



objection

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Planning Application details:

2018/18891/FUL Proposed residential development to create 13 No dwellings accessed from Back Gate, Ingleton

At Land Behind Panwell Cottage and Springwell Cottage, to east of Back Gate, Ingleton, Carnforth, North Yorkshire, LA6 3BJ

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Branch code: 2018FebCDC13unitsBackGateIngleton

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

Name of external planning consultation in relation to this comment:



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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 consultation

CPRENY objected to an application for 25 dwellings on this site in March 2016 (45/2015/16500). The application was withdrawn prior to determination.

CPRENY maintains its objection to the development of this site, for the reasons as set out below:

- The site is outwith the development limits and therefore in the open countryside;
- Significant harm would be caused to the Ingleton Conservation Area;
- Impact on a Grade II Listed Heritage Asset;
- The detrimental impact on a Public Right of Way;
- The adverse impacts on the local highway network and access; and
- The development would be contrary to both local and national planning policies.

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.

The Development Plan relevant to this application consists of:

- Saved Policies from the Craven (Outside the Yorkshire Dales National Park) Local Plan (1999).

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.”*

In May 2017, CDC published its ‘Five Year Housing Land Supply Methodology and Report’ providing an up to date assessment of housing need throughout the Borough. It is understood that the updated position is that CDC possesses a 5.49-year supply of housing land including a 20% buffer in line with the requirements of paragraph 47 of the NPPF. This means that for the purpose of decision making, full weight can and should be attributed to the housing supply policies (and indeed other relevant policies where they are consistent with the Framework) in the planning balance.

Paragraph 216 of the NPPF also sets out that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to (inter alia) *“the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given) and the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework (the closer the policies in the emerging plan to the policies in the framework, the greater the weight that may be given)”*. The Council have recently undertaken a consultation on their emerging Local Plan. This was their ‘Publication’ draft Local Plan and is the one they intend to submit to the Secretary of State. Whilst the policies in the Plan have not yet been subject to the Independent Examination, the policies have been consulted on and because of the late stage in preparation, can be given due weight in the planning balance when determining applications as a material consideration.

The 1999 Local Plan classifies Ingleton as a Local Service Centre. The proposed site falls outside the development boundary for Ingleton and is therefore categorized as ‘open countryside.’ Paragraph 4.8.1 deals with development within the open countryside setting out that *“Development in the open countryside outside defined development limits will be strictly controlled and will be limited to development essential to the needs of agriculture or forestry or where there are other exceptional circumstances, for example, small scale affordable housing schemes for local people or small scale development requiring an open countryside location for operational reasons or development which provides clear benefit to the rural economy, provided that it would not harm the character, appearance, general amenity or nature conservation interest of the surrounding area”*. This is reinforced by Saved Policy ENV1, which also states that large scale development in the open countryside will only be permitted where it is *“demonstrated that there is an overriding need for the proposal due to the requirements of the utility services, transport, minerals supply or national security”*.

As this is an application for over 10 dwellings this can be classed as major development and therefore 'large-scale' despite the applicant having reduced the number of units on site since his previous application. CPRENY do not believe that there is an 'overriding need for the development' of this location and the applicant has certainly not put forward any information that would demonstrate one in support of the application. Therefore, the proposals are not consistent with this policy.

Saved Policy ENV2 sets out the requirements for proposals in the open countryside should they have met the test of ENV1. As this application has not met the test, it is therefore not relevant to the determination. Furthermore, CPRENY do not believe that the proposals are compatible with the character of the surrounding area and are of the opinion that the proposal will cause harm to the setting of the settlement (as discussed below) therefore would not be compatible with Policy ENV2 should this policy have been triggered.

Draft Plan Policy SP9, of the emerging Local Plan, sets out the development strategy for Ingleton - having retained its classification as a 'Tier 3' (Local Service Centre) settlement. Textual justification surrounding this Policy sets out at paragraph 4.39 that whilst acting as a local service centre, Ingleton does "*not have a substantial role in the settlement hierarchy*" and therefore has constraints that limits its development potential. Therefore, as at paragraph 4.44, "*a lower level of growth is directed towards [...Ingleton...] as Tier 3 local service centres*". Draft Policy SP4 sets out that Ingleton will be expected to provide only 3.5% of the required 230 dwellings per year for Craven district (outside of the national park). The emerging Local Plan sets out at Draft Policy SP9 where the 3.5% will be achieved, i.e. through the allocation of 5 residential sites. The proposed site is not included in the Plan as an allocated site, therefore meaning the Council have determined that the site is unsuitable for development. The application site therefore maintains its status as being located within the open countryside and as such the proposals are not in conformity with Draft Policy SP9.

