



Kirkby Malzeard, Laverton and Dallowgill Neighbourhood Plan (Reg 14 version 06/2024)

Kirkby Malzeard, Laverton and Dallowgill Grouped Parish
Council

CONTENTS

SECTION 1 – INTRODUCTION

Contents	2
Foreword	6
Introduction	7
Background	7
Neighbourhood Plan Area	8
Why we decided to prepare a Neighbourhood Plan	9
How the Plan was prepared	9
How the Plan is organised	10

SECTION 2 – THE PLANNING POLICY CONTEXT

The Planning Policy Context	11
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SECTION 3 – A BRIEF INTRODUCTION TO THE PARISH

The Parish Past	15
The Parish Present	16

SECTION 4 – VISION AND OBJECTIVES

Vision	18
Objectives	18

SECTION 5.1 - HOUSING

Housing	20
Supporting sustainable housing growth	20

<i>Policy KMLD1 – Kirkby Malzeard Development Limits</i>	21
Windfall sites	23
Housing Mix	24
<i>Policy KMLD2 – Housing Mix</i>	26
Affordable Housing	26
<i>Parish Action 1 - Affordable Housing Provision</i>	28
Meeting the essential housing needs of rural workers	28
<i>Policy KMLD3 – Properties with agricultural occupancy restrictions</i>	28
Conversion of redundant agricultural buildings	29
<i>Policy KMLD4 – Re-using redundant agricultural buildings</i>	29
Second homes and holiday lets	29
SECTION 5.2 - BUILT HERITAGE	
Built Heritage	31
Buildings of national heritage importance	31
Non-designated heritage assets	34
<i>Policy KMLD5 – Non-designated heritage assets</i>	35
Local area of special character and heritage	36
<i>Policy KMLD6 – Church Street, Kirkby Malzeard local area of special character and heritage</i>	37
Ensuring good design	37
<i>Policy KMLD7 – Ensuring high quality design</i>	39
SECTION 5.3 – NATURAL ENVIRONMENT	
Conserving and enhancing the landscape	40
Protecting important local green spaces	44

<i>Policy KMLD8 – Local green spaces</i>	46
Allotments and community garden	47
<i>Parish Action 2 – Additional allotment/community garden provision in the Kirkby Malzeard area</i>	48
Conserving dark skies	48
<i>Policy KMLD9 – Conserving dark skies</i>	50
Protecting and enhancing biodiversity	50
<i>Policy KMLD10 – Protecting and enhancing biodiversity</i>	53
Protecting and enhancing trees, hedgerows and woodlands	53
<i>Parish Action 3 – Tree preservation orders</i>	55
SECTION 5.4 - COMMUNITY FACILITIES	
Protecting and enhancing community facilities	56
<i>Policy KMLD11 – Enhancing the provision of important community facilities</i>	58
<i>Parish Action 4 – Provision of facilities for younger people</i>	58
Assets of community value	58
<i>Policy KMLD12 – Assets of community value</i>	59
SECTION 5.5 – INFRASTRUCTURE	
Highway safety	60
<i>Policy KMLD13 – Promoting highway safety</i>	61
<i>Parish Action 5 – Highway safety</i>	61
Car parking in Kirkby Malzeard	61
<i>Policy KMLD14 – Car parking in Kirkby Malzeard</i>	61

<i>Parish Action 6 - Provision of public car park in Kirkby Malzeard</i>	62
Public transport	63
<i>Parish Action 7 – Local bus services</i>	64
Ultra-low emissionsvehicle infrastructure	64
<i>Policy KMLD15 – Ultra-low emissionsvehicle infrastructure</i>	65
Public access routes	65
<i>Parish Action 8 – Public access routes</i>	66
Utilities	66
<i>Parish Action 9 – Utilities</i>	67
SECTION 5.6 – LOCAL ECONOMY	
Local Economy	68
<i>Policy KMLD16 – Supporting the development of the local economy</i>	70
SECTION 6 – MONITORING AND REVIEW	
Monitoring and review	71
APPENDICES:	
APPENDIX A – Non-designated Heritage Assets	72
APPENDIX B - Church Street Kirkby Malzeard Local Area of Special Character and Heritage	101
APPENDIX C – Local Green Spaces	112

Foreword

At its meeting on July 30, 2018, the Parish Council approved the decision to proceed with the creation of a Neighbourhood Plan.

This process will enable the community to have a greater influence on future development within the Parish. It will not replace the provisions of the National Planning Policy Framework or the Local Plan (created by the then Harrogate Borough Council in 2020) but it will work alongside these, and by enabling us to provide a greater degree of community input, it should help to bring about the type of planned environment where we can all continue to be happy to live and work in the years to come.

We realised at the time that the creation of a Neighbourhood Plan was a long process and, even allowing for the delay caused by the Covid pandemic, this has proved to be the case.

In 2021 a Public Consultation Questionnaire was sent to everyone over 16 years in the Parish and also made available to anyone else who worked or operated here. We received a good response to this and the views and opinions from this were analysed and published on the community website. A Stakeholders Consultation was also undertaken with responses obtained from local employers, organisations and groups.

During 2022/23 the Steering Group, which comprises local residents and Councillors, worked with our planning consultants to produce a Draft Neighbourhood Plan based on those responses.

In December 2023 – January 2024 we then published the Draft Plan in its entirety and sought the views of the community on the proposed Policies and Parish Actions, as well as any other observations which they wished to make. These responses have now been considered and reflected in this latest version of the Plan.

We are now proceeding with the formal 'Regulation 14' consultation with all relevant bodies, as well as once again taking views from those who live, work or operate in the Plan Area.

Cllr Pippa Manson, Chair of the Parish Council

Mrs Claire Walker, Chair of the Neighbourhood Plan Steering Group

Section 1: Introduction and Background

Introduction

1. The Kirkby Malzeard, Laverton and Dallowgill Neighbourhood Plan ('the Plan') sets out the vision, objectives and policies for the sustainable development of the parish until 2035.
2. The Plan covers the whole of the combined 'grouped'¹ parish of Kirkby Malzeard, Laverton and Dallowgill ('the parish').
3. The parish comprises the main village of Kirkby Malzeard, in which most services, facilities and population are concentrated, the smaller village of Laverton and the hamlets of Dallow, Carlsmoor, Swetton and Greygarth surrounded by unspoilt open countryside with farms, woodland, streams and, to the West, moorland.

Background

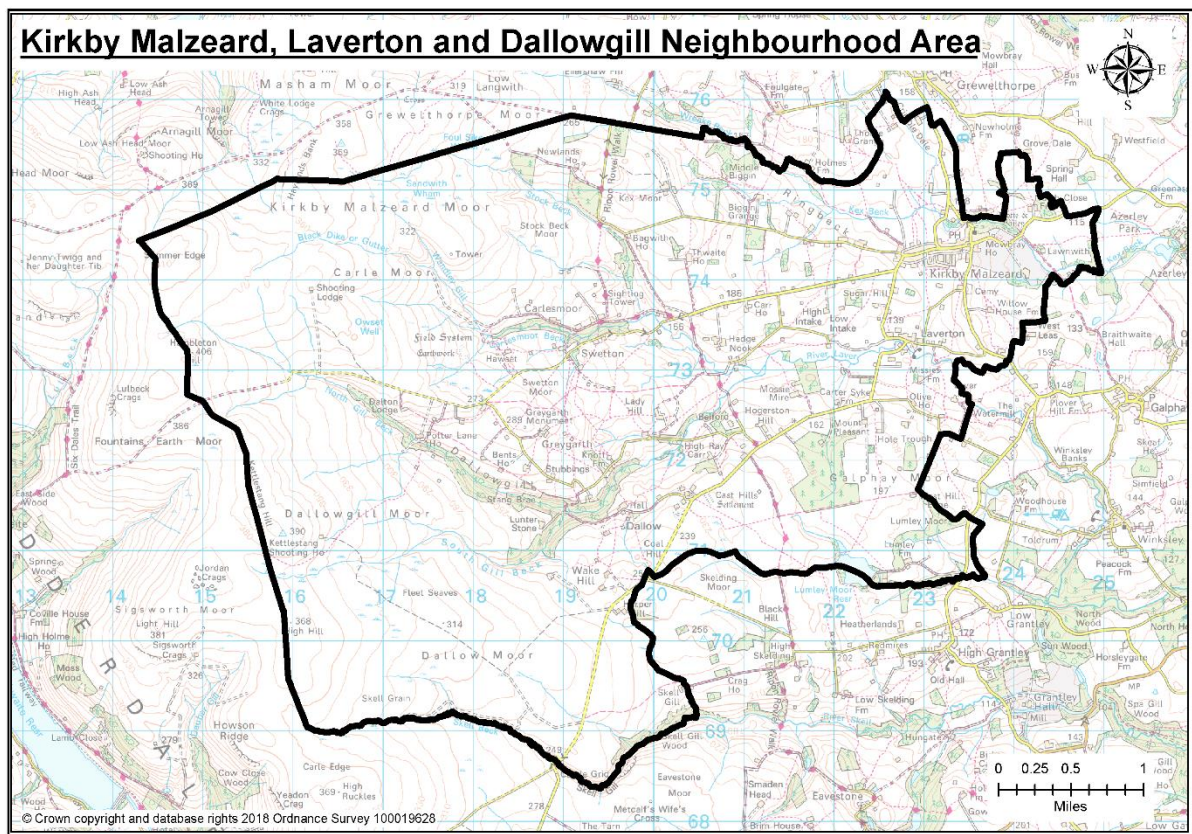
4. The Localism Act 2011 gave parish councils and other relevant bodies new powers to prepare statutory neighbourhood plans to help guide development in their local areas. The legislation aims to empower local communities to use the planning system to promote appropriate and sustainable development in their area.
5. The Plan will contribute to sustainable development by seeking improvements in environmental, social and economic conditions. In particular, it seeks to ensure that any development protects and enhances the parish's distinctive character, built and natural environment and its strong sense of identity and community.
6. The Plan considers the important local issues identified through the consultation process and avoids re-stating existing national or local planning policies. The policies proposed in the Plan, therefore, focus on a relatively small number of key development issues.
7. Once approved at referendum the Plan will become a statutory part of the development process for the parish and the wider district. This means that the Plan will carry significant weight in determining how planning applications and other planning decisions are made.

¹ Kirkby Malzeard, Laverton and Dallowgill Parish Council became a grouped Parish Council in 1977, although Kirkby Malzeard Parish Council and Laverton Parish Council (which includes the Dallowgill area) remain separate for electoral purposes.

8. The Plan will cover the period up to 2035, which complements the plan period for the approved Local Plan for Harrogate district.

Neighbourhood Plan Area

9. The boundary of the neighbourhood plan area corresponds to the parish boundary, as illustrated in Figure 1 below.



Why we decided to prepare a Neighbourhood Plan.

10. It was decided to produce a neighbourhood plan in order for the community to play a much stronger role in shaping how the parish develops.
11. A neighbourhood plan provides the opportunity to set out a vision and to plan for how they want the parish to develop until 2035 in ways that meet identified local need, make sense for local people and make the parish an even better place to live, work and visit.
12. It enables the community to put in place planning policies that will help deliver an agreed vision for the parish. It provides the opportunity to specify in more detail what we expect from development in the parish. Furthermore, unlike parish plans or other kinds of documents that may be prepared by a community, a neighbourhood plan forms an integral part of the development plan for an area. This legal status means that it must be taken into account by the local planning authority when determining planning applications for planning permission.
13. Having a neighbourhood plan will also result in direct financial and other benefits to the parish. In particular, the Local Planning Authority has introduced a levy on future development called the Community Infrastructure Levy (CIL)². Without a neighbourhood plan, the Parish Council would receive 15% of any CIL collected of any qualifying development, with one it would receive 25% of the CIL collected by the Local Planning Authority to be spent in the parish.

How the Plan was Prepared

14. The Plan has been prepared by a Steering Group comprising parish councillors and members of the local community supported by officers and members from the Local Planning Authority and neighbourhood planning consultants Andrew Towleron Associates of Clifton Mount, Rotherham.
15. As the appropriate 'Qualifying Body', the Parish Council applied to the Local Planning Authority in March 2019 to designate it as a neighbourhood plan area. The Local Planning Authority subsequently publicised the application for six weeks and formally approved it on 4 April 2019.
16. The Plan has been produced with strong and meaningful input from the community. This has been at the heart of its preparation. This includes regular Steering Group meetings which have been open to the public, with agendas and minutes published on

² CIL charging schedule can be viewed at <https://www.northyorks.gov.uk/planning-and-conservation/developer-contributions/developer-contributions-your-area/developer-contributions-harrogate/community-infrastructure-levy>

the community website, a Public Consultation of those who live, work or operate here, a Stakeholder Consultation of businesses, organisations and groups, and a further informal consultation with public workshop following the publication of the draft Plan. This range of consultation events has ensured that residents and other interested parties have had the opportunity to provide input.

17. It should be noted that while every effort has been made to make the main parts of this Plan easy to understand, the wording of the actual policies is necessarily more formal, so that it complies with statutory requirements.

How the Plan is Organised

18. The Plan is structured in the following way:

Section 1 sets out the introduction and background to the Plan and how it is organised.

Section 2 outlines the strategic planning policy framework within which the Plan has been prepared.

Section 3 provides a profile of the parish as at present, together with a brief summary of its history, in order to illustrate the context for the policies and parish actions which the Plan contains.

Section 4 outlines the vision for the parish for the future and details the key objectives that will help deliver the vision.

Section 5 contains the Plan's detailed policies and proposals:

- Each policy theme is set out as a heading.
- Background information is provided for each policy theme, explaining why it is relevant to the parish.
- Each policy theme may be supported by several policies and parish actions, and these policies are highlighted in green and blue respectively.
- The policies are supported by an explanation as to how and why the policy or parish action is needed and why its requirements should be met.

Section 6 outlines how the Plan will be reviewed and monitored.

Section 2: The Planning Policy Context

19. The right of communities to prepare a neighbourhood plan was established through the Localism Act 2011. The Plan once 'made' will form part of the statutory development framework for the area and will be an important consideration in the determination of planning applications.
20. Although neighbourhood planning gives more power to local communities to guide what goes on in their area, there are limitations.
21. Legislation requires that neighbourhood plans must meet certain 'Basic Conditions' before coming into force. These Basic Conditions include that a neighbourhood plan must:
 - have appropriate regard to national planning policy and guidance,
 - be in 'general conformity' with the strategic policies contained in the development plan for that area of the authority (or any part of that area),
 - demonstrate they contribute to sustainable development,
 - be compatible with EU obligations³ and human rights requirements, and
 - demonstrate it is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) either alone or in combination with other plans or projects.
22. The Plan must, therefore, be developed with regard to national policy, especially the National Planning Policy Framework⁴ ('NPPF'), which sets out the Government's planning policies for England. The NPPF contains core planning principles that must underpin all plan-making and provides the basis for local planning authorities to prepare their Local Plans and for communities producing neighbourhood plans. In preparing the Plan, full account has been taken of the NPPF and the supporting government guidance set out in National Planning Policy Guidance ('NPPG').
23. A further 'Basic Condition' is that a neighbourhood plan must also be in general conformity with, and does not promote less development than, the strategic policies of the development plan for the area.
24. In the case of the parish, the current development Plan for the Harrogate district comprises:

³ This requirement remains in place until revoked by the UK Government

⁴ <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

- The Harrogate district Local Plan 2014-2035 (both 4 March 2020 and 9 December 2020 versions)⁵ ('The Local Plan').
 - The North Yorkshire Minerals and Waste Plan⁶ prepared by North Yorkshire County Council.
25. Of these two documents, the first, the Local Plan, is of particular importance in respect of development, especially as this Plan does not deal with waste and mineral issues.
26. The Local Plan sets out the spatial vision and development strategy for the whole of Harrogate district, including the parish. In addition, it sets the scale of new development that is planned and a strategy for accommodating this growth; includes detailed policies across several thematic areas to manage new development; and allocates specific sites for particular types of development. Many of these policies are relevant to the parish.
27. Special mention here should be made of Policy GS2: Growth Strategy to 2035 in the Local Plan. This identifies a settlement hierarchy and focuses the need for new housing and development on the most sustainable locations broadly based on their position in the settlement hierarchy. The village of Kirkby Malzeard is designated as a Service Village where *'Land will be allocated for new homes to support the continued provision of a basic range of services and facilities; with new village shops and businesses supported to maintain their continued sustainability'*. The rest of the parish including the settlements of Laverton and Dallowgill *'are considered to be part of the wider countryside where development will only be appropriate if permitted by other policies of this plan, a neighbourhood plan or national policy'*.
28. Also, Policy GS3: Settlement Limits that designates Development Limits around those settlements listed in Policy GS2 (see above). This includes Kirkby Malzeard. *'Within development limits, proposals for new development will be supported provided they are in accordance with other relevant policies of the Local Plan'*.
29. The aim of the Plan is not to replicate existing planning policies, but to add value to them by providing local formulated policies and proposals that are specific to the Parish and reflect the needs and aspirations of the community. Where there are national, county and Local Planning Authority planning policies that reflect and meet the needs and requirements of the parish, they are not duplicated here.
30. In accordance with Government guidelines, the Plan has been developed to generally conform with the strategic policies contained in the Local Plan.

⁵ Harrogate district Local Plan 2014-2035 – Harrogate Borough Council – <https://www.northyorks.gov.uk/planning-and-conservation/planning-policy/planning-policy-your-local-area/harrogate-planning-policy/harrogate-district-local-plan>

⁶

https://www.northyorks.gov.uk/sites/default/files/fileroot/planning_migrated/minerals_and_waste_plan/LPA128%20-%20%20MWJP%20Policy%20adopted%20document%20-%20Final%20-%20accessible.pdf

31. In addition to the NPPF, the Plan must have regard to the Countryside and Rights of Way Act (CROW Act), which sets out the purposes and duties for managing National Landscapes (formerly known as Areas of Outstanding Natural Beauty). Within National Landscapes there are special controls over development in order to conserve and enhance its natural beauty. The whole of the Parish falls within the Nidderdale National Landscape.
32. Consideration has also been given to the specific Nidderdale National Landscape Management Plan 2019-2024⁷ and associated documents in preparing the Plan. This is a high-level strategy that provides a framework for action designed to protect the special qualities that make this area one of the UK's finest landscapes. Though technically not part of the development plan for the district, with which the law requires the Plan to be in conformity, it is still nevertheless considered relevant to the Plan's development and has been used to guide the policies in it.
33. The legislation also requires neighbourhood plans and local plans to contribute to the achievement of sustainable development, which the NPPF describes in paragraph 7 '*At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without comprising the ability of future generations to meet their own needs*'. The Plan has the achievement of sustainable development at its heart. Protecting and enhancing the natural and built environment, meeting present and future needs for housing, work and facilities that support the well-being of the community, supporting actions that build prosperity and ensuring that local people can shape their surroundings are all good examples of how it will do this.
34. A neighbourhood plan must be compatible with EU obligations⁸ and human rights requirements; and be compliant with the Strategic Environmental Assessment (SEA) and Habitats Directives.
35. Wherever possible, the most recent statistical data available has been used in the Plan, as provided by the 2021 census. However, at the time of writing, whilst some analysis has been carried out by the Office of National Statistics for individual Parishes, elsewhere only data from the 2011 census is currently available. In such cases the data is identified as such.
36. The scope and content of the Plan reflect the priorities and aspirations of the local community led by the Kirkby Malzeard, Laverton and Dallowgill Neighbourhood Plan Steering Group, on behalf of the Parish Council, being the qualifying body.
37. The community engagement process revealed issues that are of concern locally. It identified the features and characteristics of the parish that are valued, and that the community wish to see protected or enhanced.

⁷ [Nidderdale AONB 2019-2024 Management Plan Web.pdf \(nidderdaleaonb.org.uk\)](#)

⁸ This requirement remains in place until revoked or replaced by the UK Government

38. The Plan also focuses on the key development issues and opportunities that face the parish the period until 2035 and on which the Plan can have the greatest impact.

Section 3: A brief Introduction to the Parish

The Parish Past⁹

39. Archaeological findings indicate the presence of both Stone Age and Iron Age settlements within the parish, whilst the discovery of the body of a Centurion at Tom Corner in Dallowgill also suggests that there was activity in the area during the time of the Roman occupation.
40. The name Kirkby Malzeard (meaning the ‘church by the poor clearing in the forest’) has Danish and Norman origins and the village was referred to in the Domesday book with ‘8 villagers having a plough’ at that time. St Andrews Church in Kirkby Malzeard originates from 1150 and is positioned close to the site of Mowbray Castle, which was destroyed by King Henry II in 1174.
41. Kirkby Malzeard was granted a Market Charter by King Edward I in 1307 and it became a locally important Township during the Middle Ages. There is still evidence of the medieval layout of the village, with the main village street running off to the west from the crossroads where the Market Cross is situated, with tofts and crofts behind the Back Lanes.
42. Dallowgill takes its name from the old English Dael (meaning valley) and haga (meaning enclosure) with Gill (meaning ravine) added later. Laverton was previously referred to as variously as Layreton or Lavertona. Carlesmoor, Swetton and Laverton are all mentioned in the Domesday book although the land was largely described as ‘waste land’. By the 15th century, much of the area was controlled by Fountains Abbey and the Monks had a farm at Azerley Grange providing produce for the Abbey. Parliamentary enclosure in the 1780s was largely responsible for the current field pattern.
43. In more recent times populations in the rural areas as well as in the villages and hamlets throughout the parish have fluctuated, reflecting changes in agricultural practices and the rise and decline of different trades. During the first half of the 19th Century, the area was one of the most important centres of straw plaiting and bonnet making in England and there were numerous small shops and businesses not only in Kirkby Malzeard but even in hamlets such as Greygarth.

⁹ Sources include Kirkby Malzeard 1850 to the Present Day – Ian Corfield (published 2012); Dallowgill – Lilian Chandler (published 1991); Laverton and Dallowgill – Lilian Chandler (published 1994); Dallowgill Local History website <https://www.dallowgill.org.uk/> and Kirkby Malzeard, Laverton and Dallowgill History Facebook page.

44. Since the mid-20th century, there has been a transition away from agriculture towards tourism as the predominant source of income, with many residents living in the parish but working elsewhere in the larger centres of North Yorkshire. Undoubtedly there will be changes again in the future and it is hoped that the Plan will help the area to adapt in a positive way.

The Parish Present

45. The parish is an attractive, rural and historic parish in North Yorkshire
46. It is a popular place to live, as reflected in the buoyant housing market, with a strong sense of identity and community spirit.
47. It comprises several distinct historic settlements, the largest of which is Kirkby Malzeard, in which most of its population and services are concentrated. Other smaller settlements include the village of Laverton as well as the hamlets of Dallow, Carlsmoor, Swetton and Greygarth.
48. These settlements are interspersed and surrounded by large areas of open, attractive and largely unspoilt open countryside.
49. The beauty and quality of this landscape are reflected in that the whole of the parish is within the Nidderdale National Landscape (Nidderdale NL).
50. Extending over 4,852 hectares¹⁰, it is mainly rural and open in nature. At 0.25 persons per hectare, its population density is well below the Harrogate district¹¹ (1.25), Yorkshire and Humber (3.56) and England (4.34) averages. Farming and agriculture played an important role in the development of the parish and continue to be the main land uses.
51. In 2021, the Census indicated that it had a population of 1,206 (up from 1147 at the time of the 2011 census). Reflecting the national trend, it has an ageing population. At 29.2%, the proportion of the population aged over 65 was above the Harrogate district (23.4%), Yorkshire and Humber (19.0%) and England (18.6%) averages.
52. For a parish of its size and nature, there is an excellent range of community and service facilities. Mainly concentrated in Kirkby Malzeard, these include a church, a primary school, medical centre, pub, shops, a village hall and a range of other facilities. Residents also travel outside the parish mainly to the nearby centres of Ripon and Harrogate, to access retail, community and other services.

¹⁰ Source 2021 Census. All statistics quotes in this section are from the 2021 Census unless stated otherwise.

¹¹ Former Harrogate Borough Council area (now part of the unitary authority of North Yorkshire Council).

