

Planning and the effect of Dales National Park Status

Briefing note

The following briefing note has been put together to try to give a flavour of the effect National Park status has in terms of planning in the Dales. It shows the similarities and differences – it is not an exhaustive list.

Summary

- Permitted development, that is development that can take place without the need for planning permission is very similar in areas with national park status as those surrounding a national park. However planning restrictions can sometimes be greater in Conservation Areas and World Heritage Sites.
- The Dales National Park Authority has a high rate of approval of applications, when compared to other National Park Authorities and the rest of England.
- Any Planning Authority can make an ‘Article 4 direction’, which takes away permitted development rights. The Dales National Park Authority has only three aimed at specific locations and specific sensitivities. It has no restrictions on general householder permitted development (these tend to be more common elsewhere, eg settlements outside the National Park).
- There is very little mention made of National Parks in any of the government’s National Planning Policy Guidance, there is little differentiation between National Parks and other areas at a national level. The only exceptions are reference to the need to major developments where National Park purposes are re-iterated, and for renewable energy. *Planning permission for renewable energy projects should only be granted where it can be demonstrated that the objectives of designation of the area will not be compromised by the development, and any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by the environmental, social and economic benefits.*
- The Dales National Park comes under the Yorkshire and Humber Regional Spatial Strategy. This planning guidance recognises:
 - Development in areas adjacent to the National Park must not prejudice the qualities of the designation (essentially a wind farm reference, but not a strict ‘buffer zone’);
 - There should be a reduction in large-scale aggregate quarrying;
 - No strategic open market housing provision target.
- The Dales’ Local Planning policies are very supportive, of local communities, tourism and agriculture. Most policies are criteria-based and afford flexibility for negotiation:
 - The majority of new housing is focused on local occupancy or affordable needs;
 - Diversification of farm holdings eg farm shops, equestrian ventures, bunk barns etc including allowing conversion of barns to holiday and residential lets on farm holdings (subject to a legal tie with the farm business);

- New agricultural buildings are looked on favourably provided they are well-sited and necessary for agriculture;
 - a range of visitor facilities and tourist ventures provided they do not cater for peak demand or generate unacceptable levels of traffic etc.
- The local development plan process ie the production of a core strategy (including consultation) is identical in a National Park as it is in those areas outside of a National Park. The only difference is that this process is undertaken by the National Park Authority and not the district council.

However, should the candidate areas be designated as national park, we believe the existing local plan policies would remain in place, until the National Park Local Plan is reviewed to include these new areas. The National Park Authority has 'adopted' its local plan policies as an 'interim' measure as it has not yet started to produce a core strategy. The currently adopted local plan policies are expected to be reviewed over the next three years.

Further expansion:

When is Planning Permission required – permitted development

- The requirement to obtain planning permission is dictated by national legislation (the General Permitted Development Order 1995 with subsequent amendments). This sets out a range of developments that can be carried out without permission, subject to restrictions on size, height, location etc.
- The General Permitted Development Order contains some added restrictions for 'Article 1(5) land', which includes National Parks, AONBs and Conservation Areas. This usually has the effect of further restricting the locations or sizes of development that don't need permission, rather than completely precluding them. A number of the classes of permitted development are completely unaffected by 'Article 1(5)' restrictions. A summary of the effects for some common developments is in the **Appendix**.
- Since the restrictions relate to all designations covered by 'Article 1(5)' land, those parts of the prospective NP extensions that are already designated as Conservation Areas will be unaffected by any further permitted development restrictions.
- Increasingly, the government are moving away from using 'Article 1(5)' land to restrict permitted development. Recent changes to allow a range of micro-renewable technologies on/around domestic properties refer only to Conservation Areas and World Heritage sites.
- The government are consulting on further extensions to permitted development rights at the moment. These will increase permitted development for extensions, alterations and micro-renewable energy schemes at commercial premises, schools, universities etc. It will also allow wind turbines at domestic properties. Again, the emphasis is firmly on added restrictions in Conservation Areas and World Heritage sites only, with no added restrictions in National Parks.

Can permitted development rights be taken away?

- Any Planning Authority can make an 'Article 4 direction', which takes away permitted development rights. The National Park Authority has only three aimed at specific locations and specific sensitivities, these are agricultural buildings around Castle Bolton – the site and setting of a prominent castle, Marrick also relates to agricultural buildings too, to preserve the loose settlement pattern and prevent infilling of open space in the village, both these date to the 1980s. The third is telecoms masts on the Settle-Carlisle railway which is more recent - 2003. There are no restrictions on general householder permitted development (these tend to be more common elsewhere eg in settlements outside the National Park).

Are National Parks viewed differently to other areas in National and Regional Planning Guidance?

