

NYMNP

17/05/2019

PLANNING STATEMENT

HANGING STONES PROJECT

'EBENEZER'

DAVID ROSS FOUNDATION

 Rural Solutions



Rural Solutions

PLANNING STATEMENT

LOCATION
EBENEZER, ROSEDALE

PROPOSAL
PROPOSED SCULPTURE (EBENEZER)

APPLICANT
DAVID ROSS FOUNDATION

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I. INTRODUCTION AND APPROACH

- 1.1: This planning statement has been prepared by Rural Solutions Ltd on behalf of the David Ross Foundation ('the applicant') in support of an outline planning application for a proposed sculpture on land to the north of Northdale Farm (see Figure 2.1 – Site Location at Page 9).
- 1.2: The proposal is one of ten interconnected pieces of art which together make up the Hanging Stones Project, an ongoing venture by artist and sculptor Andy Goldsworthy OBE, of which 4no. sculptures are already complete and a further 1no. sculpture has planning permission.
- 1.3: Once complete, the Hanging Stones Project will be a world-class sculpture walk comprising of ten sculptures located across the valley of Northdale in the North York Moors National Park. The Project is first and foremost designed for the purposes of public enjoyment.
- 1.4: The works, as shown in Figure 1.1, will be connected by a six-mile walk, which will take in the beautiful and enchanting scenery the Northdale valley has to offer. The walk itself and landscape encountered between the sculptures is intended to form as much a part of the artwork as the sculptures themselves.
- 1.5: The proposals are a joint venture between the applicant, owners of the Rosedale Estate, and Goldsworthy, a highly acclaimed British sculptor known for creating site-specific and landscape inspired sculptures around the world.
- 1.6: Art and culture are a fundamental element of adding value to landscapes. The National Planning Policy Framework ('NPPF') recognises that cultural well-being has a role to play in the planning system and the Hanging Stones Project, once complete, will provide a unique asset of international importance, providing a high quality attraction for locals and visitors to the National Park.
- 1.7: Inspiration for the Project has been taken from the rich agricultural history of the Northdale valley, including its strong iron mining past which formed Rosedale Abbey (being the nearest village to Northdale) into the place it is today.
- 1.8: The chosen sites are a fundamental part of Goldsworthy's overall vision for the Hanging Stones Project, with each site and proposal arising from years' worth of research and dialogue between Goldsworthy and the Rosedale landscape.
- 1.9: A total of five planning applications, relating to five different sculpture sites, are submitted for the North York Moors National Park Authority's ('NYMNP' or 'the Authority') consideration. They follow the approval of 2no. applications in 2015 and 3no. applications in 2017, all relating to similar sculpture proposals. Whilst works are still underway to implement some of these consents, the

completed sculptures (Hanging Stone House, Hither House, Job's Well and Redwall) have to date been highly praised by visitors¹.

- 1.10: This application, along with the accompanying applications, forms the final step in realising the full and necessary potential of the Hanging Stones Project. It is essential that **all** of the vitally connected art forms are provided in order for the **whole** scheme to come together and provide the public benefits this statement will go on to detail.

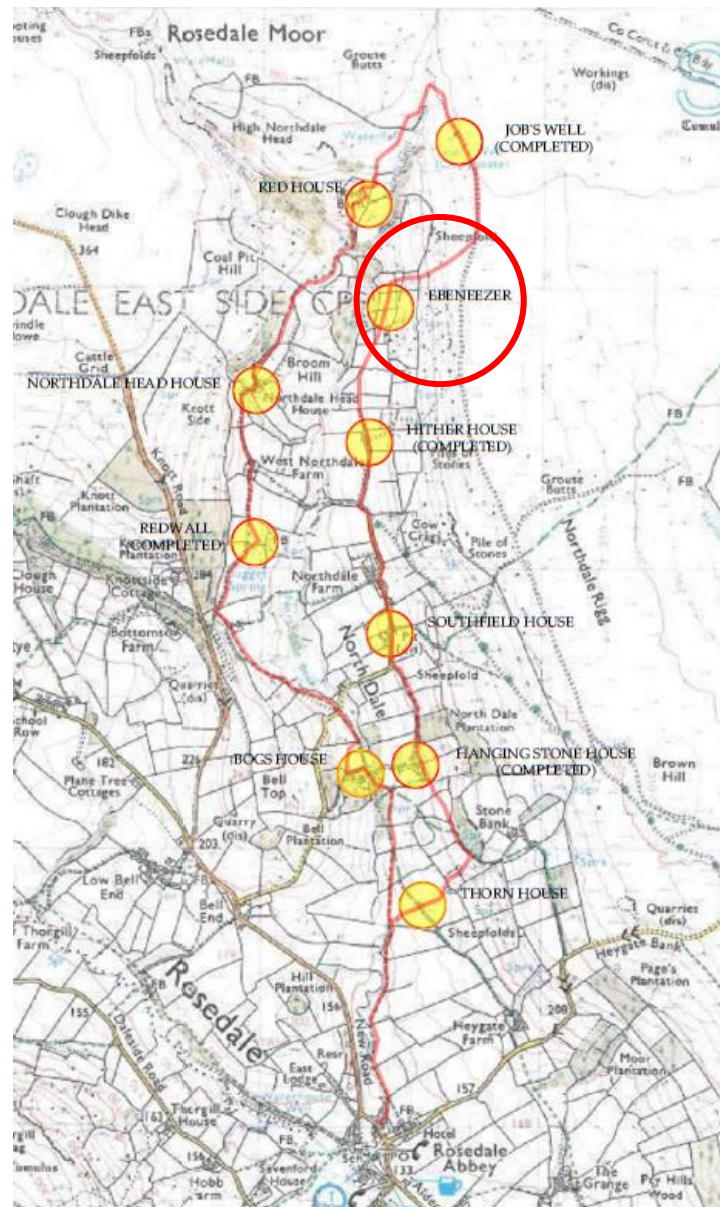


Figure 1.1 – Hanging Stones Project – Full Route showing location of ‘Ebenezer’

¹ Members of the NYMNP committee visited the completed ‘Hanging Stone House’ in March 2019.

STRUCTURE OF THE STATEMENT

- 1.11: Section 2 of this statement provides details on the site of the proposed Ebenezer sculpture, along with a description of the sites surroundings and sets the scene for the policy assessment to follow.
- 1.12: Section 3 provides information on the sites planning history, including pre-application engagement with members of the public, the National Park Authority and other stakeholders.
- 1.13: Details of the proposed development are outlined in Section 4.
- 1.14: Section 5 assesses the key planning issues relating to the application, including a review of relevant local and national planning policy. This section includes an assessment of the national and local planning policy issues most relevant to the proposed development.
- 1.15: Finally, Section 6 presents the conclusions to the statement and summarises the public benefits of the Hanging Stones project which weigh in favour of the application.