Paragraph 4.51 of the emerging Local Plan sets out that proposals for unallocated land for new homes on the edge of Tier 3 settlements, will need to accord with all relevant policies in the Local Plan. It goes on to state that there are criteria that are particularly relevant to proposals on the edge of settlements that seek to "*avoid a significant increase in the planned level of growth that could undermine the spatial strategy and the role of the settlements in the settlement hierarchy*" alongside other criteria which seek to protect the character and appearances of settlements and the countryside.

Draft Policy H2 deals with Affordable Housing. It is noted that the applicant has not mentioned the Should the Council be so minded as to approve this application, CPRENY believe the proposal should generate 30% affordable homes in line with the proposal in the draft policy given that the site is for over 11 dwellings. With regard to the 'rural exception site' section of policy H2, the policy provides that proposals adjacent to settlements will be supported where a scheme can demonstrate it meets a proven need in the local area, relates physically and visually to the settlement, provision can be for the dwellings to be retained for affordable housing needs in perpetuity, are essential to enable delivery of affordable homes by a registered provider and that market homes (where necessary) are kept to a minimum to achieve viability. The applicant has not stated within the supporting documents that this is a proposal for a rural exception site nor is he a registered provider of affordable homes, therefore, it is assumed that this is a proposal for market value housing and ergo, that this proposal is not in conformity with Draft Policy H2 or Saved Local Plan (1999) Policy H12 which also sets out the requirements for exception sites.

It is understood that Historic England have objected to this and the previous applications alongside submitting an objection to the inclusion of this site within the emerging Local Plan claiming development of this site would result in a detrimental impact on designated heritage assets and their settings. CPRENY support and fully endorses their objection on this matter.

The application site is adjacent to the south-eastern boundary of the Ingleton Conservation Area. The Conservation Area consists of much of the northern area of the settlement and includes a Grade II Listed Victorian railway viaduct and the Grade II* Listed Church of St Mary, dating from 1886.

CPRENY believe that the site forms part of the important setting of the Conservation Area. This is endorsed by the text within the emerging Ingleton Conservation Area which identifies the area as making a strong contribution to the character of the Conservation Area. It refers to Back Gate at p13 as making a “*strong contribution to character and appearance. The development along Uppergate and Back Gate appears to date largely from the nineteenth century and must always have felt like the edge of the village, away from the centre to the northwest. The development is less densely built up and there are numerous views out across the countryside (MF6) which are a strong contributor to the character of the Conservation Area.*” It goes on at p19 to state that “*there are long views across the countryside eastwards between the houses which is both of aesthetic value and retains the character of the historic periphery of the village on this side*”. With this evidence in mind, the site was not included as a preferred site and has therefore not been carried forward to draft policy SP9 as set out above.

Furthermore, Panwell Cottage is a Grade II Listed property and is located adjacent to the proposed site entrance at the south western edge of the site. The gardens of Panwell Cottage are adjacent to the site. The Heritage Statement, undertaken by Chris O’Flaherty on behalf of the applicant, sets out that “*the value afforded [by the asset] is currently being eroded by the new house being built to the east of Panwell Cottage*”. CPRENY believe ‘degradation’ is a subjective issue and just because some degradation may be judged to have occurred, does not mean that the value is so diminished that further development should be encouraged. It could be argued that there is now a greater emphasis on the need to protect the heritage asset from further harm.

Emerging Local Plan Draft Policy HENV2 relates specifically with issues relating to Heritage. The general principle of the policy sets out that Craven’s historic environment will be conserved and where appropriate enhanced and goes on to provide a number of criteria which must be met to achieve this (Points A, B and C are most pertinent to the determination of the application):

- a) *Paying particular attention to the conservation of those elements which contribute. These include most to the District’s distinctive character and sense of place. [...];*
- b) *Ensuring that proposals affecting a designated heritage asset conserve those elements which contribute to its significance. The more important the asset, the greater the weight that will be given to its conservation. Harm to such elements will be permitted only where this is outweighed by the public benefits of the proposal. Substantial harm or total loss to the significance of a designated heritage asset will be permitted only where it can be demonstrated that there are substantial public benefits;*

- c) *Supporting proposals that would preserve or enhance the character or appearance of a Conservation Area, especially those elements which have been identified in a Conservation Area Appraisal as making a positive contribution to its significance.”*