53. There are some employment opportunities in the parish, but the majority of those in employment travel outside of the parish to work. The proportion of the population that holds a higher-level qualification at 39.5% is similar to the Harrogate district (39.9%), but above the Yorkshire and Humber (29.5%) and England (33.9%) averages.
54. There appears to have been a dramatic increase in people working mainly from home at the time of the 2021 census in comparison to information at the time of the 2011 census. The proportion of working-age residents who stated that they work mainly at home was 33.9% whereas in 2011 it was only 10.1%. This data must however be seen against the backdrop of the Covid pandemic and the impact of Government advice to 'work at home' if practical. The comparable 2021 figures for Yorkshire and Humberside (25.9%), Harrogate district (35.4%) and the England average (31.5%) have also shown similar marked increases.
55. Levels of deprivation are relatively low¹², as are the rates of ill-health.
56. Housing affordability, both for sale and rent, is a significant issue in the parish. Only 7.1% of residents live in 'social rented' accommodation which is lower than the Harrogate district (9.9%), Yorkshire and Humber Region (17.3%) and England (17.1%) averages. There was a 0.0% return in the 2021 census within Laverton Parish as there is no social housing provision within this part of the overall grouped parish.
57. The built environment is generally very good. There are numerous buildings and structures that have been identified as being of national and historic interest, including over 25 Listed Buildings and 2 Scheduled Monuments¹³.
58. Most people living in the parish use a car. 93.4% of households have access to a vehicle, compared to 85.3% in Harrogate district, 75.8% in Yorkshire and Humber and 76.5% in England. There is limited public transport provision.
59. A more detailed statistical profile of the parish from the 2021 Census can be found at the websites of the Office of National Statistics¹⁴ and City Population.¹⁵

¹² [English indices of deprivation 2019- GOV.UK \(www.gov.uk\)](https://www.gov.uk)

¹³ Source English Heritage (2021)

¹⁴ <https://www.ons.gov.uk/>

¹⁵ <https://www.citypopulation.de/en/uk/>

Section 4: Vision for the Parish and Key Objectives

Vision

Vision

To conserve and enhance the character, heritage and identity of the Parish of Kirkby Malzeard, Laverton and Dallowgill, while supporting development that is sustainable and appropriate to the scale and nature of the Parish.

Developments should be consistent with delivering a balanced mix of housing, conserving the built heritage and natural rural environment of the Parish, maintaining and improving community facilities, investing in transport and service infrastructure, and enhancing the local economy.

Objectives

60. This Vision has emerged from the core objectives which were identified from the responses produced by the community engagement process. They are designed to exist within the context of the existing planning structure.

- **Housing (Section 5.1)**

Balance the competing needs for growth and development with the protection and enhancement of the natural and physical environment. Seek to achieve a housing mix on new developments which reflects the local needs for all age groups with an emphasis on smaller homes suitable for younger people and for those in older age groups who are seeking to down-size.

- **Built Heritage (Section 5.2)**

To conserve and enhance the rich built heritage of the parish by identifying appropriate buildings and structures as 'non-designated heritage assets' and create a 'Local Area of Special Character and Heritage' in the centre of Kirkby Malzeard to ensure that this local setting enhances the historic buildings contained within it.

- **Natural Environment (Section 5.3)**

Enhance and conserve natural habitat whilst at the same time supporting agriculture and encouraging modern diversification. Identify Green Spaces that are important to the community and wildlife and give them further protection against development. Balance recreational use of the countryside with the needs of those who live and work there.

- **Community Facilities (Section 5.4)**

Ensure that the parish has an extensive and varied range of community facilities including leisure and recreational opportunities, which cater for all age groups. Existing facilities which are viable are to be protected and enhanced with new ones encouraged, where they do not detract from the existing character of the area.

- **Infrastructure (Section 5.5)**

Ensure that existing and planned development proposals have suitable and sustainable infrastructure. Work towards the improvement of the transport and service infrastructure of the parish and wider local area.

- **Local Economy (Section 5.6)**

Support measures to enable the parish to boast a diverse and extensive array of businesses. Existing viable enterprises should be safeguarded and improved, appropriate farming diversification should be encouraged, and new businesses supported, providing these align with the area's existing character and National Landscape designation.

61. The Policies set out in Section 5 seek to influence planning and development outcomes in the parish. The policies are complementary and in support of the Plan objectives.
62. Neighbourhood plan policies must relate to development and land use. However, this does not mean that neighbourhood plans cannot include other non-planning related policies that the community would like to achieve. It is important however, that the Plan makes a clear distinction between planning and non-planning policies. This Plan achieves this by referencing the former as a 'Policy' and the latter as a 'Parish Action.'
63. It is important to note that when using the Plan to form a view on a proposed development all the policies contained in it must be considered alongside the Local Plan and national planning policies.

Section 5.1: Housing

64. The community believes that this is an attractive and vibrant place to live. They wish to protect its special qualities but also to ensure it remains adaptable and responsive and continues to flourish. The residents want a neighbourhood that is friendly and safe, with the majority of housing occupied by those who live and work in the area and who participate in the local community.

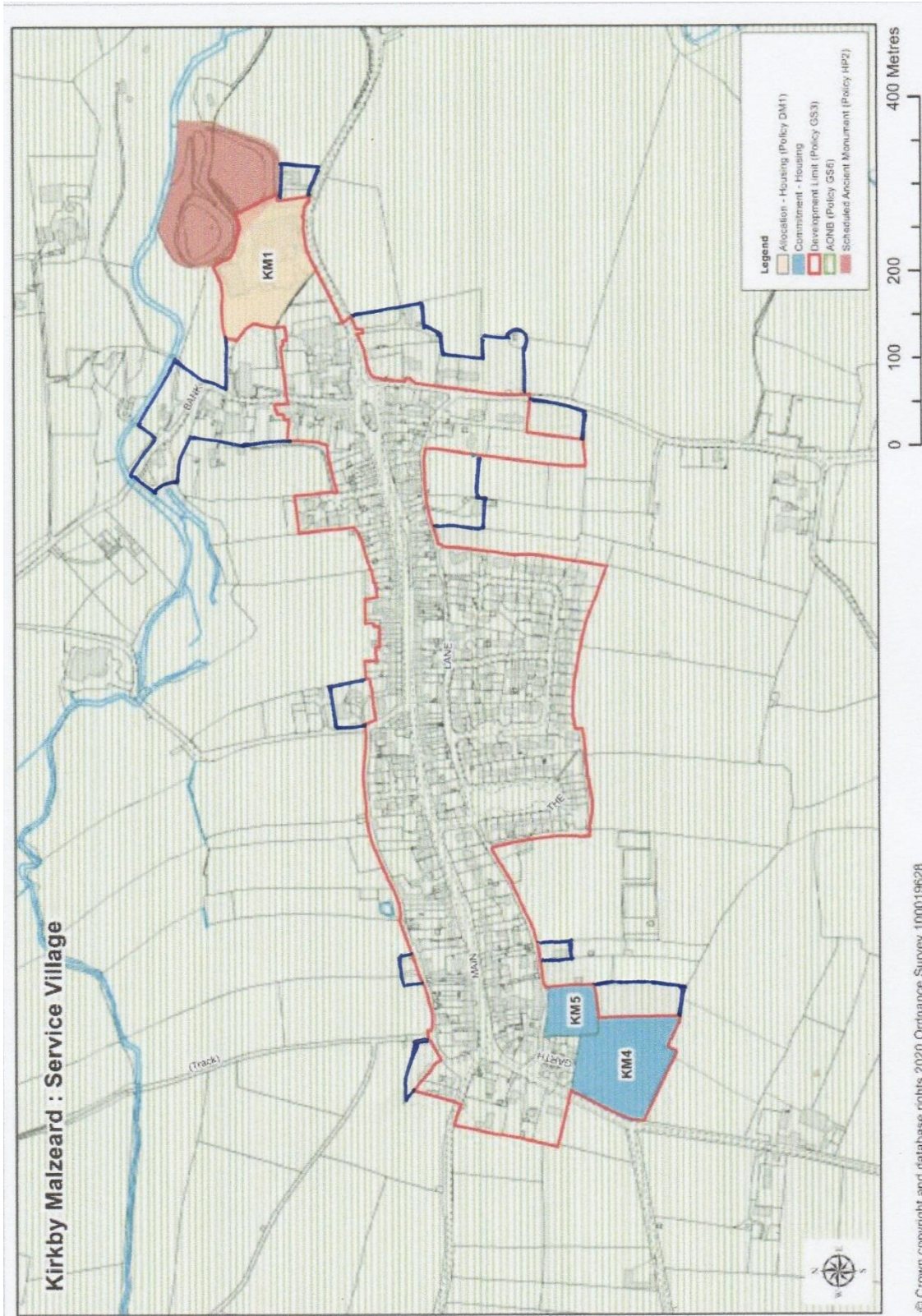
Supporting Sustainable Housing Growth

65. It is important that the Plan recognises the need for a proportionate amount of housing growth, but this needs to be the appropriate amount of new development in the most sustainable locations.
66. In doing so, the Plan is not working from a blank piece of paper; there are rules and regulations governing how it must be prepared. Neighbourhood plans are required to support the strategic development needs set out in Local Plans.
67. The Local Plan has set a housing target of a minimum of 13,277 new homes (including affordable) between 2014 and 2035 across the whole of the Harrogate district and seeks to direct new growth to the most sustainable settlements based on the defined settlement hierarchy and to strategic sites.
68. Within the Local Plan (Policy GS2), Kirkby Malzeard is designated as a Service Village with 30 plus other villages, which have been identified as such. The Local Plan states that within the designated Service Villages *'Land will be allocated for new homes to support the continued provision of a basic range of services and facilities; with new village shops and businesses supported to maintain their continued sustainability'*.
69. Policy (GS3) in the Local Plan defines a development limit boundary for Kirkby Malzeard, which identifies the acceptable area, in principle, for further sustainable development. Within this settlement boundary, the Local Plan states at para 3.23' *They indicate the extent to which each settlement should be allowed to develop during the plan period and where, within the defined area, there will be a presumption in support of development'*.

70. Whilst revisions were made to extend the Village Development Limits in the most recent Local Plan, Planning Applications have since been approved by the Planning Authority and the Planning Inspectorate in respect of sites which are outside those Limits, particularly at the eastern end of Back Lane South and along Galphay Road.
71. It is noted that a further review of the Limits can only take place through a Local Plan review or through the preparation of a new Local Plan rather than through a Neighbourhood Plan, but it is felt that such a review is needed. The aim would not be to extend the Limits in order to enable further development but solely to rationalise the situation by including all the existing and recently built housing adjacent to the present Limits.

POLICY KMLD1: KIRKBY MALZEARD DEVELOPMENT LIMITS.

Work on the Plan included consideration of changes to the existing Village Development Limit for Kirkby Malzeard based on consultation with the local community and other stakeholders. These proposed changes are shown on the map below. These proposals should be considered as key input in determining the final boundaries as part of any review undertaken in the future by the local planning authority.



Kirkby Malzeard Development Limits Map showing existing (outlined in red) and with proposed additions (outlined in blue).

72. Policy DM1 in the Local Plan identifies three housing sites in Kirkby Malzeard which will cater for the future housing needs for the parish and the wider Harrogate district. These three sites comprise the two existing housing ‘commitments’ - Land south of Richmond Garth (Local Plan Reference KM4) and Land east of Richmond Garth (Local Plan Reference KM5) with the potential to accommodate 37 dwellings over the two sites; and the new housing allocation – Wensleydale Dairy Products Limited (now trading as Saputo) (Local Plan Reference KM1) with the potential to accommodate 16 dwellings. Planning consent has subsequently been approved for the two housing commitments above for the provision of 33 homes (Ref 20/04874/REMMAJ). The location of these sites is shown in the Development Limits map above.
73. Outside Kirkby Malzeard, as defined by the development limit boundary, the Local Plan does not make any housing allocations. It is essentially considered as open countryside in planning terms where there is strict control over development. As the Local Plan states in para 3.23 *‘Any land and buildings outside the defined limit will generally be considered countryside where there is a stricter control over development’*. Adding, at Policy GS3, *‘proposals for new development will only be supported where expressly permitted by other policies of this plan or a neighbourhood plan or national planning policy’*.
74. The consultation shows that the community is generally comfortable with the amount and location of housing growth envisaged for the parish as set out in the Local Plan. When asked in the community questionnaire *‘Do you feel that more housing than that already allocated might be needed before 2035 both to meet future demand and help sustain facilities?’*, less than a quarter (24.6% or 103) of the 412 respondents said yes.
75. The community is clear, however, that it does not support any further housing development beyond that catered for in the Local Plan. This reflects and supports the view within the Local Plan which considers that the parish is not a suitable nor sustainable location for significant housing growth and that there are more sustainable locations for major development elsewhere in Harrogate district and further afield.
76. The community also felt that the provision of additional infrastructure especially in terms of roads, parking, drainage (both sewer and surface water) is necessary as a result of planned new developments, and this should be addressed at the earliest opportunity.

Windfall Sites

77. Windfall sites are sites not specifically identified for development in a local plan, neighbourhood plan or other development plan document. They mainly comprise redundant or underutilised buildings, including former farm buildings, or a small gap within an existing frontage of buildings. Usually, they are small sites suitable for only a single dwelling but could be larger. Normally windfall development is for new housing, though, in principle, could comprise other forms of development such as shops, employment units or community facilities.

78. In recent years, the parish has already experienced significant windfall development, much of it housing related. This is a trend that is expected to continue. Though these sites cannot be identified in advance, the high degree of market pressure for new and other forms of development coupled with the level of vacant and underutilised land and buildings, including some which are agricultural related, means that windfall sites will continue to provide an important source of new housing.
79. The consultation shows that the community is generally supportive of suitable small windfall development, especially the sympathetic conversion of historic farm buildings where this helps conserve and improve the character and appearance of the building better than any other use. There are several redundant farm buildings and more may come forward over the lifetime of the Plan. Given the limited opportunity for suitable housing sites across the parish, their reuse for residential purposes would be supported (where it can be shown that the building is no longer needed for agricultural purposes, where relevant).
80. This is also in accordance with national and local planning policies that are generally supportive of the principle of windfall type development, especially within Kirkby Malzeard as defined by the Development Limit. Beyond Kirkby Malzeard while windfall development is permitted in principle there are stricter controls over it.
81. It is important, however, that when windfall sites come forward, they are of high-quality design, suitable located and generally contribute to sustainable development. This is especially important as they will often be in isolated or sensitive locations.
82. To ensure this, any such proposals must be considered in accordance with the policies in the Plan, as well as other supporting local and national planning policies.

Housing Mix

83. Housing growth must help to meet the needs of all members of the local population. This is important for creating balanced and sustainable communities. This is of special significance for the Plan Area as there is some evidence that the housing type of the parish is unbalanced.
84. Analysis of the 2011 Census results shows that there is a relative lack of smaller housing and a relative over provision of larger housing (analysis from the 2021 census is not yet available). At 34%, for example, the number of dwellings with four or more bedrooms is nearly double the national (18.9%) and regional (17.7%) averages and well above the Harrogate district average (27.2%). Furthermore, the evidence suggests that most of the new homes built in the parish in recent years have been larger homes. Land Registry data shows that between 1995 and 2007 the majority 59% of new build housing residential sales were detached dwellings (more recent data will be provided once available).

85. A housing mix skewed to larger dwellings will arguably not meet the needs of the parish's ageing population. At 29.2% (2021 census) about a quarter of the population was aged over 65; a figure which is much higher than the Harrogate district (23.4%), regional (19.0%) and national averages (18.6%).
86. The findings from the consultation also show support for the provision of smaller homes in housing developments, in particular 2-3 bedroomed houses, of a type suitable for young people, as well as for older residents wishing to downsize but remain in the parish. When asked in the community survey *'Which of the following property types should be prioritised within new developments? – tick all that you consider appropriate'*; the most popular option, by a wide margin, was 2-3 bedroomed homes. 80.0% (or 333) of the 412 respondents stated that these should be prioritised within new developments. The next most popular property type was 1 bedroomed homes/flats with 27.9% (or 115) of respondents prioritising this.
87. Other reports and studies have also highlighted the need for smaller homes. Special mention here should be made of the Housing and Economic Development Needs Assessment 2018 (HEDNA), which was prepared by the Local Planning Authority. This, amongst other things, estimated the future need for different sizes of market housing in the district. It identifies that for both market and affordable housing there is a need for a mix of house sizes across the district with a focus on 2 bedroomed properties. This is reflected in the following statement which can be found in the Key Points Section *'Based on the economic led forecasts there is a clear need across the district for market delivery to be focussed on 2 and 3 bedrooms. This reflects the aging population, existing stock and the need to support down-sizing'* (p.121).
88. It recommends the following housing mix to meet the needs of residents of the district over the Plan period and these are reflected in the Local Plan.

	1-bed	2-bed	3-bed
Market housing	0-5%	30-35%	40-45%
Affordable housing	30-35%	40-45%	15-20%

89. The HEDNA also recommends that localised changes may be required to the district housing mix to reflect particular housing needs.

POLICY KMLD2: HOUSING MIX.

To meet the identified need for smaller homes, no more than 50% of new homes in a development of two or more dwellings should have 4 or more bedrooms.

Affordable Housing

90. Affordability of housing both for sale and rent is a long-standing major concern. This is not only reflected in the findings of the consultation undertaken as part of the preparation of the Plan, but also consistently in other reports and studies.
91. This is mainly a consequence of the above average house prices in the parish. In 2022, the average house price in Kirkby Malzeard was £495,865¹⁶ compared to £341,628 in the whole of the Ripon postcode area. This was significantly above the UK House Price Index figures for December 2022 for England (£310,116), North Yorkshire (£281,422) and over double the Yorkshire and Humber average of £210,690. A figure that is well beyond the means of many people who wish to live in the parish, especially those on low or modest incomes or those trying to enter the property market, including those who have been brought up and wish to remain here. Furthermore, at 7.1% the proportion of housing in the parish which is 'socially rented' is far below the Harrogate (9.9%), Yorkshire and Humber (17.3%) and England (17.1%) averages, according to the 2021 Census.
92. The Local Planning Authority sets out the detailed policies concerning the provision of affordable housing. These include target levels of affordable homes to be provided in new housing developments. Policy HS2: Affordable Housing in the Local Plan requires, amongst other things, *'40% affordable housing on all qualifying greenfield developments including mixed use schemes, and 30% on all qualifying brownfield developments including mixed use schemes and conversions, subject to viability and the demonstration of the need for affordable housing'*. Adding, *'The final tenure mix of the affordable housing on individual sites will be determined through negotiation taking account of up-to-date assessments and the characteristics of the area'*.
93. Seventeen new affordable houses are required to be provided as part of the Housing Allocation (KM 1-Saputo/Wensleydale Dairy Products Limited) and the two existing housing 'commitments' (KM4 and KM 5- Land south of Richmond Garth and Land east of Richmond Garth), in accordance with Local Plan Policy HS2. This should provide a useful boost to affordable housing provision in the parish if these developments ultimately take place.
94. A 'Local Lettings' policy had been suggested as a possible mechanism that may help address the affordable housing challenges in the Parish. Such a policy could mean that

¹⁶ Source: Rightmove.co.uk using Land Registry data.

priority for affordable housing on all new eligible housing developments in the Plan Area would be given to people from this Parish only.

The 'Local Connection' policy currently being implemented by the Local Authority for this Parish is based on a group of Parishes known as 'Ripon West Villages' which includes those surrounding Parishes set out in the paragraph below which is used within the s106 agreements drawn up with developers:

"Eligible Occupier" means a person or household containing a person who is in housing need for a property of the type in question and who is unable to afford to purchase or rent dwellings of a similar kind generally available on the open market within the administrative area of the Council provided that a person within the household has a Local Connection with the Ripon West Villages Sub Area comprising parishes of Aldfield, Azerley, Eavestone, Grantley, Grewelthorpe, Kirkby Malzeard, Laverton, Lindrick with Studley Royal and Fountains, North Stainley with Sleningford, Sawley, Skelding, Studley Roger and Winksley, but in the event that no such person or household seeks to occupy the Affordable Housing Unit then the Registered Provider may widen the Local Connection catchment to the District of the Council with the written approval of the Corporate Director of Community Development.

On reflection it is felt that, as the Local Plan has not allocated any significant amount of new housing in the other Parishes with the Ripon West Villages, it would be unreasonable to exclude those people with a Local Connection there from being eligible for affordable housing here, and therefore this potential Policy will not be pursued within this Plan.

95. Rural exception sites have been highlighted as possible mechanisms to provide more affordable housing in the parish to meet local need. The NPPF in its glossary of terms describes Rural exception sites as '*Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection*'. Adding that '*A proportion of market homes may be allowed on the site at the local planning authority's discretion, for example where essential to enable the delivery of affordable units without grant funding*'. National and local planning policies are generally supportive of Rural Exception sites in special circumstances. Rural Exception sites have been used by many parish councils and others to provide affordable homes for local people. The Plan is supportive of, and actively encourages, a Rural Exception site and other forms of community-led housing where there is clearly identified local housing need which otherwise would not be met through the provisions of the Local Plan (especially Policy HS2) and which is in accordance with relevant local and national planning policies.
96. It should also be noted consideration was given to introducing a policy in the Plan seeking to vary the target for affordable housing provision in new housing development contained in Local Plan Policy HS2. It is not considered that the evidence gathered could

justify this. It does, however, underline the need and compelling case that local targets for affordable housing provision in the parish at the very least should be met and assertively applied. This Plan supports and reinforces Local Plan Policy HS2.

PARISH ACTION 1: AFFORDABLE HOUSING PROVISION.

The Parish Council will monitor the provision of affordable housing on the developments which have been 'allocated' or which are 'commitments' under the Local Plan. If these prove inadequate to meet the local housing need of the Parish, it will pursue a community-led housing scheme through the means of a Rural Exception site if appropriate.

Meeting the Essential Housing Needs of Rural Workers

97. Meeting the essential housing needs of rural workers was a theme during the consultation. The parish is a relatively large rural parish, and agriculture is important to its distinctive character, well-being, and sustainable development. This issue is, therefore, of special significance to it.
98. The NPPF states local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. One of these circumstances is where there is an essential need for a rural worker to live permanently at or near their place of work in the countryside. Local Plan Policy HS9 (Rural Workers Dwellings) set out the special circumstances where rural workers dwellings may be permitted in the countryside. This is a policy position that the Plan supports.
99. However, it is important to ensure that where such Consents are granted, occupation is restricted to rural workers (with appropriate checks being carried out by the Authority as necessary) and also that applications to have the restrictions lifted are refused.

POLICY KMLD3: PROPERTIES WITH AGRICULTURAL OCCUPANCY RESTRICTIONS.

The Parish Council will not support any applications to remove the occupancy requirements of rural workers dwellings.

Conversion Of Redundant Agricultural Buildings

100. Modernisation of agricultural practices have led to some traditional farm buildings becoming redundant. The increased size of farm machinery often means that old barns, granaries and general storage buildings are no longer usable and the cost of continuing to maintain them cannot be justified.
101. They are however often important individual features within the landscape or as a cluster of buildings within a farmyard and rather than these falling into a state of dereliction and disrepair, alternative uses, whether of a residential or commercial nature, should be encouraged.

POLICY KMLD4: RE-USING REDUNDANT AGRICULTURAL BUILDINGS.

Where planning consent is required for the conversion of redundant traditional agricultural buildings to form residential units or business premises, such consent would be granted, providing that the new use does not detract from the landscape value of the area, the building is directly accessible from a public highway, and conversion is undertaken in a manner which is sympathetic to surrounding properties.

Second Homes and Holiday Lets

102. Consultation responses indicated that there was some concern that the nature of the parish could be adversely affected if the percentage of residential properties which are not permanently occupied were to significantly increase in the future. At present most houses are owner-occupied or rented as a main permanent residence but, as in most rural areas, there are some which are used as holiday lets or solely as second homes.
103. Within this parish the number of properties available for short term holiday lets throughout the year (through Air BnB or traditional letting agencies) has grown over the last decade, but a similar increase of properties has not been seen for those which are used as 'second homes', which by definition are those which are used solely by the owners for their own occupation for brief periods during the year and which stand empty the remaining months.
104. The concerns are that the use of properties as holiday lets or second homes reduces the number of properties available for local people to buy or rent for their main home and that the owners of such properties do not support local facilities such as shops in the same way, if they are only being occupied for limited periods during the year.

105. There is a positive effect from there being some holiday lets available as these support tourism in the area and can provide short term accommodation in the closed season for people working here temporarily or are in the process of buying and selling homes.
106. The conclusion is that no Policies or Parish Actions are presently required to control the numbers of holiday lets or second homes as part of this current Plan, but the matter will be specifically considered again when the Plan is next reviewed.