There is both national and regional planning policy guidance. These sets out certain rules and criteria for different types of development, and its spatial distribution:

National Planning Policy

It is rare for National Parks to be specifically referenced in national planning policy. The government increasingly seeks to avoid prescription in national policy, so this isn't likely to change. The notable exceptions are few:

- PPS7 – Sustainable Devt in Rural Areas - 3 paragraphs (21-23) reiterate NP purposes but emphasizes the need for development to support socio-economic wellbeing. The major development test is also included, but even here it is stated that there will be cases where exceptions in the public interest are warranted.
- PPS22 – Renewable Energy – Again, gives very little mention to the importance of NPs, there is no blanket ban on renewables. It says in National Parks & other protected areas (AONB, conservation area etc) *“planning permission for renewable energy projects should only be granted where it can be demonstrated that the objectives of designation of the area will not be compromised by the development, and any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by the environmental, social and economic benefits.”*. 'Buffer zones' are not allowed but developments close to the boundaries of National Parks and AONBs should not adversely affect the area within the designated area. It also says small-scale developments should be permitted provided that there is no significant environmental detriment to the area concerned.

Regional Policy

The Dales National Park is currently covered by the Yorkshire & Humber Regional Spatial Strategy (RSS). This contains very broad references to National Parks along the lines of 'conserve and enhance'. Some specific provisions in relation to the Dales National Park are:

- Progressive reduction in mineral extraction (in accordance with national policy – doubtful minerals issues will be prominent in the areas of prospective extension, as no quarries here);
- No strategic housing provision target – all additional housing for local needs only (Craven & Richmondshire have targets of 250 & 200 p.a. respectively. Eden and South Lakeland have 240 and 400 respectively). This means that the Districts around the National Park are likely to each need approximately 7 to 13 hectares of new housing development land per annum, although a proportion of this will be on brownfield land. The National Park Authority on the other hand have discretion in when and where housing is built, and can focus on priority needs ie affordable housing rather than the open market.;
- Improve sustainable transport into the Dales National Park (positive all round);
- Development in areas adjacent to the Dales National Park must not prejudice the qualities of the designation (essentially a wind farm reference, but not a strict ‘buffer zone’).

What sort of development does the Local Planning Policies allow?

The Yorkshire Dales National Park Local Plan policies are far from draconian. Most policies are criteria-based and afford flexibility for negotiation.

A full copy of the local plan is available on our website at http://www.yorkshiredales.org.uk/index/living/planning_1/planning_policy.htm

Some policies of interest to the Dales Candidate Areas are:

- The majority of new housing is focused on local occupancy or affordable needs. This helps to build a stock of housing that can't be lost to second/ holiday/ commuter/ retirement homes. There have been a number of successful affordable housing exceptions schemes – as the name suggests, these are an exception against normal housing policy to provide for affordable needs. The National Park Authority is also proactive in the release of further land for affordable and local needs housing as part of the ongoing review.
- Allowance for a range of farm diversification projects. Many of these projects are themselves exceptions in recognition of the contribution farming makes to the local economy, communities and landscape quality. Prime example is allowing conversion of barns to holiday and residential lets on farm holdings (subject to a legal tie with the farm business). Also will consider farm shops, equestrian ventures, bunk barns etc;
- Although residential conversions are generally restricted to within certain settlements, the National Park Authority will consider a much wider range of barns for conversion provided they are capable of being accessed and serviced easily and without harm;

- The policies seek to protect against the loss of community facilities, village shops, employment premises, in recognition of the contribution these make to economic and community wellbeing;
- They allow a range of visitor facilities and tourist ventures provided they do not cater for peak demand or generate unacceptable levels of traffic etc;
- The reoccupation of former dwellings is allowed, in recognition of their building conservation importance;
- Small-scale renewable proposals are looked on favourably subject to visual impact etc;
- New agricultural buildings are looked on favourably provided they are well-sited and necessary for agriculture;
- Home-based working ventures are allowed.

Other factors

Other factors relating to planning to be considered:

The National Park Authority has a high rate of approval of applications, when compared to other National Parks and the rest of England.

Planning Application Approval Rates – England, National Parks & YDNPA. Source: CLG/ONS Statistical Releases; YDNPA Records.

| Quarter | England | National Parks | YDNPA |
|-----------------|----------------|-----------------------|--------------|
| Apr – Mar 2007* | 82% | 84% | 89% |
| Apr – Mar 2008* | 82% | 85% | 89 % |
| Apr – Mar 2009* | 82% | 84% | 86% |

NB *These figures are for all types of development and applications including advertising.

- Significantly there is a 93% planning application approval rate for agricultural buildings, farm diversification schemes and residential/holiday lets on farm holdings.
- Quality of design – yes local materials in keeping with the vernacular architecture increases development costs, but it helps maintain the environmental quality, which as Campaign for National Parks have shown helps maintain a good profile for the area and attracts investment, businesses, and visitors to the area (see prosperity and protection, 2006). There will be many cases where design is about ‘fitting in’ but many of the Dales villages are remarkably diverse so there is flexibility, including for some more contemporary or innovative designs.
- In house expertise – doesn’t include building control – Councils benefit from having housing, building regulations etc in-house. Whilst the National Park Authority benefit from having archaeology, ecology, rights of way etc ‘in house’, and can offer a more

comprehensive 'joined up' service in these respects where they affect planning proposals.