2. SITE AND SURROUNDINGS

THE SITE

- 2.1: The site for the proposed Ebenezer sculpture sits within an agricultural field to the north of Northdale Farm (see Figure 2.1 below). The site does not currently benefit from any public footpath access, but can be accessed from the south via an existing Estate track which connects the site with Hanging Stone Lane to the south.

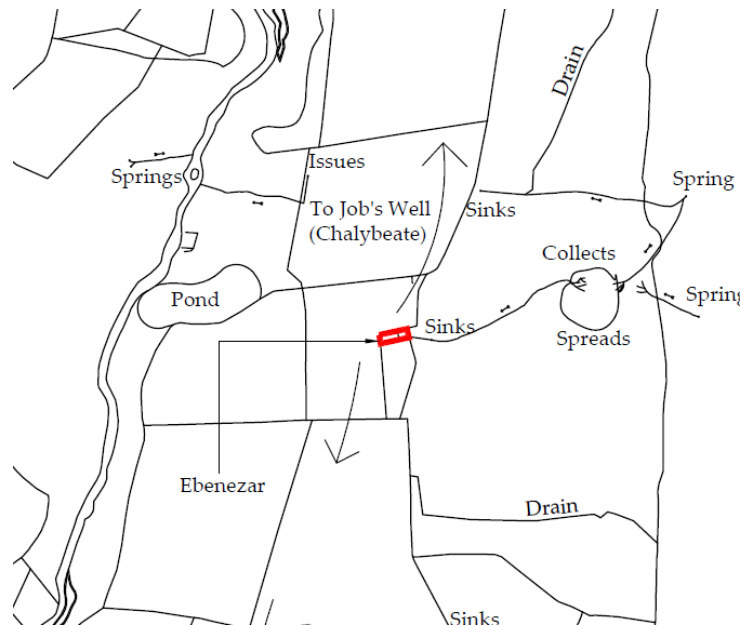


Figure 2.1 – Site Location

- 2.2: The site comprises the ruins of the historical Ebenezer, which is thought to have fallen into disrepair sometime during the late-19th century when it disappears from historic maps. The original building, most likely used for agricultural purposes, dates back to at least 1846, and can be seen on the historical map extract at Figure 2.2 below.



Figure 2.2 – Extract from NYCC 1846-1863 Historical Map showing location of Ebenezer

- 2.3: The remains of the building are substantial, with 2 of the 4 building walls still standing to full height, albeit in a poor state of repair (see images at Figure 2.3 below). The ruin is without a roof and has been open to the elements for many years. The building occupies a semi-elevated position on the eastern valley side, with woodland to the west of the site occupying the valley bottom and some poorer quality woodland to the east of the site, separating the site from the moorland beyond.



Figure 2.3 – Images of existing Ebenezer site

- 2.4: The proposal for the Ebenezer site, which is detailed further in Section 4 of this report, is intrinsically connected with that of Hither House, an already complete sculpture situated approximately 410m to the south of Ebenezer.
- 2.5: The site is visible from largely short-distance views around the surrounding valley but importantly to the walk, will be visible on the approach north towards the site from the previous sculpture, Hither House.
- 2.6: The existing Ebenezer building is of a small-scale and it is not proposed that the replacement structure be of any greater scale than once existed on the site. It's small-scale nature, and dry-stone wall construction (which will reflect the current ruins and other sculptures included within the trail) is not considered to have any substantial impact on the surrounding landscape. Importantly, the proposal will not conflict with the purposes of including land within the National Park (paragraph 172 of the NPPF). This is considered further in the appraisal contained at Section 5.
- 2.7: The site is located within Flood Zone 1 (low risk of flooding). There are no statutory designated nature conservation sites within the red line, which currently comprises the ruins of the historical Ebenezer and overgrown vegetation.
- 2.8: There is no nearby Conservation Area (the nearest being Rosedale Abbey, 1.2km to the south). The nearest listed structures are located over 1km away in Rosedale Abbey. None of these listed structures or their setting is impacted by the proposed development. There are no other structures or buildings within the vicinity of the site.
- 2.9: As detailed later in this statement, the proposed development is designed to reflect the sensitivities of this location. Careful attention to detail has been taken to ensure that the proposal is of a scale, design and appearance which is wholly appropriate to the National Park landscape and this specific location.

3. PLANNING HISTORY AND CONSULTATION

PLANNING HISTORY

3.1: The site of the current Ebenezer proposal has been the subject of 1 no. past application for the following description of development:

“Outline application for reconstruction of building to form a piece of “External Sculpture” (all matters reserved)” Ref: NYM/2017/0087/OU.

3.2: This application was withdrawn by the applicant in May 2017 to allow for further development of the artistic vision for the Hanging Stones Project and for greater evidence to be gathered in support of the proposals.

3.3: Prior to the withdrawal of the application, the Authority made a recommendation to refuse the application for the following reasons:

1. The proposed development, by reason of the extent of rebuilding required would comprise sporadic development and result in the construction of a new building in the open countryside which would have an urbanising impact and dilute the special qualities of this part of the National Park. As such the proposal would be contrary to Core Policies A and G of the North York Moors Local Development Plan which gives priority to the conservation of the landscape.

2. The proposed development is considered to be contrary to Development Policy 8 of the Local Development Plan which only permits the conversion of redundant traditional buildings where the building is of historic and architectural importance, makes a positive contribution to the landscape and character of the National Park and is capable of conversion without substantial re-building. The remains of the building to which this proposal relates is a ruin and its rebuilding would result in a loss of character to the landscape.

3.4: These reasons for refusal were founded on the premise that the proposal created an ‘urbanising impact’ on, as well as ‘sporadic development’ in the open countryside. As detailed in Section 5 of this report, the proposals are far from urban; they are seeking to re-establish a **traditional** rural feature in the landscape solely for the purposes of art. Further, the suggestion that the proposal comprises ‘sporadic development’ suggests that artwork and sculpture is inappropriate in rural, isolated locations; something that is an ever increasing trend across the country and other National Park areas, and a concept that is welcomed by many.

3.5: The Director of Planning’s previous consideration of the proposal also referenced the scheme to be contrary to Development Policy 8; a policy that relates specifically to the **conversion** of buildings for **specified** uses. As detailed further in Section 5 of this report, the proposals do not amount to conversions, nor are they proposed to be used for any of the specified uses to which Development Policy 8 applies. The policy is therefore wholly irrelevant to the proposal and so cannot be applied.