Section 5.2: Built Heritage

Built Heritage

107. The long history of the parish means that it has a rich and diverse built heritage, with a variety of buildings of differing styles and designs, many of high quality.
108. The history of the parish and how this has shaped its development has been well researched and documented in books and other publications, including the Kirkby Malzeard Village Design Statement. There are several active local history groups, such as The Discover Dallowgill History Project website¹⁷ and the Kirkby Malzeard, Laverton and Dallowgill History Facebook Group.
109. The community is proud of the parish's rich history and heritage. It is important to its distinctive character and a strong sense of identity. The residents wish to see that future development protects, conserves, and where possible, enhances the historic environment. This was a major theme of the consultation undertaken as part of the development of the Plan.
110. It is recognised that some change is inevitable and, indeed, necessary to address some of the economic, environmental and social issues highlighted in the Plan. However, they would like to see this change managed, so that any development is well designed and sympathetic to the local character and history. The design of new development should add to the distinctive character and charm of the parish and generally what makes it special and loved.

Buildings of National Heritage Importance

111. Many buildings and other structures in the parish have been recognised as being of national importance. About 30 have been granted 'Listed Building' status by the Government. A Listed Building is one that has been placed on the Statutory List of Buildings of Special Architectural or Historic Interest.
112. In addition, there are two scheduled Ancient Monuments; the site of a Motte and Bailey Castle at Mowbray Castle and the site of ancient earthworks on the Carlesmoor edge of Kirkby Malzeard moor. An Ancient Monument is an early historical structure or monument that has been designated by the Government as worthy of preservation.

¹⁷ http://kirkbymalzeardarea.org.uk/MAP.aspx?pid=KMArea_en-GB&aid=nn_263844493_0

113. The full list of buildings and structures that have been designated as national importance (Historic England, 2021)¹⁸ is shown below. This includes a range of different architectural styles and types of buildings, including a dovecote, dwellings, farm buildings, public house, Table Tomb and the Twelfth Century Grade I St Andrews Church. The location of Listed Buildings in the Plan Area can be viewed by using this link and selecting the Listed buildings layer- [Listed Buildings](#)

Statutory Listed Heritage Assets in the Parish (2022)

Name of Asset	Location	Grade
Listed Buildings		
Table tomb approximately 3 metres to south east of Chancel of Church of St Andrew	Approximately 3 metres to south east of chancel of Church of St Andrew, Church Street, Kirkby Malzeard	II
Cottage to right of Churchbye House	Right of Churchbye House, Church Street, Kirkby Malzeard	II
Churchbye House and Attached Railings	Church Street, Kirkby Malzeard	II
Market Cross	Main Street, Kirkby Malzeard	II
Rose Cottage and The Cottage	Main Street, Kirkby Malzeard	II
South View	Main Street, Kirkby Malzeard	II
Dovecote at Kexmoor Farm East	Ringbeck Road, Kirkby Malzeard	II
Mowbray House	Kirkby Road, Kirkby Malzeard	II
Tombstone to Peter Save	Approximately 2 metres to south of West End of nave of Church of St Andrew, Church Street, Kirkby Malzeard	II
Table Tomb to George Hewitt	Approximately 5 metres to south east of chancel of Church of St Andrew, Church Street, Kirkby Malzeard	II
Church of St Andrew	Church Street, Kirkby Malzeard	I
Table Tomb to William and Helen Holds	3 metres to south of chancel of Church of St Andrew, Church Street, Kirkby Malzeard	II
Pinfold	Main Street, Kirkby Malzeard	II
Cart Shed/Granary to Kexmoor Farmhouse East	Ringbeck Road, Kirkby Malzeard	II

¹⁸ [Search the List- Find listed buildings, monuments, battlefields and more | Historic England](#)

Creets Bridge	Ripon Road, Kirkby Malzeard	II
Medieval cross	Approximately 6 metres to south east of chancel of Church of St Andrew, Church Street, Kirkby Malzeard	II
The Old Rectory	The Old Rectory, Church Street, Kirkby Malzeard	II
The Shoulder of Mutton	Church Street, Kirkby Malzeard	II
1, Church Street	1 Church Street, Kirkby Malzeard	II
Barkways And Greystone	Kirkby Road, Kirkby Malzeard	II
Kexmoor Farmhouse East and Attached Outbuilding and Pump	Ringbeck Road, Kirkby Malzeard	II
Lawnwith Farmhouse	Ripon Road, Kirkby Malzeard	II
Barn at Junction with Long Swales Lane	Junction with Long Swales Lane, Main Street, Kirkby Malzeard	II
The Grange	Carlsmoor, Kirkby Malzeard	II
Bowes Farmhouse	Dallow, Grantley	II
Laverton Grange	Laverton	II
Azerley Grange	Pateley Bridge Road, Laverton	II
Scheduled Monuments		
Motte and Bailey Castle, known as Mowbray Castle,	East of Kirkby Malzeard	Scheduled
Fortress Dyke Camp	Dallowgill Moor, Laverton	Scheduled

114. Generally, the condition of these buildings is good. No Listed Buildings, for example, are included on Historic England's Heritage at Risk Register (2021)¹⁹.
115. The designation of these buildings and structures as a Listed Buildings and Ancient Monuments gives them special legal protection beyond that which can be provided through a neighbourhood plan. It is important, however, that the Plan highlights the important contribution they make to the distinct character and identity of the parish and the need to conserve and enhance this.

¹⁹ <https://historicengland.org.uk/advice/heritage-at-risk/search-register/>

Non-Designated Heritage Assets

116. In addition to the above ‘statutory’ designated heritage assets, there are other buildings and structures that while they do not meet the criteria for formal designation, they still have local historic or architectural importance and warrant retention and conservation. These are often known as non-designated heritage assets.
117. The North Yorkshire Historic Environment Record²⁰ (‘HER’) identifies over 400 heritage items within the parish. These include designated and non-designated local archaeological sites and finds, historic buildings and historic landscapes and a wide diverse range of items including historic buildings; remains of a post medieval sheepfold; the site where a late Iron Age or Roman Statue was found; a well and two World War 2 aircraft crash sites.
118. Neighbourhood plans may identify non-designated heritage assets for greater conservation through the planning system.
119. The Plan has taken the opportunity, using published guidance developed by the local planning authority²¹ to identify a number of buildings and structures within the parish that are important locally and meet the criterion to be non-designated heritage assets. These include buildings and structures identified as part of the HER as well as other assets considered locally significant.
120. To ensure that these assets are considered appropriately in planning proposals, the Plan formally identifies them as non-designated heritage assets.
121. This approach supports and accords with national and local planning policies. A good example is Policy HP2: Heritage Assets in the Local Plan which seeks to conserve heritage assets both designated and non-designated, stating, amongst other things, that *‘Proposals which would remove, harm or undermine the significance of a non-designated heritage asset will be permitted only where the benefits are considered sufficient to outweigh the harm’*.
122. While their identification as such will not significantly change any of the planning controls affecting alteration or demolition, many buildings have permitted development rights that allow some minor building operations and, in some cases, demolition can be carried out without recourse to planning or other permissions. Where a planning application is needed, then its identification as a Kirkby Malzeard, Laverton and Dallowgill Parish Non-designated Heritage Asset will be a ‘material

²⁰ <https://www.heritagegateway.org.uk/gateway/default.aspx>

²¹ <https://www.northyorks.gov.uk/planning-and-conservation/heritage-conservation-areas-and-listed-buildings/heritage-conservation-areas-and-listed-buildings-harrogate/non-designated-heritage-assets>

consideration', i.e., the assets' local heritage significance will be taken into account when making a decision on the development proposals and such proposals will be assessed against Policy KMLD5 and other relevant local and national planning policies.

123. Further information regarding their heritage value is provided in the accompanying support document which can be found at Appendix A.

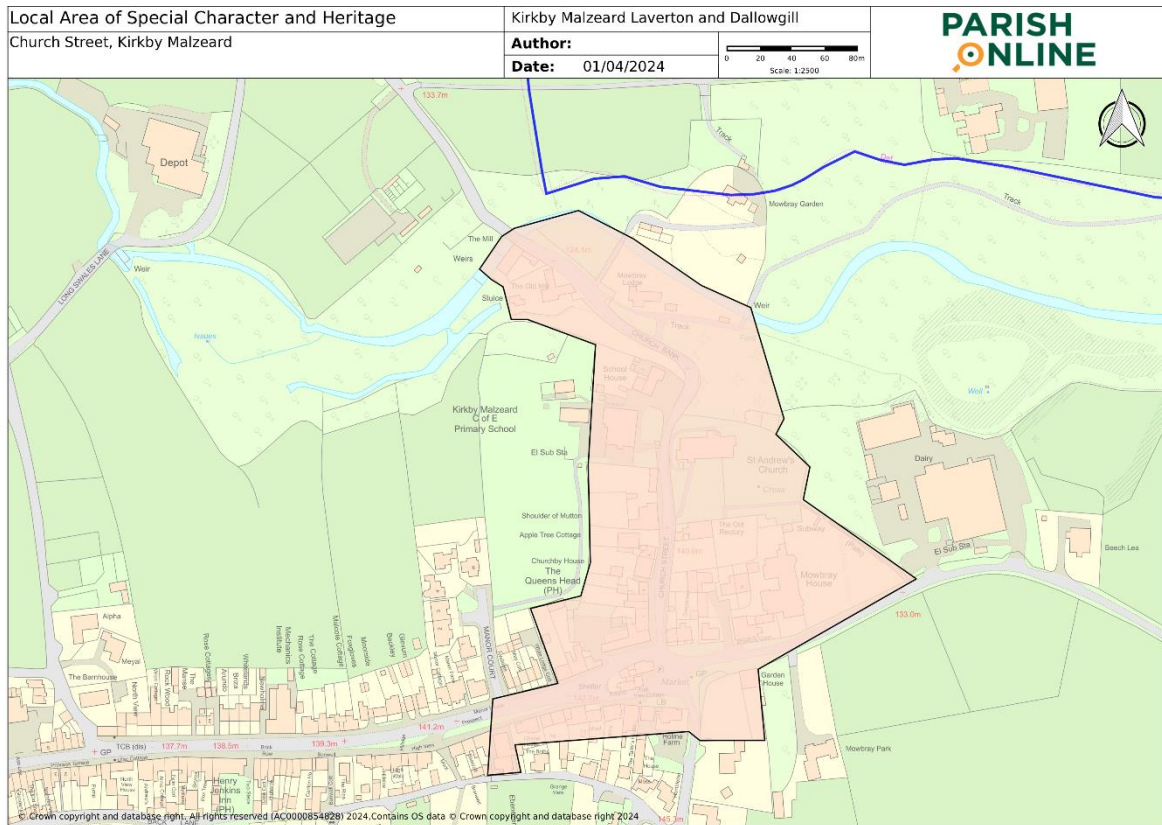
POLICY KMLD5: NON-DESIGNATED HERITAGE ASSETS

The Plan identifies the non-designated heritage assets listed below and illustrated at Appendix A.

1. The Mechanics Institute, Kirkby Malzeard.
2. The Queen's Head Public House, Kirkby Malzeard.
3. The Ebenezer Methodist Chapel, Kirkby Malzeard.
4. The Henry Jenkins Public House, Kirkby Malzeard.
5. Laverton Bridge/Pinfold, Laverton.
6. Village Pump, Laverton.
7. Greygarth Methodist Chapel, Dallowgill.
8. Greygarth Monument, Dallowgill.
9. St. Peters Church, Dallowgill.
10. The Chapel of the Resurrection, Laverton.
11. Lady Hill (Dallowgill) Bridge.
12. Cast Hills Settlement, Dallow, Dallowgill.
13. Belford Aqueduct, Dallowgill.
14. Swetton Bridge, Dallowgill.
15. The Potato House, Carlesmoor, Dallowgill.
16. Carlesmoor Sighting Tower, Dallowgill.
17. Recording/Discharge Station, Carlesmoor, Dallowgill.
18. Carlesmoor Aqueduct, Dallowgill.
19. Stope Bridge, Dallowgill Moor.

Development must conserve these assets and their settings in a manner appropriate to their heritage significance.

Local Area of Special Character and Heritage



124. There is a cluster of nationally and locally recognised heritage buildings and structures to be found in and around Church Street, Kirkby Malzeard.
125. The Plan seeks to ensure that the distinctive character of the area is fully recognised and conserved in the planning system. A special character that is derived not only because of the historically and architecturally important buildings to be found within it but also its history, layout and open spaces.
126. To help ensure this, the Plan proposes that it be designated as a Local Area of Special Character and Heritage. This will then give it formal recognition in the planning system. Its identification as such does not introduce any specific planning restrictions or measures, for example, restricting permitted development rights. Permitted development rights allow certain changes to be made to a building without planning permission. However, developers would be required to show that development proposals respect and, where possible, enhance the character and qualities of the Local Area of Special Character and Heritage.

127. Ideally, the community would like to see it designated as a Conservation Area through this Plan. However, rules governing the preparation of neighbourhood plans mean that the Plan cannot designate it as such; only the Local Planning Authority can do this. Its designation as a Conservation Area will be explored with the Local Planning Authority in due course. In the meantime, the Plan will look to designate it as a Local Area of Special Character and Heritage to give it formal recognition and appreciation in the planning system.

POLICY KMLD6: CHURCH STREET KIRKBY MALZEARD LOCAL AREA OF SPECIAL CHARACTER AND HERITAGE

Within the Church Street, Kirkby Malzeard Local Area of Special Character and Heritage as proposed and shown on the Proposals Map and described in Appendix B, development proposals should be of high quality and designed to respect and enhance its distinctive character.

Ensuring Good Design

128. Paragraph 124 of the NPPF makes it clear that *'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'* The NPPF reinforces that design policies should be developed with local communities, so they reflect local aspirations and are grounded in an understanding and evaluation of each area's defining characteristics. It sets out clearly at paragraph 125 that *'Neighbourhood Plans can play an important part in identifying the special qualities of each area and explaining how this should be reflected in development.'*
129. The community attaches high priority to achieving development that is sustainable, of high quality and respond positively to the distinctive character of the local area.
130. It was evident, for example, that 373 of the 412 (90%) of the respondents to the community survey felt that newly built properties must have adequate on-site parking with well over half also prioritising the use of traditional materials (71%), traditional design and construction (64%) and the use of landscaping and trees (71%).

131. Drawing on the earlier work in the 2002 Kirkby Malzeard Village Design Statement and on the views expressed during the consultation process, a general design policy to which all developments coming forward within the Parish must respond positively to has been developed. This has been developed in support of, and should be read in conjunction with, local and national planning policies that ensure high quality and distinctive design.

POLICY KMLD7: ENSURING HIGH QUALITY DESIGN.

Development proposals must achieve a high quality of design that respects and where possible enhances the distinctive character of the local area. Development proposals of poor or indifferent design which fail to take the opportunities available for enhancing the local character and sustainability will not be supported. Proposals should be designed in such a way as to meet the following criteria:

- a) Reinforce the distinctive qualities of the environment in which it is located, taking account of natural and built character, historical context and established patterns of development.
- b) Materials chosen should complement the design of the development and add to the quality or character of the surrounding environment. Elevations to new build properties should be faced with natural stone of the type typical of the area with the appearance of buildings to be inherently traditional.
- c) Extensions to existing buildings should follow a design approach that is consistent and in keeping with the building in the use of materials, design and roofline.
- d) Good use should be made of site characteristics and surroundings, including: layout and use; and form of space within the site; siting; scale; height; proportions and massing; orientation; architectural detailing; landscape, existing plants, trees and other features and materials.
- e) Incorporate adequate landscaping, where practical, to mitigate the visual impact of the development and to ensure that proposals harmonise and merge into the existing rural, village and hamlet context and respond to the wider countryside setting.
- f) Protect residential amenity, giving careful consideration to noise, privacy, outlook and to sunlight and daylight.
- g) Ensure that the design of roads, parking areas and vehicular access includes adequate provision for road safety and measures to avoid indiscriminate parking by residents and visitors. Wherever practical, parking areas should be constructed of permeable materials to minimise the risk of surface water flooding.
- h) Positively contribute to mitigation of climate change and meeting climate change targets by:
 - i. incorporating high standards of energy efficiency and use of renewable energy.
 - ii. reducing lifecycle carbon emissions through design such as building layout and orientation, choice of materials and construction techniques.
 - iii. supporting the transition to low carbon or zero emissions forms of transport by measures such as installation of electric vehicle charging points in new dwellings, in public spaces, and in retail or commercial development (see also Policy KMLD15).

Section 5.3: Natural Environment

Conserving and Enhancing the Landscape

132. The parish is set within the lovely and undulating countryside of Lower Nidderdale. About half of the total land area of the Parish is open heather moorland. The rest is mainly upland small scale livestock farms, forming a patchwork of fields bounded by drystone walls. The steep wooded valleys of Dallowgill and Carlesmoor hold a mix of ancient oak woodland and more recent conifer plantations, which are slowly being replaced by new mixed broadleaf plantations.
133. For many residents and visitors alike, this diverse and interesting landscape makes the Parish special and distinctive. The beautiful setting of the parish provides for formal and informal recreational opportunities (walking, cycling and horse riding are popular pastimes), offers tranquillity, nurtures a richness of wildlife, and offers stunning views.
134. The quality and importance of this landscape are demonstrated in the findings of community consultation as well as other important studies. The Kirkby Malzeard and Grewelthorpe Landscape Character Assessment Area 35 (see below) described the landscape as '*beautiful, interesting and well-tended*' just to name one example.
135. That the landscape is of high value is reflected in that the whole of the Parish is within the Nidderdale National Landscape (Nidderdale NL). This means that the distinctive character, natural beauty and cultural heritage are so outstanding that it is in the nation's interest to conserve them. The Nidderdale NL received its protected status in 1994. Within National Landscapes there are additional and strict planning controls over the type of development which can take place. This acts as a major constraint on new development. More information about the Nidderdale NL can be found at <https://nidderdaleaonb.org.uk/>.
136. The consultation shows that the designation of the whole of the parish as part of the Nidderdale NL is recognised and supported by the community. It is an important planning tool in conserving the distinctive character of Nidderdale, focusing development on more sustainable locations, while providing opportunities for recreation and leisure close to where people live. The area has many important assets including sites of nature conservation value. The Plan fully supports the continued designation of the whole of the parish as a National Landscape and urges that the additional planning controls and provisions this designation brings be assertively applied.
137. In 2004 the Local Planning Authority undertook a detailed assessment of this landscape. Known as a Landscape Character Assessment (LCA) this is a standard system for

identifying, describing, classifying and mapping the landscape. It helps explain the unique combination of elements and features that make landscapes distinctive by mapping and describing character types and areas. It identified 100 distinct landscape character areas in Harrogate district.

138. The parish is covered by four Landscape Character Areas (Laverton Upland Fringe; Skelding Moor, Galphay Moor and Lumley Moor Upland Fringe Farmland; Kirkby Malzeard Parliamentary Enclosure; and Kirkby Malzeard and Grewelthorpe Area). These are summarised below. Further information including full descriptions for each one and maps can be found at <https://www.northyorks.gov.uk/planning-and-conservation/heritage-conservation-areas-and-listed-buildings/heritage-conservation-areas-and-listed-buildings-harrogate/landscape-character-assessment/landscape-character-assessment-quadrants>

Area 9 – Laverton Upland Fringe²²

Key characteristics:

- *Millstone grit solid geology.*
- *Landform is undulating from 280m to 150m AOD (Above Ordnance Datum) gradually falling away to the east from the high moorland plateau to the west.*
- *Small, random grassland fields are examples of early enclosure, possibly medieval.*
- *Field boundaries are dry stone walls.*
- *Traditional building materials are local gritstone with stone slate and blue slate roofs.*
- *The field systems, earthworks and disused quarries are all of historic importance.*

Sensitivities and pressures:

- *This distinct rural Character Area, with a long-established historic pattern, is sensitive to changes that development and changing land management regimes could bring.*
- *Distinctiveness will be lost if insensitive development is permitted.*
- *Access to the area is via a limited network of minor roads that wind along the sloping landform except at the moorland edge where the road becomes straight.*
- *Neglect of field boundaries has resulted in the amalgamation of fields and a simplification of field pattern.*
- *Woodland management, possible neglect of Ancient Semi-Natural woodland and extension of conifer plantations.*
- *Neglect of heritage features resulting in their degradation.*

²²https://www.northyorks.gov.uk/sites/default/files/fileroot/planning_migrated/heritage_conservation_areas_and_listed_buildings/9%20Laverton%20Upland%20Fringe.pdf

- *Neglect and degradation of the footpath network, which provides clues to the historic and cultural origins of the area, is detrimental.*

Area 32- Skelding Moor, Galphay Moor and Lumley Moor Upland Fringe Farmland²³

Key characteristics:

- *Solid geology of Millstone grit and coal measures and some drift geology of till.*
- *Landform is generally flat to gently rolling between 260m AOD in the west adjacent to the open moorland to 150m AOD in the east adjacent to the River Laver corridor.*
- *Improved and semi-improved grassland for intensive livestock production in medium-sized rectangular fields bounded by hedges or walls and typical of parliamentary enclosure. There are a few small and medium-sized woodland blocks, including one block of Ancient Semi-Natural woodland at Foster Field, as well as several conifer plantations.*
- *There are several scattered farmsteads in the area. Evidence of old settlement, possibly prehistoric, at Cast Hills on the western edge of the area. Disused mine workings at Skelding Moor and several small disused quarries.*

Sensitivities and pressures:

- *The regular pattern created by the parliamentary enclosure fields and the relative openness of this area in combination with the sparse and scattered distribution of farmsteads and houses make it sensitive to change as a result of development.*
- *Conifer forestry has had a considerable, and detrimental, impact on character. Their stark, dark green plantation boundaries, often viewed against the skyline, have no regard to landform and are incongruous among the muted greens and greys of the fields, walls, buildings, and hedges.*
- *Changing fortunes of farming has resulted in deterioration of drystone walls and use of post and wire fencing for stock proofing.*
- *Individual trees in the landscape are of a similar age.*
- *Deterioration in water quality would impact upon the wildlife value of Lumley Moor Reservoir and adjacent land resulting in a change of character.*
- *Unimproved grassland in the area may come under threat from changing farming practices due to economic pressures on landowners.*

²³https://www.northyorks.gov.uk/sites/default/files/fileroot/planning_migrated/heritage_conservation_areas_and_listed_buildings/32%20Skelding%2C%20Galphay%20and%20Lumley%20Moors%20Upland%20Fringe.pdf

Area 34 – Kirkby Malzeard Parliamentary Enclosure²⁴.

