

YORKSHIRE DALES NATIONAL PARK AUTHORITY

PLANNING COMMITTEE

Public minutes of the meeting held at Middleham Key Centre on Tuesday, 13th June 2006.

Present:

RA Bird, J Blackie, Mrs A Brooks, WH Brown (in the Chair), SHK Butcher, G Dalton, C Hammond, TRN Harrison-Topham, OJ Kendall, HA Kirkbride, C Lis, SR Macaré, Mrs S Marshall, Mrs D Millward, A Osborne, Mrs Y Peacock, JJ Pearlman, Dr KM Petyt, Mrs FG Ramsbottom, Ms N Stedman and W Weston.

COPIES OF ALL DOCUMENTS CONSIDERED ARE IN THE MINUTE BOOK

68/06 MEMBERSHIP OF THE AUTHORITY

The Chairman reported that Graham Dalton had been re-appointed by the Secretary of State to serve on the Authority as a Parish member. On behalf of the Committee he welcomed him back the Authority.

69/06 MINUTES

RESOLVED –

That the public minutes of the meeting held on 9th May 2006, having been printed and circulated, be taken as read and be confirmed and signed by the Chairman as a correct record.

70/06 PUBLIC QUESTION TIME

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

71/06 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>
12	5, 6 & 7
13 (the 'personal' information contained in the report)	1
14	6 & 7

72/06 APOLOGIES FOR ABSENCE

Apologies for absence were received from KJ Lancaster.

73/06 DECLARATIONS OF THE EXISTENCE AND NATURE OF PERSONAL INTERESTS

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

SKH Butcher	Personal and prejudicial interest in Plans List No B08, as father of the applicant.
TRN Harrison-Topham	Personal and prejudicial interest in Plans List No A05 being acquainted with the applicant. Personal and prejudicial interest in Plans List Nos B09 and B10 as a neighbour of the applicant. Personal and prejudicial interest in Agenda Item 10(b) being an acquaintance of the landowner.
WH Brown	Personal and prejudicial interest in Plans List No A04 as landowner. Personal and prejudicial interest in Agenda Item 9, as someone who hosts caravan rallies.

74/06 ELECTION OF DEPUTY CHAIRMAN

Having declared personal and prejudicial interests in two items for consideration by the Committee, the Chairman reminded members that the Deputy Chairman (a position held until his 'absence' by Graham Dalton) should normally chair the meeting for those items. The Chairman therefore proposed that Graham Dalton should also be elected to serve as Deputy Chairman.

Having been nominated unopposed, it was -

RESOLVED –

That G Dalton be elected Deputy Chairman of the Committee, to hold office until the first meeting of the Committee following the annual meeting of the Authority in 2006.

75/06 DECLARATIONS OF LOBBYING

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

All Members	Lobbied on Plans List No A05 and Agenda Item 8
J Blackie	Lobbied on Plans List Nos A02, A03 and A04
JJ Pearlman	Lobbied on Plans List No A04
OJ Kendall	Lobbied on Plans List Nos A03 and A04 and Agenda Item 9
WH Brown	Lobbied on Plans List No A07

76/06 APPLICATIONS FOR PLANNING PERMISSION

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

Plans List No A04	Mrs B Price in support of the application Dr P Evans against the application J Gill against the application Mrs J Stocks against the application
Plans List No A05	Mr JP Morrogh-Ryan 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**

[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.]

Application: A01 C/04/644A Approval of reserved matters for erection of five 3 bedroomed stone terrace cottages and associated infra-structure, Land off Pant Lane, opposite Pant Head, Austwick.

Decision: That consideration be deferred, as members were minded to refuse 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. Approval of the application would result in overdevelopment of the site.
2. The design of the proposed dwellings units was inappropriate.
3. Access and parking provision were inadequate.

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

For the motion to refuse the application:

RA Bird, J Blackie, Mrs A Brooks, WH Brown, SHK Butcher, G Dalton, C Hammond, TRN Harrison-Topham, OJ Kendall, HA Kirkbride, C Lis, JJ Pearlman, Dr KM Petyt and Mrs FG Ramsbottom.

Against the motion to refuse the application:

SR Macaré and A Osborne.

Abstentions:

Mrs D Millward, Mrs Y Peacock, Ms N Stedman and W Weston.

Members also requested officers to investigate whether the partial demolition of the boundary wall was lawful.

Application: A02 C/18/65E Full planning permission for change of use and conversion of existing office accommodation and commercial storage unit into 3 residential dwellings, Old Mason's Yard, Cross Haw Lane, Clapham.

