

TOWN AND COUNTRY PLANNING ACT 1990
YORKSHIRE DALES NATIONAL PARK AUTHORITY
(Local Planning Authority)

**NOTICE OF DECISION OF PLANNING AUTHORITY ON APPLICATION FOR:
PERMISSION TO CARRY OUT DEVELOPMENT**

To: **Mr J Athay**

Decision No: C/44/169E

The above named Authority being the Local Planning Authority for the purposes of your application received on 04/11/2014 for full planning permission for erection of shed to house biomass boiler at The Fold, Selside, SD783756 have considered the said application and have GRANTED permission for the proposal subject to the following 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.
2. The development shall be carried out in accordance with the following plans and information:
 - site location plan
 - proposed site plan (drg. No. 196 RHI 3)
 - proposed elevations (drg. No. 196 RHI 1)
 - proposed boiler shed detail (drg. No. 196 RHI 4)
 - date stamped received 04 November 2014
 - flood risk assessment
 - date stamped received 06 November 2014
3. The timber building shall be stained 'chestnut', the roof shall be matt black galvanised sheeting, and the flue shall be matt black painted prior to first use of the development hereby approved, in accordance with drg. No. 196 RHI 4, date stamped received 04 November 2014. The development shall then be retained in accordance with these details thereafter.
4. The solar panels shall have a matt black external finish and shall have black metal frames.
5. When the biomass boilers and solar panels, the subject of this permission, cease to be used for the purpose for they were installed, they shall be removed from the site, together with all ancillary equipment and fencing to leave the site cleared.

Reason(s):

1. To comply with the requirements of Sections 91-93 of the Town and Country Planning Act 1990 (as amended).
2. To define the plans and information that relate to this permission.
- 3, 4. In the interests of visual amenity and in accordance with saved policies GP2 and U6 of the Yorkshire Dales Local Plan (2006).
5. To remove equipment and other features which have ceased to be used for renewable energy in the interests of visual amenity, in accordance with saved policy U6 of the adopted

Date: - 2 DEC 2014

K.W

Designation

HEAD OF DEVELOPMENT MANAGEMENT

FOR NOTES AND RIGHTS OF APPEAL SEE OVERLEAF

RIGHTS OF APPEAL

1. If an applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development, or to grant permission or approval subject to conditions, they may appeal to the Secretary of State for the Environment (The Planning Inspectorate) in accordance with Section 78 of the Town and Country Planning Act 1990, within 6 months of the date of this notice. **NB this reduces to within 12 weeks of the date of this notice if it is a refusal of a Householder or Minor Commercial application (this would be shown at the top of the notice).** The Secretary of State has power to allow a longer period for the giving of a notice of appeal, but he/she will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him/her that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements (including reference to office and industrial development) to the provisions of the development order, and to any directions given under the order.
2. 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.
3. 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:

If you wish to exercise your right of appeal as mentioned above, you can do so online at <http://www.planningportal.gov.uk/planning/appeals/online/makeanappeal> or on the appropriate form obtainable from:

The Planning Inspectorate
Temple Quay House
Room 3/13
2 The Square
Temple Quay
Bristol
BS1 6PN
0303 444 50 00

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). 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.

(approval/refusal)

Continuation Sheet 1

C/44/169E

Yorkshire Dales Local Plan (2006).

Notes to Applicant:

This Authority has acted positively and proactively in dealing with this application by addressing issues of concern by the use of planning conditions and the application has been determined in accordance with local plan policy and the presumption in favour of sustainable development set out in the National Planning Policy Framework.

NOTE:-

No consent, permission or approval hereby given absolves the applicant from the necessity of obtaining the approval, under the Building Regulations, of the District Council in whose area the site of the proposed Development is situated; or of obtaining approval under any other Bye-Laws, local Acts, orders, regulations and statutory provisions in force; and no part of the proposed development should be commenced until such further approval has been obtained.

DCPermitRpt

YORKSHIRE DALES NATIONAL PARK AUTHORITY

Application No:	C/44/169E	
District:	Craven	
Parish:	Horton in Ribblesdale	
Applicant's Name:	Mr J Athay,	
Grid Ref:	SD78397565	
Received by YDNP:	04/11/2014	Officer: Emma Heron

PROPOSAL: full planning permission for erection of shed to house biomass boiler and installation of two solar thermal panels to existing dwelling

LOCATION: The Fold, Selside

CONSULTEES

Horton-in-Ribblesdale PC No objections
Chief Technical Officer No comments received

PUBLIC RESPONSES

No comments received

RELEVANT PLANNING POLICIES

B7(06) - Building Design
U6(06) - Small-Scale Renewable Energy Developments
B14(06) - Extensions and Alterations to Buildings
GP1(06) - National Park Purposes
GP2(06) - General Design Policy
NE7(06) - Protection of Species

OFFICERS' OBSERVATIONS

APPLICATION SITE

The site is The Fold, located on the west side of Selside at the end of a row of cottages. The site comprises a large area of land which is a mixture of yard, garden, parking areas. It is stepped up to the north on various non-uniform levels and a stream passes through the site on the west side.