- Customer care – the National Park Authority Planning department has just undergone a big re-organisation with the objective of improving customer care. It spends a lot of time on free pre-application advice compared to some other planning authorities. Some Councils charge for pre-application advice and site visits. Others require permitted development enquiries to be resolved through a formal 'Certificate of Lawfulness' application.
- Rural focus – the National Park Authority is not distracted by an urban agenda – it is very much centred on rural issues.
- Community representation – parish council appointees help ensure representation for local people.

Tom Harland, Kathryn Beardmore

30 January 2010



YORKSHIRE DALES
National Park Authority

Appendix – Permitted Development

This appendix seeks to summarise the impact of National Park status on permitted development for dwellings and agricultural buildings.

| Development | Impact of Article 1 (5) land includes National Parks, AONBs and Conservation Areas |
|---|---|
| Replacement windows/doors | No added restriction |
| Extensions | Side extensions not permitted and rear extensions limited to single storey |
| Cladding | Not allowed on 1(5) land |
| Roof extensions (e.g. dormers) | Not permitted |
| Rooflights | No added restriction |
| Porches | No added restriction |
| Detached outbuildings | Not permitted at side of dwellinghouse (rear only). Additional floor area restriction if the building is more than 20 metres from dwelling |
| Hard surfaces | No added restriction |
| Chimneys | Not allowed on elevations fronting and visible from highways |
| Satellite dish | Not allowed on elevations fronting and visible from highways |
| Walls/gates/fences | No added restriction |
| Accesses | No added restriction |
| Painting exterior | No added restriction |
| All changes of use | No added restriction |
| Temporary uses & buildings | No added restriction |
| Caravan Sites | No added restriction |
| Agricultural buildings/structures/hardstandings | No added restriction except for fish farming. Rules are stricter on Article 1(6)* land, however this includes the National Park and almost all of the Cumbrian parishes surrounding the Park as well. |
| Industrial & warehouse development | Smaller extensions allowed (e.g. 500sq m as opposed to 1000sq m) |
| Repairs to private tracks/streets | No added restriction |
| Repairs to services | No added restriction |
| Demolition of buildings | No added restriction |

Micro-renewables

| | |
|-------------------------------|--|
| Solar panels | Restrictions apply to Conservation Areas and World Heritage Sites only |
| Ground/water source heat pump | No added restriction |
| Biomass/CHP flues | Restrictions apply to Conservation Areas and World Heritage Sites only |

Article 1(6) land

Article 1(6) land, for these purposes is land designated as National Park, AONB or land of 'special landscape importance'. It has the effect of a minor tightening of agricultural permitted development.

With agricultural permitted development, even if a proposal falls within the relevant size/location limits, it will probably still need to go through a 28-day notification procedure (like a mini planning application, but less rigorous). This applies as follows:

- 1) Article 1(6) land – all developments subject to 28 day notification;
- 2) Non Article 1(6) land – all developments subject to 28 day notification *except for a single extension or alteration that is 'non-significant'* (i.e. extensions and alterations that involve adding less than 10% to the cubic volume of the building, or that do not result in exceeding the height of the existing building).

The consequence is that:

- areas that are not Article 1(6) land benefit from a one-off exemption for a non-significant extension or alteration;
- 'land of special landscape importance' includes much of South Lakeland and Eden in the proposed extension areas. A full list of the parishes in Eden & South Lakeland that are Article 1(6) is below. There is no Article 1(6) land in Lancashire.

in the district of South Lakeland—

Aldingham, Angerton, Arnside, Barbon, Beetham, Blawith and Subberthwaite, Broughton West, Burton, Casterton, Docker, Egton-with-Newland, Fawcett Forest, Firbank, Grayrigg, Helsington, Heversham, Hincaster, Holme, Hutton Roof, Killington, Kirkby Ireleth, Kirkby Lonsdale, Lambrigg, Levens, Lower Allithwaite, Lower Holker, Lowick, Lupton, Mansergh, Mansriggs, Middleton, Milnthorpe, Natland, New Hutton, Old Hutton and Holmescales, Osmotherley, Pennington, Preston Patrick, Preston Richard, Scalthwaiterigg, Sedgwick, Skelsmergh, Stainton, Strickland Ketel, Strickland Roger, Urswick, Whinfell, Whitwell and Selside;

in the district of Eden—

Ainstable, Asby, Bandleyside, Bolton, Brough, Brough Sowerby, Brougham, Castle Sowerby, Catterlen, Clifton, Cliburn, Crackenthorpe, Crosby Garrett, Crosby Ravensworth, Culgaith, Dacre, Dufton, Glassonby, Great Salkeld, Great Strickland, Greystoke, Hartley, Hesketh, Hillbeck, Hunsonby, Hutton, Kaber, Kings Meaburn, Kirkby Stephen, Kirby Thore, Kirkoswald, Langwathby, Lazonby, Little Strickland, Long Marton, Lowther, Mallerstang, Milburn, Morland, Mungrisdale, Murton, Musgrave, Nateby, Newbiggin, Newby, Orton, Ousby, Ravenstonedale, Shap, Skelton, Sleagill, Sockbridge and Tirril, Soulby, Stainmore, Tebay, Temple Sowerby, Thrimby, Waitby, Warcop, Wharton, Winton, Yanwath and Eamont Bridge;