



## Agenda

- Meeting:** Thirsk and Malton Area Planning Committee
- To:** Councillors Caroline Goodrick (Chair), Joy Andrews (Vice-Chair), Alyson Baker, Lindsay Burr MBE, Michelle Donohue-Moncrieff, Nigel Knapton and Greg White.
- Date:** Thursday, 16 October 2025
- Time:** 10.00 am
- Venue:** Council Chamber, Ryedale House, Malton, YO17 7HH

This meeting is being recorded and will be available to view [via our website](#) and uploaded to [our Youtube channel](#).

### Business

1. Apologies for absence
2. Minutes for the meeting held on 18 September 2025 (Pages 3 - 6)
3. Declarations of interests
4. ZE24/01683/MOUT Application for outline planning permission (with all matters reserved except the main points of access) at land off Rainbow Lane, Peasey Hills, Malton (Pages 7 - 28)
5. ZE25/00523/FUL - Change of use of land to site for 6 no. caravans with associated foul drainage (retrospective) at Willow Farm, Upper Helmsley YO41 1JX (Pages 29 - 42)
6. Any other items
7. Date of next meeting

Members of the public are entitled to attend this meeting as observers for all those items taken in open session.

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Anyone wishing to record is asked to contact the Democratic Services Officer (details below) prior to the start of the meeting.

**Contact Details**

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Barry Khan  
Assistant Chief Executive  
(Legal and Democratic Services)  
County Hall  
Northallerton

Wednesday, 8 October 2025

## North Yorkshire Council

### Thirsk and Malton Area Planning Committee

Minutes of the meeting held on Thursday, 18 September 2025 commencing at 10.00 am.

Councillor Caroline Goodrick in the Chair and Councillors Joy Andrews, Alyson Baker, Michelle Donohue-Moncrieff, Nigel Knapton and Malcolm Taylor.

Officers present: Kelly Dawson - Senior Solicitor, Alan Goforth - Principal Planning Officer, Peter Jones - Development Manager, North and Nicki Lishman - Senior Democratic Services Officer.

Apologies: Councillors Lindsay Burr MBE and Greg White

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**Copies of all documents considered are in the Minute Book**

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#### **202 Apologies for absence**

Apologies for absence were received from Councillor Burr and Councillor Greg White, Councillor Malcolm Taylor substituted.

#### **203 Minutes for the meeting held on 21 August 2025**

The minutes of the meeting held on 21 August 2025 were agreed and signed by the Chair as a correct record.

##### **Voting record**

3 for

2 abstentions

#### **204 Declarations of interests**

For the purposes of transparency Councillors Andrews, Baker and Goodrick declared that they had been lobbied regarding both applications on the agenda.

#### **205 ZE24/00112/MFUL - Erection of a retail unit (Class E) with associated car parking, access, hard and soft landscaping and associated works at land north of Commercial Street, Norton**

The Head of Development Management – Community Development Services sought determination of a major planning application for the erection of a retail unit (Class E) with associated car parking, access, hard and soft landscaping and associated works at land north of Commercial Street, Norton, North Yorkshire.

The application was deferred at the meeting of the committee held on 17 July 2025 for further information and changes to be provided.

The Development Management Team Manager updated Members on the reasons for the previous deferral:

- That the applicant considers the installation of solar panels on the roof of the premises
- Obtain details of how the committed £25,000 would be spent on the upgrade to the existing pedestrian crossing
- Obtain further information on possible impacts on air quality and the potential for the collection of baseline air quality data
- That the applicant prepares an amended travel plan for the routing of deliveries, utilising access from the A64 and Brambling Fields
- That the applicant undertakes additional transport modelling with reference to queuing traffic
- That the applicant considers the car park design to reduce vehicle speeds and its security in an evening

The above concerns had been addressed as follows:

- The number of solar panels on the roof had been increased to 272.
- The committed £25,000 pedestrian crossing upgrade would be spent to upgrade to LED/ELV for electrical safety, to reduce carbon emissions and maintenance cost with fault monitoring included.
- A comprehensive response on Air Quality matters had been provided by NJD Environmental and no objections were raised by the Scientific Team.
- The applicant accepted a planning condition (No.32) to agree HGV routing as per the Transport Assessment.
- The applicants' transport consultant provided a full response to the issue of traffic flows and cumulative effects and no objections were raised by the Scientific Team.
- In order to reduce vehicle speeds and improve security in the store car park in the evenings, the applicant would install retractable bollards at the site entrance, which would be closed when the store is closed to trading and install an ANPR car park control system to allow 90 minutes of parking.

Mr Simon Plumb spoke of behalf of the applicant.

It was proposed by Councillor Knapton and seconded by Councillor Baker that planning permission be granted.

### **Resolved**

It was unanimously agreed that planning permission be GRANTED subject to the prior completion of a Section 106 agreement and subject to the conditions detailed in the report

**206 22/01401/MOUT- Hybrid Planning Application comprising: 1) Outline planning application for residential planning permission for up to 110 dwellings with all matters reserved save for means of access; 2) Full planning permission for change of use to public open space of an adjoining parcel of land on land west side of Malton Road, Pickering**

The Head of Development Management – Community Development Services sought determination of a hybrid planning application comprising:

- 1) Outline planning application for residential planning permission for up to 110 dwellings with all matters reserved save for means of access
- 2) Full planning permission for change of use to public open space of an adjoining parcel of land as shown outlined in green on Plan Ref. DJB4 on land west side of

Malton Road, Pickering, North Yorkshire.

The application was returned to Committee for determination following the deferral at the meeting held on 19 June 2025 to allow Officers to undertake further consultation with Yorkshire Water (YW) and the Lead Local Flood Authority (LLFA) in relation to surface water drainage and sewerage capacity.

The Senior Planning Officer advised Members of recently received correspondence

- 1) Late representation from member of the public (circulated to members).
- 2) The Agent's response to this late representation which was that YW has a statutory obligation to provide the required sewerage disposal capacity to meet the requirements of the development as that development takes place.
- 3) A further consultation response from YW (17/09/25) which states:

Yorkshire Water Services (YWS) acknowledges that this application relates to a strategically allocated housing site as identified in the Ryedale Plan – Local Plan Sites Document (2019) and is supportive of the proposal. However, we note that the existing network and treatment facilities have limited capacity, and additional flows may adversely affect the normal operation of the receiving network and Wastewater Treatment Works (WWTW).

To address this, YWS recommended the following condition:

No development shall take place until details of the proposed means of foul water disposal for the entire site—including any balancing works, off-site works, and phasing of the required infrastructure—have been submitted to and approved by the Local Planning Authority. No buildings shall be occupied or brought into use until the approved foul drainage works are completed.

(To ensure that no foul water discharges occur until suitable disposal arrangements are in place.)

The Council may wish to consider the viability of this condition in light of recommended condition 25 in the committee report and amend accordingly if necessary.

In light of the further YWS response, the Principal Planning Officer set out updates to the recommendation as follows:

- Amend condition 25 in the report to delete the words “foul and” from the first sentence and impose an additional condition as worded in the YWS response dated 17/09/25.
- Seek delegated authority from the Committee in inform the applicant of the intention to impose the “pre-commencement” condition recommended by YWS.

Mrs Trish Holgate and Mrs Carolyn Flynn spoke to object to the application.

Members discussed a number of matters including:

- The proposed access to the site and the potential for an increase in queuing traffic in the vicinity.
- The capacity for foul water disposal in Pickering and the latest information received

- from Yorkshire Water.
- The relationship of any future development with the established bungalow properties on Pool Court.
- The speed limits on Malton Road.

Councillor Joy Andrews proposed and Councillor Michelle Donohue-Moncrieff seconded that planning permission be granted subject to additional and amended conditions in relation to the location of the bungalows along the boundary of Pool Court, foul water disposal and delegation be given to officers to determine the application.

### **Resolved**

It was unanimously agreed that Members were minded to grant planning permission subject to the completion of a Section 106 legal agreement with terms as detailed in the report and the addition and amendment of conditions in relation to the location of the bungalows along the boundary of Pool Court and for foul water disposal and delegation be granted to the Head of Development Management – Community Services to determine the application.

### **207 Any other items**

There were no items of urgent business.

### **208 Date of next meeting**

The date of the next meeting was confirmed as 16 October 2025.

## North Yorkshire Council

### Community Development Services

#### Thirsk and Malton Area Committee

16 October 2025

**ZE24/01683/MOUT Application for outline planning permission (with all matters reserved except the main points of access) for the construction of up to 200 residential dwellings, open space, landscaping, habitat enhancement, drainage infrastructure and associated works at land off Rainbow Lane, Peasey Hills, Malton**

