIONAL PARK AUTHORITY**PLANNING COMMITTEE**

Minutes of the meeting held at Ingleborough Community Centre, Ingleton on Tuesday, 8th November 2005.

Present:

WH Brown in the Chair.

RA Bird, Mrs A Brooks, G Dalton, W Fenten, C Hammond, TRN Harrison-Topham, D Heather, D Ireton, OJ Kendall, HA Kirkbride, KJ Lancaster, C Lis, SR Macaré, Mrs S Marshall, Mrs D Millward, A Osborne, Mrs Y Peacock, JJ Pearlman, Dr KM Petyt, Mrs FG Ramsbottom, J Sayer and Ms N Stedman.

COPIES OF ALL DOCUMENTS CONSIDERED ARE IN THE MINUTE BOOK

963. MINUTES**RESOLVED –**

That the public minutes of the meeting held on 11th October 2005, having been printed and circulated, be taken as read and be confirmed and signed by the Chairman.

964. PUBLIC QUESTION TIME

Mr Colin Ginger made a Statement to the Committee, in relation to Members' consideration at the October committee meeting of the report of the Authority's Solicitor on 'Common Land and Village Greens'. Mr Ginger expressed surprise at the minuting of the item, suggesting that, in view of the importance of the matter, it was inadequate and unacceptable as a record of the discussion. He had written to the Chief Executive to express that view and a copy of his letter was circulated at the meeting.

Mr Ginger, who had been present at the October meeting, stated that the Committee had made several suggestions or decisions which should have been recorded in the minutes and added that the most important of these were:

"1. The Authority should inform all successful applicants for planning permission that the approval of the Secretary of State is always required if the proposed development is on common land – if identified as such in 1926.

It was also suggested that when the Authority is aware that the approved development will take place on registered common land, the Secretary of State should also be informed of this fact.

2. Although it is accepted that this committee should not refuse planning permission simply because the development would be on common land, if the Authority does approve development on common land with no known owner, and the development subsequently

goes ahead without permission from the Secretary of State, then the Authority should stop any illegal development by court action.

It has the power to do this under present legislation, as do the County, District and Parish Councils, but as there is no duty to do so, the legal recommendation is usually to take no action.

As section 9 of the 1965 Act does not specify which level of authority should act, often none of them do so. To those of us living in the National Park, this seems contrary to natural justice.

3. It was agreed that the report of the Solicitor be sent to all Parish Councils and - more importantly – that the Solicitor should prepare a further document, detailing the implications of his report on the future actions of the Committee and officers of the Authority. However, it might be wise to delay this until the new “Commons Bill” has passed through parliament and become law.”

Mr Ginger concluded by pointing out that these matters were of immediate importance as there were two planning applications (Plans List Nos B05 and B06) before the Committee from Conistone village involving development on common land.

A public notice in the Craven Herald had requested any owner or tenant of the land on which building is proposed to contact the National Park Authority. Mr Ginger suggested that this confirmed that the applicant was aware that a key part of the proposed development would be on “common land with no known owner”. He hoped that if the planning applications for Conistone were approved, that the Authority would inform the applicant of the requirement to obtain approval from the Secretary of State before building commenced and the consequences of failure to do this.



The Chairman responded by stating that normal practice was for statements to be noted and no response given.

However, he commented that Mr Ginger’s letter to the Chief Executive, which had formed the basis of his statement had been tabled and, as it raised a number of issues, would be responded to in due course, with a copy being sent to all members. He added that common land was a complicated matter and hoped that after 40 years some progress was being made. He thanked Mr Ginger for his statement.

965. EXCLUSION OF THE PUBLIC

RESOLVED -

That pursuant to Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting during the consideration 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 in column 2:

<u>Item No on the agenda</u>	<u>Paragraph No</u>
14	7 and 13
18	13

966. APOLOGIES FOR ABSENCE

Apologies for absence were received from J Blackie and Mrs N Grace.

967. DECLARATIONS OF THE EXISTENCE AND NATURE OF PERSONAL INTERESTS

D Heather declared a personal non-prejudicial interest in Plans List No B07, as the architect for the proposal was the son of a colleague.