- 3.6: The detailed policy assessment contained at Section 5 of this planning statement qualifies the development plan and national planning policies applicable to the proposed development. These include policies in relation to sustainable development and the conservation of the landscape (Core Policy A and Core Policy G), policies in relation to the natural environment (Core Policy C and Development Policy I), policies in relation to the provision of tourism and recreation development in the National Park (Development Policy 14) and policies in relation to other material considerations (Development Policies 3 and 23).
- 3.7: In summary, through providing significant public benefits and meeting with National Park objectives to promote opportunities for the understanding and enjoyment of the special qualities of the National Parks, the proposal accords with adopted local and national policy and there are no other material considerations that would warrant its refusal.

PLANNING HISTORY OF THE HANGING STONES PROJECT

- 3.8: As referenced earlier in this report, the Ebenezer proposal forms one part of the wider Hanging Stones Project. Following the Authority's earlier grant of planning permission, 4no. of the Project's sculptures are now complete (Hanging Stone House, Hither House, Job's Well and Redwall) (see Figure 3.1 below), with a further 1no. sculpture (Southfield House) benefiting from an extant planning consent.



Figure 3.1 – Completed/Approved Sculptures comprising the Hanging Stones Project to date

- 3.9: In approving these sculptures, the Authority considered the proposals to be *'beneficial'*, *'that the proposal has a public benefit (i.e. Public access)'* and that the proposals would *'be in accordance with the Management Plan objectives'*.
- 3.10: The Authority also considered that through the use of local vernacular design and materials, the proposals would not be out of character in the landscape or visually prominent.
- 3.11: Notably, in their consideration of 'Redwall' the Authority did not apply Development Policy 8 given the proposal related to a new building on a site where there historically had not been any built development.
- 3.12: The Authority acknowledged that the small-scale nature of the building, local vernacular design and use of traditional materials meant the building (of traditional agricultural appearance) was not out of character in the landscape or visually prominent. In approving the application, the Authority further acknowledged the public benefit the proposal would bring, along with its accordance with Management Plan objectives.
- 3.13: The Authority's positive determination of Redwall is particularly relevant to this current proposal, which similarly does not involve the conversion of existing building of substantial build.
- 3.14: The public benefits of the current proposals are substantial and to this end should be recognised by the Authority in their forthcoming consideration of this and accompanying application(s). The proposals accord with Management Plan objectives which seek to promote public access to the countryside and comprise sustainable development, as this statement goes on to demonstrate.

CONSULTATION

- 3.15: Since the withdrawal of the previous application, the vision for the site and indeed the entire Hanging Stones Project has been significantly advanced.
- 3.16: A dedicated website, www.hangingstones.org, has been developed by Goldsworthy and his team to provide valuable insight into the artistic vision for the Project. It provides details on the completed sites, the walk itself (and proposed management) and the proposals for the sites currently subject to planning applications.
- 3.17: The website details how the proposals put forward as part of this current package of applications are the final step in realising the **full** potential of the Hanging Stones Project. Their delivery is **essential** in order for the artist's vision to be complete and for the full benefits of the scheme to be realised.
- 3.18: Participation and input from the local community is a key component of arts and culture planning². As such, since the withdrawal of the last applications, various consultation activities have been undertaken to explore the benefits of the proposals and seek views on their completion.

² Arts and Culture Planning: A Toolkit for Communities, CMAP (2010)

- 3.19: A public meeting was undertaken in July 2018 where the artist, Andy Goldsworthy, presented his vision for the walk to the local Rosedale Abbey community. This event was advertised on the Rosedale Abbey website and was well-attended by locals.
- 3.20: The talk centred not only around the completed works and works which were underway at the time, but also around the current proposals and what they would add to the Hanging Stones Project.
- 3.21: The results of this meeting were incredibly positive, with high levels of local support for the proposals, including recognition of the benefits they could bring through a sensitive and controlled increase in visitors to the local area.
- 3.22: It was welcomed that access to the buildings themselves would be restricted and access would be granted only via a key, available through the David Ross Foundation from a local pick-up point within the village. It was appreciated that this mitigation measure would assist in limiting the potential impacts walkers could have on the surrounding landscape.
- 3.23: Prior to the submission of the current applications, key stakeholders and organisations were also identified and contacted with regards to the proposals/upcoming submissions.
- 3.24: The persons contacted were chosen as a representative range of people and organisation's with an interest or stake in arts and culture within the National Park and with an interest in the local area. These included:
- Local Parish Council;
 - Local Ramblers Associations;
 - Welcome to Yorkshire;
 - North York Moors National Park Trust;
 - Yorkshire Sculpture Park;
 - Head of Economy and Housing (Ryedale District Council);
 - Head of Promotion and Tourism (North Yorkshire Moors National Park Authority);
 - York, North Yorkshire & East Riding LEP;
 - Ryedale Folk Museum; and
 - North Yorkshire Moors Association.
- 3.25: The dedicated website³ has also assisted the pre-application consultation process, providing further details and background information on the proposals to those who visit. This website will act as a booking facility for members of the public once the Project is complete in its entirety.
- 3.26: No comments or responses from this stakeholder consultation have yet been received, although it is intended to undertake interviews with these stakeholders over the course of the application. This will enable valuable insight into the

³ www.hangingstones.org

proposals from the arts and culture communities, landscape organisations and advisors.

- 3.27: It is also the applicant's intention to undertake another public meeting in Rosedale Abbey following the submission of the applications, to update the local community on the progress with the proposals and engage with them on the most recent submissions. Dates and details for this meeting will be confirmed following validation of the current applications.