#### Report of the Head of Development Management – Community Development Services

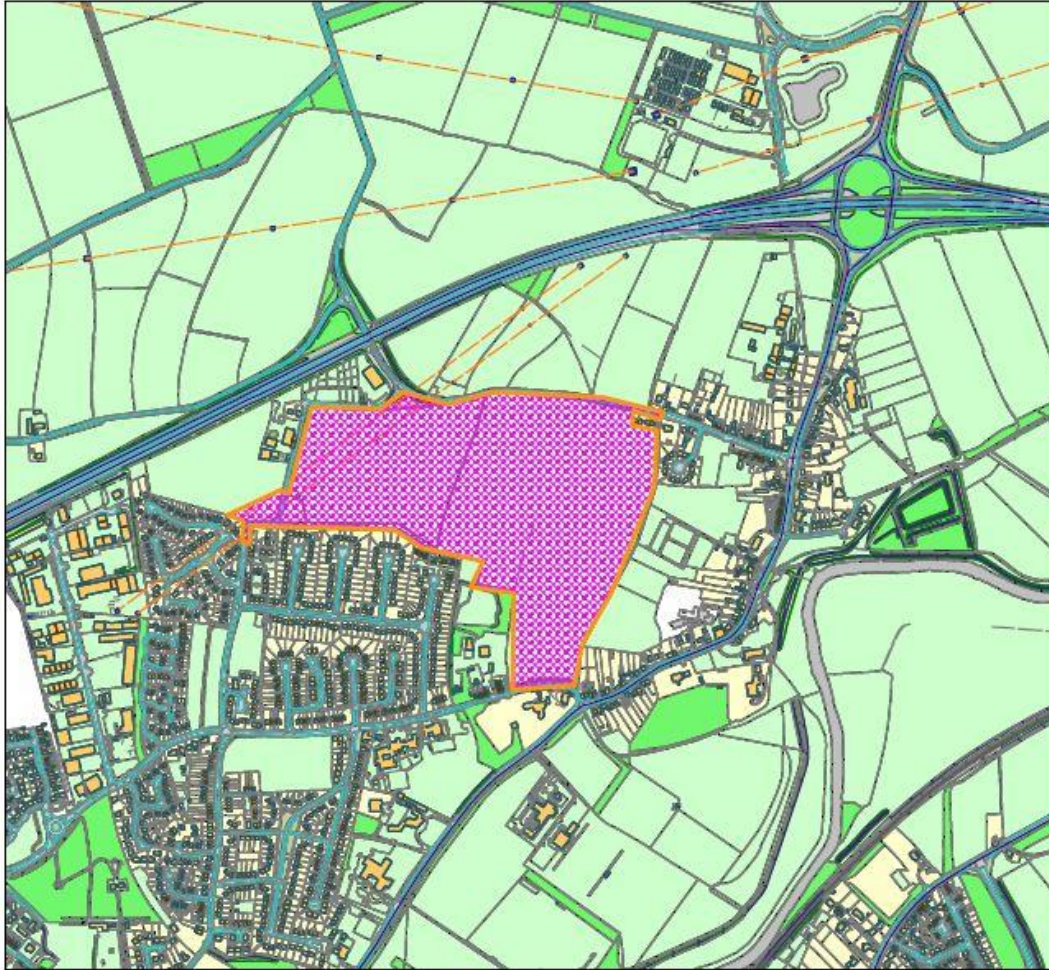
### 1.0 Purpose of the report and background

- 1.1 To seek a view from the Committee on the direction of defence at an appeal for non-determination in relation to an outline planning permission (with all matters reserved except the main points of access) for the construction of up to 200 residential dwellings, open space, landscaping, habitat enhancement, drainage infrastructure and associated works.

### 2.0 Summary

- 2.1 **RECOMMENDATION:** That members resolve that the proposal should be refused and direct officers to represent this position at the non-determination appeal.
- 2.2 The proposal is for outline planning permission (with all matters reserved except for access) for the construction of up to 200 residential dwellings.
- 2.3 The site is outside Development Limits, to the north-east of Malton and formed from three agricultural fields designated as a Visually Important Undeveloped Area (VIUA) in the Ryedale Local Plan. The site effectively separates Old Malton from Malton.
- 2.4 As the proposal is located outside Development limits, in normal circumstances the principle of development would not be accepted due to conflict with Policy SP2 which sets the criteria for new housing in the local plan area. However, the Council cannot demonstrate a 5 year housing land supply for the Ryedale Local Plan Area and therefore Paragraph 11(d) of the National Planning Policy Framework is engaged (the “presumption in favour of sustainable development”). For decision-taking this means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of granting permission. A balanced decision must be made weighing the adverse impacts of the development against the benefits taking into account sustainability, effective use of land and providing affordable homes.
- 2.5 In favour of the proposal, it would add 200 dwellings to the housing stock and the application site is located directly adjacent to the development limits of Malton which is considered a sustainable settlement for new housing. The site is considered large enough to accommodate the proposed scale of development as well as the ancillary open space, new habitat and drainage areas etc. The proposal also includes a policy compliant level of affordable housing. In this context it is considered that the principle of development on the site should be supported.

- 2.6 Against the proposal, it will result in a significant coalescence between the settlements of Malton and Old Malton and alter the character of the VIUA from which the site is formed. In addition, harm, although at the lower end of less than substantial, will be caused to the setting of the conservation area by virtue of the erosion of the green buffer on the boundary of the conservation area.
- 2.7 On balance, it is considered that the harm caused by the significant coalescence between the settlements of Old Malton and Malton and to the character of the VIUA, outweighs the benefit of adding 200 dwellings to the housing stock and on this basis the application is recommended for refusal.
- 2.8 There remain a number of technical matters, regarding highways, ecology, noise and best and most versatile agricultural land which have not yet been resolved.
- 2.9 As an appeal on non-determination has been submitted confirmation is sought that the Committee is in agreement with the above position and that this can be presented to the Planning Inspectorate for consideration.



**Scale:** 1:10,000

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Organisation	North Yorkshire Council
Department	Development Management
Comments	Not Set
Date	22/09/2025
MSA Number	Not Set

### **3.0 Preliminary matters**

- 3.1 The case file is available on Public Access and can be found by clicking the following link: - [Documents](#)
- 3.2 The development description has been amended to that requested by the applicant. The original description was “Erection of up to 200 residential dwellings, open space, landscaping, habitat enhancement, drainage infrastructure and associated works”.
- 3.3 Amendments to the Proposed Coloured Site Plan, Greenspace Masterplan and Drainage Strategy were received on 27.08.2025.

#### Planning History

- 3.3 23/00250/PREAPP Residential development of circa 210no. Dwellings (site area 19.8ha). Officer view; support at application stage unlikely.

### **4.0 Site and surroundings**

- 4.1 The application site comprises of approx. 21.28 hectares of agricultural land to the northeast of Malton and west of Old Malton, with the proposed main and emergency accesses to the site leading off Rainbow Lane, Peasey Hills, Malton. The site has a significant downwards slope, from south to north, towards Westgate Lane and it is located c.1.2km walking distance from Malton Town Centre.
- 4.2 The site is bound to the north by Westgate Lane and the fields beyond, to the east by agricultural land and new dwellings off Westgate Lane, to the south by residential dwellings and to the west by Rainbow Lane, with new residential dwellings and the A64 beyond.
- 4.2 The site is affected by the following planning constraints:
- Outside Development Limits
  - Within a Visually Important Undeveloped Area (VIUA)
  - Within an Archaeologically Sensitive Area
  - Partially within Flood Risk Zone 2
  - Adjacent to Old Malton Conservation Area (southern site boundary)
  - Adjacent to Public Rights of Way along Rainbow Lane and Westgate Lane

### **5.0 Description of proposal**

- 5.1 The proposal is for outline planning permission (with all matters reserved except the main points of access) for the construction of up to 200 residential dwellings, open space, landscaping, habitat enhancement, drainage infrastructure and associated works.

### **6.0 Planning policy and guidance**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

## Adopted Development Plan

- 6.2 The adopted Development Plan is The Ryedale Local Plan Strategy, adopted on 5 September 2013.

## Emerging Development Plan – Material Consideration

- 6.3 The Emerging Development Plan for this site is the North Yorkshire Local Plan. No weight can be applied in respect of The North Yorkshire Local Plan at the current time as it is at an early stage of preparation.

## Neighbourhood Plan

- 6.4 The Neighbourhood Plan for Malton and Norton 2020-2027 was on 13 November 2024. The plan is now part of the development plan for this area.

## Guidance - Material Considerations

- 6.5 Relevant guidance for this application is:

National Planning Policy Framework  
National Planning Practice Guidance

## **7.0 Consultation responses**

- 7.1 The following consultation responses have been received and are summarised below. Full comments are available to view on the Council's website.

- 7.2 **Malton Town Council:** Recommend refusal.

- 7.3 The Council raised concerns relating to the following issues;

*"[...] the Neighbourhood Plan does not allocate any additional land for residential development. The principle of this development is therefore not accepted.[...]"*

*"Visually Important Undeveloped Areas designation; the benefits of development of this site would not significantly outweigh the loss or damage to the character of the settlement [...]"*

*"Transport assessment; is based on outdated baseline data and traffic counts and therefore not considered to be robust. Air quality assessment; does not meet the Neighbourhood Plan's requirements to assess cumulative impacts".*

- 7.4 **Archaeology Officer:** No objection subject to conditions.

*"[...] The field evaluations have identified a core area of archaeological interest comprising the group of stone buildings and associated features. These buildings are of significance as they represent a previously unknown settlement on the outskirts of the Roman town at Malton. [...] It is presumed that the developer could introduce adequate safeguards within their Construction Environment Management Plan to physically preserve the significant archaeological features that fall within the proposed meadow. [...]. On balance this combination of preservation in situ and archaeological recording would seem to be a proportionate response and is similar to the approaches taken with similar sites within the region including the aforementioned Bedale and Eastfield villas and similar sites elsewhere in the region e.g. at Ingleby Barwick, Easingwold, and Easingwold-on-Tees."*

*I recommend [...] conditions to ensure physical preservation of those parts of the archaeological resource falling within the proposed meadow”.*

**7.5 Conservation Officer:** Object.

*[...] In my opinion harm will be caused to the conservation area by virtue of the erosion of the green buffer on this boundary of the [Old Malton] conservation area. Due to the mitigations of greenspace proposed, it is my opinion that the level of harm will be on the low side of less than substantial. Due to indicated development being concentrated in the south/west of the site, it is considered that the views from Westgate Lane across to the tower of St Mary’s are predominantly preserved and that the setting of the church is sustained.*

**7.6 Designing Out Crime Officer:** Neutral.

*“[...] Should outline Planning Permission be granted I would ask the Authority to place a condition on it, requiring full details of what crime prevention measures are to be incorporated into the site, be detailed in any Reserved Matters Application [...]”.*

**7.7 Ecology:** No objection.

*[...] The initial screening stage of the sHRA [Shadow’ (draft) Habitat Regulations Assessment] rules out any Likely Significant Effect on the River Derwent SAC except that “a low risk of a likely significant localised effect cannot be fully screened out for Otter without implementing mitigation”. This reflects the increased number of people and dogs which would potentially have some access to the river as a result of the development.*

*A Stage 2 Appropriate Assessment has therefore been undertaken with regards to potential effects of increased recreational pressure on SAC species (specifically Otter in this case). This reviews existing access to the north bank of the Derwent and the provision of alternative opportunities for dog-walking offered by the extensive area of on-site greenspace (12.39 ha). It concludes that no effect on the integrity of the SAC is likely.*

*I find the Screening procedure and Appropriate Assessment comprehensive, well-evidenced and convincing. I recommend that the council adopts the sHRA as its own and consults Natural England accordingly. A record of the council’s decision should be included in any officer’s report to Planning Committee.*

Case officer note: Natural England has sent a holding reply to their consultation, which is pending receipt of an assessment of BMV agricultural land from the applicant. Not yet received.