968. DECLARATIONS OF LOBBYING

The following declarations of lobbying that had occurred too late to be notified in the appropriate way, were made by members:

HA Kirkbride	Lobbied on Plans List No B11
J Sayer	Lobbied on Plans List Nos A01, B02, B03 and B05
OJ Kendall	Lobbied on Plans List No B10
Mrs Y Peacock	Lobbied on Plans List No B14
C Hammond	Lobbied on Plans List No B05

969. APPLICATION FOR FULL PLANNING PERMISSION FOR CONVERSION OF BARN AT HIGH CHAPEL, DENT TO FORM ADDITIONAL AGRICULTURAL WORKER'S DWELLING

CONSIDERED –

The report of the Planning Officer.

RESOLVED –

That, notwithstanding the officer's recommendation for refusal on the basis that the proposed location of the additional dwelling is inappropriate (the proposed fenestration detail having been revised to the satisfaction of the Planning Officer), and will be harmful to the character and appearance of the building and its setting, the application for full planning permission for conversion of barn at High Chapel, Dent to form additional agricultural worker's dwelling be approved, with members' reason no. 2 for approving the application being deleted as not being a material consideration, subject to the following conditions:

- i) G1 - standard time limit
- ii) P2 - amended plans in respect of design issues
- iii) Agricultural occupancy condition imposed on High Chapel Barn
- iv) Agricultural occupancy condition imposed on Northwaite
- v) Within 3 months of first occupation of the house the external curtilage walls shall be built
- vi) Retention of existing roof material
- vii) Rainwater goods to be coloured black
- viii) Window frames recessed 150 mm
- ix) Door frame recesses – details to be submitted and agreed in writing with LPA
- x) External finish of windows and doors – details to be submitted and agreed in writing with LPA
- xi) A sample of new heads and sills

- xii) Removal of permitted development rights – no enlargements, improvements, alterations such as garages, windows/doors
- xiii) Removal of permitted development rights – no buildings or enclosures within the site
- xiv) Flue to be painted matt black
- xv) Further details on vertical bracing and reinforcement, including method and materials
- xvi) Details on necessary excavations

970. APPLICATION FOR FULL PLANNING PERMISSION FOR CONVERSION OF GARAGE TO FORM DWELLINGHOUSE, HORSELEA GARAGE, HAWES

CONSIDERED –

The report of the Senior Planner.

RESOLVED –

That, notwithstanding the officer's recommendation for approval, the application for full planning permission for conversion of garage to form dwellinghouse at Horselea Garage, Hawes, be refused for the following reasons:

The development would result in the loss of one off-street parking space which would increase parking pressure, which at this location would be harmful to the convenience of other road users, and to the detriment of neighbouring residential amenity – contrary to Local Plan Policies TA14 Parking Provision and B13 Conversions of Traditional Buildings.

971. APPLICATIONS FOR PLANNING PERMISSION

The following members of the public addressed the meeting on the Plans List items indicated:

Plans List No B02	Mr N Crapper in support of the application
Plans List Nos B03/B04	Mrs Paul in support of the application
Plans List Nos B05/B06	Mr M Clarke on behalf of the Parish Meeting against the application Mr P Butterfield against the application
Plans List No B10	Mr D Ransom 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: -