Key characteristics:

- *Millstone grit solid geology overlain with till drift geology.*
- *Undulating landform sloping between 170m and 280m.*
- *Medium sized fields are typical of parliamentary enclosure (rectangular) bound by stone walls. Woodland cover is of small mixed and conifer plantations.*
- *There are no major settlements and few scattered farmsteads of moderate size. Building materials include gritstone, stone slate and red tile roofs.*

Sensitivities and pressures:

- *The field pattern is an important characteristic that is sensitive to change through neglect of stone wall boundaries.*
- *The few farmsteads in the area probably date back to the time of the Parliamentary Enclosure Acts. Their character and contribution to the landscape has been impacted upon by the introduction of modern farm buildings.*
- *The stark contrast at the western end of the area between the darkness of the gritstone moor and bright green of the improved grass fields indicates the limited diversity of habitats.*
- *The dark green of rectilinear conifer plantations is a dominant element, not in harmony with the area's character. These plantations have the greatest impact at the upland edge where they border both the open moorland and the parliamentary enclosure grassland.*
- *Agricultural policy and changes in the fortunes of agricultural businesses are likely to be the main forces for change in this area.*

Area 35 – Kirkby Malzeard and Grewelthorpe Area²⁵

Key characteristics:

- *Millstone grit solid geology overlain with till drift geology.*
- *Undulating landform.*
- *Numerous springs and wells.*
- *Tree cover is of deciduous clumps of woodland plus lots of individual trees scattered along field boundaries (sycamore and ash dominate).*
- *Traditional building materials are gritstone and stone slate roofs.*

²⁴

https://www.northyorks.gov.uk/sites/default/files/fileroot/planning_migrated/heritage_conservation_areas_and_listed_buildings/34%20Kirkby%20Malzeard%20Parliamentary%20Enclosure.pdf

²⁵

https://www.northyorks.gov.uk/sites/default/files/fileroot/planning_migrated/heritage_conservation_areas_and_listed_buildings/35%20Kirkby%20Malzeard%20and%20Grewelthorpe.pdf

Sensitivities and pressures:

- *The loss of distinct, linear field boundaries due to amalgamation has impacted upon the historic fabric of the landscape. However, the strong, long, thin field systems are still apparent in places around and between the villages.*
- *The area is sensitive to further loss of field boundaries through neglect and amalgamation. The loss of hedgerows and hedgerow trees would open out the landscape changing its character.*
- *The settings of the villages are sensitive to change, which may result from development such as extensions to domestic curtilage and new building.*
- *The main pressures that come to bear in this area are related to the changing fortunes of the farming industry resulting in diversification and conversion of traditional farm buildings.*

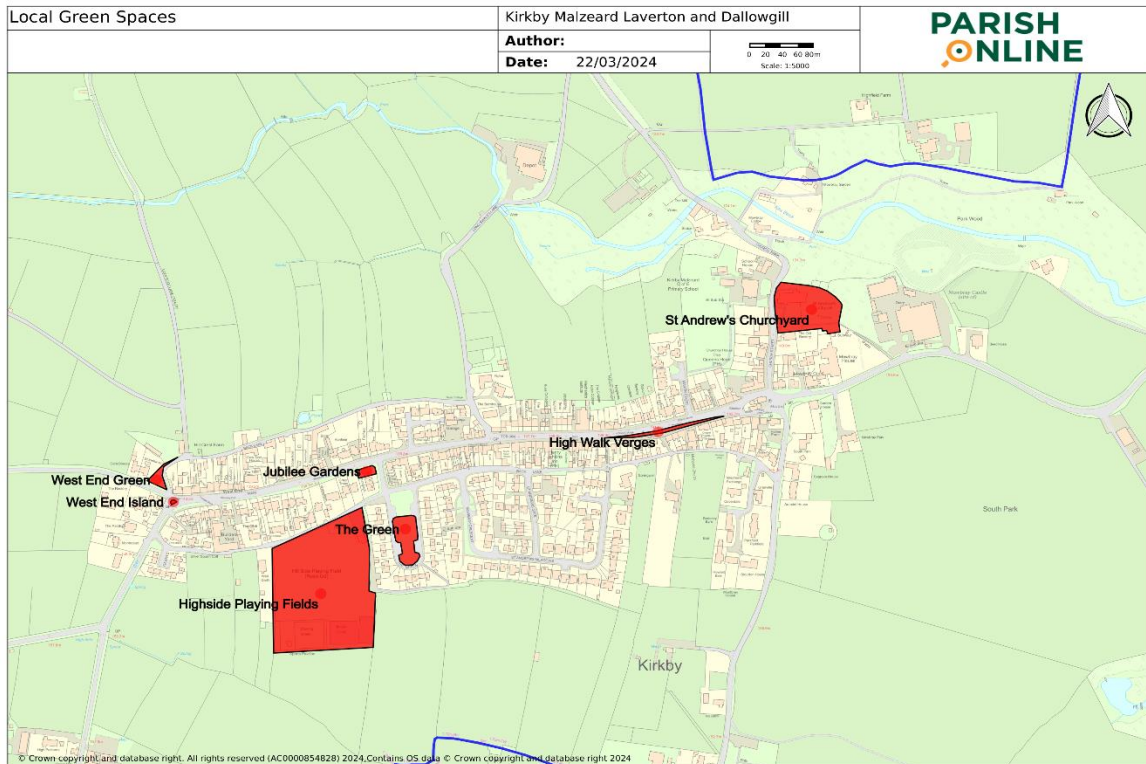
139. The Plan strongly supports maintaining all aspects of the special character of the landscape of the Parish; moorland, farmland with drystone walls, native woodland, and buildings using traditional materials in keeping with the landscape.
140. The Plan did consider having its own landscape policy but concluded that this was not necessary as would duplicate both the existing policies in the Local Plan and National Landscape guidance, in particular, Policy GS6: Nidderdale Area of Outstanding Natural Beauty (now known as Nidderdale National Landscape), which states that *'The natural beauty and special qualities of the Nidderdale Area of Outstanding Natural Beauty (Nidderdale NL) will be conserved and enhanced'*.

Protecting Important Local Green Spaces

141. There are numerous green spaces to be found in Kirkby Malzeard and beyond. These include play areas, sport pitches, green spaces within housing areas, churchyards and verges.
142. These green spaces are highly valued by the community. Access to good green spaces close to where people live is important to health and wellbeing. In the community survey when asked at question 14 *'Do you feel that additional controls should be included in the Neighbourhood Plan and if so, which are the priorities? – tick all boxes you consider important'*, 293 or 71% of respondents mentioned *'Identify and protect local green spaces used by the community'*.
143. It is essential, therefore, that important green spaces in the built-up parts of the parish are fully protected from inappropriate development and where possible enhanced. This will ensure that the community has access to quality open spaces near to where they live for sport and recreational purposes as well as protecting spaces that are important to the character of the area.

144. These green spaces have varying degrees of protection through various Local Plan policies including Policy HP6: Protection of Existing Sport, Open Space and Recreation Facilities.
145. National and local planning policy allows, through neighbourhood plans, the opportunity for communities to identify and give special protection to green areas of particular importance to them by designating them as local green spaces. Where land is designated as a Local Green Space, it is protected from development other than in very special circumstances.
146. To be designated as Local Green Space, however, it must meet specified criteria as set out in the National Planning Policy Framework²⁶. These include that it is:
- In reasonably close proximity to the community which it serves,
 - demonstrably special to a local community and holds a particular local significance, for example, because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife and
 - local in character and is not an extensive tract of land.
147. The many green spaces in the built-up parts of the parish were evaluated for their suitability for Local Green Space designation by the Steering Group. After careful consideration, seven green spaces were identified that are considered to have the greatest importance and meet the criteria for designation.

²⁶[National Planning Policy Framework - Guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/432424/NPPF-20190712.pdf)



148. Further information about the sites that qualified under the criteria is outlined in Appendix C, with justification in the accompanying Local Green Spaces Report which forms part of the evidence base.

POLICY KLMD8: LOCAL GREEN SPACES.

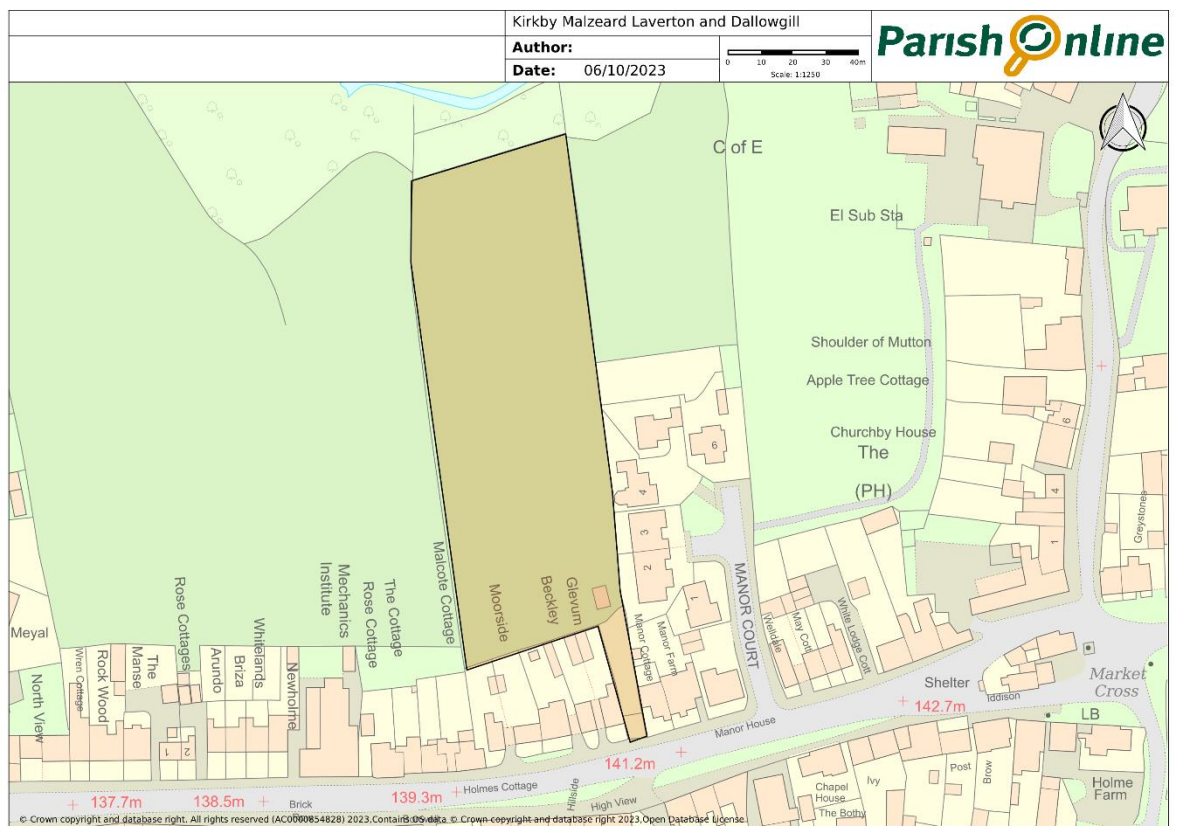
The sites identified below, and as identified on the proposals map, are designated as Local Green Spaces.

1. Highside Playing Fields, Back Lane South, Kirkby Malzeard.
2. Jubilee Garden, Main Street, Kirkby Malzeard.
3. West End Green, located on the junction of Back Lane North/Ringbeck Road, Kirkby Malzeard.
4. West End Island, at the junction of Back Lane North, Ringbeck Road and Main Street, Kirkby Malzeard.
5. The Green, Kirkby Malzeard (excluding the section which is being considered for public car park- see Parish Action 6).
6. Churchyard surrounding St Andrew's Church, Church Street, Kirkby Malzeard.
7. High Walk Verges, Main Street, Kirkby Malzeard

Development will not be permitted within a designated Local Green Space, unless there are very special circumstances where the public benefits of the development proposed would outweigh the harm that would be caused by development within the Local Green Space.

Allotments and Community Garden

149. Allotments and Community Gardens provide a wide range of benefits to communities and the environment and are important for several reasons. These include providing sustainable and low-cost food production; giving a healthy activity for people; fostering community development and social contact and supporting wildlife.
150. There is one small allotment site in the parish within 'the Pinfold' on Main Street, Kirkby Malzeard. This has been in continued use for many years. Some residents rent allotments in neighbouring parishes.
151. Community consultation suggests that many residents would be interested in renting an allotment if there were some conveniently located in the parish. Parish councils have a legal duty to seek to provide allotments when there is sufficient demand.
152. The Parish Council has identified the area of land shown below as potentially being suitable for allotments/community garden. It is currently working with the landowners, the Local Planning Authority, neighbours and other interested parties to bring it forward. If this is not possible it will continue to seek an alternative site within the Kirkby Malzeard area in order to provide this facility for the community.



153. Advice from The Allotment Society is that generally, developing an allotment site does not require planning permission, but often the associated buildings e.g. fences, sheds, vehicular access etc. do. Once negotiations with the landowners are complete the Parish Council will therefore submit an Application to the Local Planning Authority in order to formally clarify the situation and also enable any interested parties to make objections if they wish.

PARISH ACTION 2: ADDITIONAL ALLOTMENT/COMMUNITY GARDEN PROVISION IN THE KIRKBY MALZEARD AREA.

The Parish Council will work in partnership with the Local Planning Authority, local landowners, and other interested parties to identify and bring forward an allotment site in or on the edge of Kirkby Malzeard.

Conserving Dark Skies

154. Darkness at night is one of the key characteristics of rural areas and a feature that national policy seeks to protect. The NPPF (para. 185) notes that in seeking to protect and enhance the natural environment, planning policies should '*limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation*'.
155. The intrinsically dark skies, that are a result of the rural nature of the parish, is one of the main things that sets it apart from more urbanised areas. As the Nidderdale National Landscape website states, '*The dark sky above Nidderdale AONB (Nidderdale National Landscape) is one of the most beautiful and darkest in the country. Not many places are truly dark anymore and this is one of the things that makes this area such a special place*²⁷. Indeed, one of the objectives (L1:4) of the Nidderdale AONB (Nidderdale NL) Management Plan (2019 – 2024) is to secure International Dark Sky Reserve status for Nidderdale NL, together with the Yorkshire Dales National Park Authority, reflecting the international importance of and the need to protect the dark skies above it. The achievement of this status is something the Plan supports. The findings from community consultation underlined that many respondents consider that preserving dark skies should be a priority for the Plan.
156. The Council for the Preservation of Rural England (CPRE) 'night blight map'²⁸ illustrates that the parish is an area of relatively dark skies. It forms part of a band to the west of

²⁷ [Dark skies- Nidderdale AONB](#)

²⁸ <https://nightblight.cpre.org.uk/maps/>

North Yorkshire which exhibits some of the darkest skies in Yorkshire and England more generally.

157. These dark skies are also important for the local wildlife. This includes several species of 'light-sensitive' bat and owl, as well as species of 'light-sensitive' moths that have been recorded across the parish. Light pollution can interrupt the natural rhythms of wildlife including migration, reproduction and feeding patterns. According to the International Dark-Sky Association, glare from artificial lights can have the following impacts:
- Wetland habitats – disruption of the nocturnal activity of amphibians whose night time croaking is part of the breeding ritual, interfering with reproduction and reducing populations.
 - Migratory birds – disruption of migration patterns of birds which depend on cues from properly timed seasonal schedules, causing them to migrate too early or too late and miss ideal climate conditions for nesting and foraging etc.
 - Nocturnal species – detrimental effects most clearly seen in bats. Light falling on a bat roost exit point will at least delay bats from emerging, which shortens the amount of time available for foraging. In addition to causing disturbance to bats at roost, artificial lighting can also affect the feeding behaviour of bats and their use of commuting routes.
158. It is considered essential that given the susceptibility of some wildlife and ecosystems present in the parish, new development should help to maintain and enhance local tranquillity and dark skies.
159. The Policy below requires applicants to demonstrate that all proposed external lighting associated with new development is essential and carefully designed. In open countryside locations, applicants should be able to demonstrate that new external lighting is required for safety or security reasons. This is in support of and in accordance with Policy GS6: Nidderdale Area of Outstanding Natural Beauty (Nidderdale NL) in the Local Plan that includes provisions relating to dark skies. Stating at Para 3.63 that *'Development proposals in the AONB (NL) should ensure that lighting is carefully directed and sensitively designed so as to reduce obtrusiveness'*.
160. It is understood that the Local Planning Authority is preparing a Dark Skies Supplementary Planning Document (SPD) that will provide advice and guidance on what is appropriate lighting scheme in the district with an emphasis on minimising light pollution.

POLICY KLMD9: CONSERVING DARK SKIES

To minimise light pollution and maintain the views of night-time skies, development proposals that include external lighting should demonstrate the following:

- a) Include only external lighting that is essential,
- b) Include measures to avoid light spillage beyond the application site, and
- c) That they meet or exceed the Institute of Lighting Professionals guidance²⁹ or other relevant current or subsequent standards or guidance.

Protecting and Enhancing Biodiversity

161. The landscape and associated green spaces contain significant areas of Upland and Lowland heathland, woodlands and moorland as well as marshes, bogs and watercourses. These provide natural habitats for wildlife and wildflowers. They also create natural corridors/networks for wildlife and wildflowers.
162. The rural area within the Parish includes large areas of priority habitats³⁰, including:
 - Floodplain grazing marsh.
 - Blanket Bog.
 - Deciduous woodland.
 - Grass moorland.
 - Lowland heathland.
 - Upland heathland.
163. In recognition of their substantive natural value, several areas in the parish that include these habitats have been designated nationally and locally as having nature conservation value.
164. The most extensive area is the North Pennine Moors. This covers a large swathe of land across the north of North Yorkshire including much of the western part of the parish. The North Pennine Moors is both a Special Protection Area ('SPA') and a Special Area of Conservation ('SAC'). These are international designations denoting a high-quality conservation site that makes a significant contribution to natural habitats and fauna and flora. More information about the North Pennine Moors and its importance can be found at <https://sac.jncc.gov.uk/site/UK0030033>
165. Outside the North Pennine Moors SPA and SAC, several other areas, all or partly within the parish, have been identified as being of local biodiversity interest as reflected in

²⁹The Institute of Lighting Professionals has produced guidance on acceptable levels of lighting for different areas (environmental zones). These can be found at <https://theilp.org.uk/>

³⁰ Priority habitats cover a wide range of semi-natural habitat types that have been identified as being the most threatened and requiring conservation action under the UK Biodiversity Action Plan (BAP)

their identification in 2019 as Sites of Importance for Nature Conservation ('SINCs')³¹ by the North and East Yorkshire Ecological Data Centre ('NEYEDC'). These SINCs are listed below together with a summary (we are awaiting this information) of the key ecological features identified by the NEYEDC that make them important:

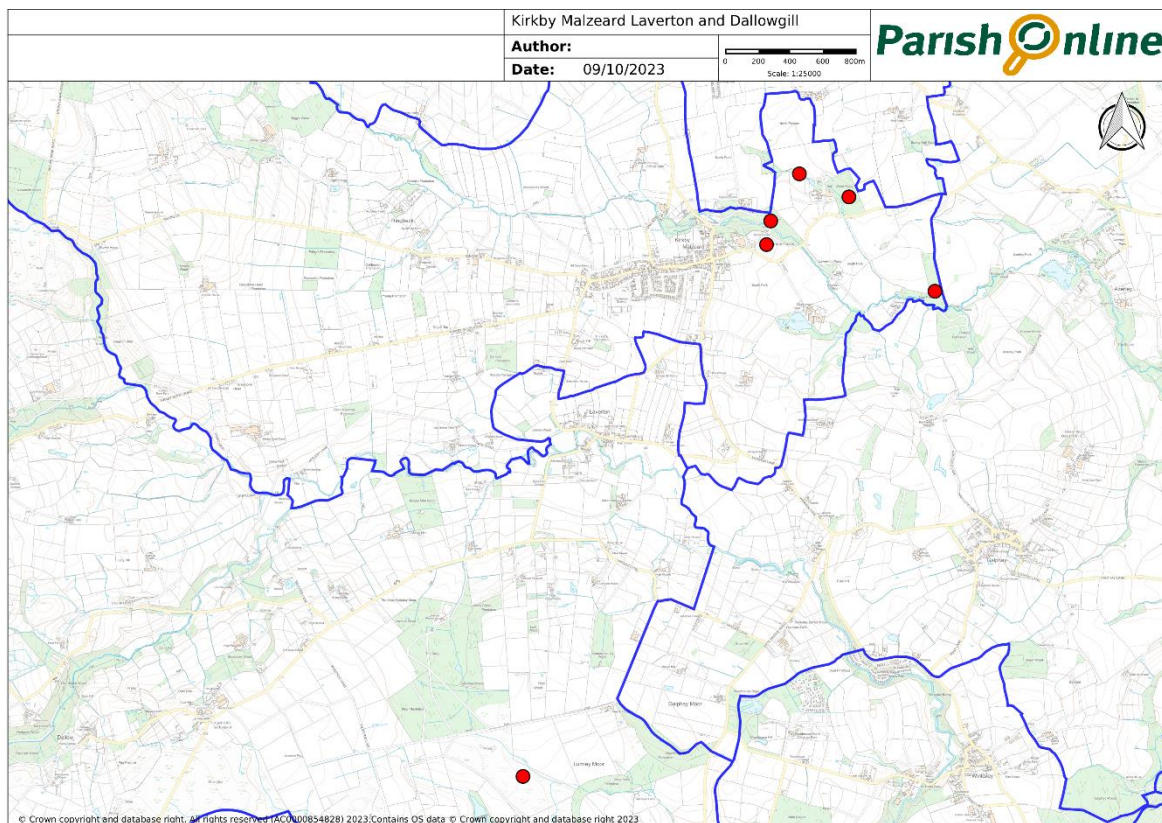
- Lumley Moor Reservoir (NEYEDC Ref: SE27-25).
- North Close Wood (NEYEDC Ref: SE27-22).
- Kex Beck Wood (NEYEDC Ref: SE27-33).

166. In addition, to the three SINCs identified above, a further three sites have been identified as candidate SINCs. These are:

- Lawnwith Two Acre (NEYEDC Ref: SE27-34).
- Stripe Wood (NEYEDC Ref: SE27-32).
- Mowbray Castle (NEYEDC Ref: SE27-26).

167. Candidate SINCs are sites that have been identified by the NEYEDC as of some nature conservation value, but further work is required to establish its full extent.

168. A map showing the location of these SINCs and candidate SINCs can be found below.



³¹ A SINC is the name given to a Local Wildlife Site in North Yorkshire. Nationally they are more commonly known as Local Wildlife Sites.

Please use the link in Paragraph 39 below to inspect this map and other NEYEDC documents in more detail.

169. These habitats and sites provide an important haven for wildlife. Some of the wide and diverse range of species found in the parish include flowers and ferns such as bluebell, marsh pennywort, wood sorrel and lady-fern as well as rare and declining birds, insects and animals such as the swift, swallow, curlew, tawny owl, hedgehog, adder, hares and bats. Of the larger animals, badgers and deer are common. Wildlife lists for the parish prepared by the NEYEDC and others bear this out. Further information about the wide and diverse range of wildlife can be found in the Neighbourhood Plan pages of the [Parish Council website](#)
170. The consultation undertaken in the development of the Plan has demonstrated community support for the protection and enhancement of the biodiversity of the parish. This is for a variety of reasons, including supporting wildlife and wildflowers and improving resilience to climate change.
171. Net Biodiversity Gain ('NBG') is a relatively new national approach to development which aims to leave natural environment in a measurably better state than before it was involved in development. The 2021 Environment Act introduces a mandatory requirement for NBG in the planning system, to ensure that new developments enhance biodiversity and create new green spaces for local communities to enjoy.
172. The Government's Department for Environment, Food and Rural Affairs (DEFRA) has produced a 'Biodiversity Metric'³² to provide a way of measuring and accounting for biodiversity losses and gains resulting from development or land management change. Examples of appropriate methods to address NBG might include:
- a) Purpose designed boxes and bricks for bats, birds (including owls in remoter areas), bees and other invertebrates, within the structure of the building, or within the site boundaries on non-built features if this is not possible.
 - b) Hedgehog access points in fences.
 - c) Planting new native trees and hedges and flower-rich habitats.
 - d) The intentional use of sustainable drainage systems ('SUDs).
 - e) 'Rewilding' of areas to support drainage and create habitat.
 - f) Measures to protect the integrity of any affected wildlife corridors, mitigate any harmful impact, and incorporate linkages to provide new connections between corridors.
173. The Plan supports these, and other methods, aimed at enhancing biodiversity. New developments, large and small, should consider how they can contribute to enhancing biodiversity.

³²<https://www.gov.uk/guidance/biodiversity-metric-calculate-the-biodiversity-net-gain-of-a-project-or-development#use-the-metric>

POLICY KMLD10: PROTECTING AND ENHANCING BIODIVERSITY

The biodiversity of the parish, including locally important sites of nature conservation, should be protected and enhanced to achieve an overall net gain in biodiversity.

Protecting and Enhancing Trees, Hedgerows and Woodlands

174. The parish has many trees and hedgerows, which add greatly to its character and appearance as well as providing a valuable habitat for wildlife and wildflowers.
175. Their importance is reflected in the findings of community consultation as well as important studies. When asked *'Do you feel that additional controls should be included in the Neighbourhood Plan and if so, which are the priorities? – tick all boxes you consider important'* (Q.14) in the community survey, preserve existing woodlands and trees and hedgerows and promoting further planting were mentioned most with 88% (or 362) of respondents (for both) identifying them as a priority.
176. Much of the parish falls within Kirkby Malzeard and Grewelthorpe Local Character Area (Area 35)³³. This identifies one of the main characteristics of the Landscape as *'Tree cover is of deciduous clumps of woodland plus lots of individual trees scattered along field boundaries (sycamore and ash dominate)'*. Adding *'Hedgerow trees are important to diversity, and filter views'* and promoting *'the planting and replacement of native hedgerow trees (e.g. oak and ash)'*. The Kirkby Malzeard Village Design Statement also underlined the importance of trees to the distinct character of the village and the wider parish. It also recommended the use of traditional species in hedging and tree planting.
177. The Plan seeks to protect and enhance all important trees, hedgerows and woodlands.
178. The trees and woodlands listed below are already protected by the use of Tree Preservation Orders (TPO's) as of March 2022. These Orders may be made on individual trees, groups of trees, woodlands or areas containing trees, if it appears beneficial in the interests of 'amenity' to do so. The majority of these have been made in large batches, usually on land where development was to take place.

a) REFVAL 95/00010/TPORDR. 9 individual Ash or Sycamore trees within, or on the boundaries of, the development which now comprises St Andrews Meadows and St Andrews Gate, Kirkby Malzeard.

b) REFVAL 15/00034/TPORDR. 61 Individual trees, groups of trees and areas of woodland (mainly comprising Oak, Ash and Sycamores, but with various other varieties) located over a large area to the

33

https://www.northyorks.gov.uk/sites/default/files/fileroot/planning_migrated/heritage_conservation_areas_and_listed_buildings/35%20Kirkby%20Malzeard%20and%20Grewelthorpe.pdf

South and East of Kirkby Malzeard village including The Grange, Back Lane South, South Park and Mowbray Park Farm, Ripon Road.