**7.8 Environment Agency Yorkshire Area:** Advice given regarding necessary infrastructure.

*[...] we strongly recommend adequate demonstration from the developer of how this additional water to the system from a greenfield site will not increase the risk of receiving watercourse and drainage infrastructure surcharging. [...]The Environment Agency completed an ‘Initial Assessment’ in 2023 which has informed us of the likely need for capital maintenance work to sustain flood defences and our operational response.*

*A development on the scale proposed would be reliant on these assets and operations for the lifetime of the development through reliance on local highways, utilities and other public services whose operation is protected by those defences and risk management activities.*

*In view of this, we advise the LPA to review the sustainability of the proposals for this much larger community in Old Malton and Malton and recommend the consideration of a condition that requires these capital maintenance works to be confirmed and delivered prior to commencement.[...]*

- 7.9 Environmental Health Scientific Officer; Air Quality and Land Contamination:** No objection subject to conditions.

*Based on the information provided in the various supporting documents, [...], the scientific team have no objections in principle to the proposed development regarding air quality and contaminated land.*

- 7.10 Environmental Health Scientific Officer; Noise:** No comment received to date.

- 7.11 Highways:** Additional information has been requested by the Highways officer. It has been received and is under review:

*[...] “The Transport assessment has been reviewed and the following points should be considered;*

- 1) In section 2.8 of the Transport Assessment, the applicant has used Crashmap data for collision analysis. The LHA request that the applicant approaches NYC Traffic engineering team for full stats – 19 output*
- 2) More recent Baseline traffic flow surveys than 2015 and 2021 and 2022 should be used for junction capacity testing*
- 3) Reference is made to 2024 baseline conditions but there appears to be no raw data to support this. [...]*

- 7.12 Housing Services:** No objection.

*The scheme proposes 35% affordable housing, this is acceptable*

- 7.13 Humber & North Yorkshire Integrated Care Board (ICB):** No objection subject to S106 financial contribution.

*“The development would therefore have an impact on the primary healthcare provision in the area and its implications, if unmitigated, would be unsustainable. [...] The ICB calculate the level of contribution required in this instance to be £235,732. Payment should be made before the development commences. The ICB therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 planning obligation.[...]*

Case officer note. Infrastructure provision is funded by CIL contributions. As such the request by the ICB cannot be supported.

- 7.14 Landscape Officer NYC:** No comment received.

- 7.15 Lead Local Flood Authority:** Holding objection, subject to further details.

*[...] Runoff Destinations*

*Infiltration testing to BRE 365 has been carried out at 10 areas on site, the rates provided from this suggest that infiltration is feasible. It is noted that high ground water levels make infiltration unsuitable, however it is asked whether this is supported with site specific information as within the Phase 2 Geo-Environmental report it is said that 'no groundwater was encountered'. Instead, a pumped connection to a 300 mm surface water culvert is proposed. A CCTV survey has been carried out showing a connection to the Riggs Road Drain, a Vale of Pickering Internal Drainage Board surface water sewer. This then discharges into the river Derwent. The Environment Agency has raised concerns about the capacity of the Riggs Road Drain, with it being highlighted that there is almost annual deployment of temporary pumps in this area due to insufficient drainage.*

*Further clarification is required. [...]*

**7.16 Natural England:** Holding comment; provision of an Agricultural Land Classification and soil assessment remains outstanding.

In response to its first consultation Natural England advised that there is insufficient information provided to enable Natural England to provide a substantive response to the consultation. The following was requested:

- A Habitats Regulation Assessment
- An Agricultural Land Classification and soil assessment

Subsequently an Ecological Impact Assessment dated April 2025 and a Habitat Regulations Assessment and shadow Appropriate Assessment dated June 2025 was provided by the applicant. Natural England were re-consulted and replied:

*"In our previous advice letter dated 27/09/2024 we asked for further details around assessment of BMV agricultural land. Please could you advise if there is any update on this aspect?"*

*On receipt of the information requested, we will aim to provide a full response within 21 days of receipt."*

Provision of an Agricultural Land Classification and soil assessment remains outstanding.

**7.17 Northern Powergrid:** No comment received.

**7.18 Public Rights of Way:** No objection. Advice provided.

*"The Public Bridleway adjacent to the site must remain open and available to the public at all times. Should this not be possible an application for a temporary closure must be discussed with the Countryside Access Service, and if a closure application is submitted a suitable alternative route through the site must be provided and maintained for the duration of the closure."*

**7.19 Tree & Woodland Section:** No comment received.

**7.20 Vale of Pickering Internal Drainage Board:** No objection

*The Board has no objection to the application.*

*Separate Land Drainage Consent is required for surface water drainage discharge.*

7.21 **Yorkshire Water:** Objection.

*“It should be noted that the site is not included in the adopted North Yorkshire Local Plan and is instead classed as 'Visually Important Undeveloped Area'. As such the site has not been factored into Yorkshire Water's proposed asset reinforcement for the Malton area. It is believed that the proposed foul water discharge would cause the receiving infrastructure to become overloaded. We therefore OBJECT to the proposal”.*

Local Representations:

7.22 39 local representations have been received from members of the public of which 36 are objecting, 2 are supporting and one is neutral. A summary of the comments that are material to this application is provided below. Please see website for full comments.

7.23 Objections:

Principle of development

- This is a non-allocated site. The local plan states that there are already sufficient sites without using this.
- Brownfield sites should be used.
- Development incompatible with local business including the Equine Hospital.

Impact on the local highways and footpaths

- Development will lead to a significant increase in traffic.
- Improvements to A roads is needed before more large housing estates are built.
- Rainbow Lane access is potentially dangerous.
- The limited access via Rainbow Lane from Pasture Lane would be inappropriate for the level of traffic.
- Access is in very close proximity to two Primary schools and passes a children's playground.
- Westgate is a single track road. Westgate is not suitable as an emergency access.
- If access is given from the site onto Westgate that would increase traffic along an already very busy and narrow road.
- Westgate Lane is not proposed as primary site access, yet it is already being used as such by ground workers.
- Westgate Lane is already of limited quality and not maintained by the national highways.
- Provision should be made to ensure that maintaining of the lane be the responsibility of the development.
- Placement of bollards is necessary to limit vehicular access to emergency vehicles only.
- There are a number of public rights of way that would be impacted by this development.
- Increased traffic will be harmful to the safety of pedestrians.
- New traffic calming measures will be required as a result of the extra traffic.
- Improved cycling and walking infrastructure is needed.
- The bus route times quoted in the Report are incorrect.
- The Traffic Consultation has used data from 2018-2022.

- The Baseline Traffic Flow Survey was conducted on 29th June 2021, when the country was in total lockdown.

#### Amenity

- Will lead to a loss of privacy for outdoor activities at Rainbow Equine Hospital
- Development would directly overlook the equine hospital paddocks and the exercising school.
- Development will involve months, perhaps years of upheaval, noise, traffic, dirt and disruption.
- Proposed landscaping with trees will block light to neighbouring dwellings.
- Will harm the outlook from neighbouring properties.
- The proposed retention and flood storage pond presents a danger to children.

#### Character of the area

- Will harm the rural character of Westgate Lane.
- Continual expansion of Malton is changing its character
- The site is currently an agricultural asset that frames old Malton

#### Infrastructure and drainage

- Surface water drainage is towards an existing area of fluvial flooding.
- Old Malton suffers flooding from surface water and this development will exacerbate this.
- Loss of drainage land will exacerbate surface water runoff
- Old Malton already has a problem with flooding and the drains are already over capacity.
- The existing sewage system is already overloaded
- Infrastructure in Malton already cannot cope.
- More houses will increase demand on schools and medical facilities which are already struggling.
- Improvements to infrastructure is needed before more large housing developments are built.
- The emergency services would be even more over stretched.

#### Environment

- The site is currently farmland and the crops that grow there are important for the country's food security
- Proposed orchard may never be planted.
- New tree planting is needed to improve biodiversity and air quality.
- Additional vehicles will harm air quality
- Will result in the loss of 21Ha of agricultural land.
- Will have an impact on archaeological remains.
- Will cause a loss of biodiversity
- Will negatively impact on the character of the well-used bridleway.
- Gases from contaminated land in the site may harm occupants of neighbouring land.

#### Crime

- Increased numbers of pedestrians along Westgate Lane will increase security problems for local businesses.

## 7.24 Support:

- The location and access to the site is perfect for fitting in more homes into Malton. Perfect location for school so long as the school has the capacity to fit the extra load, along with reasonable access to A64 as well.

## 8.0 Environment Impact Assessment (EIA)

8.1 The development falls within Schedule 2 Category 10(b) Urban Development Projects of The Environmental Impact Assessment Regulations 2017 (as amended) and exceeds threshold (ii) and (iii) due to the development including more than 150 dwellings and the site being over 5ha. As such the Council as Local Planning Authority have screened the development and found that it is not EIA development and no Environmental Statement is required to be submitted with the application. The Screening Checklist which acts as the report and decision is available to view on the Council's website. Nothing has changed since the Screening Decision, and it is still effective for the Committee Decision. No conditions are required to rule of a likely significant environmental effect.

