

North York Moors National Park Authority

Ryedale District Parish: Rosedale East Side	App No. NYM/2019/0353/OU NYM/2019/0354/OU NYM/2019/0355/OU NYM/2019/0356/OU NYM/2019/0359/OU
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Proposals: Five outline applications for proposed sculptures in the form of traditional stone buildings (all matters reserved)

Locations: 353 - Land north east of New Road (Thorn House), Rosedale Abbey,
 354 - Land north of Northdale Farm (Ebenezer), Rosedale Abbey
 355 - Land to the north of Northdale Farm and east of West Gill (Red Barn) Rosedale Abbey
 356 - Land to the north of West Northdale Farm, Rosedale Abbey
 359 - Land east of Hanging Stone Lane (Bog House), Rosedale Abbey

Applicant: David Ross Foundation, c/o Agent

Agent: Rural Solutions Ltd, Canalside House, Brewery Lane, Skipton
 BD23 1DR

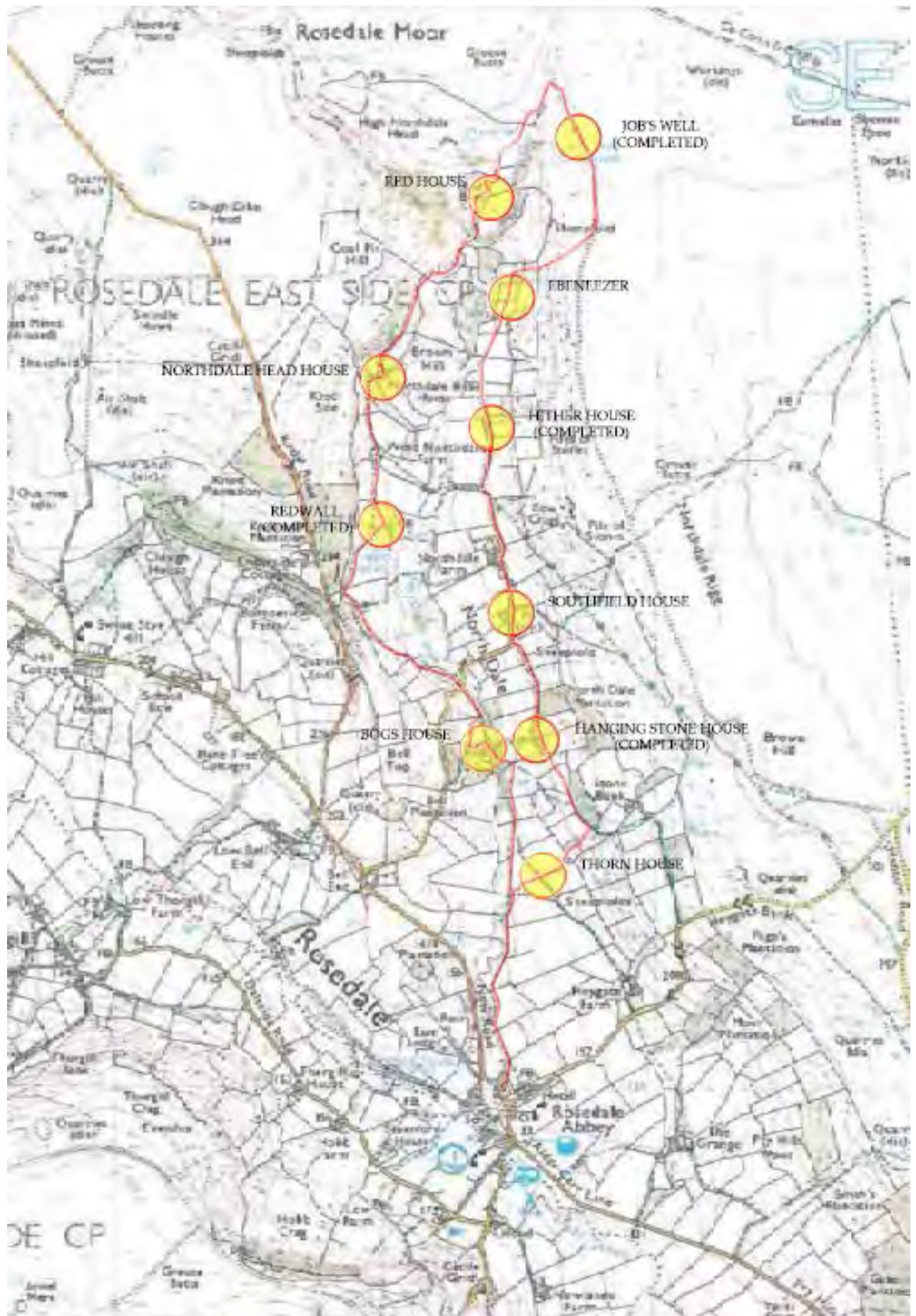
Date for Decision: 16 July 2019

Grid Ref: 471959 496760
 472447, 498841
 472393, 497976
 472393, 497242
 472321, 497242

Director of Planning's Recommendation

Refusal for the following reason:

1. MISC00 The proposed development, by reason of the extent of rebuilding required would result in the construction of a new building in the open countryside which would comprise sporadic development, harming the character of the open landscape and dilute the special qualities of this part of the National Park, particularly tranquillity and a sense of remoteness. 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 and enhancement of the landscape and the Park's special qualities.





NYM/2019/0353/OU "Thorn House"



NYM/2019/0354/OU "Ebenezer"



NYM/2019/0355/OU "Red House"



NYM/2019/0356/OU "West Northdale"



NYM/2019/0359/OU “Bog House”

Consultations

Parish – No Objection – The Council expressed support to the applications developing a further asset to the Dale and encouraging both tourism and health benefits to those interested in viewing the sculptures.

Natural England – 12/6/2019 – The applications could have potential significant effects on North York Moors Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC) and Special Protection Area (SPA). Therefore further information is required in order to determine the significance of these impacts and the scope for mitigation.

In relation to NYM/2019/0354/OU “Ebenezer” details of the location, size, excavations and any other associated works resulting from the installation of the water tank.

In light of the current information, the Habitats Regulations Assessment will need updating. It should include information about the proposed footpath, water tank and any new data.