- c) REFVAL 18/00007/TPORDR. 20 individual trees or groups of trees (mainly Ash) situated in, or on the boundary of, land allocated for housing off Laverton Road, Kirkby Malzeard.
- d) REFVAL 17/00068/TPORDR. 2 groups of trees and 1 individual tree (Birch, Ash and Sycamore) located at Grey Gables, Laverton Road, Kirkby Malzeard.
- e) REFVAL 18/00018/TPORDR. One Redwood and one Sycamore together with a group of 3 Redwoods located at Wensleydale Dairy, Ripon Road, Kirkby Malzeard.
- f) REFVAL 20/00039/TPORDR. 3 individual Sycamores on land forming part of, or adjoining New House, Laverton.
- g) REFVAL 19/00044/TPORDR. An Area containing trees to the south of Low Keld, Laverton Road, Kirkby Malzeard.
- h) REFVAL 06/00022/TPORDR. A group of 6 Sycamores in a field east of Galphay Road, Kirkby Malzeard.
- i) REFVAL 92/00011/TPORDR. An Area comprising a line of trees South West of Laverton Bridge, Laverton.
- j) REFVAL 06/00022/TPORDR. A Copper Beech at the Old Vicarage, Church Street, Kirkby Malzeard.
- k) REFVAL 50/00001/TPORDR. A group of trees near to Holburn Beck, Grantley on the boundary of the Plan Area where it adjoins the neighbouring Grantley, Sawley, Skelding and Eavestone Parish Council area.

To view the location of these, use this link and select the [Tree Preservation Orders](#) layer.

- 179. In addition to those trees and woodlands protected by TPOs, all established hedgerows in the countryside are protected through national planning policies³⁴. Further clarification is also set out within the [countryside hedgerows guidance note \(pdf / 553 KB\)](#)
- 180. The Parish includes several designated areas of ancient woodland; Mowbray Castle Wood, Wood near Dalton Lodge, North Wood, Carlesmoor Beck Wood and Biggin Wood. Ancient Woodlands have some protection in the planning system. The Plan considers these woodlands to be a key aspect of the Parish's character and seeks to preserve them.
- 181. Further, Policy NE7: Trees and Woodlands in the Local Plan provides general protection for all trees that have 'wildlife, landscape, historic, amenity, productive or cultural value or contribute to the character and/or setting of a settlement'.
- 182. However, not all the important trees and woodlands are specifically protected.

³⁴ <https://www.gov.uk/guidance/countryside-hedgerows-regulation-and-management>

183. One of the main ways a community can seek to protect important trees is seeking their designation as TPOs. However, legislation does not allow a neighbourhood plan to make a TPO. This would need to be made by the Local Planning Authority. The Plan can, however, highlight the case and local importance for making more TPOs.

PARISH ACTION 3: TREE PRESERVATION ORDERS.

The Parish Council will work in partnership with the Local Planning Authority and other interested parties and individuals to identify and protect trees and woodlands of amenity value in the parish by the use of Tree Preservation Orders.

184. Furthermore, the Plan strongly encourages the planting of new trees in the Parish, both to compensate for the loss of existing trees due to disease and natural causes, and to increase the tree coverage of the Parish. The Nidderdale National Landscape Woodland Opportunity Plan covers all of the Parish and has an objective of increasing tree planting in appropriate areas to improve flood management and extend woodland habitats. The Woodland Opportunity Plan identifies in detail which parts of the Parish are suited to tree planting and which are not. The Plan is supportive of Nidderdale National Landscape's efforts, and encourages the planting of broadleaved native species, both those traditional to the local area and those potentially better suited to the future effects of climate change. Such native trees will reinforce the distinctive character of the parish and are better equipped to live with the local climate and soil types, and support food and habitats for wildflowers and wildlife.

Section 5.4: Community Facilities.

Protecting and Enhancing Community Facilities

185. Community facilities include important land and buildings that meet the health, welfare and social needs of the local population. These include a wide range of facilities, such as shops, schools, community centres, places of worship, public houses and medical facilities that are important for good health and well-being and sustainable development.
186. For a parish of its size and rural location, it has a good range of community facilities. This is not only reflected in the findings of the community consultation but studies such as the 'Harrogate District Local Plan: Settlement Hierarchy (2018)'³⁵. This study identified Kirkby Malzeard as a Primary Service Village in part reflecting its role in providing '*residents and people in surrounding villages with a basic range of services and facilities*'.
187. These community facilities are predominantly in Kirkby Malzeard. They include a primary school and pre-school, doctor's surgery, Mechanics Institute village hall, Highside playing fields (with cricket/football fields, tennis courts, bowling green and multi-use games area), children's play area, general village stores, butcher's shop, fish and chip shop, a hairdresser, a public house, two vehicle repair garages (one with fuel pumps), a café, caravan park, St Andrew's church and a separate parish cemetery.
188. Elsewhere in the parish, facilities are more limited comprising Greygarth Chapel and Schoolroom (which now serves as a meeting venue), Dallowgill outdoor centre, a glamping site at Dallow and the Chapel of the Resurrection with cemetery.
189. These facilities are much prized by the local community. They, and the activities and services they support, play a vital role in meeting the health, welfare and social needs of the residents of the parish and supporting the diverse range of local activities and social interaction that take place. Their retention, and wherever possible improvement, is a top priority of the community.
190. However, some residents lack accessible community facilities to meet their day-to-day needs. This means that many must travel, overwhelmingly by car, to the nearby centres such as Masham, Pateley Bridge, Ripon and Harrogate to meet their basic shopping and community facility needs. The need to travel outside the parish to access basic services is one of the main reasons for the high levels of car ownership. It also creates challenges

³⁵ [Settlement Hierarchy Background Paper Submission update 2018 \(harrogate.gov.uk\)](#)

for those residents that do not have access to a car or live in the more remote parts of the parish. This is compounded by the (at best) limited bus service coverage.

191. Furthermore, the parish has already lost some important community facilities, such as St Peters Church in Dallowgill, the Ebenezer Methodist Chapel in Kirkby Malzeard and The Drovers Public House in Dallow. Others such as the Henry Jenkins Public House in Kirkby Malzeard has been vacant for over twelve years. Their loss has had an adverse impact on the parish, and there is concern that this trend in the gradual loss of community facilities may continue unless action is taken.
192. Through the preparation of the Plan, several key community facilities have been identified as being especially important to the community due to their location, accessibility to all sections of the community and generally the valuable role they play. The community wishes their special role to be acknowledged and recognised.
193. Policy HP8: Protection and Enhancement of Community Facilities in the Local Plan seeks to protect important community facilities and only allows their loss in special circumstances.
194. The Plan does not wish to duplicate and replicate this policy. It does, however, support and add value to it by identifying the specific important community facilities that it wishes to see specifically protected. Policy HP8 in the Local Plan should be specifically applied to the following community facilities:
 1. Kirkby Stores village shop, Main Street, Kirkby Malzeard.
 2. The Queens Head Public House, Main Street, Kirkby Malzeard.
 3. The Mechanics Institute village hall, Main Street, Kirkby Malzeard.
 4. Highside Playing Fields and Children's Play Area, Kirkby Malzeard.
 5. The GP Surgery, Main Street, Kirkby Malzeard.
 6. School and Pre-School, Church Street, Kirkby Malzeard.
 7. St Andrew's Church, Church Street, Kirkby Malzeard.
 8. Dallowgill Chapel and Meeting Room, Greygarth, Dallowgill.
 9. Kirkby Fisheries, Main Street, Kirkby Malzeard.
195. In addition to their protection, the community also wishes to see wherever possible the enhancement of suitable local community facilities that meet the needs of the parish. The need for enhanced health care was especially cited by many residents. Large scale retail or community development, however, would not be appropriate as it would harm the distinctive nature and character of the parish and promote unsustainable forms of development.

POLICY KMLD11: ENHANCING THE PROVISION OF IMPORTANT COMMUNITY FACILITIES.

The improvement of existing and the creation of new community facilities (including shops) will be supported, subject to development proposals demonstrating that they respect local character and residential amenity and do not result in harm to highway safety.

PARISH ACTION 4: PROVISION OF FACILITIES FOR YOUNGER PEOPLE.

The Parish Council, in conjunction with other local Organisations such as Highside Playing Fields Association, should aim to expand the range of facilities for younger people in the community.

Assets of Community Value

196. The designation of a community facility as an Asset of Community Value ('ACV') provides the opportunity to give it added protection from inappropriate development.
197. The Localism Act 2011³⁶ defines an ACV as '*a building or other land is an asset of community value if its main use has recently been or is presently used to further the social wellbeing or social interests of the local community and could do so in the future*'. The Localism Act states that '*social interests*' include cultural, recreational and sporting interests.
198. Where an asset is 'Listed' as an ACV the Parish Council or other community organisations will be given the opportunity to bid to purchase the asset on behalf of the local community if it comes up for sale on the open market.
199. Through the consultation, a few buildings have been identified as important to the social well-being of the community. The Parish Council, therefore, may consider the mechanism of designating them as ACVs, to further ensure that their social value is protected.

The inclusion of a specific policy in a neighbourhood plan with respect to ACVs provides the opportunity to give it formal recognition in the planning system. It ensures that the Listing of an ACV is a material consideration (i.e., it must be taken into account) when determining a planning application.

³⁶ <https://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>

POLICY KMLD12: ASSETS OF COMMUNITY VALUE

Development proposals that assist the longevity, appreciation and community value of an Asset of Community Value will be supported and encouraged. Development proposals for a change of use that would result in the loss of an Asset of Community Value will only be supported where it is demonstrated the asset is no longer viable or no longer required by the community; or the asset is replaced by an equivalent or better facility in terms of quantity and quality in an equally suitable location.

Section 5.5: Infrastructure

Highway Safety

200. Much of the current road network consists of rural country lanes, many narrow and winding. It is simply not designed for modern vehicular traffic. This is compounded by the significant amount of traffic, including large agricultural vehicles and heavy goods vehicles, that passes through the parish. As a consequence, congestion and highway safety is a serious and growing issue on many roads, not only for vehicle users but also vulnerable road users such as pedestrians, cyclists and horse riders. Walking, cycling and horse riding are all popular activities in the parish.
201. Further new development and the continued growth in tourism in the parish and the surrounding areas will bring with it more vehicles, which could result in an increase in congestion and issues for road safety.
202. Speeding is also an issue throughout the parish, but particularly along Main Street in Kirkby Malzeard. Roads generally are narrow with few natural or other obstacles to slow down motorists. Road signs do direct drivers to slow down and drive safely within the speed limits, but many fail to do so. When asked in the community survey '*How important are these specific issues within our Neighbourhood Area?*' over 91% (358 out of 412) of respondents identified speeding in villages to be important or very important and 86% (337 out of 412) speeding in rural areas to be important or very important.
203. Whilst the formulation of transport policy at a local level is primarily a matter for North Yorkshire Council as the Highway Authority, the Plan does support and encourage actions that can be taken to address highway safety in areas where road safety issues have been identified as a significant concern.
204. Through the Plan's development, several areas of Main Street in Kirkby Malzeard were identified where road safety issues have been highlighted on which action is required to remedy. These include the Market Cross junction, the section at the western end of Main Street near to the Ringbeck Road junction, the area adjacent to the Long Swales Lane junction and the area in front of the Mechanics Institute Village Hall.
205. It was also considered essential that any new development is linked to the village centre by pavements and that there is adequate street lighting in Kirkby Malzeard and Laverton villages to enable pedestrians to safely use pavements at night.

POLICY KMLD13: PROMOTING HIGHWAY SAFETY

To be supported, development proposals must ensure highway safety.

PARISH ACTION 5: HIGHWAY SAFETY.

The Parish Council will work in partnership with the Highway Authority, the Local Planning Authority and other bodies to encourage opportunities to improve highway safety, particularly where the safety of vehicle and vulnerable users has been identified locally as a priority, including Main Street in Kirkby Malzeard.

Car Parking in Kirkby Malzeard

206. On street car parking is a significant issue in Kirkby Malzeard. This was highlighted as a concern in the consultation.
207. The roads and much of the housing in the village were not designed for the needs of modern traffic. The roads and pavements tend to be narrow, and much of the older parts of the village were designed with no off-street parking. Indeed, in most of the village on-street parking is the only means of parking especially along Main Street. Consequently, there is a serious issue with on-street parking, which has a detrimental effect on pedestrian and road safety and the ease by which pedestrians and vehicles can travel safely within the village.
208. It is, therefore, important that any development does not adversely impact car parking provision in the village and wherever possible improves it.

POLICY KMLD14: CAR PARKING IN KIRKBY MALZEARD.

To be supported, development proposals in Kirkby Malzeard should incorporate sufficient, safe and convenient car parking provision in accordance with the most up to date highway standards.

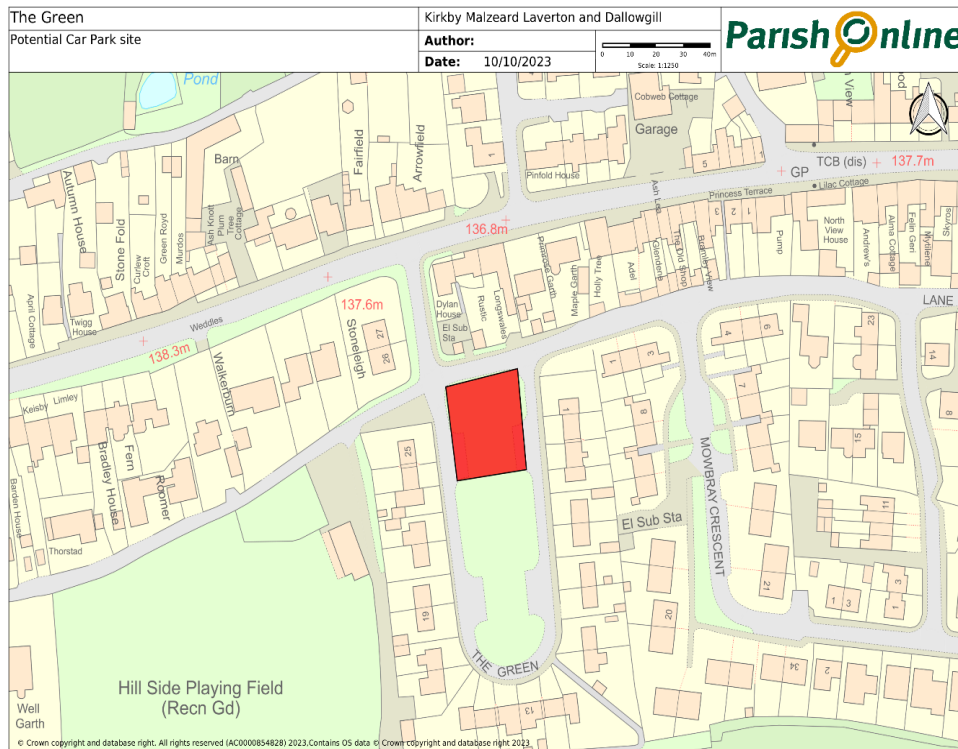
Development proposals that result in the loss of car parking provision in Kirkby Malzeard will only be supported where:

- a) it can be shown that the loss of parking will not have a severe adverse effect on parking provision and road and safety in the nearby area; or
- b) adequate and convenient replacement car parking provision can be provided.

209. During the preparation of this Plan, several specific suggestions were made about other actions that could be taken forward to do improve parking situation in Kirkby Malzeard. One idea is to establish a community car park on part of 'The Green'. This site, owned by North Yorkshire Council is considered to be suitable for this use as it would serve the nearby Highside Playing Field, where serious parking problems arise, particularly when sporting activities take place, and also the Doctors Surgery. Furthermore, it would provide additional parking for residents of The Green when not otherwise in use. This idea is to be taken forward by the Parish Council and the wider community.

PARISH ACTION 6: PROVISION OF PUBLIC CAR PARK IN KIRKBY MALZEARD.

The Parish Council will work in partnership with the Highway Authority, Local Planning Authority and other interested bodies and individuals to explore the feasibility of developing part of 'The Green', off Main Street, Kirkby Malzeard to provide a public car park as illustrated by the map above. The provision of publicly accessible charging points for ULEVs will also be considered.



Public Transport

210. Public transport within the Plan Area is very limited in nature, as in most rural areas, comprising a bus service only, with the nearest connections to the national rail network being at Thirsk (13 miles distant) and Harrogate (14 miles distant).
211. At the time of the initial public consultation the only bus service available in Kirkby Malzeard was that provided by Dales and District service number 138 (Mondays, Thursdays and Saturdays- one journey a day leaving at 09.15am and returning at 12.52pm) and 138a (Monday to Friday – one journey a day leaving at 07.08am and returning at 18.22pm).
212. We asked within that consultation how frequently people used the service and what could be done to make them use it more regularly. Of the 403 people who answered whether they used it 387 said that they ‘never’ or ‘rarely’ used it, leaving only 15 respondents using it on a regular basis.
213. In order to attempt to establish what might make people use it more frequently 199 stated that an increased frequency of service, 91 said a community bus/taxi would help and 64 indicated that a rescheduled service would make a difference. Other constructive comments included making the school bus available for other users and cheaper fares. Clearly, as is the picture nationally, the vast majority of residents and employees use cars to travel in and around the area because the other options are impractical for them.
214. Since the time of the public consultation an initiative known as Yorbus was trialled in the district being an initiative by the then NYCC. This was an ‘on demand’ service enabling users to book a bus at a specific stop at a specific time, via a phone app. It operated within the area around Ripon, Masham and Bedale and fares were heavily subsidised. It was available every day except Sundays and Bank Holidays. Whilst not meeting everyone’s requirements it was generally seen as a useful addition to the local transport network. It is considered regrettable that this service has now ceased as it was deemed unviable.
215. The general conundrum which surrounds public transport in rural areas is that the service will only improve if more people use it, but more people will only use it if it is improved.

PARISH ACTION 7: LOCAL BUS SERVICES.

The Parish Council will actively lobby the service provider to improve the timetable so that it is better suited to those who might wish to use it. They will also make enquiries to NYC about whether the idea of opening up school buses to other paying passengers is feasible and will continue to promote and publicise services through its website and Facebook pages.

Ultra-Low Emissions Vehicle Infrastructure

216. Supporting and encouraging Ultra-Low Emissions Vehicles (both public and private) was especially highlighted as an action that could be taken forward by many of those consulted during the preparation of the Plan, especially as levels of car ownership and use in the parish are well above the Harrogate district, regional and national averages, according to the 2021 Census.
217. One specific idea that generated strong support was that a community charging point should be incorporated within the public car parking area referred to in Parish Action 6. The Parish Council intends to take this forward with the Local Planning Authority. This is also in accordance with paragraph 156 of NPPF which encourages local planning authorities to support community-led initiatives for renewable and low carbon energy.
218. There is compelling evidence that petrol and diesel-powered vehicles cause pollution, which contributes to climate change, poor air quality and is dangerous to public health. For these and other reasons, the Government intend to end the sale of conventional internal combustion engine powered cars. Policy makers, vehicle manufacturers and other transport innovators are, therefore, working to build interest in and around the use of alternative fuels, for example, electricity, biomethane and hydrogen.
219. As many transport users will make the transition to Ultra-Low Emissions Vehicles (ULEVs) over the next few years it is appropriate to consider the need for suitable charging infrastructure that is 'fit for purpose', represents good value for money, and responds directly to the increasing expectation and demand for a network of public access infrastructure.
220. The UK has seen a surge in demand for ULEVs, including electric vehicles, with year-on-year increases in sales. There are currently over 100,000 ULEV cars on UK roads, and that figure is expected to rise to around 1 million (Office for Low Emission Vehicles) by 2025. The pace of demand and ever-changing technology means that by 2035 the Government intends that all new cars will be ULEVs. This is something that the Plan wishes to encourage and support.

221. National and local planning policies provide general support for the provision of Ultra-Low Emission Vehicle Infrastructure. Policy T1: Sustainable Transport in the Local Plan, for example, promotes the *'provision of electric vehicle charging points for both cars and bikes.'*

POLICY KMLD15: ULTRA-LOW EMISSIONS VEHICLE INFRASTRUCTURE

Development proposals that include the provision of Ultra-Low Emission Vehicle charging points (public and private) will be encouraged and supported.

Public Access Routes

222. As a predominantly rural area the availability of public footpaths, bridleways and, in recent years, off road cycle routes, is an important issue. These are now almost entirely used for recreational purposes although in the past footpaths were often used to enable residents to get to and from work during the week, to places of worship on Sundays, and for children to access school.
223. We are fortunate therefore to have inherited a large network of routes as shown by using this link to the [North Yorkshire Council Public Rights of Way map](#)
224. The value of having an extensive network of footpaths, bridleways and tracks is now recognised as contributing to the well-being of residents both from the perspective of physical health and mental health. Visitors to the area also view them as an attraction and as referred in Section 5.6, this can help to contribute to the local economy.
225. Planning policy should support an appropriate mix of high quality joined up networks and access areas as this would improve road safety by reducing the number of vulnerable users on highways. The National Planning Policy Framework mentions walking and cycling and the need for high quality access, but neglects to include horse riders, making it essential that this is addressed within this Plan.
226. Parts of the Public Access network in the area have been restored in recent years. This has helped vulnerable road users such as horse riders, carriage drivers, cyclists and walkers avoid some road use. There is a valid reason for investigating whether further enlargement of the network locally is possible. This would benefit walkers, horse riders and cyclists. Lack of access to horses and riding facilities is cited as a barrier for 22% of lapsed riders returning to ride. Forty-four percent of those riding once a week would ride more frequently if they had access to safe bridleways or off-road riding ³⁷.

³⁷ National Equestrian Survey 2019 British Equestrian Trade Association www.beta-uk.org

PARISH ACTION 8: PUBLIC ACCESS ROUTES

The Parish Council, in conjunction with residents, local walking groups, cyclists and riders, will take active steps to promote existing routes which could be more extensively used by a larger number of people without causing any detrimental side effects. This could include the publication of guides and the maintenance of signs, stiles, gates etc. in conjunction with landowners and NYC Countrywide Access Services. It will also investigate alongside other interested parties as to what scope exists to extend the local network further.

Utilities

227. Whilst not specifically a Planning issue, the adequacy or otherwise of Utilities is important to a community and can affect day to day quality of life.
228. Our public consultation responses indicated that the vast majority felt that the electricity supply and water supply was 'good' or 'very good' (90%) and (84%) respectively, but satisfaction levels for the mains sewerage system were lower at 59%, the broadband provision (54%), and the mobile phone service (51%), whilst only 36% felt the surface water/storm drainage infrastructure was adequate.
229. The sewerage system within Kirkby Malzeard village is known to date from the early part of the twentieth century since which time there has been a considerable amount of additional housing connecting into this. When concerns have been raised with Yorkshire Water at the point at which further new housing is proposed, for example in respect of the planning commitments KM 4 and KM5 (see Section 5.1) the community has been assured by them that the existing systems are adequate, despite a collapse of a section of the sewer in Main Street occurring in 2019, which necessitated major long-running repairs.
230. Both the broadband and mobile phone provision are of much more recent origin, and it is acknowledged that generally these are services which are still being improved gradually as technology develops. They are however of increasing importance particularly for local businesses and those working from home and are still less extensive and reliable in the countryside than in urban areas.
231. The utility which is of most concern to the community is the surface water/storm drainage provision. Whilst there is no recent history of serious flooding affecting properties there have been regular events of flooding to roads in both Laverton and

Kirkby Malzeard villages in the past. This is largely attributed to lack of adequate maintenance by those responsible, but, as with the sewerage system, it is considered essential that the adequacy and capacity of existing infrastructure does need to be regularly reviewed particularly in the event of further development taking place and upgraded as necessary.