## 9.0 Main issues

9.1 The key considerations in the assessment of this application are:

- Principle of development
- Affordable Housing and Mix
- Drainage and Flood risk
- Highways Safety
- Landscape and impact on the Visually Important Undeveloped Area
- Biodiversity
- Amenity
- S106 Agreement

## 10.0 Assessment

### Principle of Development

- 10.1 The site is located outside of but adjacent to the development limits for Malton and Norton. Policy SP1 (*General Location of Development and Settlement Hierarchy*) of the Local Plan Strategy sets out a hierarchy of settlements and seeks to focus new developments within the principal towns, market towns and service villages. Malton is a Principal Town in the settlement hierarchy and a primary focus for growth. Policy SP1 states that the settlement is expected to be a focus for the majority of new development and growth including new housing, employment and retail space
- 10.2 The principle of the settlement hierarchy is to ensure that development is distributed to locations with appropriate infrastructure and additionally to ensure that the rural nature of the district particularly those locations lower down the hierarchy is maintained.
- 10.3 Policy SP2 (*Delivery and Distribution of new housing*) of the Local Plan Strategy provides guidance on the distribution of new homes within Ryedale. The distribution of new housing reflects the hierarchy with Malton and Norton allocated 1500 new homes, which equates to 50% of the identified need in the Plan over the period 2012-2027.

- 10.4 Recent updates to the National Planning Policy Framework introduced a new standard method for assessing housing need. This has resulted in an increase in housing need for many Councils across the country. The extant Ryedale Local Plan is now more than 5 years old. In accordance with the National Planning Policy Framework (December 2024), the annual housing requirement for this area is 377 (up from 373) homes, as derived from the Standard Method. Including the relevant 5% buffer, the 5-year supply requirement for this area is 1977 (up from 1959). Based on the most recent data (from the 2023/24 monitoring period), there is a demonstrable deliverable supply of 332 homes over a five-year period. This translates to 0.8 years of housing supply when measured against the five-year supply requirement. Due to this shortfall in housing supply, paragraph 11(d) of the National Planning Policy Framework (i.e. the “presumption in favour of sustainable development”) is engaged for applications involving the provision of housing.
- 10.5 Paragraph 11 of the National Planning Policy Framework states that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means: 11d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
- i. *the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or*
  - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.*

Footnote 8 clarifies that ‘out of date’ includes situations where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites.

- 10.6 The proposal site is located outside of development limits. In normal circumstances the principle of development would not be accepted due to conflict with Policy SP2 which sets the criteria for new housing in the local plan area. However, as paragraph 11 is engaged, a balanced decision must be made weighing the adverse impacts of the development against the benefits, taking into account; sustainability, effective use of land, securing well designed places and providing affordable homes.
- 10.7 The application site is located directly adjacent to the development limits of Malton and Norton which, as outlined above, is considered a sustainable settlement for development, as identified in the Ryedale Local Plan. The land area of the application site is large enough to accommodate the proposed scale of development as well as the ancillary open space and drainage areas etc. and the proposal also includes the required level of 35% affordable housing. In this context it is considered, under Paragraph 11d of the NPPF, that the principle of development on the site should be supported.

#### Affordable Housing and Mix

- 10.8 Local Plan Policy SP3, Affordable Housing, states that the Local Planning Authority will seek the provision of 35% of new dwellings as affordable housing on-site (in settlements outside West and South West Ryedale) as part of developments of 5 dwellings or 0.2 ha. Where the on-site contribution does not equate precisely to whole numbers of units, equivalent financial contributions will be sought.

- 10.9 The application is in outline for up to 200 dwellings. The original proposal included on site provision of affordable housing up to 50% of the total new dwellings on site, consequently the intended affordable housing provision exceeds the current policy requirements. However, in the applicant's appeal Statement of Case the affordable housing offer has been reduced to 35%.
- 10.10 The affordable housing contribution should be secured through the S106 legal agreement. As the proposal is for 'up to' 200 dwellings the final number of affordable dwellings to be provided cannot be confirmed until reserved matters stage. At this stage, however the proposal is considered to be acceptable in terms of affordable housing and meets the requirements of Policy SP3.

#### Amenity

- 10.11 As required by Policy SP20 (*Generic Development Management Issues*) the development should respect the character of the area without having a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence.
- 10.12 The application is in outline with design and layout reserved matters; therefore, only general principles of amenity can be considered at this stage. The proposed site is adjacent to a residential area on the edge of the settlement. To the northwest of the site is Rainbow Equine Hospital. The proposed residential use would not conflict with or compromise the existing uses of neighbouring land. The site, at approx. 21ha, is of sufficient size to allow a design that would avoid issues of loss of privacy, daylight loss and overbearing impacts for occupants of neighbouring land or of the proposed development.
- 10.13 Although layout and landscaping are reserved matters, it is noted that the Greenspace Masterplan and Arboricultural Impact Assessment suggest that the trees along the southern site boundary will be removed to facilitate the development. This would affect the outlook from the rear of existing dwellings to the south. However, this would not significantly harm the amenity of these dwellings.
- 10.14 The noise environment at the site is principally influenced by road traffic noise from the A64 to the north of the site. A Noise Impact Assessment dated 15.06.2024 was submitted by the applicant as part of the original suite of documents. This has been superseded by a revision dated 22.08.2025. The report concludes that, of the 200 proposed units, only 39 will require alternative glazing and ventilation to achieve internal acoustic design levels. The remaining 161 units can be naturally ventilated without internal noise levels exceeding the British Standard criteria.
- 10.15 With regards to external noise levels the Assessment finds that "*exceedances above the upper guideline value of 55 dB LAeq,T are predicted only within two external amenity spaces in the north-western corner of the development, closest to the A64 (Plots 194 and 195). Other exceedances on site are confined to the more exposed gardens associated with Plots 191 to 193 and 196 to 197, around the same location, where levels are predicted to remain below the upper guideline value but above the desirable criterion. To mitigate these impacts, specific noise control measures have been considered. These consist of uprated garden fences with close-board construction, providing a minimum surface mass of 10 kg/m<sup>2</sup> and a height of 2.5 m, to deliver adequate screening and noise attenuation*".
- 10.16 The Assessment concludes that planning consent can be granted subject to the inclusion of suitable noise conditions reflecting the mitigation measures detailed

within the report, including glazing specifications, ventilation systems, and boundary treatments like fences.

- 10.17 Consideration should also be given to Local Policy SP17 which requires developers to apply the **highest** standards outlined in the World Health Organisation, British Standards and wider international and national standards relating to noise. This standard exceeds the minimum acceptable British Standards and requires acceptable noise standards to be achieved with windows open. However, in a recent appeal decision APP/U2750/W/25/3362561 (Land to the south of Riccal Drive, Helmsley) the inspector commented:

*The main parties disagree as to whether there should be a requirement to meet the indoor ambient noise levels with windows open, or if it should be permitted to meet them with windows closed and ventilation provided. At the hearing the appellant referred to a risk that the levels might not be achieved in some rooms with windows open given the proximity to the proposed employment uses. However, BS4142: 2014 refers to scenarios where windows are open. As there are alternatives to open windows, I do not consider it to be reasonable or necessary to impose such a restrictive condition. I also do not consider that this undermines the objectives of Policy SP20 of the LPS in terms of providing the highest levels of amenity.*

- 10.18 The Environmental Health officer has not yet commented on the applicant's Noise Impact Assessment. The officer's report will be made available to the Committee prior to the Committee date.
- 10.19 A Construction Management Plan is considered necessary to protect amenity and highway safety during construction. The plan should cover measures to minimise noise, light and dust arising from works, identification of a person responsible for recording, investigation and dealing with complaints, communication strategy, operating hours and review measures.

#### Air Quality and Contaminated Land

- 10.20 A Phase I and Phase II Geo-Environmental Report has been submitted with the application. A Council Environmental Health Scientific Officer has commented that based on the information provided in the various supporting documents, the scientific team have no objections in principle to the proposed development with regard to air quality and contaminated land.

#### Flood Risk and Drainage

- 10.21 The proposal is spread across Flood Risk Zone One and Two and is exposed to an overall low risk of surface water flooding, however areas at higher surface water flood risk are present along the northern boundary of the site in land allocated as meadow land in the Greenspace Masterplan.
- 10.22 A site-specific flood risk assessment has been provided. Mitigation is taken against flood risk by development only being proposed in Flood Zone One and in areas at low risk of surface water flooding. Further mitigation measures have been applied through the raising of finished floor levels by 150 mm, external site levels will be designed with falls to direct overland flows away from buildings and incoming electrical supplies will be raised. The Lead Local Flood Authority (LLFA) finds the flood risk mitigation measures acceptable.
- 10.23 With regard to surface water runoff destinations, the LLFA have found conflicting data in the application documents and have requested clarification. **This has not yet been provided.** The LLFA notes that a pumped connection to a surface water

culvert is proposed, which connects to the Riggs Road Drain, a Vale of Pickering Internal Drainage Board surface water sewer. The Environment Agency has raised concerns about the capacity of the Riggs Road Drain, with it being highlighted that there is almost annual deployment of temporary pumps in this area due to insufficient drainage.

- 10.24 With regard to Peak Flow Control, Volume Control and Designing for Exceedance the LLFA finds the approach taken to be acceptable.

#### Yorkshire Water

- 10.25 Yorkshire Water has objected to the development. They comment “*the site has not been factored into Yorkshire Water’s proposed asset reinforcement for the Malton area. It is believed that the proposed foul water discharge would cause the receiving infrastructure to become overloaded*”. However, it is considered that the matter could be managed by way of a condition, which would restrict the occupation of any dwelling until confirmation is provided that sufficient capacity exists within the sewerage network to accommodate the foul drainage flows from the development. This approach would be consistent with that taken by the Inspector for appeal APP/U2750/W/25/3360685 (Land North of Middleton Road, Pickering). Subject to the recommended condition the proposal would be in accordance with the requirements of Policy SP17 which says, amongst other things, that water resources will be protected by ensuring that necessary sewerage and water treatment infrastructure improvements are provided in tandem with new development and that the scale, type, location and phasing of new development or land based activity can be accommodated without an unacceptable impact on water supply.

