



objection

Date of submission: 3<sup>rd</sup> April 2018 Number of pages in this correspondence: 5

Planning Application details:

**2018/18918/FUL - Residential development - 2 No detached single storey (bungalow) dwellings**

**At Land North West of St Marys Green, Carleton, Skipton, BD23 3DG**

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Branch code: 2018Apr\_CDC\_2houses\_ChurchField\_Carleton

All CPRENorthYorkshire 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 (referred to in this document as “CPRENorthYorkshire” or “the branch”) welcomes the opportunity to comment on this consultation

CPRENorthYorkshire operates with the help of information from planning wardens in the different local authority administrative districts, local and national groups, CPRENorthYorkshire members and members of the public. All correspondence should be directed to the Chair of the Branch.

**CPRENorthYorkshire objects to the development of this site, for the reasons as set out below:**

- The site is out-with the development limits and therefore in the open countryside;
- Significant harm would be caused to the Carleton Conservation Area;
- Impact on a number of Grade II Listed Heritage Assets;
- The detrimental impact on a Public Right of Way; 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 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 Regulation 19 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 an Independent Examination, they have been consulted on. Because of this, and the late stage in preparation, they can be given due weight in the planning balance when determining applications.

The 1999 Local Plan, whilst recognising Carleton as a ‘large village’ sets out clearly at paragraph 4.7.1 that it (and three other villages) is not classified as a Local Service Centre as it has absorbed considerable levels of new development over the past 25 years. The Council does not believe that there is any further scope for development which will not detrimentally impact upon the settlement’s character and form. It goes on to state at 4.7.2 that: *“within settlements not identified as District Centres or Local Service Centres, new development will be limited to conversions, infilling and small-scale developments.”* This proposal is for 2 new dwellings on an area of land out with the development boundary, on green field land that is currently within agricultural usage. It can not be classified as ‘within’ the settlement and is not in-fill development, therefore, whilst it is small-scale, is contrary to the Council’s Settlement Strategy.

Land that falls outside the development boundary for a settlement is classified as ‘open countryside’. The Saved Local Plan sets out clearly that development in the open countryside 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.”* There does not appear to be any exceptional circumstances put forward by the applicant in support of this proposal in the open countryside. Therefore, this proposal is clearly contrary to this strategy as reinforced by Saved Policy ENV1.

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 not relevant to the determination. Furthermore, CPRENorthYorkshire does not believe that the proposals are compatible with the character of the surrounding area and believe the proposal will cause harm to the setting of the settlement (as discussed below). Thus, would not be compatible with Policy ENV2 should this policy have been triggered.

The emerging Local Plan sets out its proposed Settlement Hierarchy at Table 2. It categorises Carleton as a ‘Village with Basic Services’ and therefore places it within Tier 4a. A limited level of growth is directed towards Tier 4 settlements and any proposal on unallocated land for new homes on the edge of Tier 4a settlements need to accord with all relevant policies in the emerging Local Plan. These policies seek to avoid a significant increase in the planned level of growth that could undermine the spatial strategy and the role of settlements in the hierarchy.

Draft Plan Policy SP11, of the emerging Local Plan, sets out the development strategy for Tier 4a and 4b villages with basic services. Land at Carleton is not allocated for development through this policy.

The second part of draft Policy H2 (affordable housing) of the emerging Local Plan addresses ‘Rural Exception Sites’. The policy provides that proposals in the countryside and 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 made 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 that he is a registered provider of affordable homes, therefore, it is assumed that this is a proposal for market value housing. Ergo, 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.

The application site is within the boundary of the Carleton Conservation Area. The Carleton Conservation Area Appraisal (CCAA) was published in 2016 and has been used as part of the evidence base in support of the emerging Local Plan by the Council, therefore, is up to date.

The CCAA sets out that the Grade II Listed St Mary's Church (1858) dates entirely from the nineteenth century but is on the site of an earlier medieval church. It goes on to set out specifically that: *"The fields immediately beyond St Mary's Church are an important contributor to the setting of the settlement."* Furthermore, the CCAA states that *"the relationship between the historic village and surrounding open landscape survives to the north, east and north-west with some survival to the south. The historic 'edge of settlement' survives best around St Mary's Church."* The proposed development site is land which was previously sold by the church (for agricultural use) and forms the setting of the settlement as described above.

The southern boundary to the site is adjacent to Spence Court, a series of 8 Almshouses (also Grade II Listed) which have been used to house residents for over 300 years. It is understood that the Trustees of the Hospital Charity who own these houses have objected to the proposals and raised concerns regarding the fact that the ancient stone wall has had work done to it recently lowering its height and strengthening it with cement contrary to its original form and detrimentally impacting upon it. CPRENorthYorkshire is concerned that the curtilage of a Listed Building may have been lowered without consultation with Historic England, internal or County-level Conservation Teams. If consultation has been undertaken, there is no record of approval on the public planning access site. The Applicant's own brief Design and Access Statement submitted alongside the application seems to support this fact on page 2 which states: *"The existing boundary masonry wall situated south-east of the entrance to the highway has been lowered to the height requested by Mr F Crossley of NYCC Highways."* This appears to suggest that the Applicant has discussed the application with Highways and lowered the wall prior to receiving planning permission.

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 provides several 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..."*

CPRENorthYorkshire does 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 within their supporting Heritage Statement. It is considered that Historic England should be consulted on these issues given the number of important Heritage Assets in the immediate vicinity which the proposed site is in the setting of. They should also be consulted regarding the curtilage wall that has been altered prior to receiving planning permission. It is hoped that the Council will not determine this application without having been satisfied with the advice from the consultee in this regard.

Furthermore, the CCAA sets out that there is “*an important and well-used public footpath that heads out from the church, crossing the River Aire by footbridge to eventually arrive in Skipton.*” It also alludes to the fact that there are “*dynamic views from public footpath of St Mary’s Church, churchyard, playing field and open landscape generally that helps articulate the historic ‘edge of settlement’*”.

This ancient footpath (PROW 5.10.4) has been used by residents of the village to gain easy access to the countryside (the Almshouse residents have used the path for over 300 years according to the objection submitted by the Trustees). CPRENorthYorkshire believe it is important that the footpath is retained for its intended use and question the safety aspects of allowing the site access via this route. 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, CPRENorthYorkshire believes that this development would not be safeguarding the local footpath and thus the proposal is not in conformity with the emerging Local Plan.

The proposed site has been assessed as providing important views both into and out of the Conservation Area as detailed in the CCAA. 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. CPRENorthYorkshire believes, however, that the landscape quality has not altered since the time of designation and that this remains a much-valued amenity for residents. This part of the countryside affords residents access to the countryside and the wide vistas which form the setting of Carleton.

## Conclusion

The development proposal is for two market value new dwellings, out with the settlement boundary of Carleton 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. 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 Carleton Conservation Area and the setting of several Grade II Listed Buildings. As such, the Council should be satisfied beyond doubt that any development in this location would not lead to the substantial loss or harm to those assets. The applicant has failed to justify the exceptional need for this proposal. Ergo, in the opinion of CPRENorthYorkshire 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, CPRENorthYorkshire 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 residents of Carleton.

CPRENorthYorkshire strongly objects 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.