There is a large hard surface which is the base from a former tractor shed. This is adjacent to existing greenhouse and shed.

PROPOSAL

The proposal is for a shed to house a bio-mass boiler, and for two solar panels on the south elevation of the house.

The biomass boiler house would be 3.9 metres long x 2.5 metres wide and 2.2 metres high. It would have a very low profile curved roof. The flue would protrude 1.2 metres above the roof and would be black painted. It would be vertically boarded.

The solar panels require planning permission as permitted development rights had been removed for the property.

RELEVANT PLANNING HISTORY

None relevant

KEY ISSUES

Visual amenity
Neighbour amenity
Species protection
Flood risk
Benefits

VISUAL AMENITY

The biomass building would be modest in scale and not visible from outside of the garden of The Fold, due to the topography of the land. It would be an appropriate scale and form for its position in the garden.

The solar panels are small scale, occupy a limited area on the roof of the building and not widely visible from outside of the site, given their position on the far west end of the row of cottages and barns. They are considered to be visually acceptable.

The proposal would accord with saved policies GP2, B7, B14 and U6 of the Yorkshire Dales Local Plan (2006).

NEIGHBOUR AMENITY

The building would be sited well away from nearby properties and will have no harmful impact on the amenities of neighbouring properties. The proposal would accord with saved policy GP2 of the Yorkshire Dales Local Plan (2006).

SPECIES PROTECTION

Bats are a Protected Species by virtue of the EU Habitats Directive and the Conservation of Habitats and Species Regulations 2010. Article 12 of the Habitats Directive requires member states to take requisite measures to establish a system of protection of certain animal species prohibiting the deterioration or destruction of breeding sites or resting places. Article 16 provides that if there is no satisfactory alternative and the development is not detrimental to the maintenance of the population of the species at a favourable conservation status in their natural range then members states may depart from the requirements of the Directive "in the interest of public health and public safety or for other imperative reasons of overriding public interest, including those of a social and economic nature and beneficial consequences of primary importance for the landscape."

Under the requirements of the Conservation of Habitats and Species Regulations 2010 it is a criminal offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a licence from Natural England. Natural England will only grant such licences if they are satisfied that the requirements of Article 16 of the Directive are met. Regulation 9 of the Regulations also provides that every competent authority (including planning authority) in the exercise of their functions, shall have regard to the requirements of the Habitats Directive.

It is not considered that a bat scoping survey is required in this instance. The reason for this is that the roof is new, with close fitting artificial stone slates, and is unlikely to be suitable for roosting bats.

The Authority's Wildlife Conservation Officer agrees that a bat survey is not required in this case, for the reasons outline above. It is considered therefore, that adequate regard has been paid to the potential impacts on protected species at the site and the proposals would comply with the provisions of Policy NE7 in this regard.

FLOOD RISK

The biomass building is to be sited within a flood risk zone, due to its proximity to the stream. A flood risk assessment has been submitted with the application, in line with Environment Agency standing advice. This states that the building would be constructed over a continuous damp proof membrane which will lap up the sides of the shed to 300 mm before applying outer boards. The boiler would be set on a plinth with electric controls set towards the top of the shed. No additional hard-surfaces would be formed (reducing the risk of overland flow), as the former tractor shed base would be utilised.

It is considered that suitable flood risk mitigation measures would be put in place and as such the proposal would accord with the requirements of the Technical Guidance to the National Planning Policy Framework.

BENEFITS

The proposals are for renewable energy measures, providing heating and power through low carbon measures. The proposals would accord with saved policy U6 of the Yorkshire Dales Local Plan (2006).

ANALYSIS OF MATERIAL CONSIDERATIONS

The proposals are considered to be visually acceptable, and would have no impact on neighbour amenity. Adequate regard has been paid to the protection of species (bats), at the site, and the flood risk mitigation measures are considered to be acceptable. The proposal would bring about benefits to the householder and the environment using low carbon fuels for energy production.

The proposals would accord with saved policies GP1, GP2, U6, B7, B14 and NE7 of the Yorkshire Dales Local Plan (2006).

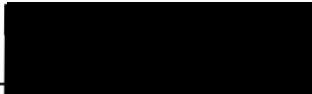
RECOMMENDATION

Approve with conditions



Signed by Case Officer

Date 28 NOV 2014



Principal Planning Officer

Date 1st December 2014