



North Yorkshire
Campaign to Protect Rural England

OBJECT

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Planning Application details:

2018/18883/FUL

Land At Draughton Off Access Road To A65 Draughton Skipton BD23 6DY Proposal: Full planning application for residential development of up to four dwellings. Case Officer: Mrs Gemma Kennedy

The North Yorkshire Branch of the Campaign to Protect Rural England CIO(CPRENY)
Registered charity 1174989
Bendgate House, Long Preston, Near Skipton, North Yorkshire, BD23 4QR
01729 850567 cprecraven@me.com www.cprenorthyorkshire.co.uk

All responses should be sent to: cprecraven@me.com

Branch code: 2018FebCDCCdraughtonm

All CPRENY CIO comments are prepared by the Branch with professional planning advice, research conducted and recommendations by qualified planning consultants.

Introduction

The North Yorkshire Branch of the Campaign to Protect Rural England CIO operates with the help of planning wardens in the different local authority administrative districts reporting directly to the branch following a recent restructure. All correspondence should therefore, be directed to the Chair of the Branch.

The North Yorkshire Branch of the Campaign to Protect Rural England CIO (referred to in this document as “CPRENY” or “the branch”) welcomes the opportunity to comment on this planning consultation for the development of up to 4 Dwellings at Draughton

Planning Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application should be determined in accordance with the development plan unless material planning considerations indicate otherwise.

When determining the application, other ‘material considerations’ need to be taken into account. These considerations include other relevant policies and guidance particularly national planning policies provided by the National Planning Policy Framework (NPPF) and other relevant Government policy statements alongside the National Planning Practice Guidance (PPG).

The NPPF was published by the Department for Communities and Local Government (DCLG) in 2012 and set out the Government’s planning policies for England and how they are expected to be applied. The NPPF is a material consideration which should be used to aid the determination of this planning application.

Achieving sustainable development is the primary aim of the NPPF. Paragraph 14 states that for decision making this means that proposals should be approved when in accordance with the development plan without delay, or where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:

- *“Any adverse impacts of doing so would significantly and demonstrably outweigh benefits, when assessed against the policies in this framework as a whole; or*
- *Specific policies in this framework indicate development should be restricted.”*

The NPPF requires that housing applications are considered in the context of a presumption in favour of sustainable development and states at paragraph 49 that *“relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites.”*

The recent High Court Ruling (Richborough Estates) makes it clear,, that just because a Local Planning Authority does not have a demonstrable five-year supply and therefore housing policies cannot be ‘up-to-date’ does not mean that restrictive policies are too. The weight to be given to a restrictive policy (or any other policy) was stated to be ‘a question of planning judgement’. Therefore, the fact that this site is currently within the ‘open countryside’ should be given considerable weight in the planning balance when determining this application.

Draughton

Draughton is a small village between Addinham, Bolton Abbey and Skipton. The local community consists of approximately 100 homes and farms and the village is set within view of the Yorkshire Dales National Park. The application site sits within the Draughton Conservation area.

Draughton is regarded as a 5th Tier location in the CDC settlement hierarchy because it is regarded as a unsustainable location. There are no services nor amenities within Draughton. The village has a very limited public transport system.