4. EBENEZER

- 4.1: The proposed site for the Ebenezer sculpture forms the historic site of a small agricultural building, also known as Ebenezer. As outlined in Section 2 of this report, this structure is thought to have been in situ until the late-19th century, when it disappeared from recorded maps.
- 4.2: It is wholly accepted that the building is severely derelict, albeit the remains of the walls can still very clearly be seen. 2 out of 4 of the building walls are still of substantial completeness and whilst the remaining walls have deteriorated and fallen away, the structure still has a substantial presence.
- 4.3: The new structure would re-use as much stone from the existing structure and site as possible. It is not proposed that the new building be of greater height or footprint in comparison to the former Ebenezer.
- 4.4: As outlined in Section 2 of this report, the proposal is inter-connected with that of Hither House, a now complete structure approximately 410m to the south of the Ebenezer site, approved by the Authority in 2015. The two structures have been conceived by Goldsworthy as a pair, even more so because of the close proximity of one building to the other.
- 4.5: It is intended that Ebenezer, along with the completed Hither House, will form a single entity within the Hanging Stones Project and will create a dialogue between the cold wet and dry warmth of the two houses.
- 4.6: Whilst Hither House contains the remains of a large burnt and charred tree, Ebenezer will contain some form of running water where there would have normally been a fire within the building.
- 4.7: It is proposed that this is achieved by collecting water into a tank on the hill above the structure. A pipe would run underground from the tank into the building, inside the wall, above the fireplace, so that water would flow down the chimney onto the hearth (see Figure 4.1 below). The water would then drain through the floor and out of the building.
- 4.8: The flow of water would be determined by weather conditions, possibly reduced to a drip or drying up completely in the summer months. No electricity and/or power would be provided to the site in order to provide this water feature.
- 4.9: The existing building is set into the hillside and it is not proposed to raise the height of the existing walls over and above the height they would have once reached. The project will largely comprise the rebuilding of the existing external walls, and provision of a new roof to house the sculpture within.
- 4.10: An opening would be created to allow people to enter the building so that they can experience the sound and the flow of the water within. This opening would be accessed via key only.
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- 4.11: The current application seeks approval for the principle of a structure on this site only. As above, the structure would not increase the size of the footprint over and above the once present Ebenezer. The full detail of the building, including materials and height, will be confirmed through later submissions, albeit the building can only be described as small-scale and is not intended to be over-bearing or stand out within the wider landscape setting. Indeed its scale is constrained by the extent of the existing footprint and will seek only to re-establish a traditional rural building on a site where one once stood.
- 4.12: The building would be sympathetically designed, utilising local building materials for both the walls and roof. It would be reflective of the other sculptures already provided around the walk (see Page 12, Figure 3.1): Hanging Stones House, Hither House, Job's Well and Redwall, the latter of which (Redwall) being the only building on the walk to be constructed on a site not already featuring an existing building or ruin. It is intended that the building will re-use as much of the existing stone on the site as possible.
- 4.13: The building is not intended to be viewed as a 'new-build' within the Northdale landscape and it is intended it will be viewed as a very small-scale agricultural building, similar to the many other agricultural buildings that feature across the Northdale valley.
- 4.14: Section 5 of this report considers views of the structure in greater detail, along with its considered impact on the surrounding landscape setting.

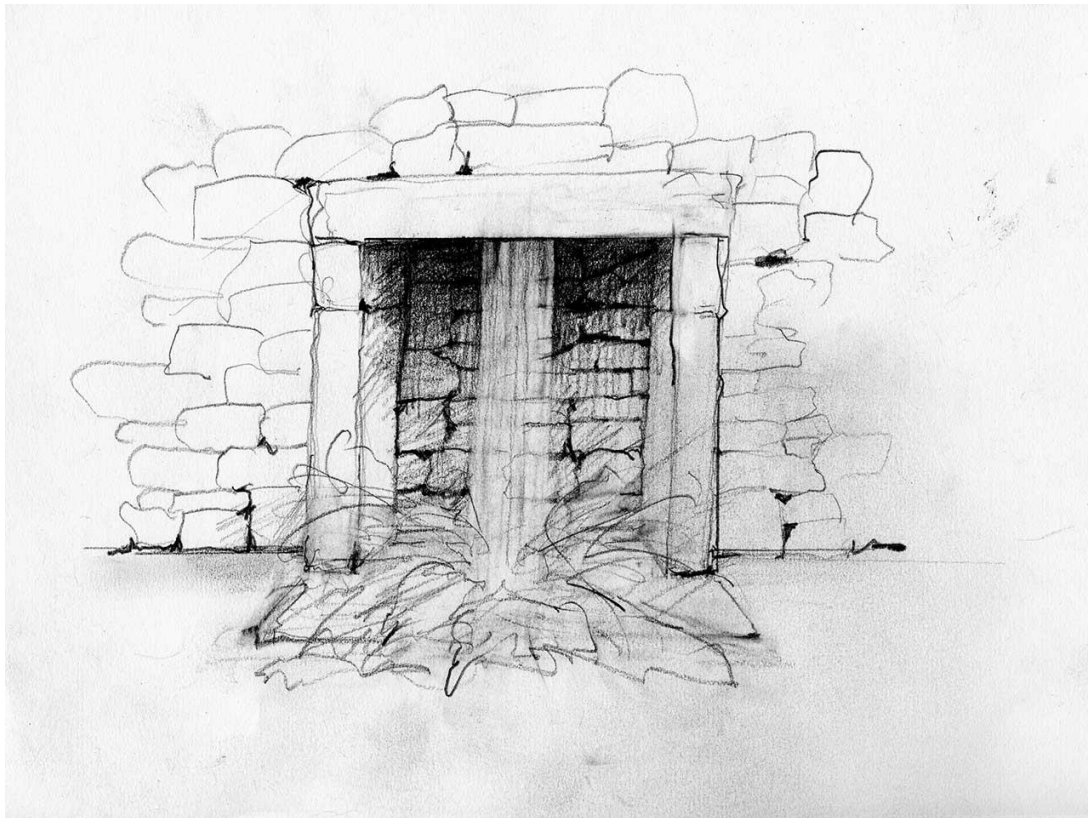


Figure 4.1 – Conceptual sketch for Ebenezer fireplace sculpture,

5. PLANNING APPRAISAL INCLUDING PLANNING POLICY AND LANDSCAPE ASSESSMENT

POLICY CONTEXT

5.1: Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that:

If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

LOCAL PLAN POLICY

5.2: The statutory development plan is made up of:

- The North York Moors Core Strategy and Development Policies document adopted November 2008.

5.3: There are also a number of other supporting documents (Supplementary Planning Documents); this includes the Design Guide (adopted June 2008).

5.4: The new Local Plan (the North York Moors National Park Local Plan 2016-35) is currently in the process of being produced. At the moment the plan is at stage 4 of a 5 stage process, with consultation on the pre-submission draft commencing in April 2019. At present, the adoption of the plan is timetabled for the end of 2019. As such, the policies in the emerging plan carry little weight in the determination process for the planning applications at present.

5.5: There are no neighbourhood plans which cover the application area or any adjoining area.

5.6: The Local Planning Policies relevant to this application are set out in the adopted Core Strategy and Development Policies Document and include those listed below:

- Core Policy A – Delivering National Park Purposes and Sustainable Development;
- Core Policy C – Natural Environment, Biodiversity and Geodiversity;
- Core Policy G – Landscape, Design and Historic Assets;
- Development Policy 1 – Environmental Protection;
- Development Policy 3 – Design;
- Development Policy 14 – Tourism and Recreation; and
- Development Policy 23 – New Development and Transport.