Further comments: No objection

North Yorkshire Moors Association – 15/07/2019 – North Yorkshire Moors Association 15/07/2019 – We would like to submit the following response from the North Yorkshire Moors Association to the planning applications below:

- Land northeast of New Road (Thorn House) NYM/2019/0353/OU
- Land north of Northdale Farm (Ebenezer) NYM/2019/0354/OU
- Land to the north of Northdale Farm and east of West Gill (Red Barn) NYM/2019/0355/OU
- Land to the north of West Northdale Farm NYM/2019/0356/OU
- Land east of Hanging Stone Lane (Bog House) NYM/2019/0359/OU

Introduction

The applications submitted by the owners of Rosedale Estate and the artist Andy Goldsworthy form part of the 'Hanging Stones' project and follow previous applications submitted in 2016 and 2017. These were:

- Hanging Stones House
- Hither House
- Jobs Well
- Red Wall
- South Field House

Work has been completed on four of these buildings but work on South Field House has yet to be finished.

Four of the new applications were previously submitted but withdrawn in May 2017 following a recommendation for refusal by the National Park Authority. These were: Ebenezer House, Northdale Head House, Bogs House and Red House. This, according to Rural Solutions Ltd, was *"to allow for further development of the artistic vision and for greater evidence to be gathered in support of the proposal."* (Planning Statement 2019)

Description of Proposals and Planning Issues

In the first place, the current planning submission confuses the buildings with the term 'sculptures'. The buildings themselves are not sculptures but serve as housing for the artist's installations. So for example, in the planning statement by Rural Solutions the title description "proposed sculpture (Ebenezer)" is misleading. The application is for the principle of a structure, i.e. a building. Planning statement Hanging Stones Project/David Ross Foundation states at page 17 para 4.11 *"The current application seeks approval for the principle of a structure on this site only"*. We take this to mean a new building on the footprint of the remains of an existing building which now consists of a couple of half-ruined upright dry stone walls and a pile of stones.

Secondly, the application dismisses the relevance of Local Development Framework Development Policy 8, on Conversion of Traditional Unlisted Rural Buildings, by suggesting that the Policy does not relate to outdoor sculpture or public art and that the proposals do not fall within the categories of employment use, holiday accommodation use or any of the residential uses within the Policy. This however overlooks the description at paragraph 7.23 which clarifies the policy as a building conservation policy rather than a housing policy, and states that not every building will be considered suitable for conversion and re-use. It states that:

"For example, proposals to re-use buildings which are in need of substantial re-building would be tantamount to the construction of a new building which could involve a loss of character and in the case of locations outside settlements, could have wider landscape character and sustainability implications. Due to their location in the countryside, there may be potential for impacts upon the natural environment which will need to be addressed. Amongst other environmental considerations development proposals that could have an adverse effect on the integrity of a European site would not be in accordance with the Development Plan".

Consultations continued

Development Policy 8 is clearly relevant in the consideration of re-use of the proposed buildings which are required to house the art installations, especially since it is clear that the proposal is not just a case of 're-use' but of substantial rebuilding, in some cases amounting to a new build.

Furthermore, there is a lack of detail in the submissions including the plans that accompany the proposals and in the description of the construction of the buildings. There are no dimensions given or details of materials to be used, for example, for roofing except in the case of Red House, but that also refers to a search for clay for the roof tiles and so is inconclusive. This paucity of detail makes it impossible to judge the end result of the rebuilding.

The buildings themselves would be permanent structures provided they are well built and maintained, but what they contain may be less permanent; for example, wood perishes and decays very quickly under certain conditions. The question then is what length of time will the installations survive? What level of maintenance will be required? These questions have not been addressed.

Tourism, Conservation and Management Issues

We have also looked at the impact of creating a sculpture trail in Northdale. A supporting website has already been created (<https://www.hangingstones.org>). While we commend the likely artistic merit of the project, given Andy Goldsworthy's international renown and his sympathy for the environments in which he works, we have concerns about the management of the project and control of visitor numbers.

The measures outlined to limit visitors lack detail and scenario planning. The information on the Hanging Stones website such as limits on the number of visitors, the requirement to collect a key (from an unspecified location) and the suggested donation are aspirations rather than firm Management Plans. With a project of this potential significance we would expect a feasibility study to have been carried out, yet this does not appear to be available, and neither is a Management Plan available (at least in the public domain). Basic questions to be answered are: how will bookings be taken, and who will control the numbers? Who will collect the donations and be accountable for them? Is there to be a management entity, and if so, what legal form will it take? Or will bookings and payments be outsourced to an existing enterprise? If so, how will this benefit the National Park?

We are aware that the experience of the "Seated Man", placed on Brown Hill in 2017 but which had to be removed after only two years because of the damage caused by unforeseen visitor numbers to the site, will inform decisions over how the proposed "Hanging Stones" sculpture trail will be managed.

At present the existing ruined buildings are part of the history of Northdale and add historical detail to the landscape, as well as contributing to biodiversity and the landscape as havens for wildlife. Northdale is an outstanding example of the remoteness and tranquillity which are characteristic of the special qualities of the National Park. It includes Sites of Special Scientific Interest (SSSI's) Special Protection Areas (SPA's) and Special Areas of Conservation (SAC's). This raises questions about a possible conflict between visitor intrusion and wildlife conservation if the project were to take place.

Against this, we need to weigh the possible economic and prestige benefits of having a high-quality and carefully-managed visitor attraction in the North York Moors. We understand that the residents of Rosedale in general welcome the proposed sculpture trail, especially since the additional visitors it should draw may support local businesses.

Consultations continued

Conclusions

In considering this application, the Hanging Stones Project should be looked at as a whole. Although the scheme appears to contravene planning guidelines and lacks a coherent plan in terms of how it would be managed, an innovative and high-quality installation of this type could broaden the demographic for tourism to the national park and generate income for businesses in the area.

The issue has been the subject of considerable discussion within the NYMA Council, and the conclusion is that the Council supports this project both in principle and in practice, subject to the reservations expressed in the preceding paragraphs. However, its originality presents new challenges to existing planning precepts, and a special case may need to be made to accommodate it.