Application [Plans List No - Application No - Proposal] Decision
<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><u>Application:</u> A01 C/33/184D Full planning permission for erection of agricultural building and formation of earth bund to Western elevation, Town Head Farm, Grassington</p> <p><u>Decision:</u> That consideration of the application be deferred for a site visit, the visit to be arranged after further information has been provided by the applicant in respect of issues including a further archaeological survey, information on bio-security and economic value. The reasons for the site visit being to enable members to assess on site the full implications of the proposals for potential danger to the environment and the problems for vehicles visiting the site.</p>
<p><u>Application:</u> B02 C/03/8C Full planning permission for change of use from hotel to private dwelling, Amerdale House Hotel, Arncliffe</p> <p><u>Decision:</u> That, following an unsuccessful proposal that the application be deferred to enable further discussions with the applicant on the question of entering into a Section 106 Local Occupancy Agreement and on the possibility of sub-division of the building, consideration be deferred, in accordance with the Members' Code for the Exercise of Development Control, members being minded to approve the application, subject to a Section 106 Local Occupancy Agreement, contrary to policy and/or the officers' recommendation, a report to be submitted to a future meeting of the Committee for determination of the application, the bases for members' decision being that:</p> <ol style="list-style-type: none"> 1. There would be no material loss of local employment 2. The current use of the property as a hotel is not financially viable 3. There has been sufficient advertising of the property for sale 4. Approval would be subject to the applicant entering into a Section 106 Local Needs Occupancy Agreement <p>The named vote in respect of this decision being as follows:</p> <p><u>For the motion to approve the application:</u> RA Bird, WH Brown, G Dalton, C Hammond, TRN Harrison-Topham, D Heather, OJ Kendall, HA Kirkbride, SR Macaré, Mrs S Marshall, Mrs Y Peacock and J Sayer.</p> <p><u>Against the motion to approve the application:</u> Mrs A Brooks, W Fenten, KJ Lancaster, C Lis, Mrs D Millward, A Osborne, JJ Pearlman, Dr KM Petyt, Mrs FG Ramsbottom and Ms N Stedman.</p> <p><u>Abstentions:</u> None.</p>

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

Application: B03 C/03/47 Full planning permission for erection of extension and alterations to existing dwelling, The Old Post Office, Arncliffe.

Decision: That consideration be deferred, in accordance with the Members' Code for the Exercise of Development Control, members being minded to approve the application contrary to policy and/or the officers' recommendation, a report to be submitted to a future meeting of the Committee for determination of the application, the bases for members' decision being that:

1. The proposal would not be visible from any public viewpoint.
2. The recommended design would create opportunities for water retention and damp penetration into the property and adjoining building.
3. The proposal will not be harmful to the character and special interest of the property.

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

For the motion to approve the application:

RA Bird, WH Brown, C Hammond, OJ Kendall, HA Kirkbride, KJ Lancaster, SR Macaré, Mrs S Marshall, Mrs Y Peacock and J Sayer.

Against the motion to approve the application:

Mrs A Brooks, W Fenten, C Lis, Mrs D Millward, A Osborne, JJ Pearlman, Dr KM Petyt, Mrs FG Ramsbottom and Ms N Stedman.

Abstentions:

G Dalton.

Application: B04 C/03/47A/LB Listed building consent for erection of extension and alteration to existing dwelling, The Old Post Office, Arncliffe.

Decision: That consideration be deferred, in accordance with the Members' Code for the Exercise of Development Control, members being minded to approve the application contrary to policy and/or the officers' recommendation, a report to be submitted to a future meeting of the Committee for determination of the application, the bases for members' decision being that:

1. The proposal would not be visible from any public viewpoint.
2. The officers' preferred design would create opportunities for water retention and damp penetration into the property and adjoining building.
3. The proposal will not be harmful to the character and special interest of the property.

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

For the motion to approve the application:

RA Bird, WH Brown, C Hammond, OJ Kendall, HA Kirkbride, KJ Lancaster, SR Macaré, Mrs S Marshall, Mrs Y Peacock and J Sayer.

Application [Plans List No - Application No - Proposal]

Decision

Against the motion to approve the application:

Mrs A Brooks, W Fenten, C Lis, Mrs D Millward, A Osborne, JJ Pearlman, Dr KM Petyt, Mrs FG Ramsbottom and Ms N Stedman.

Abstentions:

G Dalton.

Application: B05 C/20/76G Full planning permission for conversion of existing store building to form living room, erection of link building to provide utility room and office and erection of detached garage/store, Renshaw Farmhouse, Conistone.

Decision: That consideration be deferred, in accordance with the Members' Code for the Exercise of Development Control, members being minded to refuse the application contrary to policy and/or the officers' recommendation, a report to be submitted to a future meeting of the Committee for determination of the application, the bases for members' decision being that:

1. The proposal would be damaging to the character of the ancient farm complex and listed building.
2. The proposal would be overbearing and overdevelopment.
3. The objections detailed by the Conistone-with-Kilnsey Parish Meeting.

