



**YORKSHIRE DALES**  
National Park Authority

Mr I Swain,  
WBW Surveyors Ltd  
Skipton Auction Mart  
Gargrave Road  
Skipton  
North Yorkshire  
BD23 1UD

## PLANNING PERMISSION

Town and Country Planning Act 1990

|                 |   |
|-----------------|---|
| Application No. | C/01/83A  |
| Date Received   | 18 October 2022   |
| Applicant       | [REDACTED]  |
| Proposal        | Full planning permission for construction of 3 no. local occupancy dwellings with associated access and parking |
| Location        | Land south of John Brown Cottage, Airton  |
| Decision date   | 16 November 2023  |

The Yorkshire Dales National Park Authority has considered this application under the Town and Country Planning Act 1990 (as amended) and **Grants Planning Permission** for the development described above.

This permission is granted subject to the following Condition(s) and Reason(s):

### Conditions

1. The development hereby permitted shall be begun (as defined by Section 56 of the Town and Country Planning Act 1990) before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Sections 91-93 of the Town and Country Planning Act 1990 (as amended).

2. The development shall be carried out in accordance with the details indicated in the following drawings/documents:-  
Location Plan,  
Existing site topographic survey,  
Planning Statement (excluding reference to superseded design),  
all received on the 18th October 2022,

Proposed site plan (dwg no. 012205-02L),  
Proposed elevations and floor plans (dwg no. 012205-03B),  
Site and highways layout (dwg no. 012205-04C),  
all received on the 22nd March 2023,

Archaeological Evaluation prepared by CFA Archaeology, received on the 3rd April 2023.

Reason : To define the plans/details to which this permission relates.

3. A) No development shall commence until a Written Scheme of Investigation (WSI) for archaeological monitoring, prepared by a suitably competent person or persons/organisation, has been submitted to and approved in writing by the Local Planning Authority. The WSI shall include an assessment of significance and research questions, and the following further information:
1. The programme and methodology of site investigation and recording,
  2. The programme for post investigation assessment,
  3. Provision to be made for analysis of the site investigation and recording,
  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation,
  5. Provision to be made for archive deposition of the analysis and records of the site investigation,
  6. Nomination of a competent person or persons/organisation to undertake the works set out within the WSI.
- The development shall be carried out in strict accordance with the WSI thereby approved.

B) No occupation or use of the development hereby permitted shall take place until the full site investigation and post investigation assessment has been completed in accordance with the programme set out in the WSI approved under part A) of this condition and the completed assessment has been submitted to and approved in writing by the Local Planning Authority. The completed assessment shall include confirmation that provision has been made for the analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To help protect and thereafter to provide for the recording of the features of archaeological interest believed to be present in the site - being an interest which is of acknowledged public importance in a national as well as local context, in accordance with policy L1 of the adopted Yorkshire Dales Local Plan (2015-2030). It is considered that this detail is required prior to the commencement of the development as archaeological monitoring will need to be carried out throughout the construction works.



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4. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:
- i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
  - ii) A restricted rate of discharge of surface water agreed with the Local Planning Authority (if it is agreed that infiltration is discounted by the investigations); and
  - iii) A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. For the avoidance of doubt, foul and surface water shall be drained on separate systems.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme and maintained as such thereafter.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, in accordance with policy CC2 of the adopted Yorkshire Dales Local Plan (2015-2030). It is considered that this detail is required prior to the commencement of the development as the construction works will need to be carried out in accordance with the approved details.

5. Unless alternative details are first approved in writing by the Local Planning Authority, the finished ground, slab, and roof ridge levels shall be completed in accordance with the approved drawings.

Reason: For the avoidance of doubt to ensure that the ground and floor levels are acceptable having regard to the nature of the site and adjoining land in accordance with policy SP4 of the adopted Yorkshire Dales Local Plan (2015-2030).

6. The construction works shall be carried out in accordance with the following:

- No site preparation, delivery of materials or construction works, other than quiet internal building operations such as plastering and electrical installation, shall take place other than between:  
08:00 hours and 18:00 hours Monday-Friday, 08:00 hours and 13:00 hours on Saturdays and not at any time on Sundays or Bank Holidays.
- Other than during the construction of the initial access and site compound, all contractors vehicles shall be parked off the highway,
- All construction materials shall be stored off the highway,
- All areas of the site and the site operations where dust, mud and debris may be generated shall be identified and measures implemented (such as wheel washers) to

ensure that dust, mud and debris is controlled so as not to travel beyond the site boundary,

- Contact details for the responsible person (site manager/office) who can be contacted in the event of any issue shall be displayed at the site.