PARISH ACTION 9: UTILITIES

The Parish Council will seek to ensure that whenever any major development (ten or more houses) is proposed that Utility Companies and Agencies are fully responsible for any essential upgrading work to services and that this is undertaken prior to the development being completed, with a delivery plan for how utilities should be upgraded and installed approved before development commences.

Section 5.6: Local Economy

Local Economy

232. A vibrant local economy is seen as a key element to achieving a sustainable and balanced community.
233. While most people travel outside of the parish to access job opportunities, there are a significant number of businesses to be found within the parish. There are three large businesses; D & M Design and Fabrication located at North Close farm, Kirkby Malzeard, R and J Yorkshire's Finest located at Long Swales Lane, Kirkby Malzeard and Saputo (formerly Wensleydale Dairy), Kirkby Road, Kirkby Malzeard, all of whom employ over 50 people.
234. The vast majority of businesses in the parish are smaller – with five or less employees. There is also a growing, and above average number of people, who work from home, even allowing for the effect of Covid restrictions at the time of the Consultation. At 10.2% the proportion of the working age population who stated that they work from home was about three times the national average (3.5%) and nearly double the district average (6.1%), according to the 2011 Census.
235. Historically, farming has been the backbone of the local economy. Although the number of farms and the number of workers employed on these has gone down over the years, the sector continues to be an important source of jobs and wealth and a key part of the identity and character of the parish.
236. Other rural businesses include grouse and pheasant shooting, and under the management of the Dallowgill Estate, this remains a significant feature of the local economy, providing full time employment for 5 people, part time employment for a further 40 people, and considerable expenditure with local businesses. The shooting estate also helps to maintain large areas of moorland and woodland within the parish.
237. The viability, development and diversification of agricultural and other land based rural businesses are high priorities for the Plan and will be supported subject to any development respecting local character, residential amenity and highway safety.
238. Tourism is a growing aspect of the local economy and there has been a significant rise in the number of hospitality businesses (including Airbnb, glamping and holiday cottages) in recent years. Bringing visitors to this area is also essential to developing our sense of 'place'. There are important tourist facilities within easy reach of the Plan

Area including the National Trust sites of Fountains Abbey/Studley Royal Water Garden and Brimham Rocks; Lightwater Valley Theme Park is also close by.

239. As described in Section 5.5 the parish has an extensive public access network of footpaths, bridleways and byways, as well as scenic lanes across the moors. This network includes well marked trails, such as the 7 mile Mosaic Trail around the Western end of the Parish, and parts of the Ripon Rowel walk. Cyclists are also frequent visitors following the popularity of the Tour de Yorkshire events in 2018 and 2019. Motorcyclists enjoy the local road network and byways. Horse riding is increasingly popular with visitors and local residents and there is an extensive network of bridleways in the Parish. All of these activities have led to the growth of businesses which support them.
240. The Plan is strongly supportive of Nidderdale National Landscape and other local government support for the documentation, promotion and maintenance of footpaths, byways and bridleways across the Parish.
241. A survey of major local businesses was undertaken by the Steering Group as part of the stakeholder consultation between mid-2021 and early 2022. The public consultation also included a section which sought responses from those employers with 5 or less employees. From this exercise it is evident that the parish is generally seen as a good business location, but employers would welcome some improvements in the area. Highway improvements, greater car parking capacity in Kirkby Malzeard and more affordable housing for employees were cited.
242. The consultation did underline strong local support and preference for the growth and expansion of smaller businesses, including home working. This could be both through the conversion of existing buildings and well designed, proportionate and suitably located new buildings from which such small-scale businesses can operate. The consultation indicated strong support especially for small businesses connected to hospitality, leisure and tourism in general.
243. In order to assist in strengthening the local economy, the Kirkby Malzeard, Laverton and Dallowgill Business and Community Group, (supported by the Parish Council), was created in 2022 with the aim of facilitating networking, peer-to-peer support and mentoring, within the Parish, within North Yorkshire and with national organisations, such as the Federation of Small Businesses.
244. The benefit of cooperation with neighbouring towns is promoted by North Yorkshire Council. These benefits are more significant to our Parish now because of the growing hospitality economy. The success of the wider area as a destination clearly impacts on our local economy. In particular, the Plan is supportive of collaboration with neighbouring initiatives:

- Whilst Kirkby Malzeard, Laverton and Dallowgill are outside the Ripon BID (Business Improvement District) area, it would be useful to maintain communication with their initiatives in Ripon.
 - Nidderdale Plus, based in Pateley Bridge, has facilities and services that are available to residents in this Parish.
 - Masham Community Office likewise offers services that are relevant to residents in this parish, and they publicise local events.
245. The idea of Ripon-Rural co-operation has been actively promoted by the Parish Council as a means to maintain local services and reduce 'brain drain' to urban areas. Events held in 2022 and 2023 helped raise the visibility of the Parish in the wider area and increased visitor expenditure. This co-operation has also supported activities in Ripon of interest to residents of the Parish. The Plan is supportive of proactively maintaining this cooperation and collaboration.
246. There is a mutual benefit to be gained from co-operation between local businesses and voluntary groups, and village events have been used as a springboard to facilitate such co-operation. This has benefited the businesses in publicity and consumer loyalty and it has benefited the community groups in many ways – use of equipment, volunteers and donations. The Plan is supportive of this type of cooperation.

POLICY KLMD16: SUPPORTING THE DEVELOPMENT OF THE LOCAL ECONOMY.

Though some types of development do not necessarily need planning permission, where it is required, the Plan is supportive of new commercial and business development, providing it both supports local employment and can be undertaken sympathetically and without significant adverse impacts upon the quality of the local character and amenity, neighbouring uses and highway safety.

Section 6: Monitoring and Review

Monitoring and Review

247. It is anticipated that the Plan will last up to 2035. During this time, the circumstances which the Plan seeks to address may change.
248. The Plan will be monitored by the Parish Council in conjunction with the local planning authority on at least an annual basis. The policies and measures contained in the Plan will form the core of the monitoring activity, but other data collected and reported at parish level relevant to the delivery of the Plan, will also be included.

APPENDIX A

POLICY KMLD5: NON-DESIGNATED HERITAGE ASSETS

POLICY KMLD5: NON-DESIGNATED HERITAGE ASSETS

The Plan identifies the non-designated heritage assets listed below and illustrated at Appendix A.

1. The Mechanics Institute, Kirkby Malzeard.
2. The Queen's Head Public House, Kirkby Malzeard.
3. The Ebenezer Methodist Chapel, Kirkby Malzeard.
4. The Henry Jenkins Public House, Kirkby Malzeard.
5. Laverton Bridge/Pinfold, Laverton.
6. Village Pump, Laverton.
7. Greygarth Methodist Chapel, Dallowgill.
8. Greygarth Monument, Dallowgill.
9. St. Peters Church, Dallowgill.
10. The Chapel of the Resurrection, Laverton.
11. Lady Hill (Dallowgill) Bridge, Dallowgill.
12. Cast Hills Settlement, Dallow, Dallowgill.
13. Belford Aqueduct, Dallowgill.
14. Swetton Bridge, Dallowgill.
15. The Potato House, Carlesmoor, Dallowgill.
16. Carlesmoor Sighting Tower, Dallowgill.
17. Recording/Discharge Station, Carlesmoor, Dallowgill.
18. Carlesmoor Aqueduct, Dallowgill.
19. Stope Bridge, Dallowgill Moor.

Development must conserve these assets and their settings in a manner appropriate to their heritage significance.

Introduction

This supporting evidence document aims to provide Kirkby Malzeard, Laverton and Dallowgill Grouped Parish Council with evidence to support the policy in the Kirkby Malzeard, Laverton and Dallowgill Neighbourhood Plan concerning Non-Designated Heritage Assets.

It briefly sets out the background and context to their designation and explains the methodology used.

A short description of the attributes of each character building with supporting photographic evidence and location map is provided.

Background

The National Planning Policy Framework (NPPF)³⁸ sets out the Government's planning policies for England and how these are expected to be applied. Section 16 (paragraphs 195- 214) of the NPPF covers all aspects of conserving and enhancing the historic environment. Paragraph 196 states that *'Plans should set out a positive strategy for the conservation and enjoyment of the historic environment'*. The NPPF also states in paragraph 195 that, *'Heritage assets range from sites and buildings of local historic value to those of the highest significance'*.

Paragraph 209 of the NPPF confirms that non-designated heritage assets can merit consideration in the consideration of planning matters, stating *'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'*.

The associated National Planning Practice Guidance 'Historic Environment'³⁹, confirms that Neighbourhood Plans can identify non-designated heritage assets, stating that, *'There are a number of processes through which non-designated heritage assets may be identified, including the local and neighbourhood plan-making processes'*. Adding, *'it is important that the decisions to identify them as non-designated heritage assets are based on sound evidence'*.

The identification and conservation of locally important heritage assets is also supported and encouraged by local planning policies. The Harrogate Local Plan⁴⁰, for example, includes a specific policy (HP2 Heritage Assets) and supporting text on designated and non designated heritage assets. It requires that applicants should: *'Ensure that proposals affecting a heritage asset, or its setting, protect or enhance those features which contribute to its special architectural or historic interest'*.

³⁸ <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

³⁹ <https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment>

⁴⁰ <https://www.northyorks.gov.uk/planning-and-conservation/planning-policy/planning-policy-your-local-area/harrogate-planning-policy/harrogate-district-local-plan>

The policy also states that *‘where development may affect any heritage asset type, applicants will be required to demonstrate a full understanding of its significance and will be expected to address any impact that proposals may have, ensuring any harm to significance has been minimised through the design of the development’.*

And further states with specific regard to Non-Designated Heritage Assets that *‘the effect of development proposals on the significance of non-designated heritage assets will be taken into account when determining planning applications. In assessing applications, a balanced judgement shall have regard to the scale of any harm and the significance of the heritage asset’.*

In addition, Harrogate Borough Council’s (Harrogate BC) Heritage Management Guidance Supplementary Planning Document (SPD) contains guidance. The SPD is a material consideration in the determination of planning applications and appeals and supports the Local Plan policies. This SPD states, within Chapter 1 – Introduction to Guidance, paragraph 1.59:

‘General principles for development that would affect non designated buildings or features:
a) There is a presumption against any development which would remove, demonstrably harm or undermine the significance of a non-designated asset, or its contribution to the character of a place, unless the public benefits of the development would outweigh the harm,
b) New development should enhance or reinforce those characteristics, qualities and features of the environment that contribute to local distinctiveness within the district’s rural and urban areas.’

Harrogate BC has also produced a Guidance Note 4 entitled Non-Designated Heritage Assets which provides guidance on the identification and policy context for the designation of Non-Designated Heritage Assets.

Criteria used for the identification of Non-Designated Heritage Assets

Chapter 5 of in the document Heritage Management Guidance (2014) prepared by Harrogate BC contains criteria and general advice on the identification and designation of non-designated heritage assets. The aim is that any group or body prepare a local list in the district should use this. The group leading on the preparation of the Kirkby Malzeard, Laverton and Dallowgill Neighbourhood Plan have adopted the criteria developed by Harrogate Borough Council (now part of North Yorkshire Council).

Proposed Non-Designated Heritage Assets in the Kirkby Malzeard, Laverton and Dallowgill Neighbourhood Plan

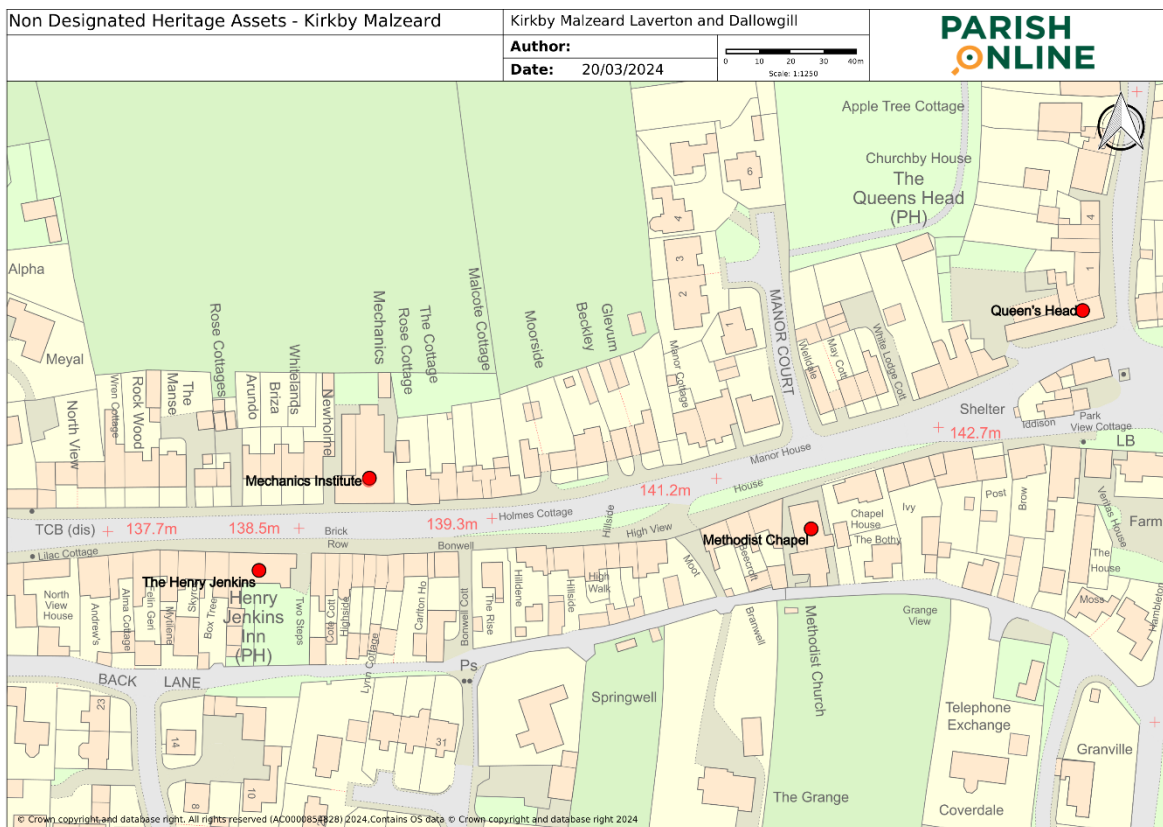
The many buildings and structures in the parish were evaluated for their suitability for designation as a Non-Designated Heritage by the group leading on the preparation of the Plan.

After careful consideration, 19 buildings were identified that are considered to be locally important and meet the criteria to be designated as Non-Designated Heritage Assets in the Plan.

The proposed assets were then assessed and 'tested' for their appropriateness for designation through the plan preparation process.

The following section briefly details why each asset is important and meets the criteria. An indicative photograph is also provided for each one.

KIRKBY MALZEARD:



1. The Mechanics Institute (Village Hall), Kirkby Malzeard.



Location: Situated in the centre of Kirkby Malzeard village fronting onto Main Street.

Grid Reference: SE 423286 474361

Description: Detached single story building of stone construction with slate covered roof comprising main hall and ancillary accommodation.

History: The building was constructed as a two-storey building in 1852 as part of the Victorian Education and Training initiative. In 1936 following structural problems much of the building was demolished and rebuilt as a single storey building with a large hall added. It was further extended in 2002 with the addition of a side annex.

Reason for inclusion: Important community building with historic connections.

2. The Queen's Head Public House, Kirkby Malzeard.



Location: Situated overlooking the Market Cross on the junction of Main Street/Ripon Road (running East/West) and Church Street/Galphay Road (running North/South) being the historic centre of Kirkby Malzeard (see Church Street Area of Special Character and Heritage).

Grid Reference: SE 423501 474408

Description: Two storey building of stone construction under stone slate roof forming public house with ancillary accommodation.

History: This public house dates from the 19th century when it was one of a number of public houses in the village. In its early years prior to the creation of the Mechanics Institute it served as the principal venue for public events such as auctions, hearings etc.

Reason for inclusion: Being the last functioning public house with the Plan Area with a long unbroken tradition of serving the local community, it is seen as important that it is given added protection.

3. The Ebenezer Methodist Chapel, Kirkby Malzeard.



Location: Situated on the South side of Main Street towards the eastern end of Kirkby Malzeard.

Grid Reference: SE 423419 474361

Description: Stone built building of two storey height having a slate covered roof with small single storey side extension.

History: Constructed in 1880 – 1881 to replace a smaller building nearby which now forms a private house. Ebenezer (meaning ‘stone of help’) Chapels were created nationally following the secession in 1797 by a group subsequently known as the New Connexion Methodists from the Wesleyan Methodists. There was also a Primitive Methodist Chapel in the village and another Chapel in Laverton (built in 1895) both of which are now private houses. The Ebenezer Chapel continued to function as a Chapel until 2022 and currently stands empty until a new use can be found.

Reason for inclusion: Symbolic reminder of a once important form of Christian worship in the Kirkby Malzeard area.

4. The Henry Jenkins Public House, Kirkby Malzeard.



Location: Positioned in the centre of Kirkby Malzeard on the south side of Main Street.

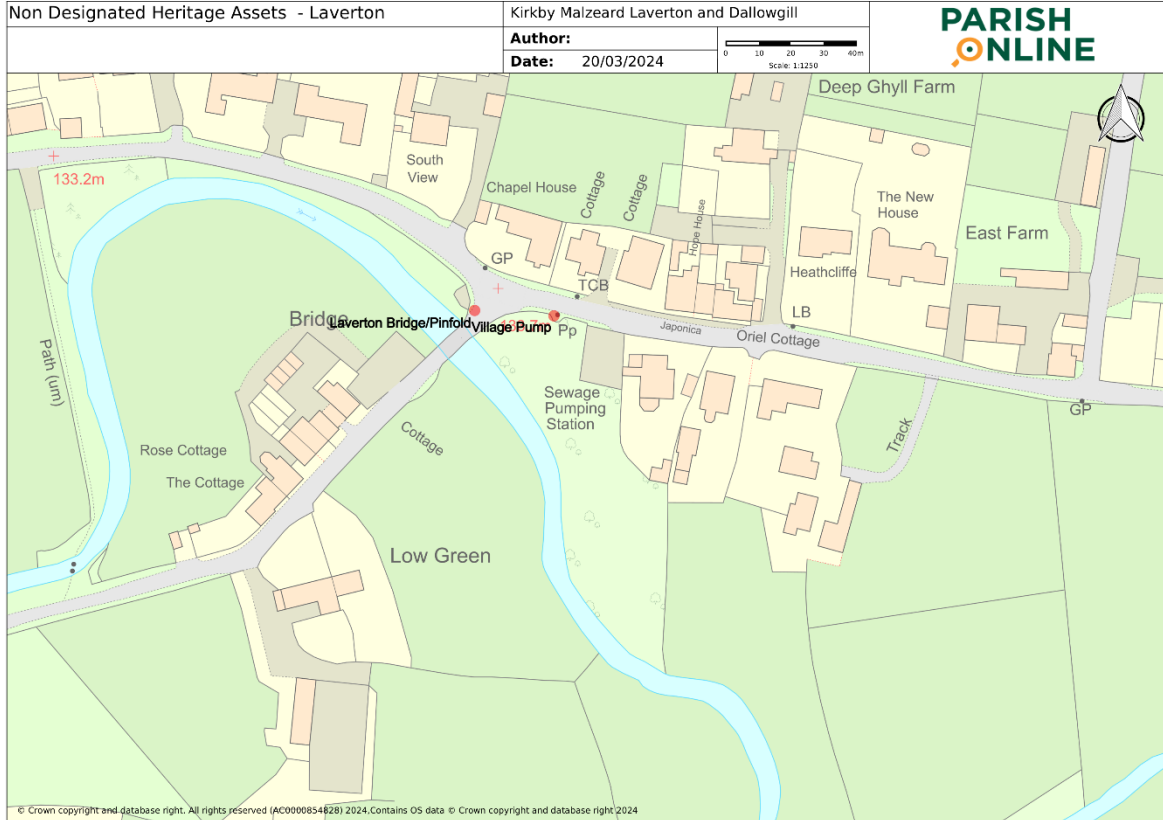
Grid Reference: SE 423252 474330

Description: Two storey building of stone construction (painted cream) under a concrete tile covered roof. The building is in two sections with the western part being the original public house, and the eastern section, which was originally a joiner's workshop, having been incorporated into the public house in the 1950's.

History: The original building is believed to date from the early 19th century having been substantially altered over the years. It closed as a public house in 2011 with planning consent subsequently obtained to convert the former joiners workshop section into a residential dwelling. The future use of the remaining public house section is still to be determined.

Reason for inclusion: Despite its poor state of repair at present, the building remains a focal point in the village and constitutes an important historic landmark regardless of future use.

LAVERTON:



5. Laverton Bridge and Pinfold, Laverton.



Location: Situated in the centre of Laverton village, being the second largest community in the Parish.

Grid Reference: SE 422804 473294

Description: Single arch stone bridge crossing the River Laver. It carries the single carriageway road between Kirkby Malzeard and areas to the south. The small historic pinfold is immediately adjacent and now provides a seating area. The bridge is owned by, and is the responsibility of, North Yorkshire Council. The ownership of the Pinfold is unknown.

History: Bridge originally built in 1813 but largely rebuilt in 1923 following partial structural collapse. It is understood that copies of newspaper and coins of the time were buried within the structure. The Pinfold is older but has been remodelled to accommodate road re-alignment.

Reason for inclusion: Principal architectural structure and focal point in Laverton. It is located in the centre of the village and connects both sides of the village being the only river crossing. The Pinfold provides a central meeting/seating point for villagers with floral borders maintained and cared for by local residents.

6. Village Pump, Laverton.



Location: Centre of Laverton village close to the bridge and pinfold (asset 5)

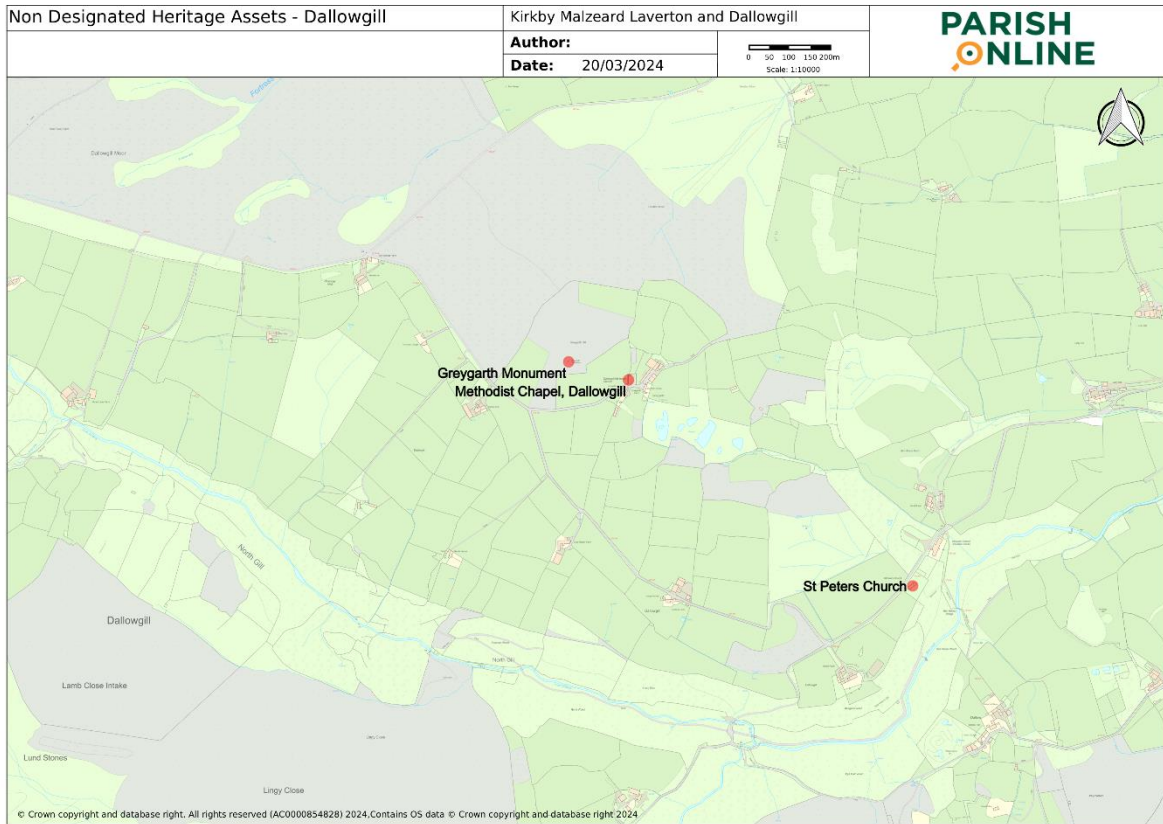
Grid Reference: SE 422832 473295

Description: Redundant water pump with stone trough refurbished as village feature.