Site Notice Expiry Date – 25 June 2019

Others – The following people have written in support of the application for some or all of the following reasons:

- 5/6/2019 - Reto Thüring, Department of Contemporary Art, Museum of Fine Arts, Boston**
- 6/6/2019 - Simon Groom, Director, Modern & Contemporary Art, National Galleries of Scotland**
- 7/6/2019 - Clive Adams, Founding Director, Centre for Contemporary Art and the Natural World, 2 Upper Leazes, Stroud**
- 7/6/2019 - Leslie Hills, Skyline Productions Limited 10 Scotland Street, Edinburgh**
- 8/6/2019 - Cheryl Haines, Principal, Haines Gallery, 49 Geary Street, Suite 540, San Francisco**
- 10/6/2019 - John B. Ravenal, Executive Director, deCordova Sculpture Park and Museum, 51 Sandy Pond Road, Lincoln**
- 10/6/2019 - Leslie Zemsky, Vice President, Larkin Development Group, 726 Exchange St., Suite 105, Buffalo, New York**
- 10/6/2019 - Ingvál Maxwell OBE, Consultant in Architectural Conservation Education, 135 Mayfield Road, Edinburgh**
- 10/6/2019 - Benjamin Tindall, 17 Victoria Terrace, Edinburgh**
- 10/6/2019 - Martin Kemp, Emeritus Professor of the History of Art, Trinity College, Broad Street, Oxford**
- 11/6/2019 - Neville Shulman CBE, Director International Institute of Dance and Theatre, 35A Huntsworth Mews, Gloucester Place, London**
- 12/6/2019 - Elizabeth B. d'Hemery, l'Abregement, 16700 Bioussac, France**
- 12/6/2019 - Sue Clifford & Angela King, Brinscombe Farm, Brinscombe Lane, Shaftesbury, Dorset SP7 8QU**
- 13/6/2019 - James Bustard, 1-3 Cross Row, Eggescliffe, Stockton-on-Tees**
- 14/6/2019 - Mary Sabbatino, Partner/Vice President on behalf of Galerie Lelong and Co. 528 West 26th Street, New York**
- 14/6/2019 - John Howard, 7 Martello Terrace, Sandgate, Folkestone**
- 15/6/2019 - Robert Wilson, Bonnington House, Kirknewton, Edinburgh, EH27 8BB**
- 16/6/2019 - Paddy and Linda Chambers, Phoenix House, Rosedale Abbey**
- 17/6/2019 - Mrs Alen-Buckley, Bleach Mill, Kildale**
- 25/6/2019 - Michael Alen-Buckley, Bleach Mill, Kildale**
- 18/6/2019 - Jennifer Smith, Director, Ryedale Folk Museum, Hutton Le Hole**
- 18/6/2019 - Annie Wilkinson, Bank Farm House, Rosedale West**

Others continued

18/6/2019 - Linda Sugars, Sevenford House, Thorgill, Rosedale Abbey
18/6/2019 - Ian Thompson, Sevenford House, Rosedale Abbey
18/6/2019 - Mrs Thompson, 34 Potter Hill, Pickering
18/6/2019 - Mrs A Knights, Larchwood House, Cropton
19/6/2019 - Elizabeth Carruthers Paton Dudley, 13 Benden Close, Staplehurst, Kent
19/6/2019 - Allison Stone, Presidio Trust, 36 Lincoln Blvd, San Francisco
19/6/2019 - Casey Claps, The Nelson-Atkins Museum of Art, Kansas City
19/6/2019 - Lewis Briggs, Flat One, Hega House, Ullin Street, Poplar, London E14 6PN
19/6/2019 - David Collens, Storm King Art Center, Mountainville, New York
21/6/2019 - Harland Bros (Builders) Ltd, Rosedale
19/06/2019 - Peter Murray CBE, Yorkshire Sculpture Park, West Bretton, Wakefield
19/06/2019 - Simon Kelly, One Fine Arts Drive, Forest Park, St Louis, Missouri
20/06/2019 - Molly Donovan, Curator of Art, 1975-Present National Gallery of Art, Washington, DC
12/07/2019 - Ian and Emma Foxley, Park House, Sheriff Hutton, York
16/07/2019 - Rupert Drury, Thorn House, Terrington
16/07/2019 - M.A. Barraclough, Dale Head Farm, Rosedale

- Viewing his work opens your eyes to the environment, and stimulates your mind.
- Andy's work makes you see things in nature that we would not have otherwise experienced, such as simple cracks in the earth, dead trees, or rocks and stones that surround us.
- Andy Goldsworthy is a sculptor whose work has been exhibited and praised internationally.
- This ambitious work comprises nine derelict buildings and one new building joined by a six-mile walk — and the surrounding valley itself. Goldsworthy will be embracing a place and his past in that place. It is an undertaking which promises to engage visitors for decades to come.
- Four of the houses in this project are complete. There is Planning permission in place for a fifth. I now urge that Planning permission for the remaining five houses be granted to complete this extraordinary and enduring project.
- All the applications offer support to the range of North York Moors development policies, especially: protecting and enhancing the natural environment, protecting and enhancing cultural and historic assets, supporting the rural economy.
- The work will add to local distinctiveness by knitting cultural richness and new stories into the landscape.
- The work needed to achieve this project and the visitors it attracts will help support the local economy. His work has added value to many local economies around the world.
- Unassuming buildings in danger of collapse or almost gone, are being offered a chance to tell their stories through Goldsworthy's work with an added layer from the 21st century.
- In addition to bringing buildings back from the brink, quality and new purpose buildings are being built back into the landscape.
- He uses the ecological value of local stone as a habitat for creatures and plants which underpin the local ecosystems. And the structures will offer habitats for bats, birds and more.
- Increasingly people are becoming aware of the health benefits of walking, but there is more - slowing to the place, immersion in nature, experiencing remoteness, joining with the flow of history.
- The overall project fulfils completely the demands of the 1995 Environment Act: To conserve and enhance the natural beauty, wildlife and cultural heritage of the National Parks; and to promote opportunities for the understanding and enjoyment of the special qualities of the Parks by the public.