Reason: To safeguard the living conditions of nearby residents and users of the highway, in accordance with policy SP4 of the adopted Yorkshire Dales Local Plan (2015-2030).

7. Notwithstanding the details shown on the approved drawings, prior to the construction of any wall above DPC level of any building hereby approved the following details or a sample shall be submitted to and approved in writing by the Local Planning Authority;
- i) All new external stonework shall be built up in local natural stone laid and pointed to match in type, style, colour and texture, a sample panel of stonework measuring not less than 1 metre x 2 metres, and including a corner, which shall have been built up on the site and which shall have been inspected on behalf of and approved in writing by the Local Planning Authority;
  - ii) A sample of the roofing slates to be used on the buildings hereby approved shall have been submitted to and approved in writing by the Local Planning Authority;
  - iii) The materials, design, dimensions and profile of all new window frames and external doors, including the treatment of and the BS/RAL colour classification of all window frames and external doors;
  - iv) A sample of the window and external door surrounds to the new buildings hereby approved, include a sample of the heads, sills, and any jambs;
  - v) The reveals/recess of all windows and external doors to be a minimum of 100mm from the external face of the wall in which they are set;
  - vi) Rainwater goods including fixings shall be coloured black and fixed directly to the masonry of the buildings using rise and fall brackets and shall remain as such thereafter. The development shall be carried out in accordance with the approved details and retained as approved thereafter.

Reason: To ensure that the external appearance of the buildings is acceptable, having regard to policy SP4 of the adopted Yorkshire Dales Local Plan (2015-2030).

8. Unless they have been identified for felling on a landscaping plan approved by the Local Planning Authority, or within an approved tree care plan or arboricultural report subject to planning condition, all trees on, or immediately adjacent to the site, shall be protected for the duration of the works hereby approved. Unless otherwise stated within an approved tree care plan or arboricultural report subject to planning condition, the protection of the trees shall be as follows:
- i) no demolition, site clearance or building operations shall commence until tree protective fencing is in place. Tree protective fencing shall consist of clamped and



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securely positioned 2m steel mesh barrier fencing. The protective fencing shall be erected around the root protection area of each tree or group of trees, on or immediately adjacent to the site. The minimum radius of the root protection area is 12 multiplied by the tree diameter as measured at 1.5m from the ground level (in line with BS5837:2012 Trees in Relation to Design, Demolition and Construction). Such fencing shall be maintained until the development is complete;

- ii) no trenches, including any trench for services, waste treatment or drainage, shall encroach within the agreed root protection area of any trees which are on, or immediately adjacent to the site;
- iii) no surface type changes or land level changes shall take place within the agreed root protection area. No topsoil or other spoil from excavations shall be permanently or temporarily disposed of within the agreed root protection area of trees which are on or immediately adjacent to the site;
- iv) the burning of materials, including any obtained by site clearance or demolition, shall not take place within 15 metres of the furthest extent of a canopy of any tree or group of trees on, or immediately adjacent to the site;
- v) no mixing of cement-based or other building materials should take place within the agreed root protection area, and no storage of materials, including fuel, shall take place in the protected areas;
- vi) no tree felling, crown reduction or removal of branches shall be carried out.

Reason: To ensure the continued well-being of trees, in accordance with policy W3 of the adopted Yorkshire Dales Local Plan (2015-2030).

9. Prior to the construction of any wall above DPC level of any building hereby approved, a scheme of landscaping and biodiversity enhancement shall have been submitted and approved in writing by the Local Planning Authority. This scheme shall be based on the landscaping indicated on the Proposed Site Plan and shall include a minimum of 12 additional trees within the site or within the adjoining land, and the Biodiversity Calculation to include a minimum of 10% net gain in biodiversity enhancement on the site (and adjoining land in the same ownership where necessary) and shall provide details of the following:
  - i) All existing trees, hedgerows and other plants, walls, fences and other features which are proposed to be retained on the site the subject of this permission and on adjoining land in the same ownership;
  - ii) The area(s), whether within or adjoining the site to which this permission relates, in which new plantings of trees and/or shrubs will take place, the species of plant(s) to be used, their size, their number, their spacing, and the means to be used to maintain, support and protect them;
  - iii) Other landscape treatments to be carried out or features to be created. For example, remodelling of existing landforms, surface type and level changes, and surface treatments, and means of enclosure;
  - iv) Methods of reducing and mitigating soil compaction;

v) On site biodiversity enhancement measures other than planting (to include the provision of multiple bird and bat roosting opportunities within the buildings).