BACKGROUND TO POLICY ASSESSMENT

- 5.7: It is of note that in the Authority's consideration of the previous 2017 proposals for development of the site, Development Policy 8 (Conversion of Traditional Unlisted Rural Buildings) was considered to be applicable to the extent whereby it was considered justification for refusal of the application.
- 5.8: In considering the application of Development Policy 8, it is pertinent to consider the precise wording of the policy, which states:
- Outside the settlements identified in the settlement hierarchy, the **conversion** of traditional unlisted rural buildings for an **employment use, short term self catering holiday accommodation, residential annexe to an adjacent existing dwelling or long-term/permanent residential letting units for local occupancy** will be permitted where...
- 5.9: The current development proposals, as outlined in previous sections of this planning statement, do **not** comprise the conversion of an existing rural building. The building has historically collapsed and only comprises the partial remains of the walls.
- 5.10: Further, the use class of the building forming the sculpture and housing the artwork will be Sui Generis, it does not fall within an employment use, holiday accommodation use or any of the residential uses outlined within Development Policy 8.
- 5.11: To this end, the proposals do not relate to a form of development to which Development Policy 8 covers. The development plan does not in-fact include any policies which relate specifically to outdoor sculpture or public art. National policies are also silent in relation to this subject area (although relevant in so far as they relate to good design and supporting the rural economy).
- 5.12: In light of the above considerations, Development Policy 8 is wholly irrelevant to the current proposal and so cannot be applied by the Authority in their determination of the application.
- 5.13: Consideration of the proposals must therefore weigh on the benefits they will bring to the tourism and recreational aims of the National Park and their accordance with other policies included within the development plan (such as design policies).
- 5.14: The Authority, in their consideration of the previous 2017 application, also considered the proposal to be contrary to Core Policies A and G of the Development Plan due to their 'urbanising impact' and due to the proposals comprising 'sporadic development' in the open countryside.
- 5.15: The following policy assessment considers the application's compliance specifically with Core Policies A and G in further detail, however in summary, the proposal comprises the construction a small-scale traditional rural building
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for the purposes of art. The structure is entirely appropriate within the rural landscape and has been designed on a site-specific basis. By virtue of the proposals high-quality design and contribution to the National Park objectives, the proposal will not result in any 'urbanising impact' and is entirely appropriate within this isolated location, which is a key component of the artwork and how it is interpreted by the public.

POLICY ASSESSMENT

- 5.16: Core Policy A of the development plan sets out an overarching approach which is relevant to all proposals in the Park, seeking to further the National Park purposes and duty by encouraging a more sustainable future for the Park and its communities, whilst conserving and enhancing the Park's special qualities.
- 5.17: The policy states that priority will be given to, *inter alia*, providing a scale of development and level of activity that will not have an unacceptable impact on the wider landscape; and strengthening and diversifying the rural economy and providing tourism based opportunities for the understanding and enjoyment of the Park's special qualities.
- 5.18: The Ebenezer proposal is of a small-scale nature, as outlined in previous sections, and for this reason is considered to be in accordance with Core Policy A. Whilst the building will be visible within some views of the landscape it will not create an over-bearing scale of development, nor can it be described 'urban' in its appearance. Views of the building from the adjoining sculptures are intended to connect the site with the rest of the walk. The building will not however create a scale of development over and above what was once in situ on this site.
- 5.19: The proposal, along with the Hanging Stones Project as a whole represents an exceptional opportunity to provide for arts and culture within the National Park and provide a sensitive tourist attraction which is routed in providing visitors with an understanding and enjoyment of the Rosedale landscape and artworks themselves. It is therefore considered that the proposal fully accords with Core Policy A by delivering the National Park Purposes and comprising sustainable development.
- 5.20: Core Policy G sets out that the landscape, historic assets and cultural heritage of the North York Moors will be conserved and enhanced. High quality sustainable design will be sought which conserves or enhances the landscape setting, settlement layout and building characteristics of the landscape character areas.
- 5.21: The landscape, historic and cultural assets of the North York Moors are an integral part of its special qualities, and it is for this reason that they have formed the foundation for the Hanging Stones project and have been considered at every step of the development process to date.
- 5.22: As this section of the planning statement goes on to demonstrate, following a baseline landscape assessment into the landscape character covering the site, it
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is considered that the proposals have a negligible impact on the quality of the landscape, which, whilst highly sensitive to change, is characterised by dispersed small-scale development. In conjunction with the benefits of the proposals (including their contribution to the National Park objective) the proposals are considered to be in full accordance with Core Policy G (Landscape, Design and Historic Assets).

- 5.23: In order to conserve and enhance the special qualities of the North York Moors National Park, Development Policy I (Environmental Protection) seeks to ensure that development proposals will not have an adverse impact on the environment, including amenity and land stability.
- 5.24: In order to consider the effects of the proposed development on the surrounding area, it is pertinent to consider the surrounding public footpath network and the proposed route for the Hanging Stones walk as a whole (see Figure I.1, page 7).
- 5.25: A series of public rights of way are already in place to make up a large part of the proposed Hanging Stones Project walk and connect most of the sites. The Ebenezer site is connected to the public rights of way network via an existing, currently private, Estate track. It is proposed to provide this track for public use as part of the proposals.
- 5.26: An Ecology Assessment was however undertaken by MAB Ecology in August 2017 to consider the effects of the additional proposed paths which would connect the sculptures and which do not already comprise existing public rights of way⁴. The report confirms that the proposed pathway will have no significant impact on habitats, amphibians or reptiles.
- 5.27: As outlined in the previous section to this report, the sculptures comprising the Hanging Stones Project are all accessed by keys.
- 5.28: This controlled access will have the effect of limiting the number of walkers and visitors at any one time along the route, therefore managing the effect of the Project on the surrounding environment and Moorland itself. Whilst the number of walkers on the public footpath network can not be controlled, only those with a key to the sculptures will be permitted to walk the permissive routes provided by the Estate. This measure has been devised by Goldsworthy and the applicant to protect the important surrounding environment and avoid the negative impacts large numbers of walkers sometimes bring (e.g. erosion, litter & parking issues).
- 5.29: The permissive paths have been agreed with the Park Authority (in correspondence with Officers) as appropriate, and the proposed development is therefore considered to be in accordance with Development Policy I.

⁴ These 'permissive' footpaths are being offered by the Rosedale Estate to contribute to the route and overall Project. The route of the walk, and scenery it takes in, is as much a part of the Project as the sculptures themselves.