For the motion to refuse the application:

RA Bird, Mrs A Brooks, WH Brown, G Dalton, W Fenten, C Hammond, OJ Kendall, HA Kirkbride, KJ Lancaster, SR Macaré, Mrs S Marshall, A Osborne, Mrs Y Peacock, Dr KM Petyt and J Sayer.

Against the motion to refuse the application:

None.

Abstentions:

C Lis, Mrs D Millward, JJ Pearlman, Mrs FG Ramsbottom and Ms N Stedman.

Application: B06 C/20/76H/LB Listed building consent for conversion of existing store building to form living room, erection of link building to provide utility room and office and erection of new garage/store, Renshaw Farmhouse, Conistone.

Decision: That consideration be deferred, in accordance with the Members' Code for the Exercise of Development Control, members being minded to refuse the application contrary to policy and/or the officers' recommendation, a report to be submitted to a future meeting of the Committee for determination of the application, the bases for members' decision being that:

1. The proposal would be damaging to the character of the ancient farm complex and listed building.
2. The proposal would be overbearing and overdevelopment.
3. The objections detailed by the Conistone-with-Kilnsey Parish Meeting.

For the motion to refuse the application:

RA Bird, Mrs A Brooks, WH Brown, G Dalton, W Fenten, C Hammond, OJ Kendall, HA Kirkbride, KJ Lancaster, SR Macaré, Mrs S Marshall, A Osborne, Mrs Y Peacock, Dr KM Petyt and J Sayer.

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

Against the motion to refuse the application:

None.

Abstentions:

C Lis, Mrs D Millward, JJ Pearlman, Mrs FG Ramsbottom and Ms N Stedman.

Application: B07 C/31/633A Approval of reserved matters for erection of detached bungalow, Pathways, The Mains, Giggleswick.

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

Application: B08 C/31/88C Full planning permission for erection of two storey extension and alterations to existing outhouse to form entrance porch, 'Belfield', The Mains, Giggleswick.

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

To APPROVE subject to conditions based on the following:

1. Standard time (3 Years).
2. Adherence to submitted plans.

Application: B09 C/52/649A Full planning permission for erection of 2 No agricultural buildings for storage of agricultural machinery and material, Neeps Close, New House Lane, Long Preston.

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

To APPROVE the application subject to conditions based on the following:

1. Standard time (3 Years)
2. Adherence to submitted plans.
3. Prescription of design standards (to include staining of timber, materials and finishes).
4. Removal when redundant for agricultural purposes, unless alternative use approved.

Application: B10 R/01/125A Full planning permission for conversion of barn/store to form dwelling, Barn at top of Langthwaite.

Decision: That 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 roads leading to the site are unsuitable for the traffic likely to be generated by the proposal

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2. visibility of 2m x 33m cannot be achieved and would be likely to create conditions prejudicial to highway safety
3. the proposal is contrary to Policies B13 and GP3 as increased demand for off-road parking beyond the site would be harmful to residential amenity in the area.

Application: B11 R/51/82B Full planning permission for erection of agricultural workers dwelling, Field No.9932, Aysgarth.

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

That planning permission should be GRANTED subject to conditions based on the following:

1. Standard time limit.
2. In accordance with plans.
3. Agricultural worker occupancy condition
4. Highway requirements
5. Retention of parking spaces
6. Boundary to utilise dry stone walls
7. Samples of materials
8. Remove PD rights

Application: B12 R/52/5V Full planning permission for siting of telemetry equipment, land adj. to River Ure, Yorebridge House, Bainbridge.

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

That planning permission should be GRANTED subject to conditions based on the following:

1. Standard time limit
2. Development in accordance with plans
3. Colour of equipment to be dark green
4. Protection of trees during works

Application: B13 R/52/178A Full planning permission for erection of alvarion subscriber unit (microwave panel antenna), Highways Depot, Bainbridge.

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

That planning permission should be GRANTED subject to consideration of public responses received before the expiry of the consultation period, and subject to conditions based on the following:

1. Standard time limit
2. Development in accordance with plans
3. Colour of subscriber unit to be dark grey.

Application: B14 R/52/121A Full planning permission for creation of trekking centre

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

and extension to existing barn, Fell Cottage, Marsett.