#### Highways Safety

- 10.26 Policy SP20 (Generic Development Management Issues) advises that “*Access to and movement within the site by vehicles, cycles and pedestrians would not have a detrimental impact on road safety, traffic movement or the safety of pedestrians and cyclists. Information will be required in terms of the positioning and treatment of accesses and circulation routes, including how these relate to surrounding footpaths and roads*”.
- 10.27 Paragraph 116 of the NPPF advises that “*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network following mitigation, would be severe, taking into account all reasonable future scenarios*”.
- 10.28 The application is in outline with access only considered at this stage. The layout plan indicates that principle access will be taken from Rainbow Lane at the junction with a new housing development to the west of the site, with a secondary emergency access further north along Rainbow Lane. Highway officers are currently in discussion with the applicant regarding the suitability of the accesses and have not yet provided a formal reply to their consultation. However, the officer dealing with the matter has advised that highway impacts are likely to be acceptable, subject to details.
- 10.29 National Highways contacted the Council on 12/09/2025 to advise that an officer would also be making a comment on the application. The comment has not yet been received.

#### Landscape Impact

- 10.30 Policy SP12 (*Heritage*) states that to assist in protecting the District’s historic assets and features, the Council will seek to ensure the sensitive expansion, growth and

land use change in and around the Market Towns and villages, safeguarding elements of the historic character and value within their built up areas, including Visually Important Undeveloped Areas.

- 10.31 Policy SP13 (*Landscapes*) states that the quality, character and value of Ryedale's diverse landscapes will be protected and enhanced.
- 10.32 Policy SP16 (*Design*) states that new development should respect the context provided by its surroundings including the character and appearance of open space and green spaces including existing Visually Important Undeveloped Areas (VIUAs) or further VIUAs which may be designated in the Local Plan Sites Document or in a Neighbourhood Plan. Development proposals on land designated as a VIUA will only be permitted where the benefits of the development proposed significantly outweigh the loss or damage to the character of the settlement.
- 10.33 Policy SP20 (*Generic Development Management Issues*) requires that new development respects the character and context of the immediate locality and the wider landscape character in terms of physical features and the type and variety of existing uses.
- 10.34 The site is designated as a Visually Important Undeveloped Area. The original area of land was designated in the 2002 Local Plan to ensure that there was a strong sense of separation retained between Old Malton (and Conservation Area) and Malton itself. Latterly, the expansion of the designation and inclusion as a VIUA under policies SP12 and SP16 of the current Local Plan was to preserve both the character of the settlements, particularly Old Malton, and the setting and wider significance of the Grade 1 Listed St. Mary's Priory Church. The VIUA site continues to provide an important contribution in maintaining the visual break between Malton and Old Malton, which contributes to Old Malton's identity as a village that is distinctly separate from the neighbouring town.
- 10.35 A Landscape and Visual Appraisal ("LVA") accompanies this application along with a Greenspace Masterplan and the Proposed Coloured Site Plan, which provide an indicative site layout. New dwellings will be located within the south-western part of the Site, adjoining the existing settlement of Malton, and will be enclosed within a landscape structure; the north-eastern and south-eastern parts of the site are dedicated to green space, habitats, as well as flood storage and drainage attenuation. The Greenspace Masterplan allocates a generous portion of the site to be dedicated to green space and habitats. A number of trees would be planted along estate roads to soften the impact on the landscape.
- 10.36 The site is formed from three large, agricultural fields. The site and surrounds are rural in character. The site is bound to the north by Westgate Lane and fields beyond, to the east by agricultural land and the western edge of Old Malton, to the south by residential dwellings of Malton and to the west by Rainbow Lane. The site has a significant slope downwards towards the north.
- 10.37 The Site is relatively well contained and visually separate from Peasey Hills due to the nature of the surrounding topography and the layers of vegetation which partially screen the built form in the surrounding landscape. As a consequence the built form of Malton, although visible, does not significantly urbanise the rural and agricultural character of the site and its surrounds. The site, which is immediately west of Old Malton provides a green setting to the village and an important visual separation between Old Malton and Malton.
- 10.38 Because the application site is effectively a hillside development with a significant slope down towards public viewpoints, the proposed housing development would be difficult to screen with landscaping. Consequently it will have a strongly urbanising

impact on the landscape and VIUA, harmfully altering the character of the rural break between Malton and Old Malton, even after landscaping proposals have matured.

- 10.39 The proposed development will bring the urban form of Malton down the hillside and towards the bridleway and public footpath that run along Westgate Lane and past the western settlement edge of Old Malton respectively. As a consequence the housing development will appear prominent and in close proximity to Old Malton creating a sense of coalescence between the two settlements. For these reasons it is considered that the proposal does not contribute to the protection and enhancement of the rural landscape of the VIUA designated land nor reinforce the local distinctiveness of Old Malton as a discrete and separate settlement. It is considered that the benefits of the development proposed do not significantly outweigh the loss or damage to the character of the settlement. As such the proposal is contrary to policies SP13, SP16 and SP20.

#### Heritage and Archaeological Impacts

- 10.40 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving and enhancing the character and appearance of a Conservation Area.
- 10.41 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving the Listed Building(s) or its setting or any features of special architectural or historic interest which it possesses.
- 10.42 Policy SP12 (Heritage) of the Ryedale Local Plan - Local Plan Strategy states that:

*"Distinctive elements of Ryedale's historic environment will be conserved and where appropriate, enhanced."*

*And -*

*"Designated historic assets and their settings, including Listed Buildings, Conservation Areas, Scheduled Monuments and Registered Parks and Gardens will be conserved and where appropriate, enhanced. Proposals which would result in less substantial harm will only be agreed where the public benefit of the proposal is considered to outweigh the harm and the extent of harm to the asset".*

- 10.43 Paragraph 215 of the NPPF (2024) states:

*"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."*

- 10.44 At present there is a defined rural edge which separates Old Malton from the more urban centre of Malton, and the development site makes a contribution as open agricultural space which provides expansive views of the western edge of the village set within its rural context. This is an important separation and creates a visual buffer to the Conservation Area. The contribution the site makes to the setting of the Grade I listed St Mary's church is in that it provides views looking towards the tower and enables the height and prominence of the tower to be appreciated.
- 10.45 Harm will be caused to the conservation area by virtue of the erosion of the green buffer on this boundary of the conservation area. Due to the mitigations of greenspace proposed, the level of harm will be on the low side of less than substantial. Due to indicated development being concentrated in the south/west of

the site, it is considered that the views from Westgate Lane across to the tower of St Mary's are predominantly preserved and that the setting of the church is sustained.

- 10.46 It is considered that the limited, less than substantial harm identified to the significance of the conservation area is outweighed by the public benefit of adding 200 homes to the housing stock. As such the proposal is considered to be in accordance with policy SP12 and paragraph 215 of the NPPF (2024).

#### Archaeology.

- 10.47 The applicant has provided a Phase 1 and Phase 2 Archaeological Evaluation of the site. The field evaluations have identified a core area of archaeological interest comprising the group of stone buildings and associated features. These buildings are of significance as they represent a previously unknown settlement on the outskirts of the Roman town at Malton. The Council's Archaeologist considers that the developer could introduce adequate safeguards within their Construction Environment Management Plan to physically preserve the significant archaeological features that fall within the proposed meadow. On balance it is considered that a combination of preservation in situ and archaeological recording would be a proportionate response and is similar to the approaches taken with similar sites within the region including the Bedale and Eastfield villas and similar sites elsewhere in the region e.g. at Ingleby Barwick, Stockon-on-Tees. Subject to conditions, the proposal is considered to be in accordance with policy SP12 (Heritage).

#### Biodiversity Net Gain (BNG)

- 10.48 Planning Permissions in England are deemed to be granted subject to the general Biodiversity Gain Condition as set out by Schedule 7A, paragraph 13 of the Town and County Planning Act 1990 (TCPA) as amended by Schedule 14, Part 2, paragraphs 13, 14 and 15 of the Environment Act 2021. This is a pre-commencement condition. This application is not considered to meet any exemption for BNG and should permission be granted the condition will apply.
- 10.49 A Biodiversity Net Gain Report and the Standard Biodiversity Net Gain Metric has been submitted with the application. The Council's Ecologist notes that the BNG uplifts in habit units would be generously compliant with policy. A definitive BNG calculation will need to be submitted at Reserved Matters stage.

#### River Derwent Special Area of Conservation (SAC)/ Site of Special Scientific Interest (SSSI)

- 10.50 Due to the proximity of the site to the River Derwent SAC and SSSI the applicant was requested to provide an Ecological Impact Assessment (EclA) and a shadow (draft) Habitat Regulations Assessment (sHRA). The Council's Ecologist has commented:

*[...] The initial screening stage of the sHRA [Shadow' (draft) Habitat Regulations Assessment] rules out any Likely Significant Effect on the River Derwent SAC except that "a low risk of a likely significant localised effect cannot be fully screened out for Otter without implementing mitigation". This reflects the increased number of people and dogs which would potentially have some access to the river as a result of the development.*

*A Stage 2 Appropriate Assessment has therefore been undertaken with regards to potential effects of increased recreational pressure on SAC species (specifically Otter in this case). This reviews existing access to the north bank of the Derwent and the provision of alternative opportunities for dog-walking offered by the extensive area of on-site greenspace (12.39 ha). It concludes that no effect on the integrity of the SAC is likely.*

*I find the Screening procedure and Appropriate Assessment comprehensive, well-evidenced and convincing. I recommend that the council adopts the sHRA as its own and consults Natural England accordingly. A record of the council's decision should be included in any officer's report to Planning Committee.*

10.51 As an Appropriate Assessment is required Natural England were re-consulted as the appropriate nature conservation body.

10.52 Natural England has sent the following holding response:

*In our previous advice letter dated 27/09/2024 we asked for further details around assessment of BMV agricultural land. Please could you advise if there is any update on this aspect?*

*On receipt of the information requested, we will aim to provide a full response within 21 days of receipt.*

10.53 Provision by the applicant of the requested Agricultural Land Classification and Soil Assessment remains outstanding. For this reason Natural England has not yet replied to their consultation. The Council may agree to the proposal only after having ascertained that it will not adversely affect the integrity of the European site; without a response from Natural England, to date it has not been possible to do so.