History: The pump was originally constructed in 1854 and served the villagers up until as recently as 1960 when a temporary bore hole supply was created until mains water was connected to the village in 1963. The pump was then renovated as a decorative feature.

Reason for inclusion: Interesting item of Victorian 'street furniture' which once played an important role in villagers' lives.

DALLOWGILL:



7. Greygarth Methodist Chapel, Dallowgill.



Location: Situated within the hamlet of Greygarth which forms part of Dallowgill. The Chapel is situated just below Greygarth Monument.

Grid Reference: SE 418770 472316

Description: 19th century Methodist Chapel of Gothic design.

History: The existing Chapel replaced a smaller chapel just to the south west which had been built in 1816. Land to build a new Chapel was bought from the Marquis of Ripon and the original chapel demolished. This new Chapel was built by Brothertons (builders of Kirkby Malzeard) at a cost of £263 with the foundation stone laid on 12 June 1885. The first service was on 19th October of the same year. A School room was added in 1930 and the small adjacent car park formed to the side in 1953. Regular services are still held here.

Reason for inclusion: Prominent Victorian building of importance to the local community.

8. Greygarth Monument, Dallowgill.



Location: Situated in the hamlet of Greygarth within Dallowgill.

Grid reference: SE 418618 472363

Description: Square stone-built tower extending to approximately 5m in height located on high ground to the west of the hamlet of Greygarth. An internal ladder provides access to a small viewing platform giving panoramic views over the countryside beyond. It is approached solely by a permissive footpath across agricultural land.

History: The present tower is understood to be constructed on the site of earlier towers with the original built sometime in the mid-18th century, on the site where, so the story goes, the last wolf in Dallowgill was killed. That tower is understood to have been 'tall and pointed' but it was blown down by gales and a smaller tower replaced it in 1897 marking Queen Victoria's diamond jubilee. The condition of this replacement tower deteriorated over time and in 1984 the Parish Council restored it in its present form. It is owned by the Parish Council which is responsible for its insurance and maintenance.

Reason for inclusion: Prominent historic local landmark often used as the visual symbol of Dallowgill.

9. St Peters Church, Dallowgill



Location:

One of a small group of properties situated alongside the principal road around Dallowgill. Due to the nature/use of the properties this area was generally seen as the centre of Dallowgill during the 20th century. In addition to the Church there was a Vicarage, School and Post Office (being part of Knott Farm) all close by.

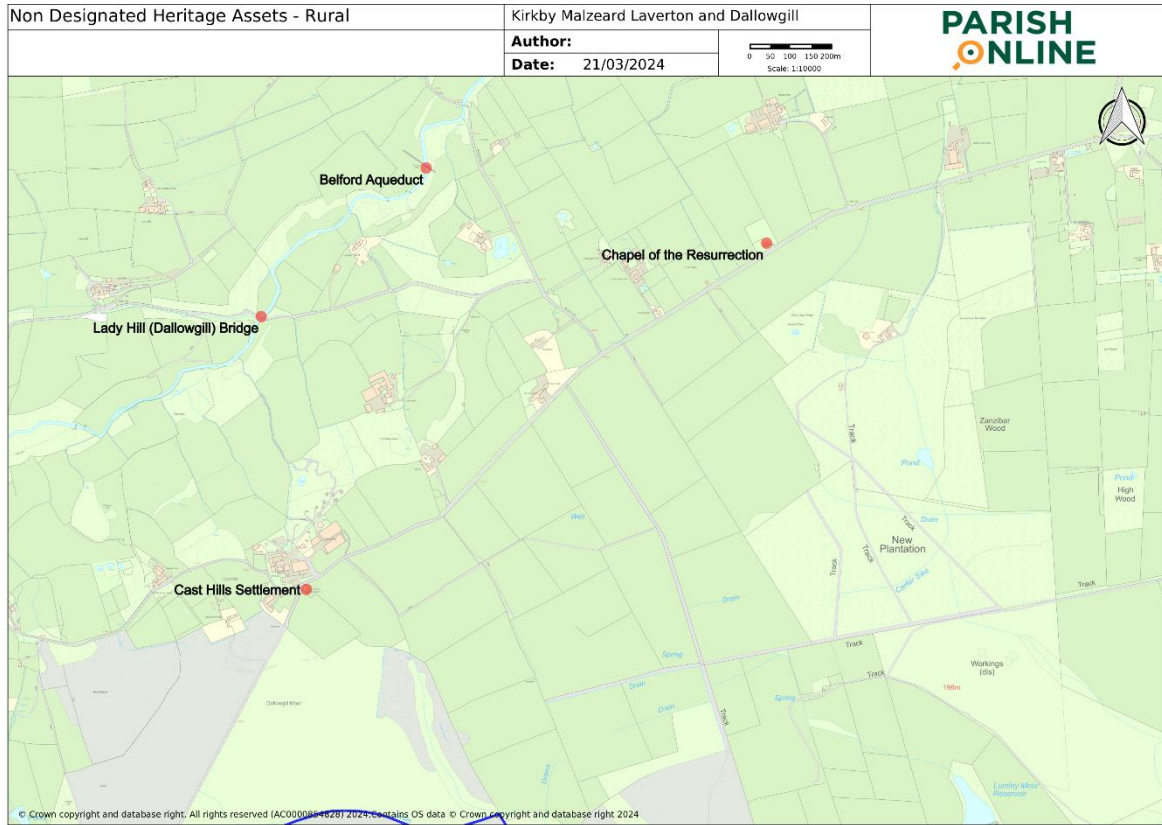
Grid Reference: SE 419469 471809

Description: Redundant Anglican Church in the Early English style with closed churchyard.

History: Built by John Brotherton (builder of Kirkby Malzeard) to the designs of A H Cates at a cost of £450. Consecrated 17 October 1842. Original stone altar removed soon after construction as the Lord Bishop of Ripon said to have disapproved of it. This then stood in the churchyard until finally disposed of in 1980. The churchyard was closed in 1956 and the church itself closed for services in 2011. It has recently been converted to serve as an ancillary building to the neighbouring Outdoor Education Centre (former School).

Reason for inclusion: Locally important building.

RURAL AREA (BELFORD/DALLOWGILL):



10. Chapel of the Resurrection, Laverton.



Location: Situated alongside the Laverton to Pateley Bridge road approx. 1 mile south of Laverton. Land originally formed part of Mossie Mire Farm.

Grid Reference: SE 421568 472394

Description: Small Church of England Chapel with open churchyard.

History: Opened following the closure of the churchyard at St Peters Dallowgill. Dedicated on 24 March 1956. The building is still used for monthly services during the summer months.

Reason for inclusion: The building is the sole place of Anglican worship in the Parish of Laverton and the sole burial site serving all denominations.

11. Lady Hill (Dallowgill) Bridge, Dallowgill.



Location: Situated in the Lady Hill/Belford area of Dallowgill

Grid reference: SE 420321 472210

Description: Stone-built single arch bridge crossing the river Laver. It carries the single carriage way road linking Dallowgill to Laverton and Pateley Bridge. It is owned by, and is the responsibility of, North Yorkshire Council.

History: Understood to have been built in 1862 having been commissioned by the local landowner Lord Ripon to replace the original ford.

Reason for inclusion: Historic bridge which still has importance for present day residents in providing access between communities within the Parish.

12. Cast Hills Settlement, Dallow, Dallowgill.



Location: Some remaining stones are positioned inside the stone field wall running alongside the road opposite the entrance to Castiles Farm.

Grid reference: SE 420433 471550

Description: Cast Hills is part of a probable Iron Age circular enclosure comprising 25 earth fast boulders and a boundary ditch. Much of the enclosure and its interior have been disturbed by post-medieval and recent farm buildings.

History: The information below is provided in Historic England Research Records Ref 52167:

Castilles (East Hills), re-examined 1936-7 by B.J.W. Kent, who considers it an I.A. settlement. An ill-defined circular earthwork is cut by a modern wall and farm roads. Some standing stones survive as part of the wall bounding the public road. A small mound in the east appears to have been dug into. South of the circle and across the road are remains of a bank of small stones and earth with 6 low standing stones aligned along it in a double row. Various trenches east

and south of the circle appear unconnected and their purpose, if artificial, is not clear. The 'wall' is said to have been 6' high and 6 yards thick all round, about 1800, with the main entrance in the east. In the middle a mound of stones about 30' in diameter and 6' high resembled a barrow. A line of pit dwellings ran for 300 yds. eastwards from Rowntree Gill to the easternmost trench. Many small barrows have been levelled and many trenches filled in.

Reason for inclusion: It is considered important to provide any additional protection possible for the remains of this Iron Age site.

13. Belford Aqueduct, Dallowgill.



Location: Situated in open farmland to the west of Belford Lane. The aqueduct crosses the river Laver.

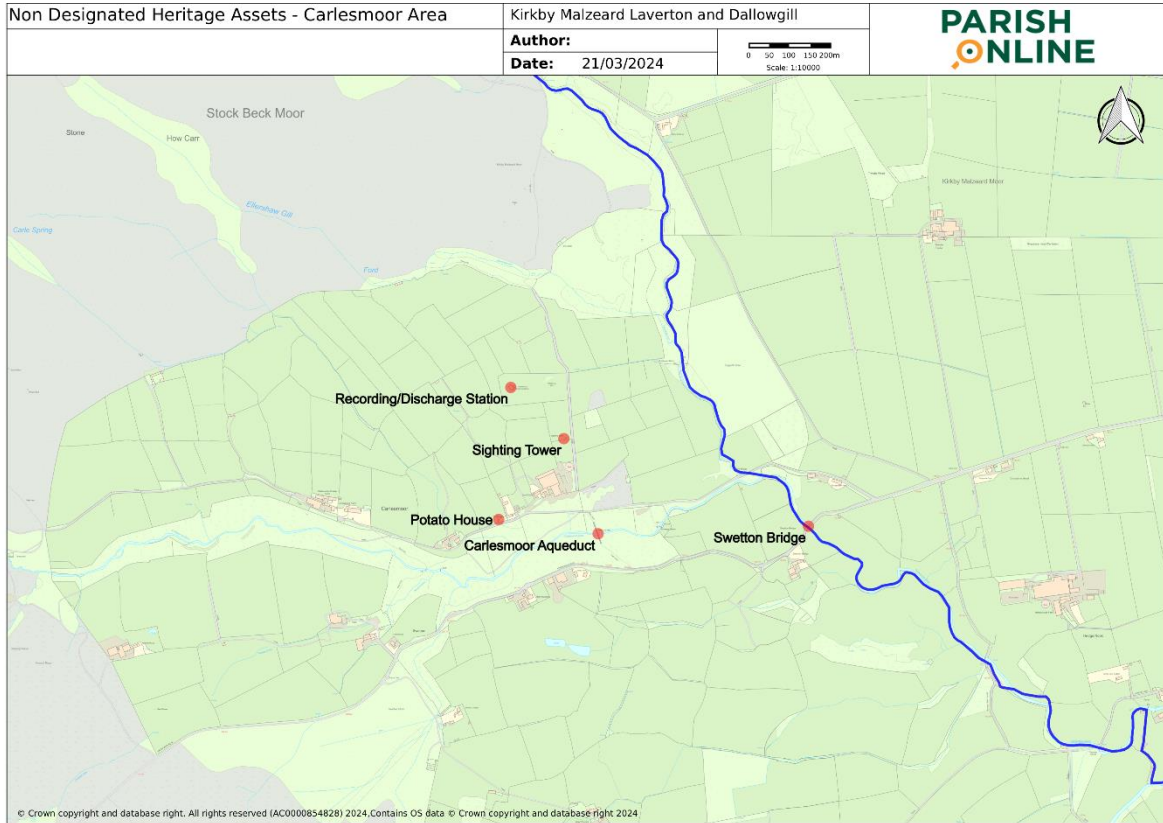
Grid Reference: SE 420725 472585

Description: Stone built 3-arch structure approx. 10m high housing a water supply pipe.

History: This structure was built in conjunction with the construction of Roundhill Reservoir between 1903 and 1911.

Reason for inclusion: This aqueduct, together with a similar structure further to the north (asset 18), the Sighting Tower (asset 16) and the Recording/Discharge Station (asset 17) are unusual structures with all four being individual and prominent.

CARLESMOOR:



14. Swetton Bridge, Dallowgill.



Location: Situated within open countryside in the Swetton area of Dallowgill.

Grid Reference: SE 420081 473487

Description: Single arch stone-built bridge crossing one of the tributaries of Carlesmoor Beck. It carries the single carriage road linking Dallowgill and Kirkby Malzeard. It is owned by, and is the responsibility of, North Yorkshire Council.

History: The bridge was constructed in 1853 to replace a ford. It was commissioned by the landowner John Morritt Esq and was constructed by Thomas Hall, a Builder from Kirkby Malzeard. Work was required to raise the height of the road in the 1920's after the first motor bus got stuck on the hump of the bridge.

Reason for Inclusion: Historic bridge which still has importance for present day residents in providing access between communities within the Parish.

15. Potato House, The Grange, Carlesmoor, Dallowgill.



Location: This structure is located adjacent to Carlesmoor Lane within the grounds of a farmyard.

Grid Reference: SE 419315 473504

Description: Small structure approx. 2m x 6m with arched roof having height of approx. 2m being of stone construction built into the slope of the land. The roof would originally have been sealed with clay and covered with soil or turfs to make it water tight. Door opening to front and normally having opening to rear to enable potatoes to be shovelled in.

History: Understood to be of Victorian origin.

Reason for inclusion: The structure is now relatively rare and due to its position is readily visible from Carlesmoor Lane which is a well-used public bridleway/footpath. The main farm house is Grade II Listed but there is no reference to this outbuilding within the Listing Entry. The structure is now becoming derelict, and it is hoped that inclusion as a non-designated heritage asset will provide some protection against further decay and encourage the provision of funding towards the cost of renovation work.

16. Carlesmoor Sighting Tower, Dallowgill.



Location: To north of Low Farm, Carlesmoor Lane, Dallowgill

Grid Reference: SE 419480 473707

Description: Stone built Sighting Tower situated in open farmland having a height of approx. 10m. It is one of a group of linked properties which also includes assets 13, 17 and 18.

History: It was built in conjunction with the construction of Roundhill reservoir (approx. 4 miles NW of the Parish) between 1903 and 1911, being one of three towers used to triangulate the end of the water tunnel for the pipeline towards Harrogate.

Reason for inclusion: Notable local landmark of historic interest. Similar tower close to Roundhill Reservoir is Grade II listed.

17. Carlesmoor Recording/Discharge Station, Dallowgill.



Location: To north of Low Farm, Carlesmoor Lane, Dallowgill

Grid Reference: SE 419345 473830

Description: Stone built Recording/Discharge Station situated in open farmland close to the Carlesmoor Sighting Tower (asset 16) having a height of approx. 6m.

History: It was constructed in conjunction with the construction of Roundhill reservoir and is positioned above the water pipe taking water from the reservoir to Carlesmoor Aqueduct. It is still operational, housing equipment to enable recording and water discharge.

Reason for inclusion: Together with Carlesmoor Sighting Tower (asset 16), Carlesmoor Aqueduct (asset 18) and Belford Aqueduct (asset 13) this is one of a group of structures created between 1903 and 1911 having historic significance specific to this locality.

18. Carlesmoor Aqueduct, Dallowgill.



Location: Situated in Carlesmoor valley south of Low Farm. The aqueduct crosses Carlesmoor Beck.

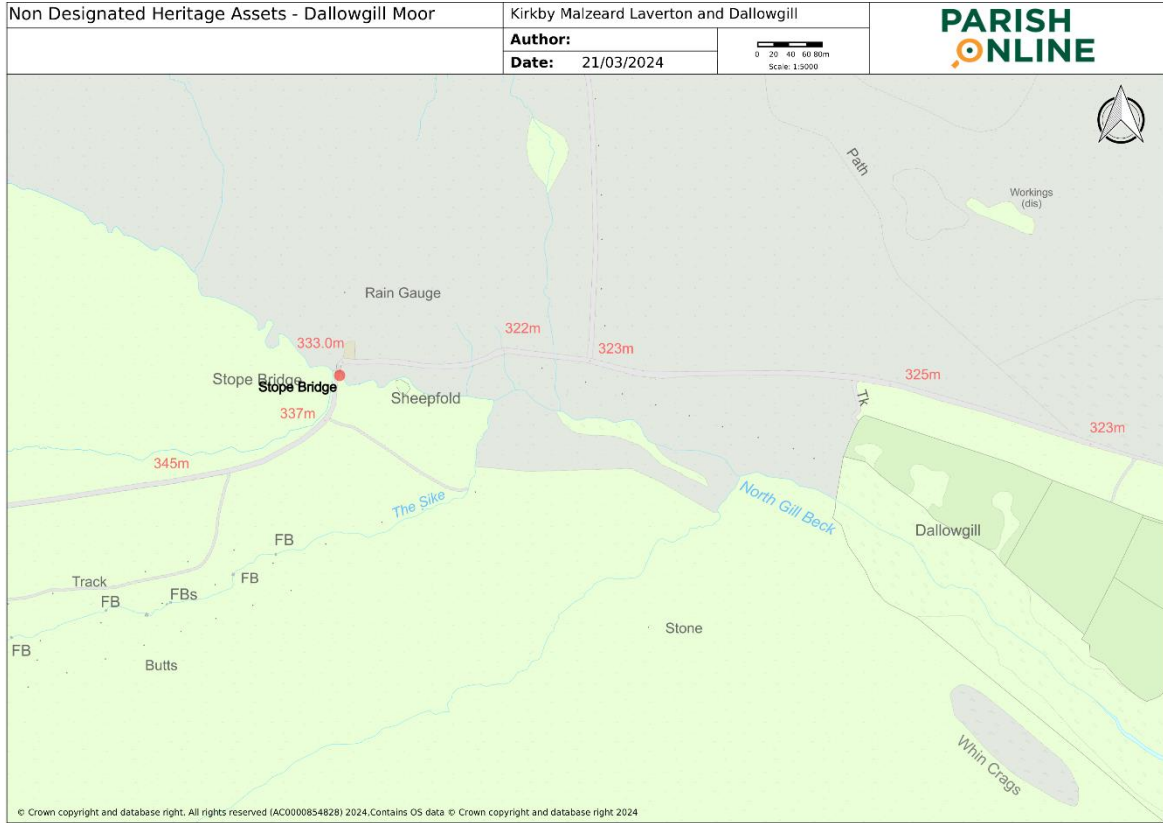
Grid Reference: SE 419560 473469

Description: Stone built 3-arch structure approx. 12m high housing a water supply pipe.

History: This structure was built in conjunction with the construction of Roundhill Reservoir between 1903 and 1911.

Reason for inclusion: This aqueduct, together with a similar structure further to the south (asset 13), the Recording/Discharge Station (asset 17) and the Sighting Tower (asset 16) are unusual structures of a type not commonly found in the countryside with all four being individual and prominent.

DALLOWGILL MOOR:



19. Stope Bridge, Dallowgill Moor.



Location: Moorland to the west of Tom Corner, Dallowgill.

Grid reference: SE 416001 472947

Description: Stone single arch bridge carrying a single unmade track over North Gill Beck. It is owned by, and is the responsibility of, North Yorkshire Council. The track is little used except by gamekeepers maintaining the moors, and by walkers. It offers open views to the east towards the North Yorkshire Moors, Teesside, and York.

History: The track which this bridge carries was originally a packhorse/cart track created for the monks of Byland Abbey near Thirsk, to access land near Bouthwaite in Nidderdale. There was originally a ford known as Stope Wath in this location with the present bridge built by John W Hall of Kirkby Malzeard in approximately 1890 at a cost of £5. The bridge was badly damaged by a storm in 1908 and required substantial repair.

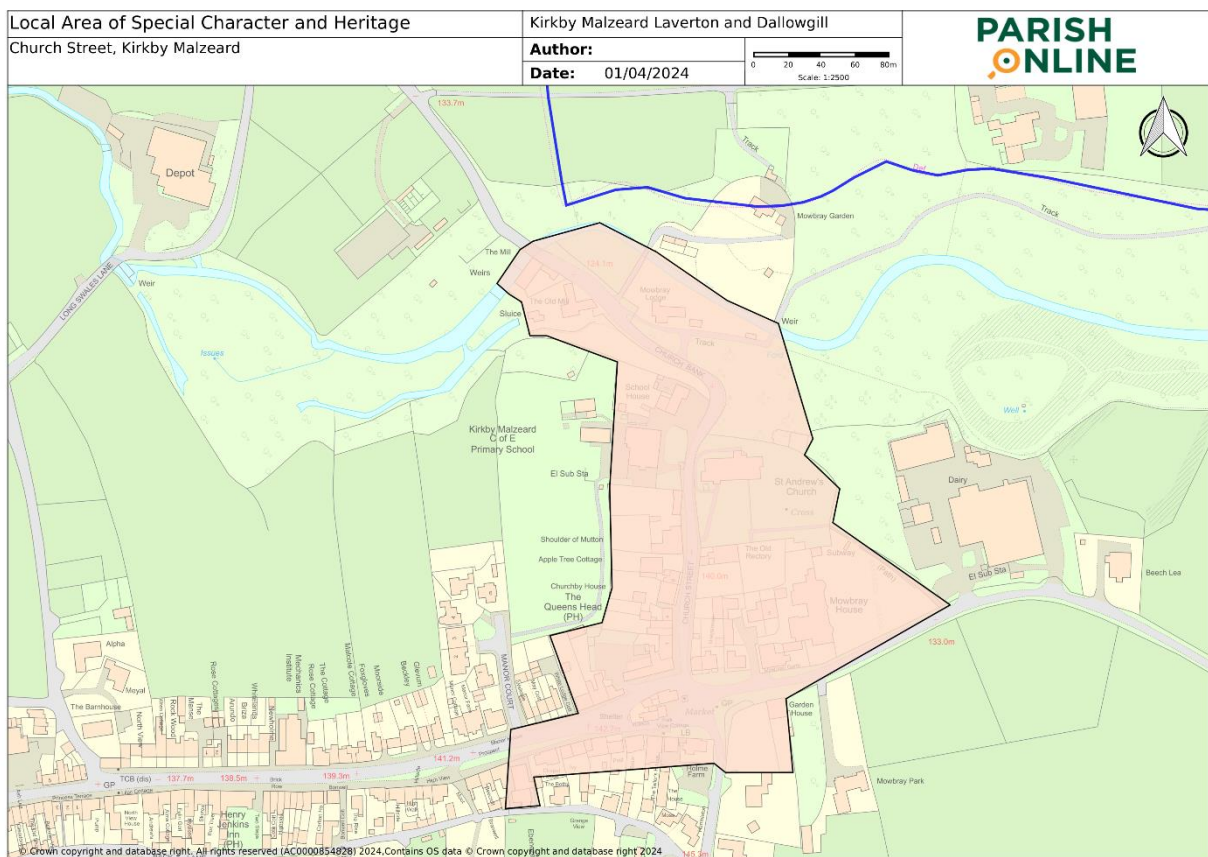
Reason for inclusion: There are only a limited number of structures on Dallowgill Moor. The beck crossing has historic significance dating back to the Middle Ages and the bridge is well loved by locals due to the long distant views to the east.

APPENDIX B

CHURCH STREET, KIRKBY MALZEARD LOCAL AREA OF SPECIAL CHARACTER AND HERITAGE

POLICY KMLD6: CHURCH STREET KIRKBY MALZEARD LOCAL AREA OF SPECIAL CHARACTER AND HERITAGE

Within the Church Street, Kirkby Malzeard Local Area of Special Character and Heritage as proposed and shown on the Proposals Map and described in Appendix B, development proposals should be of high quality and designed to respect and enhance its distinctive character.