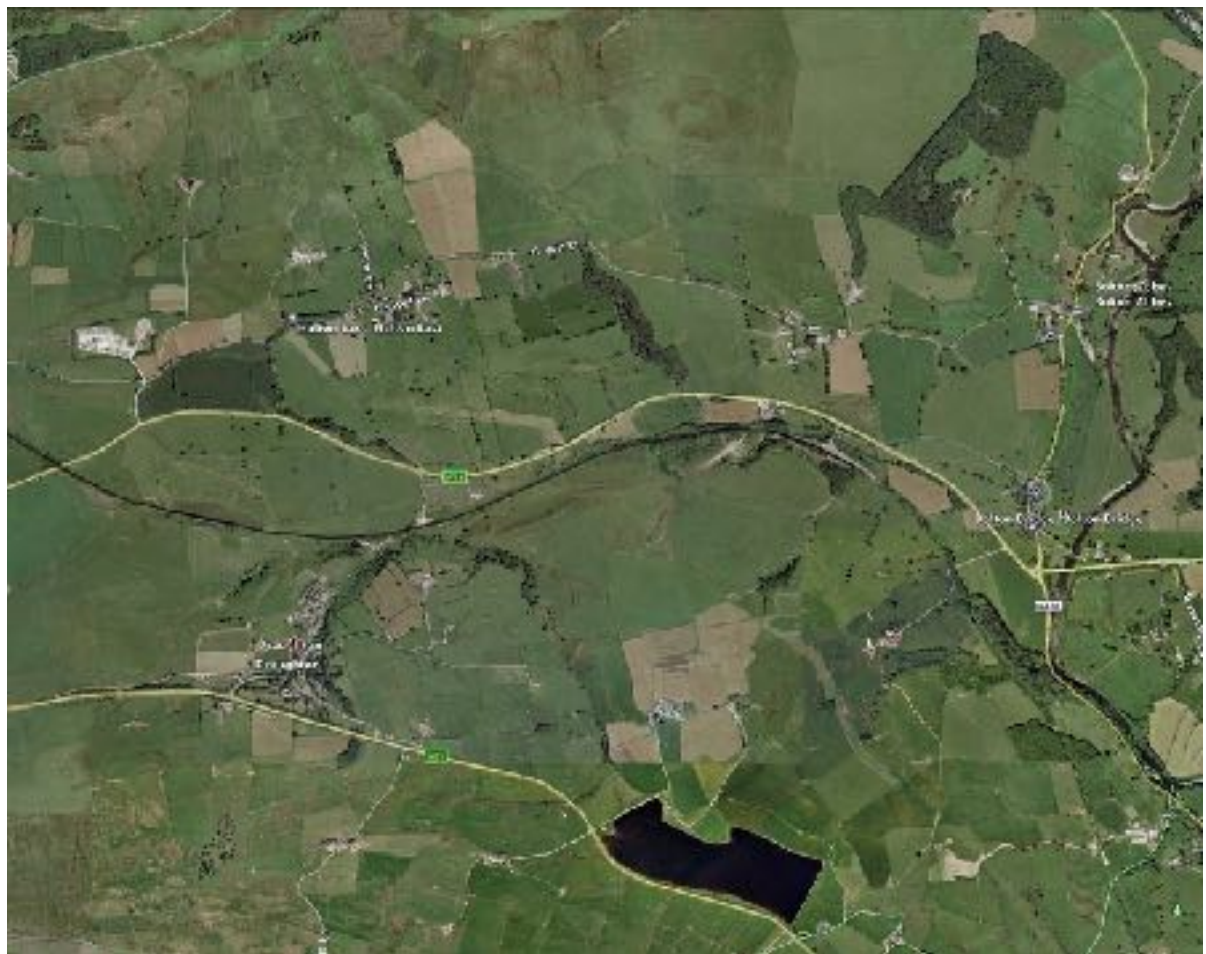
The application site is not a preferred site.

The village has a thriving local community.

CPRENY supports and endorses the local Parish Council who voted to object to this application.

Draughton Parish Council invited the developer (and their agents) to meet with them for pre-application discussions with the local community. No response from developer or agent was received (according to the local PC).

The same developer submitted an application for 9 homes on this green field site in 2016 however the application was withdrawn.



The Application

CPRENY has examined the files and listened to local people who contacted this charity. Following our research we have weighed up the harm of the development against the benefits.

1 The application is contra to both national and local policies:

ENV 1 & 2 of the CDC Saved Local Plan 1999

Development of this greenfield site in the open countryside, outside development boundaries of Draughton, within the Draughton Conservation Area, visible from the Yorkshire Dales National Park is contra to the Saved Local Plan

The application fails to illustrate any special economic, social and or environmental circumstances to warrant approval of this application (emerging local Plan 2017) (SO 08,10, 12,14,15)

2 The Draughton Conservation Area

A conservation area is a designated heritage asset.

The statutory definition is 'an area of special architectural interest, the character or appearance of which it is desirable to preserve or enhance' (Planning (Listed Buildings and Conservation Areas) Act 1990).

Conservation areas are a key component of heritage protection. They are designated by local authorities. There is a significant threat to 1:13 Conservation areas within England.

The impact on heritage assets such as Grade II listed buildings and conservation areas IS A MATERIAL PLANNING CONSIDERATION.

The setting of a heritage asset is an important contributory factor to the 'significance' of the asset. THE SETTING IS UNFIXED as it represents the surroundings in which the asset is experienced. Immediate surroundings may provide the context in which an asset is understood.

The NPPF sets out that in terms of heritage assets, significance derives not only from the heritage asset's physical presence, but also from its setting. CPRENY believe that the proposed development would detract from the open character of the settlement and thus the setting of the heritage assets in conflict with national and local plan policies. Paragraph 133 of the Framework clearly states that "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"

Protecting and enhancing the historic environment is an important component of the National Planning Policy Framework's drive to achieve sustainable development (as defined in Paragraphs 6-10). The appropriate conservation of heritage assets forms one of the 'Core Planning Principles' (Paragraph 17 bullet 10) that underpin the planning system. This is expanded upon principally in Paragraphs 126-141 but policies giving effect to this objective appear elsewhere in the National Planning Policy Framework.