Others continued

- Hanging Stones will create a carefully considered, most beautiful and meditative place and experience.
- A Goldsworthy project is compelling. They engage the viewer in a way that a painting on a wall cannot. The light, the weather, season and time of day all play a role in the experience of interacting with a Goldsworthy installation.
- Andy Goldsworthy is an artist of international renown, the fully completed *Hanging Stones* project will result in North Yorkshire being home to one, if not the most, significant work in his career.
- To take something which is primarily derelict and abandoned and to bring it to life is a rare gift and the finished project will be very uplifting.
- North Yorkshire is a very special place and the finished set of 'art works' will cause more people to enjoy this area.
- Surprised to learn that this project is considered to be against policy and in some way controversial and surprised they need planning permission.
- It may not seem a planning matter but the merit of Andy Goldsworthy's work should be something the Park should grasp with grateful enthusiasm. They are in no way urbanising.
- Linking art with the environment and spirituality help educate children.
- However, hope that careful thought is given to visitor numbers as this area could not sustain large numbers.
- Fully understand that you have a role in preserving an important part of the UK heritage and a responsibility to the landscape. However, landscapes are, however, part of ever-changing processes and as much as any new tree growing, any farmer adding or subtracting to his flock, and thus actively changing it, Mr Goldsworthy and his works are part of this heritage, too.
- His works have a large impact and a small footprint and are appreciated and respected internationally. There are currently few permanent works of his in the UK, and they would greatly enhance our national cultural heritage.
- Yorkshire has a wonderful tradition of regeneration through art, culture, film & tv and tourism. I think this project would make a worthy addition to this tradition.
- Believe that it will increase any visitor's engagement and appreciation of the moors and thus, by default, support their protection as an important part of our natural and cultural heritage.
- From the images and descriptions, I can see that *Hanging Stone* will be a work of singular beauty and importance. I know there is great interest internationally in its completion and I'm sure it would encourage a broad range of visitors.
- The kind of creative marriage of art and nature that Goldsworthy's project represents is an ideal way to fulfil the educational and recreational purpose of public parks.
- *Hanging Stones* is one of the most ambitious and significant works that Andy has proposed in the UK, and demonstrates the confidence and maturity in his practice, allied to a real intelligence and sensitivity to so many issues that are so current, to do with ecology, use of the land, regeneration, slow time etc.
- This piece of work will be a striking addition to the landscape and can only enhance it visually, artistically and in terms of attracting those prepared to make the effort to enjoy his unique vision and the singular land in which he is working.
- Although there is a growing familiarity with the visual arts in the UK much of the public still harbour a suspicion about contemporary art. This is not the case with Goldsworthy. Rarely has a contemporary artist's work had such an enduring resonance and rapport with an audience - specialist and non-specialist alike. The choice of Goldsworthy for this commission is inspirational.

Others continued

- Great works of art add value to their setting. The works proposed are discreet and in harmony with their surroundings, extending the life of the buildings in an imaginative and sensitive way.
- The project is of public benefit to both the Rosedale community and to the wider enjoyment of the national park by both domestic and overseas tourists. I understand a booking system will be put in place to manage and inform visitor traffic to avoid any potential over saturation of visitors.
- Since my retirement I have led walks to North Dale to see the existing sculptures for the North Yorkshire Moors Walking Group. I can say that on each occasion those who joined the walk - the majority of whom had no prior knowledge of the project - left as ambassadors for it.
- Each project is unique to the site and carefully considers the ways in which the areas geological, cultural and human histories coincide. Goldsworthy's vision is rigorous, but his touch upon the earth is light and his respect for local cultures and communities enormous.
- The "houses" all have a unique artwork, carefully thought of by the artist to provide a visual and emotional metaphor. Goldsworthy envisions a walking itinerary which connects one house to the other. He has only once done a project of this scale, in southern France and it is now thoroughly embraced by the local and civic community and has become emblematic of the area.
- I know well that this plan requires a leap of faith. I hope that after its deliberations, your commission will decide with its heart to offer this magnificent project to future generations.
- I believe that the locations of the various projects will sensitively add to the desired qualities of tranquillity and the strong sense of remoteness through offering places of quiet reflection, peace and calm, with no traffic interference, whilst also achieving a sense of wonder through the sensitive incorporation of indigenous natural elements from the inherent geology, geography and flora of the Park.
- To not endorse such schemes would, in my view, run contrary to the Authority's stated intentions and policies. Without approval, the remnant remaining architecture and building archaeology that underlies the five proposals will continue to decay, becoming increasingly unsafe (risking the need for 'health and safety' inspired demolition) whilst rapidly converting into sub-surface archaeology to the detriment of the Authority's function to 'conserve and enhance' its unique legacy of traditional and historic buildings.
- The current submissions display a sensitive yet personally integrated approach in the understanding of the valley structure. They do so through a desire to retain and utilise the traditional building forms and materials, whilst enhancing the viewers experience and appreciation through their interpretative abilities. Capitalising upon and utilising existing pathways, tracks, roads and intermediate stages of the route, the walk offers the prospect of also fully appreciating the wider grandeur and significance of the valley.
- The buildings on which Andy has already worked demonstrate the sensitive and aesthetical dignity of an artist who understands the people whose industry formed the landscape. The proposal could, for a brief moment in the valley's history, gather us together in an understanding and appreciation of that earlier time.
- Hanging Stones will not be an attention seeking landmark but will engage people more gently in new questions and new discussions about the building's past and present.
- He has created a similar project in rural Provence, France, which has become a hugely successful tourist attraction bringing many visitors and a new audience to a remote part of rural France that would not have come if not for the artwork.
- Access will be controlled so there will be little impact on the environment.
- This will benefit local businesses.
- The works will be complementary to the Ryedale Folk Museums ambitions to encourage appreciation of the areas cultural heritage.

Others continued

- Many local residents are enthusiastic and the “Andy Goldsworthy Walk” is part of the annual walking weekend.
- Feel honoured that such a prolific artist should think of our valley as being the perfect setting for his art installations.
- It is a once in a generation occurrence to find a landowner who is prepared to restore his ruined stone bothies in the traditional manner and to allow a world celebrated sculptor to create work which will be shared with a wider community and encourage a gentle tourism which will benefit the businesses in the local community.
- The importance of this project must not be underestimated.
- Goldsworthy describes this series as his ‘biggest piece of work’ as it encompasses 6 miles of connecting walking trail ‘yet at the same time being almost invisible in the landscape’. The series has been created like a mini ‘pilgrimage’ so the viewer walks the trail in a contemplative manner reaching the next restored stone building which then can reveal the next ‘secret’ work of art. Access by key is required somehow making each one of the visitors a custodian to these remarkable pieces. It is a fully interactive artwork in every sense.
- We find these projects very interesting and they are very interesting from a building construction point of view. A wealth of LOCAL sub-contractors from all different trades are used to pull these projects together, creating interesting, unique and unusual types of Art which we are lucky to have in our area!

Dr Janet Cochrane of the Forge, Fangdale Beck, Middlesborough – Object on the grounds that the proposal conflicts with conversion of redundant buildings policy DP8 in that it is not for one of the allowable uses. Furthermore it could lead to environmental damage from unchecked visitor pressures especially given the lack of any detailed Visitor Management Plan. These sculptures should be in more accessible locations with more visitor facilities.