Introduction

This document provides the reasons for the inclusion of a policy in the Kirkby Malzeard, Laverton and Dallowgill Neighbourhood Plan designating the area in and around Church Street in Kirkby Malzeard, a Local Area of Special Character and Heritage.

It describes the appearance and history of the area, illustrating features and characteristics that combine to give the area its local distinctiveness and unique identity. Photographic evidence and a location map is provided.

Background

Local Heritage Areas are a common tool and designation used to help conserve areas with significant architecture, townscape or landscape. As Historic England state *'Some local planning authorities have chosen to rely on additional forms of local designation to manage their local historic environment. These generally take the form of areas of special local character, designed to capture historically important that fail to meet the criteria for designating Conservation Areas⁴¹.*

It is also promoted in national planning policies. The National Planning Policy Framework (NPPF)⁴² highlights the important role that neighbourhood planning groups can play *'in identifying the special qualities of each area and explaining how this should be reflected in development' (Paragraph 132).*

More specifically concerning heritage, paragraphs 195 and 196 of the NPPF encourage the planning system to conserve important heritage assets both designated and non-designated, stating *'Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value⁷⁰. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations'. Adding 'Plans should set out a positive strategy for the conservation and enjoyment of the historic environment'.*

This is developed in Planning Policy Guidance 'Historic Environment'⁴³ which states in paragraph 039 *'non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets'.*

In addition, paragraph 040 contains the following *'There are a number of processes through which non-designated heritage assets may be identified, including the local and neighbourhood plan-making processes and conservation area appraisals and reviews'.*

⁴¹ <https://historicengland.org.uk/listing/what-is-designation/local/>

⁴² <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

⁴³ <https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment>

It is also in accordance with local planning policies. The Harrogate Local Plan⁴⁴, for example, includes a specific policy (HP2 Heritage Assets) and supporting text on designated and non-designated heritage assets. It requires that applicants should: *‘Ensure that proposals affecting a heritage asset, or its setting, protect or enhance those features which contribute to its special architectural or historic interest’.*

Harrogate Borough Council’s (now part of North Yorkshire Council) Heritage Management Guidance Supplementary Planning Document (SPD) also contains guidance. The SPD is a material consideration in the determination of planning applications and appeals and supports the Local Plan policies. This SPD states, within Chapter 1 – Introduction to Guidance, paragraph 1.59:

‘General principles for development that would affect non-designated buildings or features:

a) There is a presumption against any development which would remove, demonstrably harm or undermine the significance of a non-designated asset, or its contribution to the character of a place, unless the public benefits of the development would outweigh the harm.

b) New development should enhance or reinforce those characteristics, qualities and features of the environment that contribute to local distinctiveness within the district’s rural and urban areas.’

Criteria used for the identification of the Local Area of Special Character and Heritage

Initially a number of potential Local Areas of Special Character and Heritage were considered by the Steering Group acting on behalf of the Parish Council. However, in order to ensure that the inclusion of any such policy corresponded with the views of the community a specific question was asked within the initial Public Consultation Questionnaire (Q29) – *Are there any individual buildings (which are not already Listed) or local areas (such as groups of buildings, streets or sections of streets) which you feel could benefit from being designated under the Neighbourhood Plan to give them additional status and protection?*

Whilst most responses were suggestions for individual buildings or structures to be included as non-designated heritage assets, where groups of properties or areas were put forward, this area received more support than any other.

⁴⁴

<https://www.northyorks.gov.uk/planning-and-conservation/planning-policy/planning-policy-your-local-area/harrogate-planning-policy/harrogate-district-local-plan>

The idea was therefore developed into a Draft Policy and included within the Draft Plan which was the subject of an informal consultation in December 2023/January 2024. The following question was asked:

Policy KMLD6 - If you live within the proposed Church Street Area of Special Character and Heritage, please let us have your comments.

Most responses received were positive, with others only requesting clarification rather than making any objections. On this basis the policy has been retained within the Plan.

Assessment of the Church Street, Kirkby Malzeard Local Area of Special Character and Heritage.

The following section briefly details why each asset is important and meets the criteria. An indicative photograph is also provided for each one.

GENERAL DESCRIPTION



The area around the Market Cross (extending North along Church Street and down Church Bank, and East/West along Main Street and Ripon Road), was the historic heart of the Kirkby Malzeard and is still the centre of the modern-day village.

In addition to the Grade I Listed Church, the prominent Market Cross and a number of other Listed buildings and structures, the area currently incorporates the local Primary School, the village General Stores, the one remaining public house in the Neighbourhood Area and until recently the Methodist Chapel, although this closed in 2023.

SETTING

Whilst Kirkby Malzeard is essentially of linear design, in this part of the village, the east/west village Main Street, which eventually leads to Ripon, crosses a north/south road leading to Masham and the Dales (to the north) and Harrogate and the West Riding (to the south). For most visitors therefore, both at present and in the past, this is first part of the village which they encounter.

The buildings within this Area of Special Character and Heritage date almost exclusively from the 18th and 19th centuries or earlier. There are also some modern buildings forming the current School which were constructed in 1971, used in conjunction with the older buildings dating from 1862, but the overriding sense is of a long-established village area with its own distinctive nature within the wider village context.

Although the Area is effectively fully developed there are some individual open spaces formed by the residential gardens to the larger houses, with a wooded area alongside Church Bank and adjacent to Kex Beck.



HISTORIC DEVELOPMENT

Mowbray Castle, understood to have been a wooden structure on earthen ramparts (the site of which is now a Scheduled Monument) located approx. x metres to the north-east, would initially have dominated this landscape but after its destruction in 1174, the Church and Market Place became the centre, not only for villagers but of a much wider Parish area, known as the Honour of Kirkby Malzeard, the boundaries of which spread for miles, from as far as Great Whernside to the west and Ripon to the east.

Work to rebuild the existing Church in stone is understood to have commenced circa 1150 and continued over five centuries with various different architectural styles in evidence including Norman, late Perpendicular and Early English. Some of this work still remains today but fire damage occurred in 1876 and again, to a greater extent in 1908, after which major restoration was undertaken.

The current Market Cross, situated at the junction of Church Street, Main Street, Ripon Road and Galphay Road, was erected in 1868 to replace an older Cross, and this carries a plaque commemorating the granting of a Market Charter by King Edward I in 1307.

Given the presence of the Church and the Market in this location it is inevitable that other buildings will have been built and rebuilt here over the centuries with their usage changing to reflect the fortunes of the area. At the present time the buildings are predominantly residential but house names such as 'The Old Post Office' and 'The Tailors House' indicate that a greater proportion were originally shops, with a former public house ('The Shoulder of Mutton') also situated on Church Street. Churchby House situated close by was originally the Doctors Surgery and there was even a Youth Hostel in a metal sheet hut close to the Methodist Chapel on Main Street but this was demolished in recent years and the site redeveloped for housing.

LIVED EXPERIENCE

Positioned as it is, this area incorporates the main access routes into the village and so inevitably there is a significant amount of passing traffic coming and going throughout the day. The presence of the school, village shop and public house also result in some increased pedestrian use at certain times but for the most part Church Street and Church Bank are peaceful areas in which to live.



ARCHITECTURAL QUALITY AND BUILT FORM

The majority of buildings within Kirkby Malzeard are built of the local stone, as is the case with those within the Special Character Area. Roof coverings also reflect the remainder of the local area with no particular type of tile or slate being predominant. Traditionally stone slates or even thatching with heather would have been used to some houses but blue slates or clay tiles were used more commonly during the nineteenth century.

All of the older buildings are considered to have some individual architectural merit and they combine to create attractive frontages of substance, broken in places by sympathetically positioned climbers and shrubs. Where modern development has taken place, such as within Mowbray Court, the houses have been thoughtfully designed to provide individuality whilst being in sympathy with surrounding buildings.

Objectively whilst the old school buildings are of traditional Victorian appearance the new classrooms added in the 1970's are lacking by comparison with the design owing more to functionality and cost saving than any attempt to blend in with the spirit of the local area.

OPEN SPACES, GREEN AREAS, PARKS, GARDENS AND TREES.

This is a relatively intensively developed area of the village with only limited open spaces or green areas and whilst some of the larger residential properties have correspondingly well-proportioned gardens, the majority have outside spaces of a limited nature. The gardens to Mowbray House and the Old Vicarage incorporate some mature trees including a Copper Beech to the latter which is covered by a Tree Preservation Order.

The redundant Churchyard is however a valuable Green Area which as well as providing an attractive setting for the Church itself also is sympathetically maintained in a way which allows some wild flowers and wild life to flourish.

The section of the area at the bottom of Church Bank is more open with mature trees and grassed areas adjacent to Kex Beck, giving this northern part of the Special Character area a rural 'edge of village' nature.



DESIGNATED AND NON-DESIGNATED HERITAGE ASSETS

In addition to St Andrews Church and the Market Cross referred to above there are a relatively large number of other Listed Buildings and Structures contained within the boundaries of this compact area.

The Old Rectory adjacent to the Church dates from 1813 being of stone construction under a slate covered hipped roof. The Shoulder of Mutton, on the opposite side of Church Street, is understood to date from the 17th century, whilst Churchby House and the attached Churchby Cottage also face east on Church Street and date from the 18th century, as does No 1 Church Street which incorporates a datestone from 1723.

There are also 2 Table tombs in the Churchyard which are Listed being those of William and Helen Hobbs from 1674 and George Hewitt from 1739, together with the tombstone of Rev. Peter Save from 1732. A medieval Cross also stands in the Churchyard which is believed to be a preaching Cross.

Barkways and Greystones, a pair of semi-detached houses, front onto Ripon Road (having been originally constructed as Almshouses in 1848), with Mowbray House, which is a substantial stone-built house built in 1812 with Victorian additions, situated in the eastern corner of the proposed Special Character Area. This House is known to have been purchased in 1870 for the second son of the Earl of Cathcart and was subsequently sold to the Moores family in 1921 as part of the 'Mowbray House Estate' (which then extended to 773 acres including various farms and buildings).

The Area also includes a number of other significant properties such as the Queens Head public house which dates from the 18th Century and is one of the Non-Designated Heritage Assets referred to in Policy KMLD5. The Mill bridge carrying traffic from Grewelthorpe over Kex Beck is believed to originally date from 1620 with rebuilding carried out in the early nineteenth century. The two residential properties presently situated adjacent to the bridge have been built on the site of an original Mill which was operating until the turn of the twentieth century, with the original Mill Race still present.

APPENDIX C

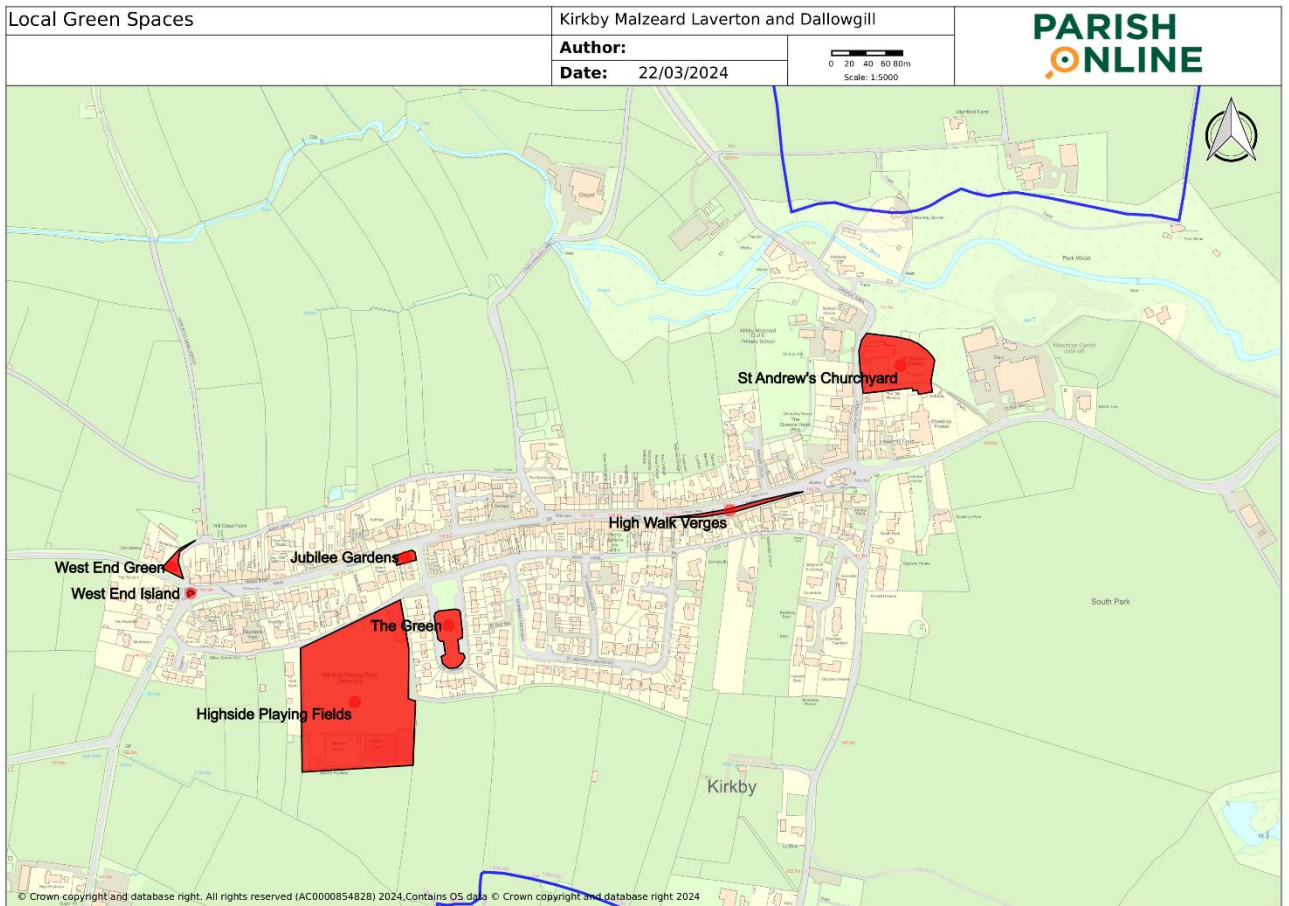
POLICY KMLD8: LOCAL GREEN SPACES

POLICY KMLD8: LOCAL GREEN SPACES

The sites identified below, and as identified on the proposal's map, are designated as Local Green Spaces.

1. Highside Playing Fields, Back Lane South, Kirkby Malzeard.
2. Jubilee Garden, Main Street, Kirkby Malzeard.
3. West End Green, located on the junction of Back Lane North/Ringbeck Road, Kirkby Malzeard
4. West End Island, at the junction of Back Lane North/Ringbeck Road/Main Street, Kirkby Malzeard.
5. The Green, Kirkby Malzeard (excluding the section which is being considered for public car park - see Parish Action 6).
6. Churchyard surrounding St Andrew's Church, Church Street, Kirkby Malzeard.
7. High Walk Verges, Main Street, Kirkby Malzeard

Development will not be permitted within a designated Local Green Space, unless there are very special circumstances where the public benefits of the development proposed would outweigh the harm that would be caused by development within the Local Green Space.



Introduction

This supporting evidence document aims to provide Kirkby Malzeard, Laverton and Dallowgill Grouped Grouped Parish Council with evidence to support the policy in the Kirkby Malzeard, Laverton and Dallowgill Neighbourhood Plan concerning Local Green Spaces.

It briefly sets out the background to their designation, context and explains the methodology used. A short description of what makes each one special with supporting photographic evidence is also provided.

Methodology

The National Planning Policy Framework (NPPF)⁴⁵ introduced the concept of Local Green Space (LGS) designation. LGS designation is a way to provide special protection against development for green areas of importance to local communities.

⁴⁵ National Planning Policy Framework- Guidance- GOV.UK (www.gov.uk)

Paragraph 105 of the NPPF provides the following information on Local Green Space designations, *‘The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them’*.

Adding in paragraphs 106 and 107 that:

‘The Local Green Space designation should only be used where the green space is:

(a) in reasonably close proximity to the community it serves:

(b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and

(c) local in character and is not an extensive tract of land.

Policies for managing development within a Local Green Space should be consistent with those for Green Belts’.

These requirements and guidance contained in the NPPF are developed in the National Planning Practice Guidance document ‘Open space, sports and recreation facilities, public rights of way and local green space’⁴⁶ and other supporting policies and documents.

The identification and protection of local green spaces through neighbourhood plans is also supported through local planning policies. Special mention here should be made to policy NE6 of the Harrogate Local Plan headed ‘Local Green Spaces’, which states at para 54 that, “Local Green Space can be designated through a Local Plan or through Neighbourhood Plans. Once designated, Local Green Space will be subject to the same planning policy safeguards as land designated as Green Belt. The Local Green Space designation will provide special protection and only allow new development in very special circumstances”.

Whilst the NPPF establishes the concept of LGS designation and provides some guiding principles, it gives local communities preparing a neighbourhood plan some discretion to determine how to implement this at the local level.

A four-stage approach was adopted by the group leading in the preparation of the Plan.

Step 1: Identification of potential sites.

The potential sites were derived from local knowledge including the outcomes from the community consultation events and other input from the local community.

Step 2: Assessment against the NPPF criteria

The ‘long list’ of sites was then assessed to consider their suitability for LGS designation. To allow a comparative assessment of the sites, a form was created based on the criteria in the NPPF. This enabled a consistent and transparent methodology for identifying LGSs in the Parish. Each potential site was assessed by the Steering Group as well as the consultants helping the Parish Council preparing the Plan acting as a critical friend.

⁴⁶ <https://www.gov.uk/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space>

The Group, like most groups undertaking LGS analysis, faced challenges, in particular the sheer number of potential local green spaces of some significance within the Parish. National planning policy enables a neighbourhood plan to protect those of local significance. Also, the absence of a statutory or commonly used definition of these terms, particularly what constitutes 'special' or comprises an 'extensive tract of land'. A common-sense approach was taken, while at the same time having regard to good practice and the experiences of LGS designations in approved neighbourhood plans.

The Group was also mindful of the fact that several sites are already given some protection through their location in an Area of Outstanding National Beauty as well as designations in the Local Plan. National Planning Practice Guidance on Local Green Space designation suggests that, where land is already protected by another designation, consideration should be given as to whether any additional local benefit would be gained by designation as LGS.

Through this process several sites were identified that were considered locally significant, valued by the community and met the tests set out in the NPPF to meet the test to be designated as a LGS.

Step 3: Further review

All the proposed sites were then reviewed for their appropriateness for designation as LGS by the independent consultant helping prepare the Plan acting in a 'critical friend' role.

Step 4: Consultation

Satisfied that the sites met in principle, the criteria for LGS designation and should be formally proposed for designation in the Neighbourhood Plan they were then "tested" through the Plan process.

Local Green Spaces Assessment Forms.

The following section summarises how each of the sites meets the Local Green Space criteria set out in the National Planning Policy Framework. An indicative photograph is also provided for each one. A map showing the location of the sites can be found in Section 5.3 and above.

Site No.	1.
Site Name	HIGHSIDE PLAYING FIELDS.
Address/location	Back Lane South, Kirby Malzeard.
Public Access	Yes.
Current Planning Permission/allocation on site	No.
Compliance with the NPPF criteria	
	This is a very attractive amenity space and clearly a focal point for the Parish area generally, containing a pavilion, a cricket field, football pitch, children's play area and other formal recreational activities. It is also evidently used for informal recreation such as walking. It is clear that it is important to the identity of the village. It offers attractive views of the surrounding countryside.
Is it beautiful?	Not especially.
Does it have historic significance?	No.
Is it of recreation value?	Yes.
Is it tranquil?	Yes.
Does it have richness of wildlife?	Not especially.
Is the site local in character? (i.e., serves local community and not extensive)	Yes.
Other	No.



Site No.	2.
Site Name	JUBILEE GARDEN.
Address/location	Main Street, Kirby Malzeard.
Public Access	Yes.
Current Planning Permission	No.
Compliance with the NPPF criteria	
Summary	This is an attractive roughly rectangular amenity green space, with some mature trees and seating, easily accessible within the village. It is screened from the main road by an attractive stone wall creating a sense of separateness and place. Its associations with the Queens Jubilee (including interpretive board) adds to its value and importance.
Is it beautiful?	Yes.
Does it have historic significance?	Of some, it was built in 1977 to celebrate Queen Elizabeth II Silver Jubilee that year.
Is it of recreation value?	Yes, mainly the bench seating.
Is it tranquil?	In part. Though situated adjacent to the main road through Kirkby Malzeard it is a popular place for people to sit and relax.
Does it have richness of wildlife?	Not especially.
Is the site local in character? (i.e. serves local community and not extensive)	Yes.
Other	No.



Site No.	3.
Site Name	WEST END GREEN.
Address/location	Back Lane, Kirkby Malzeard.
Public Access	Yes.
Current Planning Permission/allocation on site	No.
Compliance with the NPPF criteria	
Summary	An area of grass, with some trees, in front of houses and separated by driveways on a bend on Ringbeck Road. It is important to the character and sense of space of the area. That it provides a green pedestrian link adds to its value.
Is it beautiful?	Not especially.
Does it have historic significance?	No.
Is it of recreation value?	No.
Is it tranquil?	Not especially.
Does it have richness of wildlife?	The area is maintained by the Parish Council who have, in recent years, being using it in a project to create a wild-flower meadow.
Is the site local in character? (i.e. serves local community and not extensive)	Yes.
Other	No.



Site No.	4.
Site Name	WEST END ISLAND.
Address/location	Junction of Back Lane, Ringbeck Road and Main Street, Kirkby Malzeard.
Public Access	Yes.
Current Planning Permission	No.
Compliance with the NPPF criteria	
Summary	This is a small island of amenity space at the western end of the village which creates a focal point at the junction of Back Lane, Ringbeck Road and Main Street. Its slightly elevated position adds to its value and importance.
Is it beautiful?	Not especially although it is well maintained by local residents, who plant up flower tubs..
Does it have historic significance?	Not especially.
Is it of recreation value?	No.
Is it tranquil?	Not especially.
Does it have richness of wildlife?	Not especially, although the plants do attract pollinators.
Is the site local in character? (i.e. serves local community and not extensive)	Yes.
Other	No.



Site No.	5.
Site Name	THE GREEN (excluding the section currently being considered for public car park)
Address/location	Off Back Lane South, Kirkby Malzeard.
Public Access	Yes.
Current Planning Permission	No.
Compliance with the NPPF criteria	
Summary	This irregularly shaped grassed area in front of the houses in a residential area, is an open space that is an attractive feature of the setting for these houses and the character of the area. It is maintained by North Yorkshire Council.
Is it beautiful?	Not especially.
Does it have historic significance?	No.
Is it of recreation value?	Yes. Includes some seating and some evidence that it is used informally for children's games.
Is it tranquil?	Yes.
Does it have richness of wildlife?	Not especially.
Is the site local in character? (i.e. serves local community and not extensive)	Yes.
Other	No.



Site No	6.
Site Name	CHURCHYARD SURROUNDING ST ANDREW'S CHURCH.
Address/location	Church Street, Kirkby Malzeard.
Public Access	Yes.
Current Planning Permission	No.
Compliance with the NPPF criteria	
Summary	A Churchyard which surrounds St Andrew's Church in the historic centre of the village of Kirkby Malzeard. It is an attractive and tranquil area that it is important to the village's character and identity.
Is it beautiful?	Yes. Important to the character and amenity of the area.
Does it have historic significance?	Yes, as reflected that Church and churchyard are Listed.
Is it of recreation value?	Not especially. Mainly of amenity value.
Is it tranquil?	Yes.
Does it have richness of wildlife?	It is of some value.
Is the site local in character? (i.e. serves local community and not extensive)	Yes.
Other	No.



Site No	7
Site Name	HIGH WALK VERGES
Address/location	Main Street, Kirkby Malzeard.
Public Access	Yes.
Current Planning Permission	No.
Compliance with the NPPF criteria	
Summary	Area of sloping grass verge between Main Street and High Walk, incorporating ornamental trees and spring bulbs.
Is it beautiful?	The grass is regularly maintained during the growing season by the Parish Council and when in flower, the trees and bulbs help to make the verge areas a colourful attractive feature.
Does it have historic significance?	No.
Is it of recreation value?	No - mainly of amenity value.
Is it tranquil?	No.
Does it have richness of wildlife?	It is of some value.
Is the site local in character? (i.e. serves local community and not extensive)	Yes.
Other	No.