The approved landscaping and biodiversity enhancement scheme shall be completed in accordance with the following:

- i) All hard and soft landscaping shall be completed in accordance with the approved scheme, within the first planting season following the completion of the development hereby approved and prior to first occupation, or otherwise in accordance with a programme agreed with the Local Planning Authority;
- ii) All trees, shrubs and hedge plants supplied shall comply with British Standard 3936 - 1 (1992): Specification for Nursery Stock. All sourcing, handling, selection, pre-planting site preparation, planting and post-planting maintenance shall be carried out in accordance with the requirements of British Standard 8545 (2014): Trees - From Nursery to Independence in the Landscape, and British Standard 4428 (1989): Code of Practice for General Landscape Operations;
- iii) All new tree plantings shall be positioned in accordance with the requirements of Table 2 of British Standard 5837 (2012): Trees in Relation to Design, Demolition and Construction;
- iv) Any trees, shrubs or hedges planted in accordance with this condition that are removed, die, or become severely damaged or seriously diseased within 5 years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of like size and species to those originally required to be planted;
- v) All planting and other landscaping operations, comprised in the landscaping and biodiversity enhancement scheme approved under this permission shall be carried out and completed in the first planting season following the commencement of the development or in accordance with a timescale approved by the Local Planning Authority;
- vi) All biodiversity enhancement measures, other than planting and other landscaping operations, comprised in the landscaping and biodiversity enhancement scheme approved under this permission shall be carried out prior the first occupation of any dwelling hereby approved or in accordance with a timescale approved by the Local Planning Authority and shall be retained as approved thereafter.

Reason: To ensure appropriate landscaping and biodiversity enhancement within the site in accordance with policies SP4 and W2 of the adopted Yorkshire Dales Local Plan (2015-2030).

10. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the following requirements;

- i) The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority;





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- ii) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details;
- iii) Any gates or barriers shall be erected a minimum distance of 4.5 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway;
- iv) That part of the access(es) extending 4.5 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1:20.
- v) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details and maintained thereafter to prevent such discharges;
- vi) The final surfacing of any private access within 4.5 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience, in accordance with policy SP4 of the adopted Yorkshire Dales Local Plan (2015-2030).

11. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 25m measured along centre line of Pant Lane from a point measured 2m down the centre line of the access roads. The eye height will be 1.05 metres and the object height shall be 1.05 metres or height. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety, in accordance with policy SP4 of the adopted Yorkshire Dales Local Plan (2015-2030).

12. Notwithstanding the details on the approved plans or the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking, re-enacting or modifying that Order, prior to any resurfacing or new surfacing or the construction of any boundary treatment, details of the following shall be submitted to and approved in writing by the Local Planning Authority;
- i) All surfacing materials including the access, parking, turning and any paths and patios,
  - ii) The proposed bin storage areas (including capacity for recycling) including position and any means of enclosure,
  - iii) All boundary treatment, including the repair and retention of the- existing dry-stone walls as indicated on the approved site plan.

The surfacing, bin storage areas and boundary treatments shall be carried out in accordance with the details thereby approved prior to the first occupation of any dwelling and retained as such thereafter.

Reason: In the interests of visual amenity in accordance with policy SP4 of the adopted Yorkshire Dales Local Plan (2015-2030).

13. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development, in accordance with policy SP4 of the adopted Yorkshire Dales Local Plan (2015-2030).

14. Prior to the installation of any such fixtures to the buildings or within the site, details of any external lighting shall have been submitted and approved by the Local Planning Authority. The details shall include the purpose, number, position and design of the lighting. All lighting used shall be fully shielded to angle the light downward, be no more than 500 lumens, have a colour temperature less than 2700K, be fitted with proximity sensors so they are switched off when not needed (dusk-till-dawn sensors shall not be used) and be installed at the lowest possible height to achieve lighting levels required. Any external lighting shall accord with the approved details thereafter. No additional lighting shall be installed other than as hereby approved.

Reason: To ensure that the impact of lighting on the landscape and on ecology is controlled and the development protects the dark skies of the National Park, having regard to policy SP4 of the adopted Yorkshire Dales Local Plan (2015-2030).