Background

These five applications seek outline planning permission for the construction of stone and pantile buildings in which to house sculptures. All five sites are located within the valley and on the valley sides of North Dale, immediately to the north of Rosedale Abbey.

These applications form part of a wider project by renowned artist and sculptor, Andy Goldsworthy, for a total of ten connected proposals, creating a six mile circular walk. Five of these proposed sculptures have already been granted planning permission; four of which have been completed.

The first of the approved schemes, named “Red Walls” dates back to 2015 where permission was granted for a small traditional stone and steel sheet building. This building is the only new building approved and is built partly into the ground, in a stream bed to utilise the amount of iron ore which seeps out of the ground in this locality, making the stream and stream bed run red. The back wall of the shelter is built across the stream so that water flows into the building. A new structure was required for this piece of artwork as it was necessary to utilise the stream bed. However, it was considered that as the building was of such small scale and set into the stream it would not be out of character in the landscape or visually prominent and was permitted as an exception to policy, though as built it is surprisingly noticeable in the landscape.

Background continued

The other four schemes were approved in 2017 and related to existing intact and structurally sound buildings. On the whole no external alterations were proposed, and the works related to the installation of sculptures within the buildings. These proposals were granted permission as they were considered to comply with Development Policy 8 (Re-use of traditional rural buildings) of the Local Development Plan and represented innovative and appropriate new uses for existing redundant traditional buildings. These approvals related to the change of use of existing redundant buildings in contrast to the new submissions which all relate to new operational development on the sites of ruins.

Current Applications:

NYM/2019/0353/OU “Thorn House”

It is proposed that “Thorn house” will provide the first stopping point on the ‘hanging stones’ walk and is located approximately 1km from Rosedale Abbey where the walk starts and is accessed via an adjacent bridleway.

The site comprises the ruins of a stone building, which is largely hidden within trees and undergrowth. It is proposed to construct a stone building on the footprint of the remains. Along with re-building the derelict structure the sculpture would involve the entirety of the back internal wall of the building being densely covered with thorns.

It is intended to protect as many of the existing blackthorn trees as possible during the construction of the building, so that on completion the building remains hidden and the connection between the inside and outside thorns is maintained.

Ecology comments in relation to this site are that this site is very close to the watercourse and nearby records of native daffodil meaning that there should be no vehicle movement or material storage on the banks of the watercourse to preserve these features from damage or impact.

The building would not be used for habitable purposes or for overnight accommodation.

NYM/2019/0354/OU “Ebenezer”

This application relates to a ruin located on a prominent valley side to the north of Northdale Farm previously named “Ebenezer”. It is in an isolated and elevated location on the valley side adjoining open moor and does not currently have footpath access but can be accessed from the south crossing fields from an existing estate track which connects the site with Hanging Stones Lane to the south.

Outline consent is sought to re-build the collapsed building in stone, the footprint of which measures 7m x 4.35m and to use this building to house an artistic installation internally.

It is also proposed to provide a restricted access route across the field, to form part of the circular walk.

The original idea for the internal sculptural works was to involve running water, collecting water from a tank on the hill above the hut. It was proposed that the water would then drain through the floor and out of the building. However, Natural England expressed concerns regarding this aspect of the proposal and requested further details of how this would be achieved, in order to assess the potential significant effects on the moorland adjoining which

Background continued

is designated North York Moors Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC) and Special Protection Area (SPA).

In view of this the applicant's agent has advised that following discussions with the applicant, the decision has been taken to remove the water tank from the proposal at Ebenezer in its entirety.

The Authority's Ecologist has confirmed that as the development would be restricted to the building footprint, an impact on the Special Area of Conservation/Special Protection Area can be screened out.

The building would not be used for habitable purposes or for overnight accommodation.

This proposal was originally submitted in 2017 but was withdrawn following consideration by the Planning Committee where it was recommended for refusal as being contrary to the Development Plan.

NYM/2019/0355/OU "Red House"

The proposal relates to a ruin located approximately 1km the north of West Northdale Farm, previously known as Red Barn. It is in an isolated location in the open countryside, on a plateau on the hillside, and does not currently have footpath access. The location falls within the new "Remote Area" identified for special protection in the Authority's new Local Plan, which defines a core part of the National Park where the special quality of a sense of remoteness is particularly apparent. Although the Plan has progressed beyond its Examination, until Modifications are proposed and accepted for consultation by the Inspector, weight cannot be given to the associated policy.

Outline consent is sought to re-build the collapsed building, the footprint of which measures 12.9m x 4.65m and to use this building to house an artistic installation internally.

The idea for the internal sculptural works would involve works made from stone and/or clay found locally.

The building would not be used for habitable purposes or for overnight accommodation.

This proposal was originally submitted in 2017 but was withdrawn following consideration by the Planning Committee where it was recommended for refusal, being contrary to the Development Plan.

The Authority's Ecologist has advised that potential ecological impact could be reduced by avoiding vehicle movements to the site during periods of inclement weather and utilizing the least ecologically impactful route to the site. The revised footpath assessment in the Ecological Appraisal Addendum dated September 2019 states that the land immediately west of the application site is valuable fen meadow, although this habitat is deteriorating due to the presence of planted willow and alder, and new drainage. In order to retain and enhance the ecological value of this section of the permissive route, mitigation as suggested in the report would be required.

NYM/2019/0356/OU “West Northdale”

This application relates to the remains of a building approximately 300m north of West Northdale Farm previously known as Northdale Head House. It is in an isolated location adjacent a public footpath from Knotts Road.

Outline consent is sought to build a new building on the footprint of these remains (which comprise little more than one or two courses of stonework above ground level on two sides only). The new building would incorporate, within the walls an artistic installation.

The new building would be of simple barn like construction but would incorporate a “light wall” on the south gable facing down the valley. There would be no other windows in the building, but this gable end would be constructed with stacked stones with gaps between them all, to enable light to filter into the building.

The building would not be used for habitable purposes or for overnight accommodation.

This proposal was originally submitted in 2017 but was withdrawn following consideration by the Planning Committee where it was recommended for refusal, being contrary to the Development Plan.

The Authority’s Ecologist has advised that the remains of the former building are on land recorded (through a Phase 1 habitat survey, 1989) as semi-improved acid grassland. Survey data submitted indicates that only a small proportion remains, adjacent to the proposed building but would not be directly impacted. To ensure that the interest still present does not further deteriorate, mitigation suggested by the applicant’s ecologist would need to be followed.