Decision: That consideration be deferred, as members were minded to refuse 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. Approval of the application would result in the loss of an employment site.
2. Marketing of the site may only have been for rent and not included sale of the property.

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Decision**

3. The site will only be able to accommodate limited amount of parking.
4. Development of the site for housing would have an adverse impact on the availability of parking for the Village Hall.

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

For the motion to refuse the application:

RA Bird, J Blackie, Mrs A Brooks, WH Brown, SHK Butcher, G Dalton, TRN Harrison-Topham, OJ Kendall, C Lis, SR Macaré, Mrs D Millward, Mrs Y Peacock, JJ Pearlman, Mrs FG Ramsbottom, Ms N Stedman and W Weston.

Against the motion to approve the application:

None.

Abstentions:

HA Kirkbride, A Osborne and Dr KM Petyt.

Application: A03 R/06/158D Full planning permission for change of use of land to mixed agricultural and equestrian use for private and business use training horses in western riding and driving, Skeb Skeugh Farm, Angram.

Decision: That the Planning Officer's revised recommendation, to defer consideration of the application to enable the applicant's amended scheme to be given detailed consideration prior to consideration by members, be approved.

[The revised recommendation followed the receipt on the morning of the meeting of notification from the applicant of his intention to amend his application in line with officers' advice.]

Application: A04 R/07/105A Full planning permission for change of use of field barn and land to form bike hire, service and repair centre and bunkhouse accommodation and café, Field Barn, Parks Field, Fremington.

Decision: 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:

1. Approval of the application would not result in any adverse impact on neighbouring properties.
2. Parking was not considered to be an issue.
3. The concern of the Highway Authority over lack of visibility from the site would apply to most locations in Swaledale.
4. The proposed development was supported by several 'key' organisations, including the Yorkshire Tourist Board, Sport England, Sustrans, the Cyclists Touring Club and the Authority's own Cycling Project Officer and Access Officer.

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Decision**

5. The proposal is in line with the Authority's own policies in respect of sustainable tourism.
6. Approval of the application would provide employment opportunities.
7. The proposed works to the barn would result in planning gain.
8. The location for the development is the 'hub' of cycle routes in the area.
9. The site is convenient for access to amenities in the village.

In supporting the application it was proposed that any approval should be personal to the applicants and subject to a Section 106 agreement to restrict the business to cycles (to prevent its use or future use by motor cycles).

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

For the motion to approve the application:

RA Bird, J Blackie, SHK Butcher, G Dalton, C Hammond, TRN Harrison-Topham, OJ Kendall, HA Kirkbride and Mrs Y Peacock,

Against the motion to approve the application:

Mrs A Brooks, C Lis, Mrs D Millward, A Osborne, JJ Pearlman, Mrs FG Ramsbottom, Ms N Stedman and W Weston.

Abstentions:

SR Macaré, Mrs S Marshall and Dr KM Petyt.

Application: A05 R/07/265B Full planning permission for replacement of dwelling retaining existing front wall and part of gable wall, Daggerstones, Healugh.

Decision: 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:

1. The Authority has no relevant planning policies that address the situation that the applicant finds himself in.
2. The planning background justified approval.
3. There is unlikely to be a precedent set, given the special circumstances of the application.
4. If approval was refused, the remaining structure would be an eyesore.

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

For the motion to approve the application:

RA Bird, J Blackie, Mrs A Brooks, WH Brown, SHK Butcher, G Dalton, C Hammond, OJ Kendall, HA Kirkbride, C Lis, SR Macaré, A Osborne, Mrs Y Peacock, Dr KM Petyt, Ms N Stedman and W Weston.

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

Against the motion to approve the application:

Mrs S Marshall, JJ Pearlman and Mrs FG Ramsbottom.

Abstentions:

Mrs D Millward.



In taking the above decision, it was suggested that the proposed building should use the stone that had formed the original building and that the cement mix should match that used in the remaining stonework.

Members expressed grave concern about the content of one of the letters circulated at the meeting that was addressed to the Planning Inspectorate and was critical of officers of the Authority. The Committee was keen that officers should be aware that they had the full support and confidence of members.

Application: A06 S/03/263A Full planning permission for drainage works on football pitch and levelling (retrospective), Howgill Lane Playing Fields, Sedbergh.

Decision: That the application be refused and enforcement action authorised in accordance with the following Planning Officer's recommendation:

1. That the application be refused for reasons related to potential flood risk.
2. That the solicitor be authorised to take enforcement action to secure the minimum works necessary (on advice from South Lakeland District Council Drainage) to safeguard the neighbouring properties from risk of flooding from the drainage works undertaken in July 2002.
3. That the applicants be given 6 months in which to comply with the terms of the enforcement notice.