- 5.30: Development Policy 3 (Design) sets out that development will be permitted where it is of high-quality design, including where it preserves views into and out of the site and reflects local vernacular.
- 5.31: The development of Ebenezer, and indeed all of the connected sculpture proposals has been the subject of an iterative design process, which has seen the artist, Andy Goldsworthy, develop the proposals over time with detailed consideration of local vernacular the valley's history.
- 5.32: The proposals will be constructed by hand using local materials and will be of a small-scale massing which is entirely appropriate within the surrounding landscape. The proposal does not seek to increase the footprint of the existing Ebenezer ruin and instead seeks to reintroduce a now lost building, in turn contributing to the character and quality of the landscape. The re-building of the walls and addition of a roof to the structure will be viewed only in the same context as other agricultural buildings within the valley are viewed and will not create the appearance of an unacceptable new-build.
- 5.33: The proposal will utilise good quality sustainable design and construction techniques. Whilst taking the form of a traditional agricultural building, the development is first and foremost a sculpture of exceptional design. The proposal is therefore considered to be in full accordance with Development Policy 3 (Design).
- 5.34: A key benefit of the proposal and other interconnected sculptures is the tourism and recreation draw that the Project will bring to the valley of Rosedale and indeed the National Park as a whole.
- 5.35: Development Policy 14 (Tourism and Recreation) sets out that new tourism development will be supported where the proposal will provide opportunities for visitors to increase their awareness, understanding and enjoyment of the special qualities of the National Park in a way that conserves and enhances the special qualities.
- 5.36: The proposed development will provide a world leading, unique and exceptional tourism related attraction to the National Park. One of the key aims of the North York Moors National Park Management Plan (December 2016) is to provide people with opportunities to experience the leisure and recreation that the Park has to offer.
- 5.37: The key statutory purpose of National Parks, as set out in the 1995 Environment Act is to *"conserve and enhance the natural beauty, wildlife and cultural heritage of the park and promote opportunities for the understanding and enjoyment of the special qualities of the park by the public"*.
- 5.38: The Management Plan additionally includes aspirations to increase visitors to the National Park, which will in turn result in increased income for the local economy. It goes on to state at paragraph 3.2 that *"given the potential benefits of a growth*

in visitors to the well-being of the public and to the local economy, it is proposed that the Authority should support and encourage growth, but only in so far as it does not negatively impact on the communities and special qualities of the area”.

- 5.39: Policy C5 of the Management Plan also states that the interpretation of the landscape and cultural heritage of the North York Moors will be encouraged.
- 5.40: In accordance with the aims of Development Policy 14, the overarching purpose of the National Park and policies contained in the Management Plan, the proposed development of Ebenezer and the Hanging Stones Project as a whole will provide a significant benefit to the local tourism economy. The proposals are founded on a thorough understanding and assessment of the local landscape and cultural heritage, and should be supported on this basis.
- 5.41: In addition, the proposals will provide an exceptional educational resource and represent a once in a lifetime opportunity to introduce sensitive and internationally important sculptures into the landscape that will be enjoyed for many generations to come.
- 5.42: The proposals are therefore considered to be in full accordance with Development Policy 14, which states that new tourism development will be supported where it provides opportunities to increase awareness of the National Park.
- 5.43: The above assessment of local plan policies has demonstrated that the proposals would not impact on the landscape or aims of the National Park in a negative way. The proposals will instead bring substantial benefits to the National Park which outweigh the negligible disadvantages of providing a new small-scale building within the protected landscape.
- 5.44: The following assessment goes on to examine the surrounding landscape in accordance with local guidance and further highlights that localised impact from the proposals on the surrounding area is minimal.

LANDSCAPE ASSESSMENT

- 5.45: To determine whether or not the landscape will be able to successfully accommodate the development, this section of the report will establish the nature of the potential change anticipated, establish the landscape baseline, in terms of its character, condition and current land use and assess the impacts and significance effects of the potential change against the sensitivity of the landscape.
- 5.46: The region within which the site falls is classified in the ‘Character of England Map’, as defined by Natural England, as falling within landscape character area 25: North York Moors and Cleveland Hills. The key characteristics typical of this landscape area include (inter alia):

- *Upland plateaux, generally below 400m, dissected by a series of dales – some broad and sweeping but others narrow, steep sided and wooded – creating strong contrasts between open moors and enclosed valleys;*
 - *Extensive areas of heather moorland on plateaux and hills, largely under sporting ownership, including large expanses of upland heathland and blanket bog habitats, creating a sense of space, expansiveness and openness;*
 - *Valley landscapes characterised by pastoral farming, with a clear demarcation and strong visual contrast between the enclosed fields and some species-rich grasslands and wetlands, farms and settlements, and the bracken-fringed moorlands above;*
 - *Drystone walls and hedgerows enclosing the small pastures and meadows in dales and fringing farmland, often replaced by fences in arable areas;*
 - *Sparsely settled, with scattered farmsteads and small villages, and traditional buildings constructed of local sandstone or limestone and with red pantile roofs, creating a strong visual unity; and*
 - *A rich archaeological heritage from many different periods, especially on the moorland plateaux.*
- 5.47: At a county level, the North Yorkshire County Council Landscape Characterisation Project, written by Chris Blandford Associates in 2011, provides an overarching assessment of the country's landscape consolidating the existing district landscape character assessments and providing *“consistent and integrated County-wide picture which will help to raise awareness of local distinctiveness, issues and strategic initiatives at a landscape scale”* (Chris Blandford Associates).
- 5.48: At the county scale, the landscape surrounding the site is categorised according to county character types. The landscape at and surrounding the site lies within landscape character type 10, Narrow Upland Dale, which is characterised by (inter alia):
- *Distinctive cultural landscape with the remains of abbeys and granges and a legacy of sheep grazing, monastic routeways and medieval settlements;*
 - *Sparsely settled and inaccessible valleys with a strong sense of remoteness and tranquillity;*
 - *Visual unity within settlements and sense of harmony with the surrounding landscape resulting from the use of local building materials;*
 - *Industrial legacy from the mining of iron ore within the Dales, particularly in Rosedale; and;*
 - *Strong pattern of stone walls and hedgerows.*
- 5.49: At a district level, the North York Moors National Park Landscape Character Assessment, prepared by WYG in 2004 identifies landscape types and areas, their characteristics and attributes and potentially damaging and beneficial measures.
- 5.50: The landscape of the National Park which washes over the site lies within the type 2, Narrow Moorland Dale, landscape character type. Within this character type, eleven distinct character areas have been identified. The landscape at the
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Ebenezer site lies within landscape character type 2e, Rosedale, which is characterised by (inter alia):

- *Deep u-shaped valley, with narrow valley floor, smoothly sloping lower valley sides and steep upper valley sides, underlain by soft Lias mudstones and Cleveland ironstone with thin limestone beds. Valley narrows in its lower reaches, where it becomes more v-shaped and completely enclosed by surrounding moorland to the west and Cropton Forest to the east;*
- *The dale is settled by small traditional farms, with occasional modern outbuildings, marked by groups of trees, and houses of stone and red pantile or frequently slate roofs evenly spaced along the spring line at the mid valley side. Small distinctive hamlets of nineteenth century terraced miners cottages are a feature of the dale. Chapels are a roadside feature; and*
- *Ironstone mining has left Rosedale with a legacy of industrial features, including the line of the ironstone railway, visible as a scar on the upper eastern valley side and the massive calcining kilns visible as a series of tall masonry arches in the same area. The workings have left a despoiled appearance in many areas, which is reduced where they are starting to green over.*

5.51: The high scenic value of all the above-mentioned landscapes results in a high level of sensitivity to change. Likewise, the condition and value of all landscapes within the National Park is considered to be exceptional.