NYM/2019/0359/OU “Bogs House”

This application relates to the remains of a building located approximately 0.75km south of Northdale Farm. It is in an isolated location in a wooded setting and is accessible off a public footpath.

Outline consent is sought to build a new building in place of these remains. The footprint of these remains measures approximately 8.7m long x 5.5m wide and the proposed new building would measure 12.9m x 4.65m and to use of this building to house an artistic installation internally.

The proposals for this site comes out of Andy Goldsworthy’s work at the Yorkshire Sculpture Park, called “Outclosure”. This piece of work alludes to the parliamentary Acts of Enclosure in the 18th and 19th centuries which resulted in people being excluded from accessing certain land. Consequently, the proposals here are for a closed off building to create a sense of exclusion. The building would have no doors and windows so there would be no access for people, only for bats.

This proposal was originally submitted in 2017 but was withdrawn following consideration by the Planning Committee where it was recommended for refusal.

The Authority’s Ecologist has advised that providing no heavy machinery will be utilised during the construction process, the only likely cause of significant impact to the local environment would be during transportation of construction materials to the site. Potential impact could be reduced by avoiding vehicle movements to the site during periods of inclement weather.

Supporting Information Submitted by the Applicant's Agent –

It is stated that once complete:

the Hanging Stones Project will be a world class sculpture walk, designed first and foremost for the purposes of public enjoyment. The works will be connected by a six mile walk and the walk itself and the landscape encountered between the sculptures is intended to form as much part of the artwork as the sculptures themselves.

The supporting information also states that art and culture are a fundamental element of adding value to landscapes with the National Planning Policy Framework (NPPF) recognising that cultural well-being has a role to play in the planning system. This project will provide a unique asset of international importance providing a high quality attraction for locals and visitors.

Inspiration has been taken from the rich agricultural history of Northdale valley, including its strong iron mining past. The chosen sites are fundamental to Goldsworthy's overall vision with each site and proposal arising from years' worth of research.

It is essential that all the vitally connected art forms are provided in order for the whole scheme to come together and provide the public benefits.

The buildings will not have an urbanising impact or result in sporadic development in the open countryside. They are seeking to re-establish a traditional rural feature in the landscape, solely for the purposes of art. It is incorrect to suggest that artwork and sculpture is inappropriate in rural, isolated locations, as this is an ever-increasing trend across the country and in other National Parks and is welcomed by many.

Development Policy 8 is irrelevant and cannot be applied as we are not seeking the conversion of buildings. However, the proposals do accord with Core Policies A, C and G in relation to sustainable development, the natural environment and conservation of the landscape and Development Policies 3 and 14 in relation to design and the provision of tourism and recreation.

In summary, through providing significant public benefits and meeting National Park objectives to promote opportunities for the understanding and enjoyment of the special qualities of the National Park the proposals accord with local and national policy.

All five applications were deferred by the Planning Committee in July 2019 in order to seek further details in relation to how the number of visitors would be managed. As a result, an additional Ecology Assessment and Management Plan have been submitted and the Authority's Ecologist and Natural England have been re-consulted.

In summary, the Management Plan sets out the following: -

Visitor numbers - There would be a maximum of 24 visitors a day, with a maximum of four bookings a day (i.e. no more than six in a group) with numbers being automatically controlled by online booking software (reductions in footfall could be easily controlled by reducing or blocking out days on the booking system). An over-ride facility would also be in place which could be used at the discretion of the on-site Project Manager.

Background continued

Group bookings of more than six people will be able to be made by special arrangement, but where accepted, numbers would be capped so as not to exceed the maximum of 24 people per day, this would include school groups/educational visits.

Key/access - Four sets of keys would be at Sevenford House in Rosedale with 1no. key allocated per booking). There will be one separate residents key strictly for use by local residents. Artworks will be open in the daytime only with keys to be collected in the morning and all keys to be returned at the end of each group walk/before dark. The website will detail any seasonal closures (e.g. during the bird nesting season). Upon booking, visitors will receive a confirmation email with details of how to collect keys, walk rules & guidelines (buildings must be locked, dogs kept on lead, valley respected etc). Clear information will be provided to counter any assumption that the walk is open to all and maps of the route showing locations of artworks only to be provided upon collection of the key / confirmed booking – maps will NOT be publicly available.

Parking – this will be provided at the Milburn Arms car park (owned by David Ross) (space for 25 – 30 cars). There will be no vehicle access to any part of the walk.

The additional ecological report provides details relating to the amended route of the path at Thorn House, Red House and Bogs House. It provides an addendum further to the original route Ecology Assessment undertaken in 2017 and updated in 2018. Limitations with regards to visitor numbers during sensitive seasons are also accepted, including restrictions such as exclusion of dogs or reduction in numbers during certain periods).

The potential use of the fields around Thorn House by waders is also covered. A footpath map, detailing permissive routes, open access land and public rights of way is also included.

Main Issues

Policy Context

The five sites are located in the open countryside where development is strictly controlled.

The relevant policies of the Local Development Plan are Core Policies A and G and Development Policy 8 which are concerned with the conservation of the landscape and conversion of traditional unlisted rural buildings.

Core Policy A of the NYM Local Development Plan seeks to ensure that new development conserves and enhances the Park's special qualities; with priority being given to conserving and enhancing the landscape, building features and historic assets of the landscape character areas.

Core Policy C seeks to ensure that the quality and diversity of the natural environment is conserved and enhanced, and to maintain and where appropriate enhance conditions for priority habitats and species identified in the North York Moors Local Biodiversity Action Plan.

Core Policy G of the NYM Local Development Plan seeks to ensure that the landscape, historic assets and cultural heritage of the National Park are conserved and enhanced.

Development Policy 3 seeks to maintain and enhance the distinctive character of the National Park by ensuring that the siting, layout and density of development preserves or enhances views into and out of the site.

Main Issues continued

Development Policy 8 states that outside the main settlements the conversion of traditional historic buildings will only be considered acceptable where, amongst other criteria, the building makes a positive contribution to the character of the National Park and is structurally sound and capable of conversion without significant rebuilding.

Development Policy 14 seeks to ensure that new tourism development will be supported where the proposal will provide opportunities for visitors to increase their understanding, awareness and enjoyment of the special qualities of the National Park, where the development can be satisfactorily accessed from the road network or other sustainable modes of transport, i.e. walking, where the development will not generate an increased level of activity and where it will make use of existing buildings.