The conservation of heritage assets in a manner appropriate to their significance is a core planning principle.

Heritage assets are an irreplaceable resource and effective conservation delivers wider social, cultural, economic and environmental benefits.

Conservation is an active process of maintenance and managing change. It requires a flexible and thoughtful approach to get the best out of assets as diverse as listed buildings in every day use to as yet undiscovered, undesigned buried remains of archaeological interest.

Part of the public value of heritage assets is the contribution that they can make to understanding and interpreting our past.

NPPF 126 refers to both the historic environment and heritage assets. The historic environment is an all encompassing term that covers 'all aspects of the environment resulting from interaction between people and places..' Heritage assets - a building, monument site, place, area or landscape identified as having a degree of 'significance' represents aspects of the historic environment. In this context significance should be considered a technical rather than a general description.

Reference: in relation to both Heritage assets we refer to Court of Appeal Judgement 18 February 2014

Barnwell Manor Wind Energy Limited v E Northamptonshire District Council and others. In this case the judge rules that once the decision made finds SOME harm to a heritage asset, that harm should be given "CONSIDERABLE WEIGHT ", creating a "strong presumption" AGAINST the grant of planning permission.

In the recent appeal to the Secretary of State by Fairfield Partnership against South Norfolk District Council in relation to a 70 home application: The Secretary of State agreed with the Planning Inspector that although the harm caused to the setting of Wymondham Abbey "would be LESS THAN SUBSTANTIAL", he also agreed that the Barnwell Manor judgement "indicates that this should be afforded considerable weight and importance." He shared the Inspector's conclusion that under para 134 of the NPPF, the benefits of the scheme do not outweigh the less than substantial harm it would cause to the setting of the Abbey.

The decision by the Planning Inspectorate in 1992, stated without doubt, that development on this site WOULD harm the character and appearance of the Draughton Conservation Area. The Inspector identified that this site in its entirety is a KEY feature in the setting of the village and contributes SIGNIFICANTLY to the visual amenity of the area.

3 Size & Scale

Whilst the application is for four dwellings, which in terms of size of Draughton and the already approved 3 dwellings, is unacceptable it is important to recognise the previous withdrawn application for nine dwellings. Should the principle of development be established on this site, it is our opinion that the developer will seek to piecemeal develop this site with further small scale applications. This may not be a material planning consideration at this stage however, there exists in our opinion, clear and present danger that this will be the case.

4 Proximity to the Yorkshire Dales National Park

The site sits on the opposite side of the valley to the Yorkshire Dales National Park and would therefore be visible from the National Park.

Natural England Publication: 'England's Statutory landscape designation: a practical guide to your duty of regard' (NE243)

'Development that takes place outside the National Park boundaries can still have the potential to impact on the special qualities of National Parks, particularly on landscape quality and tranquillity.

The importance of the protection of landscapes in relation to National Parks is further emphasised by:

NPPF para 115

“Great weight should be given to conserving landscape and scenic beauty in National Parks...which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas and should be given great weight in National Parks....”

5 Loss of grazing land

The application site is grazing land. The village is surrounded by grazing land thus forming the rural setting of the village.

There is a proven need to increase food production in the United Kingdom. Craven contributes considerably in the production of cattle and sheep for ‘finishing’. It was previously pointed out to the Spatial Planning Sub Committee and planners that Farming was woefully neglected in the emerging local plan. The Chairman and committee agreed and advised Craven District Council planners to consider measures to correct this.

Farming contributes significantly to the tourism that provides substantial income and generates employment in Craven. It is farming that maintains hedgerows, dry stone walls and the character of the Craven countryside. The agricultural industry of the Yorkshire Dales area contributes significantly to food and milk production. It is therefore essential to protect versatile farm land, from development.

Conclusion

CPRENY (CIO) objects to the PRINCIPLE of development on the application site, the key reasons are:

Contra to both National and local policies

Adverse impact on the Draughton Conservation Area

Adverse impact on the character and appearance of the local area

Potential to impact on the views from within the Yorkshire Dales National Park

Size and Scale

Infrastructure - lacking and unable to support the development
Adverse impact on residential amenity of existing residents.

It is our opinion that the harm of the proposal far outweighs and perceived benefits of further “executive homes”. The application is not sustainable. We respectfully submit that the application should be refused.