Application: A07 S/03/405 Full planning permission to create new access and parking, Hebblethwaite Hall Cottage, Cautley, Sedbergh.

Decision: That, in view of the Planning Officer's change of recommendation following the late receipt of new information to one of refusal, consideration of the application be deferred in order to give the applicant the opportunity to consider that revised recommendation.

Application: B08 C/60/51D Full planning permission for conversion of offices to form activity centre and erection of extension for kitchen/dining area, Sun Hill Farm, Fleets Lane, Rylstone.

Decision: That the application be approved in accordance with the following Planning Officer's recommendation:

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Decision**

Recommendation is to grant planning permission subject to conditions based on the following:

1. Standard time limit – 3 years
2. In accordance with the approved plans
3. Restriction within C2 Use Class
4. Materials to match existing building
5. Restrict ancillary managers accommodation

Application: B09 R/60/9C Full planning permission for erection of cattle building, Kell Gill Farm, Agglethorpe.

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

It is recommended that permission is granted subject to the following conditions:

1. Standard Time Limit
2. Stained Timber
3. The roof sheets shall be factory painted 4800 British Standard Colour Range BS 18 B 29 (slate blue/black) or other such colour as shall be agreed in writing with the Local Planning Authority and shall not painted in-situ.
4. Prior to the commencement of development details of the existing ground levels and the proposed slab level of the building shall be submitted to and approved in writing by the Local Planning Authority. The building shall be constructed in accordance with the approved levels.
5. Prior to the commencement of development details of surface water and foul water drainage systems shall be submitted to and approved in writing by the Local Planning Authority. The approved systems shall be in place and available for use prior to the first use of the building for housing livestock.

Application: B10 R/60/10C Full planning permission for erection of sheep house, Kell Gill Farm, Agglethorpe.

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

It is recommended that permission is granted subject to the following conditions:

1. Standard Time Limit
2. Stained Timber
3. The roof sheets shall be factory painted 4800 British Standard Colour Range BS 18 B 29 (slate blue/black) or other such colour as shall be agreed in writing with the Local Planning Authority and shall not painted in-situ.
4. Prior to the commencement of development details of the existing ground levels and the proposed slab level of the building shall be submitted to and approved in writing by the Local Planning Authority. The building shall be

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constructed in accordance with the approved levels.

5. Prior to the commencement of development details of surface water and foul water drainage systems shall be submitted to and approved in writing by the Local Planning Authority. The approved systems shall be in place and available for use prior to the first use of the building for housing livestock.

77/06 BARN AT CAMS HOUSE, ASKRIGG

CONSIDERED –

The report of the Head of Planning.

The Chief Executive informed members that the Authority had received an Article 14 Direction from the Government Office in Leeds. He explained that the Direction prevented the Authority from granting permission for the application until a decision is made on whether or not the application is to be called in for determination by the Secretary of State. He stressed to members that the Direction should not in anyway affect their consideration of the report.

The Head of Planning took members through the detail of his report and confirmed his 'Conclusion' that there were material considerations that could be taken into account by members.

A member suggested that there were three elements that he believed were material considerations sufficient to support approval of the application – planning, process and personal. In respect of the planning element, he reminded members that when the Committee had last approved the application the settlement was included within the draft Local Plan, only to be later removed on the recommendation of the Inspector. In addition, the Richmondshire Housing Survey indicated a need for the provision of affordable homes in Upper Wensleydale. He also reminded members of the process that the application had gone through, having been before members on four occasions and also been to the Government Office who had decided not to 'call in' the application for determination by the Secretary of State. He suggested that the process had been lengthy and at times had progressed very slowly, due partly to delays on the part of the Authority. Had those delays not occurred with the progress of the Section 106 agreement, he suggested that the agreement would have been concluded and the matter closed. His final 'element' related to the personal circumstances that the applicant had found himself in. A family bereavement and serious illness had prevented the applicant from being able to progress the application. Also, he suggested that the reference to who might occupy the accommodation was irrelevant – the application was for a 'dwelling for local affordable housing for rent in perpetuity'.

The Monitoring Officer confirmed that, in his opinion, there had been changes in material considerations since the application had last been before members. He did not believe that personal circumstances were relevant as the application was

non-specific as regards occupancy. He agreed that the history of the application was unique and whilst the history would rarely be relevant to a case, he believed that in this instance it could be considered to be relevant. He stated that it could be argued that as the Committee had approved the application on four previous occasions, then unless there were significant changes, those previous decisions should be supported. When the Monitoring Officer's report had been produced in 2003, it stated that there was no legal basis for a decision of approval. Since then, however, matters had changed, with the Head of Planning, who had previously recommended refusal of the application, now not doing so, but asking for members' views. He concluded that, in his opinion, there were grounds on which members could either lawfully grant planning permission or refuse the application.