15. Notwithstanding the provisions of Part 1 (excluding Class B), Part 2 (excluding Classes D and E) and Part 14 (excluding Classes J, K, L, M, N and O) of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking, re-enacting or modifying that Order, no development of the description in these parts including the erection of any new building, extension or alteration of the buildings, modification or the addition of new windows, the installation of renewable energy equipment, the provision, rearrangement or replacement of a sewer, main, pipe, cable or other apparatus or the provision or replacement of a hard surface within the curtilage of the building shall be carried out on the site except in accordance with a planning permission granted by the Local Planning Authority.

Reason: To enable continued control over the development having regard to the purposes of the National Park and policy SP4 of the adopted Yorkshire Dales Local Plan (2015-2030).

## **Informatives**





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1. This permission shall be read in conjunction with the S106 agreement dated 31st October 2023 restricting the occupancy of the houses to local occupancy.
2. Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out.

**Standard Note(s) to Applicant:**

1 This permission applies only to that required by the Town and Country Planning Acts and does not include any permission or approval under any other enactment, bylaw, regulation or under the Building Regulations.

2 Your attention is drawn to the attached notes explaining your rights of appeal regarding this decision.

3 The permission to which this notice refers MAY contain the requirement to comply with certain conditions BEFORE any works are commenced, as well as conditions to be met DURING and AFTER the completion of the development. You are hereby advised that non-compliance with ANY condition may render this permission invalid and the development itself UNLAWFUL and could lead to enforcement action and/or prosecution. It is YOUR responsibility to ensure that all conditions are complied with. If you are in any doubt as to the requirements of any condition attached to this permission, you are strongly advised to contact the Yorkshire Dales National Park Authority's Development Management team (01969 652345) for clarification BEFORE the commencement of any works.

4 The approval of details reserved by any condition(s) (discharge of condition(s)) is now treated as a formal application and as such requires separate discharge of conditions application to be submitted which can take up to 8 weeks to be determined. Please contact the Yorkshire Dales National Park Authority's Development Management team should you require further information or go to: <https://www.yorkshiredales.org.uk/planning/applying-for-planning-permission/discharging-conditions-or-amending-permissions/>

5 In reaching the decision the Authority has worked with the applicant in a positive and proactive manner by determining the application in accordance with local and national policy.

**Richard Graham BA (Hons) MRTPI**

**Head of Development Management**

**Date: 16 November 2023**



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## TOWN AND COUNTRY PLANNING ACT 1990

### Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990. You must do so **within 6 months of the date of this notice**, however, if this is a decision to refuse planning permission for a **HOUSEHOLDER APPLICATION OR FOR A MINOR COMMERCIAL APPLICATION** you must do so **within 12 weeks of the date of this notice**.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an **ENFORCEMENT NOTICE**, issued within the two years before the date of the planning application, if you want to appeal against your local planning authority's decision on your application, then you must do so within **28 days of the date of this notice**. If the Enforcement Notice issued on the appeal site in question was not issued within the two years before the date of a Full Planning Permission then the period to submit the appeal would be **six months from the date of the LPA refusal decision notice**. The Planning Inspectorate's Procedural Guide sets it out on page 8 at:  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/937642/Procedural\\_Guide\\_Planning\\_appeals\\_version\\_11\\_-\\_Final\\_1\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/937642/Procedural_Guide_Planning_appeals_version_11_-_Final_1_.pdf)
- If an **ENFORCEMENT NOTICE** is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within **28 days of the date of service of the enforcement notice**, or **within 6 months (12 weeks in the case of a HOUSEHOLDER appeal) of the date of this notice**, whichever period expires earlier.
- Appeals can be made online at: <https://www.gov.uk/appeal-planning-decision>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by **INQUIRY** then you must **notify the Local Planning Authority and Planning Inspectorate at least 10 days before submitting the appeal**. Further details are available on <https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries>
- If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, they may serve on the Local Planning Authority a purchase notice requiring the Council to purchase their interests in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.



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- In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him/her. The circumstances in which such compensation is payable are set out in Part V of the Town and Country Planning Act 1990.

**NOTE:**

The Inspectorate will publish details of your appeal on the internet. This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.



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## **START NOTICE**

Where relevant, this form, or an email giving this information, should be submitted before you start work to [planning@yorkshiredales.org.uk](mailto:planning@yorkshiredales.org.uk)

**C/01/83A**

**Land south of John Brown Cottage, Airton**

**Full planning permission for construction of 3 no. local occupancy dwellings with associated access and parking**

Before you start work and/or submit this form, please make sure you have complied with or had approved any pre-commencement conditions, also note further conditions which may need approval.

I confirm that work commenced/will commence on the above application on:

..... / ..... / .....  
(date)

Name (please print): .....

Signature: .....