#### Best and Most Versatile (BMV) agricultural land

10.54 Policy SP17 (*Managing Air Quality, Land and Water Resources*) states that proposals for major development coming forward on sites that are not allocated for development which would result in the loss of the Best and Most Versatile Agricultural Land will be resisted unless it can be demonstrated that the use proposed cannot be located elsewhere and that the need for the development outweighs the loss of the resource.

10.55 An Agricultural Land Classification and Soil Assessment has not been provided. Without this information it has not been possible to make a fully informed assessment of the proposal with regard to BMV land. Whilst taken in isolation, this is not likely to form a reason for refusal, its omission counts against the application.

#### Arboricultural Assessment

10.56 An Arboricultural Impact Assessment has been provided with the application. A total of ten individual trees, six groups of trees, and eight hedgerows were surveyed as part of the Arboricultural Assessment. Trees were surveyed as individual trees, groups, and hedgerows as per the survey methodology.

10.57 No Category A Trees are proposed for felling. The Category C Trees / Groups of Low Quality Trees along the southern boundary will be removed as a result of the proposal.

#### Statement of Community Involvement

10.58 A Statement of Community Involvement (SCI) has been provided with the application. The SCI includes information and analysis of two rounds of public consultation and other stakeholder engagement. Consultation included a two-day drop in event, a freepost feedback form and a media release. The SCI states that responses of those with concerns about the proposal focused on wider issues like the availability of GP appointments and school places. Those in favour of the scheme cited the green space provision and affordable housing provision.

## S106 Legal Agreement

10.59 The following Heads of Terms are considered necessary, directly related to the development and fairly and reasonably related in scale and kind to the development and as such comply with the Community Infrastructure Levy (CIL) Regulations 2010.

10.60 Heads of Terms have not yet been agreed.

<b>Category/Type</b>	<b>Contribution</b>	<b>Amount &amp; Trigger</b>
Affordable Housing	35% of the final number of dwellings	To be agreed.
Public Open Space and Green Space - Delivery and Maintenance	On site public open space and green space – delivery and management	Delivery to be agreed in Open Space Green Space Scheme.
Biodiversity Net Gain	Compliance, funding, monitoring and enforcement	£X index linked, monitoring fee
Travel Plan monitoring	Travel Plan monitoring	£5000 index linked, monitoring fee prior to the first occupation of development
Bus Service enhancement contribution	To be determined	Prior to first occupation of the development
S106 Monitoring	S106 Monitoring	£500 index linked, prior to commencement of development

### **11.0 Planning balance and conclusion**

11.1 The Council cannot demonstrate a 5 year housing land supply for the Ryedale Local Plan Area and therefore Paragraph 11d of the National Planning Policy Framework is engaged. As paragraph 11d is engaged, a balanced decision must be made weighing the adverse impacts of the development against the benefits, taking into account sustainability, effective use of land, securing well designed places and providing affordable homes.

11.2. The site is large enough to accommodate the proposed scale of development as well as the ancillary open space and drainage areas etc. The proposal also includes the required level of affordable housing. In this context it is considered, under provisions of Paragraph 11d of the NPPF, that the principle of development of the site for housing should be supported.

11.3 The main adverse impact resulting from the development arises from the harm caused by the resulting significant coalescence between the settlements of Old Malton and Malton and to the character of the VIUA.

- 11.4 On balance, it is considered that the harm caused by the significant coalescence between the settlements of Old Malton and Malton and by the loss of the VIUA, outweighs the benefit of adding 200 dwellings to the housing sock and the application should be refused.
- 11.5. It should be noted that whilst conditions are referred to in the main text, conditions are a matter for review and negotiation through the appeal process.

## **12.0 Recommendation**

- 12.1. That members refuse the proposal and direct Officers to represent this position at the non-determination appeal.

Target determination date: 14/02/2025

Case Officer: [kevin.riley@northyorks.gov.uk](mailto:kevin.riley@northyorks.gov.uk)

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## North Yorkshire Council

### Community Development Services

#### Thirsk and Malton Area Planning Committee

16 October 2025

**ZE25/00523/FUL - Change of use of land to site for 6 no. caravans with associated foul drainage (retrospective) at Willow Farm Upper Helmsley YO41 1JX for Mr David O'Meara (David O'Meara Racing)**

#### Report of the Head of Development Management – Community Development Services

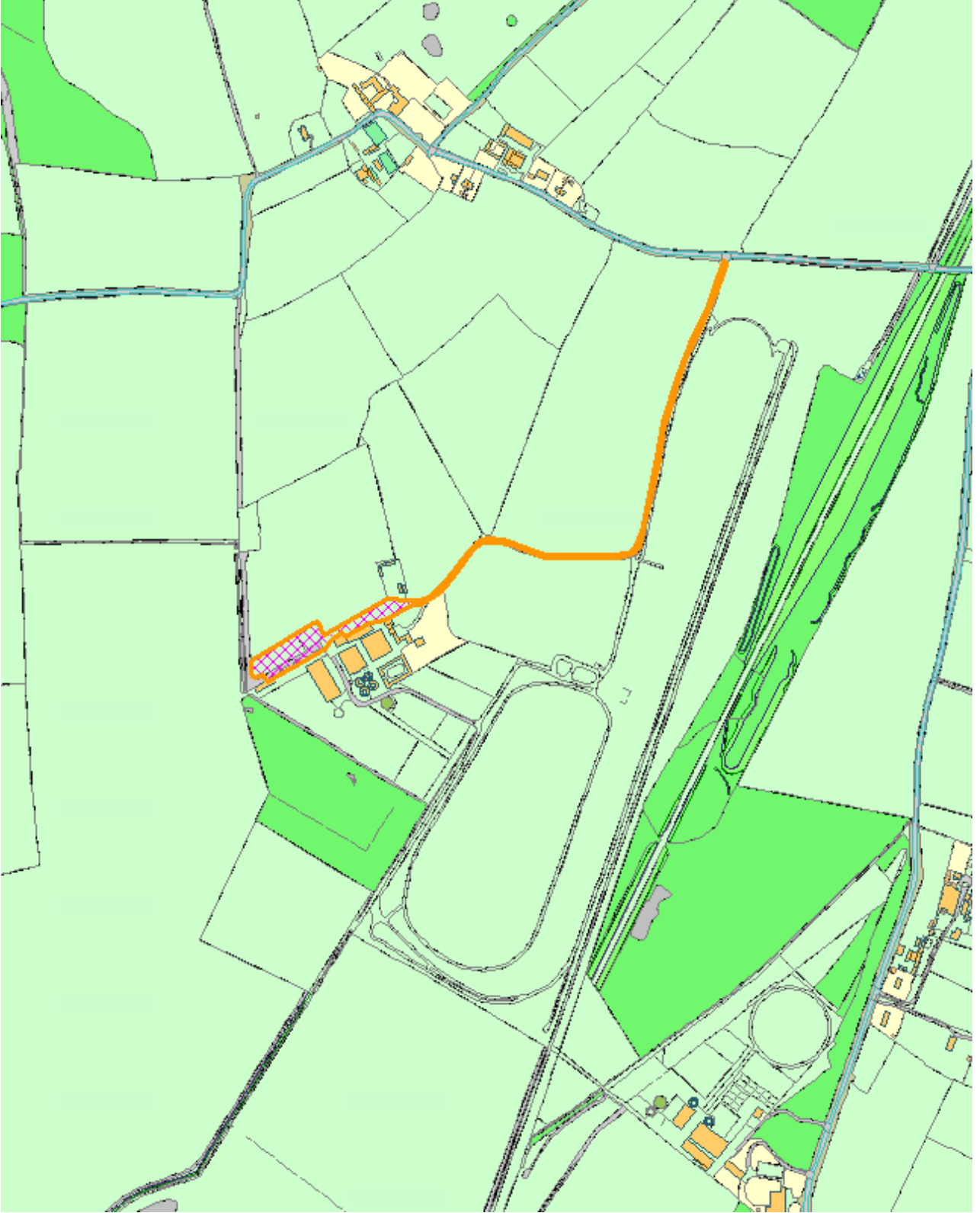
##### 1.0 Purpose of the Report and Background

- 1.1 To determine a retrospective planning application for the change of use of land to allow the siting of 6no. static caravans with associated foul drainage at Willow Farm, Upper Helmsley.
- 1.2 The application has been referred to Committee for determination owing to the range of issues raised.

##### 2.0 Summary

**RECOMMENDATION:** That planning permission be REFUSED for the reasons listed below.

- 2.1 This application seeks full retrospective planning permission for the siting of 6 static caravans for use as staff accommodation, with associated foul drainage. The supporting documentation details that the caravans are to house stable staff on site in connection with the running of the applicant's racehorse training business.
- 2.2 Based on the information submitted, the essential functional need for a further six units of residential accommodation on the site has not been demonstrated and as such, the proposal is not considered to represent a 'Very Special Circumstance' that would allow for the development to be acceptable in this location, nor is it considered that the application demonstrates an essential functional need required by Policy SP9 and SP21 of the Ryedale Plan – Local Plan Strategy.
- 2.3 The application site is located in the York Green Belt where inappropriate development is, by definition, harmful to the Green Belt. Given the principle of the development is considered to conflict with the requirements of the Ryedale Plan – Local Plan Strategy and the NPPF, the development is therefore also considered to result in harm to the Green Belt.
- 2.4 Given the close proximity of the static caravans to the manure storage and active site workings, together with the lack of defined amenity space, it is considered that the residential occupants of the caravans would likely experience unacceptable harm to amenity in relation to noise, odour and disturbance, contrary to the requirements of Policy SP20 of the Ryedale Plan – Local Plan Strategy.