5.52: Notably, all of the identified landscape character areas covering the site are similar and make note of the rich history which shaped the valleys. It is not uncommon for agricultural buildings, or even modern buildings, to be located within the landscape.

5.53: Despite the landscapes' high level of sensitivity to change, we consider there is scope for positive yet sensitive enhancement and improvement of this landscape, drawing on its agricultural and industrial past and some of the industrial features which are identified as a legacy of the landscape. Importantly, the sensitivity of the landscape does not render all development, especially development with significant public benefit, inappropriate.

5.54: The characterisation of the landscape surrounding the site notes in all instances the strong industrial past which is a feature of the valleys and the historical legacy of the ironstone mining formally undertaken in Rosedale. The introduction of the Hanging Stones Project builds on the rich history and adds value to the landscape by re-establishing lost traditional rural buildings and providing high-quality artwork and cultural development that draws on and provides an interpretation of the landscapes agricultural and industrial legacy.

5.55: Owing to its slightly elevated position on the valley's eastern side, there are various views of the Ebenezer site from the surrounding landscape. This being said, these are largely contained to short distance views owing to the small-scale

nature of the existing ruin and proposed structure which will sit on the same footprint.

- 5.56: Although visible, most notably from the south on the approach to the site from the complete Hither House sculpture, the resultant magnitude of change resulting from the small-scale proposal on the site is determined to be low.
- 5.57: The proposal will include the rebuilding of the existing walls and addition of a roof; there are no proposals to increase the height of the building nor indeed is massing within the valley.
- 5.58: The building will use traditional local materials. The reintroduction of the building will form a small change to the landscape which will be seen within the context of the valley's other small-scale agricultural buildings which are dispersed throughout the surrounding valley landscape.
- 5.59: Following a review of baseline information together with consideration of likely landscape and visual effects, it is considered that the proposed site for the sculpture and indeed the surrounding landscape has the capacity to accommodate a small development such as the small sculpture proposed.
- 5.60: The impact of the small-scale proposal on the designated landscape will be very low but the benefits of providing it, along with the remainder of the Hanging Stones Project, substantial. Further, the dispersed nature of the proposals as a whole (with each site being considerable separated from one another) will result in a negligible level of harm on the overall landscape character.
- 5.61: The proposals are therefore considered to be entirely acceptable from a landscape perspective and in consideration with the benefits they will bring to the arts, culture and local tourism communities, should be supported by the Authority.

NATIONAL PLANNING POLICY

- 5.62: National Planning Policy is set out in the NPPF and paragraphs 8, 11, 38, 83, 84, 92, 98, 124, 170, 172 and 174 are particularly relevant.
- 5.63: Paragraph 8 of the NPPF outlines the three overarching objectives of national planning policy, which are an economic objective, a social objective and an environmental objective (collectively and interdependently achieving sustainable development). The social objective specifically references the need to foster a well-designed and safe built environment and reflects current and future cultural well-being.
- 5.64: Paragraph 11 goes on to set out that where there are no relevant development plan policies, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or where policies to protect assets of importance provide a clear reason for refusing the development.

5.65: As already outlined in this report, the local development plan is silent on the development of sculptures and art/cultural installations in the National Park. As this statement demonstrates, the development does not create an undue impact on the protected National Park and there are therefore no clear reasons why permission should not be granted. The economic, social and environmental benefits of the proposals outweigh any negligible harm experienced through the introduction of a small-scale structure within the landscape. In accordance with paragraph 11 and the presumption in favour of sustainable development, the proposals should therefore be approved without delay.

5.66: Paragraph 83 advises that planning decisions should enable

The sustainable growth and expansion of all types of business in rural areas both through conversion of existing buildings and well-designed new buildings; the development and diversification of agricultural and other land-based rural businesses and **sustainable rural tourism and leisure development which respect the character of the countryside.**

5.67: Paragraph 84 actively recognises that sites to meet local business and community needs in a rural area may have to be found adjacent to or beyond existing settlements.

5.68: The proposals represent a unique opportunity to introduce sustainable rural tourism into the Northdale Valley. The proposals fully respect the character of the countryside and will help the National Park in meeting their objectives to increase awareness of the landscape and attract more visitors to the Park. Paragraphs 83 and 84 of the NPPF are therefore supportive of the proposals.

5.69: Paragraph 92 of the NPPF sets out that decisions should provide for recreational and cultural facilities to serve the needs of communities and promote cultural well-being for all sections of the community.

5.70: Paragraph 98 goes on to set out that decisions should protect and enhance public rights of way and access.

5.71: The proposals will assist in increasing public access to the countryside, in turn having a positive impact on the cultural well-being of visitors and locals as well as health through promoting physical activity. The proposals additionally provide an excellent educational resource which will serve the needs of the community. The proposals are therefore considered to accord with paragraphs 92 and 98 of the NPPF.

5.72: Section 12 of the NPPF and most notably paragraph 124 sets out that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development and the design quality of the current proposals is exceptionally high. This quality was recognised by members of the Park Authority

upon their visit to 'Hanging Stone House' in March 2019, where the quality of the building design itself and quality of workmanship was highly praised.

- 5.73: Paragraph 170 sets out that planning decisions should contribute to and enhance the natural and local environment by protecting valued landscapes and recognising the intrinsic character and beauty of the countryside.
- 5.74: Paragraph 172 goes on to state that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues. To this end, the scale and extent of development within designated areas should be limited and planning permission should be refused for **major** development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest.
- 5.75: The proposed development of Ebenezer and indeed the connected schemes can not be considered major. The proposals are interspersed throughout the landscape and of a very small-scale. The proposals do not seek to provide for buildings of a greater footprint other than what was once present on the site.
- 5.76: The proposals will contribute to the landscape through helping to provide an understanding of the character and beauty of the countryside, increasing access to the Northdale valley whilst also limiting the amount of access at any one time to minimise impact on the protected landscape.
- 5.77: The proposals conserve the value of the landscape and contribute to the objectives of National Parks. There are no significant adverse impacts of the proposals on the designated area and the benefits to the National Park are exceptional. The proposals are therefore considered to accord with the provisions of paragraphs 172 and 174 of the NPPF.

EMERGING LOCAL PLAN POLICY

- 5.78: Whilst the North York Moors National Park Local Plan 2016 to 2035 is still currently under preparation, it is considered pertinent to look at the direction of travel of these emerging strategies and policy. The latest stage of the plan, consultation on the pre-submission draft, commenced in April 2019.
- 5.79: The Vision of the North York Moors in 2035 is of:
- A place where visitors are welcome and cultural and recreational opportunities and experiences are accessible; and
 - A place that continues to adapt to change whilst National Park purposes continue to be further and pursued.
- 5.80: The Draft Plan acknowledges at paragraph 2.24 that there are strong artistic traditions in the North York Moors, and that the moors continue to inspire modern art in the landscape (something the proposals seek to build on).