The Development Plan has no policies specifically in relation to outdoor sculptures or public art and there are no National policies relating to this subject area.

Section 172 of the NPPF states that: -

“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks. The scale and extent of development within these designated areas should be limited.

Suitability of Buildings for Conversion

All the sites comprise the remains of buildings which have at some point in the past collapsed and are now ruins. None have roofs and only the partial (or almost no) remains of walls. Each site would require a significant amount of new building works which would significantly alter the character of this part of the remote valley of North Dale and amount to completely new constructions.

If permitted the proposals would create additional sporadic development and result in a number of new buildings in open countryside with no overriding landscape or conservation justification and contrary to long standing rural policies aimed at protecting the landscape.

As a comparison to these proposals for new buildings, the Authority's policies relating to agricultural development (Development Policy 12), which is considered to be crucial to the rural economy, would only allow a new agricultural building where there is a functional need and the site is physically and functionally associated with the existing business so that new farm buildings are clustered on existing farmsteads to reduce landscape impact and prevent sporadic development.

The applicant's agent has questioned the applicability of Development Policy 8, relating to the conversion of existing unlisted traditional buildings. Whilst the fact that the project revolves around the presence of existing ruinous buildings this policy is a conservation policy aimed at retaining existing buildings that are architecturally or historically important and are capable of new uses without substantial rebuilding. Clearly if the proposals were for conversion, DP8 would very obviously be breached, however, the agent acknowledges this is about new buildings in the open landscape on the footprint of previous structures and officers therefore concur with this view. The more fundamental policy conflict is therefore with Core Policies A, C and G which encompass the need to give great weight to the conservation and enhancement of the landscape and wildlife of National Parks as Protected

Main Issues continued

Landscapes. In the event of a conflict with the second National Park Purpose, the conservation purpose must legally prevail as set out in the 1995 Act (The Sandford Principle).

Landscape Character

Rosedale is described in the Landscape Character Type Descriptors in Part 3 of the National Park's Design Guide as one of the narrow moorland dales where the dales are settled by small scattered and sporadic traditional farmsteads with settlements in clusters in the valley floors or linear along mid-valley sides.

The proposed buildings would be completely isolated from either a farmstead group or a settlement and would comprise the construction of new buildings in very isolated positions in the open countryside. Northdale itself is a remote side valley with no public vehicular access or through route and exhibits particularly strong special qualities of tranquillity and a sense of remoteness and wildness especially at the head of the Dale.

It is considered that the construction of new buildings in these prominent, open or isolated locations in this quiet and remote dale, albeit where there are currently ruins, would have a detrimental impact on the open character of this moorland dale landscape and conflict with the special qualities of strong feelings of remoteness, tranquillity and wide sweeps of open heather moorland.

Much is made of the historical interpretations that can be made from viewing the proposed sculptures. However, the evidence of old buildings and structures, in the form of ruins, mossy stones in the ground and the evidence of foundations all add their own intrinsic value and interest to the landscape. The replacement of these with new buildings would result in a loss of that building archaeology to the detriment of the character of the area.

Tourism and Associated Levels of Activity

This form of artwork may well encourage people to walk in the area and to enjoy the special qualities of the National Park.

However, whilst the original proposals were stated to be low key, mainly for family with some restricted public access, the scale of the development now proposed would result in significantly greater activity levels in an existing tranquil dale which has no road or through access and on the surrounding open moorland, which has not previously been served by public footpaths. Such additional activity levels would be detrimental to the character of this tranquil dale and could potentially have a detrimental effect on the special qualities of the North York Moors Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC) and Special Protection Area (SPA).

The Seated Figure sculpture on Westerdale Moor has demonstrated the harm that can be caused to moorland habitat by too many visitors resulting from popular art installations. This sculpture has now been removed and re-located at the Yorkshire Sculpture Park.

The reason given for its early removal was stated to be the level of moorland erosion being caused by the visitor numbers. Its prominence and accessibility led to a large number of visitors and the only inherent control on numbers was the availability of roadside parking. The permission did include a condition requiring a visitor management, parking, footpath and erosion Management Plan to be implemented if necessary, which the owner decided not to implement, but to relocate the sculpture instead.

Main Issues continued

Although the proposals in Northdale are subject to a Visitor Management Plan which involves pre-booking and a control through this process on numbers able to access the interior of the buildings (potentially up to 9000 per year), the publicity associated with the project is such that more visitors are likely to visit the valley in any case, in addition to those pre-booking to obtain the key to access the interior of the buildings.

Ecology

Considerably more permissive path appears to be proposed as a result of these new applications than was originally assessed in 2017. In particular the new proposal of Thorn House will result in public access to fields not crossed by public footpaths. From aerial pictures these fields have some potential to hold breeding waders and the Authority currently holds no data on the potential wader use of these fields meaning that additional information is required relating to the potential use of these fields by waders before a judgement can be made. This has the potential to affect any Habitat Regulations Assessment carried out if golden plover, as a designated feature of the SPA, are likely to use the fields for feeding.

The frequency of use of the route was discussed during the 2017 applications, as an issue that could affect natural environment features of the area. Given the more developed nature of the scheme at this point, including the creation of a designated website promoting the route and art installations, there is an increased likelihood of significantly increased use of the route with potential associated impacts on biodiversity (including but not limited to disturbance of nesting birds and erosion of ground flora). Consequently, an additional Ecology Assessment and Management Plan have been submitted (as referred to in the background section above)

In relation to the additional information - The Ecologists updated report assesses new sections of the path and the Authority's Ecologist has advised that the conclusions and recommendations given, particularly relating to the unlikelihood of breeding or feeding waders utilising the fields to be crossed by permissive access paths to Bog House and Thorn House are all acceptable.

The Authority's Ecologist also advises that the detail relating to access provision and management is sufficiently thorough for ecological evaluation, with the maximum numbers and groups proposed, being acceptable. However, it should be required that dogs are on leads year-round, with dogs not permitted on the walk between 01 April and 15 July inclusive if possible. This would cover the time of year when the majority of ground nesting birds, but particularly waders, are preparing nests, laying, incubating and starting to rear their young. By mid-July it is assumed that most chicks will be less likely to be disturbed by the presence of dogs on leads. This is particularly important for the sections of the route on the upper fields and open moor; however given the circular nature of the walk a total exclusion during this period is most practical whilst allowing dog owners the opportunity to enjoy the route at other times of year.