Paragraph 131 of the NPPF requires development to sustain and enhance the significance of a Conservation Area. Paragraph 132 goes further setting out that “*significance can be harmed or lost through the alteration or destruction of the heritage asset or development within its setting.*” Paragraph 133 states categorically 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...*” CPRENY do not believe that the applicant has properly justified this site at this location outside a development boundary and within the setting of the Conservation Area. The proposed site has been assessed as providing important views both into and out of the Conservation Area as detailed in the Conservation Area Appraisal. Glimpses of the countryside from between the houses located to the west of the site on Back Gate and Uppergate provide important impressions of the countryside which would be lost because of the proposed development. In the 1999 Local Plan the site formed part of the wider ‘Special Landscape Area’ designation, which stated that development would not occur in such areas to protect them from harmful development. This has not been carried forward in to the emerging Local Plan due to the protection given via paragraph 109 of the NPPF regarding the protection of valued landscapes. CPRENY believe, however, that the landscape quality has not altered within the area since the designation first came into being and that it is a much-valued amenity for local residents, allowing them access to the countryside and the wide vistas which form the setting of Ingleton.

CPRENY believes that the proposed development at this edge of settlement countryside location would compromise the setting of the Grade II Listed cottage and also the Ingleton Conservation Area. CPRENY are, therefore, of the opinion that the proposal is not in conformity with Emerging Draft Policy ENV2 and national guidance as set out in the NPPF above.

It has been brought to the attention of CPRENY that Public Right of Way dissecting the site (footpath 05.26/28/1) has been diverted from its recognised path without the permission of North Yorkshire County Council and thus illegally preventing access along the route at this point. This footpath has been used by residents of the village to gain ready access to the countryside. CPRENY believe it is important that the footpath is retained and put back to its rightful place. Draft Policy ENV12 of the emerging Local Plan sets out that “*Craven’s growth will safeguard and improve the quality, extent and accessibility of local footpaths [...]*” therefore, CPRENY believe that this proposal would not be safeguarding the local footpath and thus is not in conformity with the emerging Local Plan.

The proposed site entrance is located directly on to the B6255 which is regularly used by HGVs alongside many private cars. Vehicles are often parked on both sides of the highway making passing dangerous. There have been several development proposals approved in Ingleton over the past few years and draft Policy SP9 promotes 5 allocated sites. CPRENY believe that the amount of traffic which would be generated by this proposal, including vehicles associated with construction and residents once the development was built would add exacerbate already busy roads, leading to unacceptable congestion when taken cumulatively alongside traffic generated from existing residents, those dwellings currently within the planning process, those being built and the future allocated sites.

Whilst these roads ‘technically’ may have the capacity to take this level of development, the reality on the ground is that Ingleton already feels congested and highway safety is a growing concern for residents when traversing the narrow roads and navigating parked cars. Members have also expressed concern regarding visibility splays from the access point and questioned whether this would meet the standards as required by the Highways Authority and for emergency vehicles for safe access and egress from site.

Furthermore, whilst the site is contained within Flood Zone 1 in accordance with the Environment Agency's flood risk maps, it is liable to surface water flooding with members reporting that the field is often saturated. Members are therefore concerned that should this development be approved, flooding is likely to be made worse in other areas of the village, including near Laundry Lane, which is often flooded as a result of high precipitation events.

It is considered that the level of concern from the community regarding this site and the objections made by the Parish Council and Historic England should be taken into account when determining this application.

Conclusion

The major development proposal is for market value housing, outwith the settlement boundary of Ingleton and thus technically within the open countryside. The proposals do not purport to be for a rural housing exception site. Given that the Council claim to have over a 5-year supply of housing land, full weight should be given to the restrictive policies of the Local Plan when determining this application. Therefore, the site cannot be justified in terms of housing need, nor by the fact that the Council require the site to deliver housing.

The proposed site is within the setting of the Ingleton Conservation Area and Listed Buildings and as such should be justified beyond all doubt that any development in this location would not lead to the substantial loss or harm to those assets. The applicant has failed to do this, therefore in the opinion of CPRENY the proposal should be refused.

The planning system should, in accordance with paragraph 109 of the NPPF, protect and enhance valued landscapes. Whilst the local designation of 'Special Landscape Area' has not been transferred across to the emerging Local Plan, CPRENY would argue that the quality of the landscape at this location has not changed and that it is still 'special' and a much-valued amenity resource to local residents of Ingleton.

CPRENY believe that the harm that would be caused to the local road network, as a consequence of this development, would be at such a level as to cause congestion and highway safety issues for all road users which would not be consistent with paragraph 31 of the Framework which sets out that there should be safe and suitable access to the site can be achieved for all people. Furthermore, the illegal diverting of the public right of way is an issue which should be investigated and rectified by the County Council Highways Team as it is preventing residents and visitors to the area from accessing and enjoying the countryside at this location.

CPRENY strongly object to this development proposal for the reasons set out above, primarily that it is not in conformity with both local and national planning policies and therefore respectfully ask the Council to refuse this application.