### **3.0 Preliminary matters**

3.1 Access to the case file on Public Access can be found here:

[Ryedale DC - Planning Documents](#)

3.2 The following relevant planning history has been identified for the application site:

3/141/4/PA Outline application for the construction of a detached bungalow and garage at Common Farm, Upper Helmsley – Refused 08.01.1979

3/141/8/PA Change of use of disused farm buildings to 9 self contained holiday cottages at Common Farm, Upper Helmsley – Approved 02.11.1982

3/141/8A/FA Erection of two storey accommodation block to form six family dwellings and a 10 bedroom stablemans dwelling together with parking for 20 cars – Approved 16.12.1996

01/00965/73A - Renewal of approval 3/141/8A/FA dated 16.12.96 for erection of two storey accommodation block to form six dwellings and a 10 bedroom stablemans' dwelling with parking for 20 cars – Approved 01.07.2003

16/00238/MFUL - Erection of replacement horse barn, block of 24no. loose boxes, 3no.horse walkers, roofing over of existing horse walker, provision of a horse wash down area and a horse warm up area, resurfacing of tracks and yard area, provision of an all weather gallop, horse walks, gallops access lay-by, widening of access road and siting of temporary office/rest room building (part retrospective application) – Approved 11.05.2016

16/01950/MFUL - Erection of an equestrian building to include 40no. stables and indoor exercise track – Approved 15.02.2017

17/00087/FUL - Change of use and alteration of part two storey/part single storey barn to form office and staff facilities, erection of 3no. two bedroom self contained single storey staff accommodation units and rebuilding and extension of existing storm damaged building to form equestrian facilities and double garage and formation of visitor parking/turning area following demolition of existing stable blocks (part retrospective application) – Approved 28.03.2017

19/00608/FUL - Erection of a building with a mixed use of agricultural and equine related storage to include straw for bedding, feed and associated equipment for the racehorse training yard – Approved 25.07.2019

### **4.0 Site and surroundings**

4.1 The application site contains an existing farm with associated buildings, in use for the training of racehorses. The site is located 0.9 miles south of Sand Hutton, 1.3 miles north of Gate Helmsley and 2.2 miles north east of Stamford Bridge.

4.2 In relation to residential accommodation, it is understood that the site benefits from a farmhouse occupied by the applicant, a converted building providing 2 dwellings, a three bedroom unit occupied by a family with both adults employed in the business and a further unit occupied by three employees.

4.3 The application site is located outside of any defined development limits, within the wider open countryside and is also located within the York Greenbelt.

## **5.0 Description of Proposal**

- 5.1 This application seeks full retrospective planning permission for the siting of 6 static caravans for use as staff accommodation, with associated foul drainage.
- 5.2 Caravans were first brought onto the site in 2016 when the business first moved to the site, with a number removed in 2020/21. The caravans were introduced, into their current location, in summer 2023.
- 5.3 The application states that there is an essential functional need for the accommodation on site and that this need cannot be met by other dwellings or accommodation due to availability and cost.

## **6.0 Planning Policy and Guidance**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with the Development Plan so far as material to the application unless material considerations indicate otherwise.

### Adopted Development Plan

- 6.2 The Adopted Development Plan for this site is:

Ryedale Plan – Local Plan Strategy (2013)

Policy SP1 General Location of Development and Settlement Hierarchy  
 Policy SP2 Delivery and Distribution of New Housing  
 Policy SP9 The Land Based and Rural Economy  
 Policy SP16 Design  
 Policy SP17 Managing Air Quality, Land and Water Resources  
 Policy SP19 Presumption in Favour of Sustainable Development  
 Policy SP20 Generic Development Management Issues  
 Policy SP21 Occupancy Restrictions

### Emerging Development Plan – Material Consideration

- 6.3 The North Yorkshire Local Plan is the emerging development plan for this site though no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

### Guidance – Material Considerations

- 6.4 Relevant guidance for this application is:
- National Planning Policy Framework 2024
  - National Planning Practice Guidance
  - National Design Guide 2021

## **7.0 Consultation responses**

- 7.1 The following consultation responses have been received and have been summarised below. Full comments are available to view on the Council's website.
- 7.2 Parish Council – No Objection

7.3 Internal Drainage Board – No Comments

7.4 Local Highway Authority – No Objections

7.5 No local representations have been received.

## **8.0 Environment Impact Assessment (EIA)**

8.1 The development proposed does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environmental Statement is therefore required.

## **9.0 Main issues**

9.1 The key considerations in the assessment of this application are:

- Principle of Development
- Landscape and Green Belt Impact
- Impact on residential amenity
- Drainage
- Other matters

## **10.0 Assessment**

### Principle of Development

10.1 Policy SP1 (General Location of Development and Settlement Hierarchy) limits development in the open countryside to that which is necessary to support a sustainable, vibrant and healthy rural economy and communities.

10.2 Policy SP2 (Delivery and Distribution of New Housing) states that within the wider open countryside, new housing will be limited to:

- *New build dwellings necessary to support the land-based economy where an essential need for residential development in that location can be justified*
- *Conversion of redundant or disused traditional rural buildings and where this would lead to an enhancement to the immediate setting for Local Needs Occupancy*
- *Change of use of tourist accommodation (not including caravans, cabins or chalets) where appropriate and restricted to Local Needs Occupancy*
- *Replacement dwellings*

10.3 Policy SP21(c) states that:

*“(i) Proposals for new residential development in the open countryside (outside Development Limits) to support land-based activity, will be required to demonstrate an essential need for the dwelling that cannot be met elsewhere.*

*A condition will be applied requiring that the dwelling remains available in perpetuity for use by a person/s employed full-time in agriculture/forestry or other enterprise for which a dwelling in the particular location is considered essential.*

*(ii) Time restricted conditions and occupancy conditions will be applied to temporary residential accommodation to support a new farming/forestry/rural enterprise activity where the need for the accommodation can be justified. Such accommodation will take the form of a caravan or wooden structure which would be supported, normally for a period of three years.*

10.4 At the national level, paragraph 84 of the NPPF states that:

*“Planning policies and decision should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:*

*a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*

*b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*

*c) the development would re-use redundant or disused buildings and enhance its immediate setting;*

*d) the development would involve the subdivision of an existing residential buildings; or*

*e) the design is of an exceptional quality, in that it: - is truly outstanding, reflecting the highest standards in architecture and would help to raise standards of design more generally in rural areas; and – would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.”*

10.5 Further guidance is set out in the National Planning Practice Guidance (NPPG) which reads:

*“Considerations that may be relevant to take into account when applying paragraph 84a of the NPPF could include:*

*- evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products);*

*- the degree to which there is confidence that the enterprise will remain viable for the foreseeable future;*

*- whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process; - whether the need could be met through improvements to existing accommodation on the site, providing such improvements are appropriate taking into account their scale, appearance and the local context; and*

*- in the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period.*

*Employment on an assembly or food packing line, or the need to accommodate seasonal workers, will generally not be sufficient to justify building isolated rural dwellings.”*

- 10.6 Policy SP9 (The Land Based and Rural Economy) states that *“Ryedale’s land based economy will be sustained and diversified with support for: new buildings that are necessary to support land-based activity and a working countryside, including for farming and forestry and equine purposes.”* The supporting text of Policy SP9 at paragraph 5.35 states *“this strategy is intended to support and be flexible to the needs of those who rely on the land-based economy.”*
- 10.7 As noted, the application site is located within the York Green Belt. Policy SP1 of the Ryedale Plan – Local Plan Strategy states that proposals for development within the Green Belt will be considered against national planning policy. Chapter 13 of the NPPF relates to the protection of Green Belt land.
- 10.8 Paragraph 142 states that *“the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”*
- 10.9 Paragraph 153 of the NPPF states that:
- “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”*
- 10.10 Paragraph 154 of the NPPF states that:
- “Development in the Green Belt is inappropriate unless one of the following exceptions apply:*
- a) buildings for agriculture and forestry;*
  - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use, including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
  - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
  - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
  - e) limited infilling in villages;*

*f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*

*g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.*

*h) other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:*

*i. Mineral extraction;*

*ii. engineering operations;*

*iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;*

*iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;*

*v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*

*vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.*

10.11 Paragraph 155 of the NPPF states that:

*The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:*

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
- b. There is a demonstrable unmet need for the type of development proposed;*
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and*
- d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below."*

10.12 The NPPF defines Grey Belt land as:

*"For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of the purposes (a), (b) or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development."*

10.13 The NPPF definition is Previously Developed Land is:

*"Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the*

*curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”*

10.13 Paragraph 143 of the NPPF states that:

*“Green Belt serves five purposes:*

- a) To check the unrestricted sprawl of large built-up areas;*
- b) To prevent neighbouring towns merging into one another;*
- c) To assist in safeguarding the countryside from encroachment;*
- d) To preserve the setting and special character of historic towns; and*
- e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.”*

10.14 Footnote 7 states that:

*“The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those listed in paragraph 194) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change.”*

10.15 Prior to the siting of the static caravans (which was carried out without the benefit of planning permission and was therefore not lawfully developed), the land was laid to grass and appears to have formed part of the paddock to the east. It is therefore considered that the site does not represent previously developed land.

10.16 The application site does not strongly contribute to purposes (a), (b) or (d) of paragraph 143 and the site is therefore considered to constitute Grey Belt land.

10.17 The supporting documentation details that the caravans are to house stable staff on site in connection with the running of the applicant’s racehorse training business. It is understood that there are around 140 racehorses on site at any one time, with the applicant employing around 40 people. It is understood that accommodation is provided on site in permanent buildings for at least eight employees in the business, with the six static caravans providing additional staff accommodation.

10.18 The documentation states that the caravans were brought onto the site in 2016. However, following a meeting between the applicant and the LPA during the consideration of this application, it is understood that the caravans have not been on site continuously since 2016 and were removed from the site when they ceased to be required in 2021/22 before being reintroduced in the summer of 2023.