Although the individual applications all fall out with of the nearby European designated sites, North York Moors Special Protection Area (SPA) and North York Moors Special Area of Conservation (SAC), they are by nature of the project fundamentally linked to it and therefore the impacts of the development as a whole falls under the Habitat Regulations. When considering the need for an Appropriate Assessment, the works cannot be viewed as necessary for the management of the SAC/SPA and it is also not possible to state that the works would have no impact on the SAC/SPA and therefore a likely significant effect cannot be screened out and a Habitats Regulations Assessment needs to be undertaken. The Authority has undertaken such an assessment on the basis of the additional information submitted, and concluded as follows:-

Main Issues continued

The development of the artwork will involve the need to maintain, and in places create, a path for foot traffic across an area of Annex 1 habitat of the SAC which may also support qualifying features of the SPA (merlin and golden plover). The minimal nature of the route however, means that little impact is likely to be caused to the integrity of the SAC or SPA as a whole. If works are carried out in accordance with the ecological reports submitted in support of the planning applications using manual means only, installing small foot bridges to cross the small watercourses and continually reappraising damper sections of the path for impact, then a likely significant effect on the SAC can be ruled out.

To consider potential disturbance to ground nesting birds, the results of previous wading bird surveys of moorland (2014) and adjacent farmland (2011) have now been supplemented by an additional wading bird survey conducted in spring. It considered both Golden Plovers and other waders. They have shown that the moor close to Job's Well (NYM/2017/0086 and part of the functional loop) and the farmland likely to be crossed by visitors to the buildings is not of particularly high value for nesting or feeding waders, but that they could be encountered. The applicant sets out the visitor management that would be used, including the limitation on visitor numbers and restrictions for dogs on leads. On this basis it is considered possible to rule out a Likely Significant Effect on the qualifying features of the SPA.

Management Plan Objectives

The North York Moors Management Plan states in its vision "that the National Park should be a place where visitors are welcome and cultural and recreational opportunities and experiences are accessible". Policy C5 of the Management Plan states that "the interpretation of the landscape and cultural heritage of the North York Moors will be encouraged". However, it is also recognised that the conflicts between tourism and recreational activities and the conservation of the special quality of the National Park need to be minimised (Policy U6). In such cases, there is a legal requirement under the Sandford Principle to give precedence to the conservation purpose.

Draft Local Plan

Although the Authority's new Local Plan which has now been through its Examination (EIP) has little weight yet in planning decisions, it recognises that the North York Moors has been subject to a number of large scale developments that cumulatively have eroded some of the special qualities of the National Park. Additionally, though at a much smaller scale, there has been an increase and intensification in moorland infrastructure which similarly can have a negative impact on the specific special qualities of the National Park of tranquillity, a sense of remoteness and a place for spiritual refreshment. For these reasons, there has been an increased emphasis on seeking to protect these special qualities through the planning process and this has raised awareness that some of these special qualities are at the very heart of National Park designation and once lost cannot easily be replaced. The new Local Plan therefore contains policies to raise the awareness of and provide protection to specific special qualities including a new policy on protecting tranquillity and the identification of a "remote area", where a very restrictive approach is adopted to limit development to that which is essential for agriculture or conservation purposes. As these policies were subject to examination, they cannot be given weight currently, although in principle they were accepted by the Inspector. Notwithstanding this, the subject of the policies (i.e. Special Qualities) are still covered by existing policies in the adopted Local Plan and of course enshrined in legislation in the 1995 Environment Act.

Conclusion

Generally the only situation where new buildings are permitted in the open countryside are for agricultural purposes, when an essential agricultural need has been demonstrated, and then only when the proposed building is physically related to an existing business and existing buildings. Isolated buildings, even with agricultural justification are not normally permitted by the Authority's Development Plan (Development Policy 12 of the Local Development Plan). The ongoing effectiveness of this policy will not be helped by an exception being made to it which is not based on sound planning considerations.

Whilst The North York Moors Management Plan states in its vision "that the National Park should be a place where visitors are welcome and cultural and recreational opportunities and experiences are accessible" with Policy C5 stating that "the interpretation of the landscape and cultural heritage of the North York Moors will be encouraged." This should only be where there is no detrimental impact to the landscape character of an area. Most the Dale and all of the moorland above are currently accessible to the public to enjoy the existing special qualities and landscape that the North York Moors National Park offers, without the need to introduce new buildings into it which are not related to these existing special qualities and will in fact erode them.

In the case of these proposals it is considered that they would create additional sporadic development and result in the construction of new buildings in the open countryside contrary to adopted policies and to the detriment of the landscape character of the area. Officers do not consider the justification of having to have a certain number of such sculpture buildings in the Dale within sight of each other to be a sufficient material planning consideration to outweigh the presumption against sporadic development in open countryside.

The previous permissions granted for sculptures in this valley relate to the conversion of existing structurally sound buildings. The one exception to this is "redwall" which was the first of this project and related to a very small building, built partly into the ground to capture the red ochre water from the stream. This building is located in a less isolated position, not far from the road on a stone track that leads to a farm and is adjacent to an existing public footpath.

Consistency of decision making is an important part of the UK Planning system, the Authority's Planning Committee has previously advised that the recreation of ruined agricultural buildings to house sculptures is not considered to amount to sufficient justification to set aside extant planning policies aimed at protecting and enhancing the landscape from contrived and harmful development.

At the March 2017 meeting of the Planning Committee there were extensive Committee discussions regarding the potential visitor benefits of the scheme and the conflict with open countryside buildings planning policies. That submission included all the proposals, those that complied with the building conversion policy and the new build proposals which conflicted with open countryside policy. At that time a deferral was decided to allow an assessment of the impact of the scheme on protected habitats and to allow the applicant to set out how an appropriate management scheme could be drawn up to minimise the impacts of new visitors to the attractions in this remote and tranquil area. The subsequent re-submission omitted the five proposals that conflicted with policy and the "compromise scheme" which involved the conversion of the remaining barns was able to be supported by the Authority, three of which have now been completed. The current application now re-introduces the previously omitted proposals and although there is now an acceptable Visitor Management Plan and the ecological concerns can be addressed by conditions, in the light of the clear conflict with policy and the resultant harm to the landscape, a repeat of the previous July Officer refusal is recommended for all five applications.

Explanation of how the Authority has Worked Positively with the Applicant/Agent

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and concluded that the scheme represents a form of development so far removed from the vision of the sustainable development supported in the Development Plan that no changes could be negotiated to render the scheme acceptable and thus no changes were requested.