- 5.81: The pre-submission draft also notes that there will be a 'strong and varied local economy based on farming, forestry, land management, tourism and other rural enterprises. There will be a focus on:
- Small scale recreational and cultural opportunities and different types of accommodation for visitors. **Recreation and tourism development will strengthen the special qualities for the National Park and the recreational/tourism experiences associated with them.**
- 5.82: Draft Strategic Policy J (Sustainable Tourism and Recreational Development) sets out that proposals for tourism and recreational development will be permitted where they conserve and enhance the natural beauty of the National Park, where it does not lead to harm and where it provides opportunities for people to increase awareness and understanding of the Park.
- 5.83: As already outlined above in the assessment of Development Policy 14, the proposals will not lead to any perceivable harm on the landscape and represent a unique opportunity for sensitive tourism development in the National Park.
- 5.84: The proposal is therefore considered to meet with the requirements of Draft Strategic Policy J and should be supported by the Authority on this basis. Whilst still in draft, the emerging Local Plan has been the subject of various consultation events in the past and is anticipated to advance further during the course of the application. The policies contained therein are therefore considered to carry some weight, albeit little, in the determination of the application.

SUMMARY AND BENEFITS

- 5.85: In summary, it is considered the proposals accord with relevant development plan and national planning policy in relation to the provision of sustainable development and tourism related and cultural facilities that promote the understanding of the National Park.
- 5.86: The local development plan, and indeed national policy, is **silent** on the provision of arts and cultural development in the open countryside, but this is not to say that such installations should be resisted, especially when the benefits they can provide are so great.
- 5.87: The impact of the sculpture on the landscape would be minor, with the proposed structure not being over-bearing or out of keeping with the landscape or other existing structures within the valley. The landscape itself is already home to other such man-made infrastructure, and the re-introduction of this now derelict building for the purposes of art is considered to be in keeping with the overarching character of the Rosedale landscape.
- 5.88: There are multiple public benefits arising from the proposals, all of which meet with National Park and the Management Plan objectives (see Section 6). The proposal is site-specific in its design and will attract people to visit the Northdale Valley, providing significant educational potential and providing for public

enjoyment. Its isolated location is highly relevant to the interpretation of the artwork and the Hanging Stones Project as a whole and does not comprise sporadic or irregular development; it is part of an overarching artwork project to which it is a key component.

- 5.89: The proposal will additionally support the rural economy and bring economic benefits through visitors and increased local expenditure on goods and accommodation.
- 5.90: Consequently, it is respectfully requested that planning permission for the Ebenezer sculpture is approved without delay, in accordance with the National Park Management Plan and overarching objectives of the National Park to improve understanding and awareness of the landscape.

6. CONCLUSIONS AND PLANNING BALANCE

- 6.1: Both local and national planning policies seek to secure a prosperous rural economy and encourage sustainable economic growth providing that the proposed development is not determinantal to the landscape and scenic beauty of the National Park and that sustainability benefits can be derived.
- 6.2: There will be no urbanising impact as a result of the proposal which is small-scale in its nature and will be indiscernible within the wider landscape. There have already been sculptures approved by the Authority which form part of the walk, and these high-quality structures are exceptional examples of what is trying to be achieved with the current proposals.
- 6.3: The site is located in a slightly elevated position on the eastern Northdale valley side albeit substantial remains of the building remain and to this end the rebuilding of the structure would have a low impact on the character of this part of Rosedale, which already comprises a mixture of small-scale agricultural buildings and farmstead. Whilst the proposals will add a roof, this will be of high-quality construction and will seek to blend the building with the landscape and other agricultural buildings present within it.
- 6.4: The development proposals will be viewed in the context of the existing landscape character and existing built development it is home to. It has intentionally not been proposed to create open-air sculpture, with these instead being hidden within buildings, which form an important, protective part of the sculpture. The use of the buildings to house the sculptures is intended to minimise the impact of the proposals on the landscape, with such buildings being common place and in no way alien within the landscape.
- 6.5: It is not intended that the structures will ever be used for any other purpose. The sculptures are permanent and not designed to be removed or replaced at a later date. To this end, the applicant would be agreeable to a condition on any consent to ensure the building is only used for the purposes of art and for no other purpose over its lifetime, should this be something the Authority would like to secure.
- 6.6: Social benefits of the proposals include:
- The introduction of art and culture into the local landscape, increasing public awareness of the arts and increasing understanding of the local landscape and cultural well-being;
 - The introduction of an educational resource, to be utilised by schools and/or other educational bodies studying the arts; and
 - Attraction of visitors to the National Park, increasing public awareness and enjoyment of the National Park landscape in accordance with management objectives.

6.7: Economic benefits of the proposals include:

- Potential for local employment opportunities through guided tours and management of the key-only system;
- Increased local expenditure through the attraction of visitors to the local area, both on local goods and accommodation; and
- Supporting the rural economy and the creation of sustainable rural tourism development in accordance with paragraph 83 of the NPPF.

6.8: Environmental benefits of the proposals include:

- Wider access to the countryside and land, created through the opening up of existing private estate tracks as part of the walk, which would otherwise not form part of the public footpath network;
- Reduction in carbon-footprint through promoting physical activity;
- Provision of high-quality buildings based on local vernacular which will have an overall positive impact on the local environment; and
- Provision of educational benefits to visitors including a greater understanding of the North York Moors landscape, art and culture.

6.9: The application as submitted provides strong evidence that the proposal comprises sustainable development and that the proposal does not create any adverse impacts on landscape character and the scenic beauty of the National Park (Core Policies A, C & G and Development Policies 1, 3, 14 & 23).

6.10: There are no other material considerations which would prevent planning permission being granted.

6.11: It is vitally important that the Authority recognise that the planning system, along with investment from developers, can be a key way to add value to local culture and the arts community. Arts and culture are a nationally recognised way to bring people together and the contribution of the proposal to the arts community is something which should be afforded great weight in the determination of the application.

6.12: The applicant has a strong reputation and deep-rooted goals in encouraging young people and others to become interested in the arts. The educational benefits of the proposals alone should be viewed as exceptional by the Authority.

6.13: Overall, it is considered the outstanding contribution of the proposals both to the local landscape, environment and National Park fully reflects the requirements of the NPPF and aims of local plan policies and National Park objectives.

6.14: With reference to planning policy and other material considerations, there are no significant and demonstrable adverse impacts that would arise from the proposed development that would outweigh the significant benefits. The 'planning balance' is therefore weighed positively in favour of the proposal with

reference to the benefits summarised above. It is therefore respectfully requested that planning permission be granted.

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