10.19 The Supporting Statement provides the following assertions as justification for the six units on the site:

- Accommodation for stable staff is an ongoing issue in the horse racing industry, with the Immigration Salary List updated in March 2024 to include racing grooms, work riders, stallion handlers, stud grooms, stud hands and stud handlers.
- Many race yards now employ overseas workers who are unable to drive in the UK and are unable to afford accommodation.
- Local housing is extremely expensive and disproportionate to a rural workers wage in the industry.
- A local search of housing available to rent found only room shares available, mostly in York in excess of 5 miles from the site.
- The employees living in the caravans take care of the early morning and late night feeding of the horses, as well as regular checking around during the night to ensure the horses are safe and well. The staff living on site also provide a good source of security.
- The accommodation on site, including the farmhouse, is all occupied by members of staff employed in the business. It is grossly inadequate to meet the need for accommodation on site to meet the needs of the business and to ensure adequate welfare of the horses.
- There is a clear functional need on the site for additional workers to meet the significant early morning and night time demands of the business, as well as to enable it to attract and retain staff with specific challenges and needs.
- The need cannot be met by other available housing in the area, not least because it is scarce, but it is also unaffordable. In order to ensure the continuity of this business which contributes significantly to the economy and to the sport, this represents an essential need and very special circumstances.

10.20 There are a number of employees living on the site in approved accommodation and it is not clear why the early morning and night-time demands of the business cannot be met by these employees. Whilst the information provided may demonstrate that there is sufficient work on site for the number of employees, this does not in itself demonstrate that permanent accommodation is required for these employees.

10.21 The Statement refers to site security, however it is not evident how the presence of the six caravans could form a deterrent beyond the existing residential accommodation.

10.22 Based on discussions between the applicant and LPA, it is understood that the racehorse training industry is generally expected to provide accommodation as part of employment and that without this offering, recruiting would prove difficult. A review of the Careers in Racing website does indicate that many jobs offer free accommodation as part of the job, however it does not indicate if this is on site or in the locality. Officers consider that the functional requirements in terms of the need for staffing on site can be reasonably catered for through the on-site accommodation in combination with off-site accommodation. This does not take into account the wider issues of accommodation need within the industry, nor the expectation of accommodation provision based on provision for foreign workers.

10.23 It is understood that the existing units on site are fully accommodated and that there are no other buildings on the site that could be converted to form additional residential accommodation.

10.24 The application is not accompanied by a sequential test with details of other accommodation that may be available. Gate Helmsley is located around a 1.3 mile

drive from the application site, Stamford Bridge around a 2.2 mile drive and Stockton on the Forest a 3.9 mile drive.

- 10.25 A review of *Rightmove* at the time of writing the report indicates that there are 135 properties for sale and 11 properties for rent within a 3 mile radius of the site. Whilst the application states accommodation is unaffordable for employees, there is limited information as to whether the applicant could purchase or rent a property in the locality to provide shared/HMO accommodation for employees. This is considered to remain an alternative option for the applicant.
- 10.26 Based on the information submitted, the essential functional need for a further six units of residential accommodation on the site has not been demonstrated and as such, the proposal does not satisfy the tests under Paragraph 155 of the NPPF and is therefore inappropriate development. Furthermore, it is not considered to represent a 'Very Special Circumstance' that would allow for the development to be acceptable in this location, nor is it considered that the application demonstrates an essential functional need required by Policy SP9 and SP21 of the Ryedale Plan – Local Plan Strategy.
- 10.27 As noted, the application site is located within the wider open countryside, outside of any settlement. It is considered that the siting of six caravans does not represent a form of development supported by Policy SP1 of the Ryedale Plan – Local Plan Strategy, nor would it represent development in a sustainable location or make effective use of land.
- 10.28 It is therefore considered that the principle of development conflicts with the requirements of Policies SP1, SP2, SP9 and SP21 of the Ryedale Plan – Local Plan Strategy and the NPPF.

#### Landscape and Green Belt Impact

- 10.29 The application site is located within the wider open countryside, as defined in the Local Plan. Policy SP16 (Design) requires that:
- “Development proposals will be expected to create high quality durable places that are accessible, well integrated with their surroundings and which:*
- *Reinforce local distinctiveness*
  - *Provide a well-connected public realm which is accessible and useable by all, safe and easily navigated*
  - *Protect amenity and promote well-being”*
- 10.30 To accord with Policy SP16 and reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings. Attention should be paid to the grain of settlements, influenced by street blocks, plot sizes, the orientation of buildings, boundaries, spaces between buildings and the density, size and scale of buildings.
- 10.31 Policy SP20 (Generic Development Management Issues) also requires that: *“New development will respect the character and context of the immediate locality and the wider landscape/townscape character in terms of physical features and the type and variety of existing uses.”*
- 10.32 In this instance, it is considered that the six static caravans are unacceptable in terms of planning policy and therefore the proposal remains fundamentally inappropriate.

- 10.33 The position of the caravans relates well to the existing built form of the site, located to the east of the existing buildings and on an area of existing hardstanding. Albeit visible from public vantage points, the caravans have not resulted in significant encroachment into the open countryside.
- 10.34 The caravans are functional in appearance, of a finish expected of a static caravan and are not considered to be a high quality installation. Additional planting within the site would minimise views of the caravans from public vantage points and the application does state that the applicant would be agreeable to a condition requiring a landscaping scheme to be implemented.
- 10.35 However, the application site is located in the York Green Belt where inappropriate development is, by definition, harmful to the Green Belt. Given the principle of the development is considered to conflict with the requirements of the Ryedale Plan – Local Plan Strategy and the NPPF, the development is therefore also considered to result in harm to the Green Belt.
- 10.36 As noted, the site is considered to constitute Grey Belt land. However, the development would not meet all of the criteria listed within paragraph 155 and is therefore considered inappropriate development within Grey Belt land.

#### Impact on residential amenity

- 10.37 Policy SP20 (Generic Development Management Issues) states:

*“New development will not have a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence.”*

- 10.38 The caravans would not give rise to a material adverse impact on the amenity of the existing residential units on the site in relation to overlooking or noise and disturbance.
- 10.39 There are concerns with the level of outdoor space provided to the units, together with their positioning on site. The units are located to the north of the manure heap, with no evidence of any allocated private amenity space.
- 10.40 Given the close proximity of the static caravans to the manure storage and active site workings, together with the lack of amenity space, it is considered that the residential occupants of the caravans would likely experience unacceptable harm to amenity in relation to noise, odour and disturbance.
- 10.41 Whilst the units would be occupied by employees of the business, it should still be expected that they can benefit from an acceptable level of residential amenity. On this basis, the development is considered to be contrary to the requirements of Policy SP20 of the Ryedale Plan – Local Plan Strategy.

#### Other matters

- 10.42 The scheme includes the provision of a water treatment plant and surface water to a soakaway sited to the north of the caravans. The installation of a package treatment plant is governed by the Environment Agency. The principle of the installation is considered appropriate, subject to the site having the appropriate permits from the EA.

- 10.43 The siting of six residential caravans is considered acceptable in highway terms and it is not anticipated that this would result in a significant increase in vehicle movements, over and above what is experienced as a result of the equestrian use of the site.
- 10.44 Planning permissions in England are deemed to be granted subject to the general Biodiversity Gain Condition as set out by Schedule 7A, paragraph 13 of the Town and Country Planning Act 1990 (TCPA) as amended by Schedule 14, Part 2, paragraphs 13, 14 and 15 of the Environment Act 2021. This application is considered to be exempt from this condition due to being retrospective and on an area of existing hardstanding.

## **11.0 Planning balance and conclusion**

- 11.1 The site is in the open countryside, where applications for new residential units need to satisfy the policy tests set out in the NPPF and the corresponding requirements set out in Local Policies SP1, SP2 and SP21(c).
- 11.2 The application is made on the basis of an essential functional need for employees to reside on the site and that without the provision of free accommodation, recruiting staff would be difficult and could impact the long-term viability of the business.
- 11.3 Officers are of the view that an essential functional need has not been demonstrated that aligns with the requirements of Policies SP1, SP2 or SP9 of the Ryedale Plan - Local Plan Strategy. The proposal is also not considered to represent a 'Very Special Circumstance' that would allow for the development in this Green Belt location. In light of the essential need not being demonstrated, the proposal is considered to constitute inappropriate development which is harmful to the openness of the Green Belt.
- 11.4 Furthermore, the siting of the caravans, adjacent to the manure store and with no amenity space, would result in an unacceptable impact on the amenities of the occupiers in relation to noise, odour and disturbance. On this basis the proposed development is considered to be contrary to the requirements of Policy SP20 of the Ryedale Plan – Local Plan Strategy.
- 11.5 It is therefore considered that the development conflicts with the requirements of Policies SP1, SP2, SP9, SP16, SP19, SP20 and SP21 of the Ryedale Plan – Local Plan Strategy and the National Planning Policy Framework. Consequently, the scheme is recommended for refusal.

## **12.0 Recommendation**

### **12.1 That planning permission be REFUSED for the reasons listed below.**

- 1 It has not been demonstrated that the racehorse training yard gives rise to an essential functional need for a further six residential units within the open countryside to accommodate workers at the site. It has also not been demonstrated that there are no available properties in the locality that would be suitable to fulfil the functional needs of the enterprise contrary to the NPPF and Policies SP1, SP2 and SP21(c) of the Ryedale Plan – Local Plan Strategy. There are considered to be no other exceptional factors or material considerations of sufficient weight to justify a departure from the adopted Development Plan.

- 2 In light of the first reason for refusal, the siting of six static caravans is considered to constitute inappropriate development which would detract from the character and protected openness of the York Green Belt. There are no material considerations that would outweigh the harm by reason of inappropriateness and/or any other harm identified. The application is therefore contrary to the requirements of Section 13 (Protecting Green Belt Land) of the National Planning Policy Framework.
- 3 The static caravans are located adjacent to land used for the storage of manure. Furthermore, the unit's benefit have no private amenity space and are sited in close proximity to active site workings. It is considered that the siting of the caravans would be detrimental to the amenities of the occupiers of the caravans. The proposal is therefore considered to be contrary to the requirements of Policy SP20 of the Ryedale Plan – Local Plan Strategy.

Target Determination Date: 24.10.2025

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