Members considered the matter in detail and raised a number of issues, including:

- if the application had been unlawful in 2003, as the settlement was now not in the Local Plan, it could be argued to be even more unlawful
- concern that the matter had been brought back to members after such a period of time
- suggesting that there were many questions unanswered which warranted deferral of the Committee's consideration (a proposal that was not seconded). Alternatively those questions would be submitted to the Government Office as being pertinent to the determination of the application.
- suggesting that once a decision had been made by the Authority, there was a corporate responsibility on members to accept that decision
- raising concern about the delays in the process which, if they had not occurred, would almost certainly have resulted in the agreement having been signed and the matter concluded, therefore suggesting that the Authority was duty bound to approve the application
- noting the exceptional planning history of the case; looking not at the original decision, but what is currently before the Committee and what has changed.

The Committee's Solicitor confirmed that the Section 106 Agreement that would restrict occupancy had been based on a form of agreement used by the Authority previously.

RESOLVED –

That the planning committee's decision, made on 14th October 2003, to approve the application subject to conditions and a planning obligation restricting occupation to local people on an affordable rental basis in perpetuity, be reaffirmed.



The Chief Executive informed the Committee that, in view of the Article 14 directive, he would write to the Government Office and indicate the decision that members have made and request a speedy decision from the Secretary of State.

78/06 PROPOSED CARAVAN RALLY AT FREMINGTON MILL

CONSIDERED –

The report of the Senior Planning Officer.

Members considered whether, if the rally was objected to, a suggestion of a preferred site should be submitted to the Caravan Club.

Some members indicated a preference for the use of Field A, although decided not to pursue that proposal if an objection was to be made.

RESOLVED –

That an objection be made to the Caravan Club to the proposed rally from 8th to 10th September 2006 at Fremington Mill.

79/06 UNAUTHORISED BUILDING AND CHANGE OF USE OF LAND – FIELD SHELTER, OS FIELD 5845, CARPERBY TO AYSGARTH ROAD

CONSIDERED –

The report of the Planning Enforcement Officer.

Members were informed of the distinction between a horse merely grazing in a field and the keeping of horses. The permanence of the shelter was also emphasised.

RESOLVED –

That in respect of the unauthorised building and change of use of land at OS Field 5845, Carperby to Aysgarth Road, authorisation be given for enforcement action to be taken for the removal of the field shelter and for the land to be returned to agricultural use; the period for compliance to be six months.

80/06 UNAUTHORISED CONSTRUCTION AND USE OF LAND AS DOMESTIC CURTILAGE – GRANGE FARM, EAST WITTON

CONSIDERED –

The report of the Planning Enforcement Officer.

In response to a member's concern, the Enforcement Officer stated that she would investigate whether the red pantiles on the roof of the former outbuildings were in accordance with the approved scheme for the buildings' alteration.

RESOLVED –

- (a) That in respect of the unauthorised construction and use of land as domestic curtilage at Grange Farm, East Witton authorisation be given for enforcement action to be taken for:
- (i) the removal of the unauthorised patio, walls, steps and barbecue, with a compliance period of 6 months to carry out the work; and
 - (ii) the return of the land to agricultural use, with a compliance period of 12 months to complete the work;
- (b) That a report be brought to a future meeting of the Committee on the outcome of investigations into whether the red pantiles on the roof of the former outbuildings were in accordance with the approved scheme for the buildings' alteration.

81/06 REPORT OF THE HEAD OF PLANNING

CONSIDERED –

The report of the Head of Planning.

RESOLVED –

That the report be noted.

The remainder of business was considered in private.

82/06 PRIVATE MINUTES

RESOLVED –

That the private minutes of the meeting held on 9th May 2006, having been printed and circulated, be taken as read and be confirmed and signed by the Chairman as a correct record.

83/06 BARN AT CAMS HOUSE, ASKRIGG

CONSIDERED –

The report of the Head of Planning.

RESOLVED –

That the two letters from the applicant's Solicitor, giving 'personal' information, be noted.

84/06 PLANNING ENFORCEMENT CLOSURES REPORT

CONSIDERED –

The report of the Deputy Head of Planning.

RESOLVED –

That the report be noted and those cases recommended for closure be closed.