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

That planning permission should be GRANTED subject to conditions based on the following:

1. Standard time limit
2. Compliance with submitted details
3. Limit number of ponies to 3
4. No outside storage
5. Retention of parking spaces
6. Retention of track/parking surface materials
7. Removal of building when use ceases.

972. VARIATION OF SECTION 106 AGREEMENT – GREENGATE BARN, KIRKBY MALHAM

CONSIDERED –

The report of the Senior Planning Officer.

RESOLVED –

That authority be given for the variation of the S106 Legal Agreement required in respect of the planning permission for the erection of a dwelling at Greengate, Kirkby Malham, the variation being to exclude the barn (now Greengate Barn) from the terms of the agreement.

973. RICHMONDSHIRE AND CRAVEN DISTRICT HOUSING NEED SURVEYS 2005

CONSIDERED –

The report of the Strategic Planning Officer.

RESOLVED –

That the Authority notes the conclusions of these surveys and will have regard to them in the determination of planning applications, the implementation of policy and the review of housing policy, land allocations and key worker definitions.

974. AMENDMENT TO THE YORKSHIRE DALES LOCAL DEVELOPMENT SCHEME

CONSIDERED –

The report of the Strategic Planning Officer.

RESOLVED –

That the revised Local Development Framework timetable be noted.

975. MEMBERS' CODE FOR DEVELOPMENT CONTROL

CONSIDERED –

The report of the Head of Planning.

RESOLVED –

That the proposed amendments to the Members Code for Development Control as set out in the report of the Head of Planning be approved and the Code update accordingly.

976. REPORT OF THE HEAD OF PLANNING

CONSIDERED –

The report of the Head of Planning.

RESOLVED –

That :

- (a) the report be noted; and
- (b) if no objections have been received by the end of the 28 day objection period, Tree Preservation Order No 10 (Giggleswick) 2005 be confirmed.

977. UNAUTHORISED ERECTION OF FRONT PORCH, BRIDGE COTTAGE, GAWTHROP DENT

CONSIDERED –

The report of the Planning Enforcement Officer.

RESOLVED –

That the Authority's solicitor be authorised to take enforcement action to ensure that the unauthorised front porch at Bridge Cottage, Gawthrop, Dent is removed together with any associated fixtures and fittings, the compliance period to be three months from the service of the notice to allow for the work of removal to be carried out.

978. UNAUTHORISED SITING OF CARAVANS IN EXCESS OF NUMBER PERMITTED AT CAUSEWAY CARAVAN PARK, KETTLEWELL

CONSIDERED –

The report of the Enforcement Officer.

RESOLVED –

That:

- (a) the owner of Causeway Caravan Park, Kettlewell be informed by letter of recent findings regarding use of the site and that more sustained monitoring will be carried out during the next caravanning season, and
- (b) a further report be brought to the Planning Committee on the outcome of the proposed monitoring, with a recommendation on any enforcement action that may be considered justified.

The remainder of business was considered in private.

979. PRIVATE MINUTES

RESOLVED –

That the private minutes of the meeting held on 11th October 2005, having been printed and circulated, be taken as read and be confirmed and signed by the Chairman.

980. PLANNING ENFORCEMENT CLOSURES REPORT

CONSIDERED –

The report of the deputy Head of Planning.

RESOLVED –

That the enforcement cases listed in the report of the Deputy Head of Planning be closed.

981. URGENT BUSINESS: JUDICIAL REVIEW – EMB SAY TANNERY PLANNING APPLICATION

The Chairman decided that because of the need for members to be kept fully informed of the matter, the report of the Senior Legal Officer be considered as urgent business.

The Senior Legal Officer updated the Committee regarding the Embsay Tannery judicial review proceedings. She informed the Committee that the applicants had been granted leave to apply for judicial review by the Court. The matter would now be dealt with at a full hearing and the time-scale for the process could be up to 12 months. The Authority would be seeking to recover its costs for the case, if successful.