

Meeting: Thirsk and Malton Area Constituency Planning Committee

Members: Councillors Joy Andrews (Vice-Chair), Alyson Baker, Lindsay Burr MBE, Sam Cross, Caroline Goodrick (Chair), Nigel Knapton and Malcolm Taylor.

Date: Thursday, 15 August, 2024

Time: 10.00 am

Venue: Council Chamber, Ryedale House, Malton, YO17 7HH

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Agenda

1. **Apologies for absence**

2. **Minutes for the meeting held on 18 July 2024** (Pages 3 - 4)

3. **Declarations of interests**

All Members are invited to declare at this point any interests, including the nature of those interests, or lobbying in respect of any items appearing on this agenda.

4. **ZF24/00511/FL - Demolition of existing sports hall and erection of 4 no. Holiday lets and conversion and existing leisure centre buildings to create 5no. Holiday lets, with associated hard and soft landscaping at Hunmanby Hall Sport and Leisure, Hall Park Road, Hunmanby, Filey, North Yorkshire, YO14 0HZ** (Pages 5 - 24)
5. **ZB24/00145/FUL - Change of use of land for the siting of 5no. holiday lodges, improvements to existing access and associated infrastructure works at Newlyn, Oulston Road, Easingwold, North Yorkshire** (Pages 25 - 44)
6. **ZE23/01660/MFUL - Change of use of agricultural and equestrian land to allow the siting of 24no. holiday lodges, 1no. wardens lodge and 1no. reception/shop with associated access, parking, infrastructure and landscaping (revised detail to planning approval 20/00701/MFUL dated 15.11.2021) at land off Daskett Hill, Sheriff Hutton** (Pages 45 - 70)
7. **22/00102/FUL - Change of use of land to a gypsy/traveller site with 4no family pitches each with 1no static caravan, 1no touring caravan pitch and parking spaces, erection 1no. amenity building and installation of 1no bio-disc treatment plant with associated parking and landscaping at land at Cornborough Road, Sheriff Hutton, North Yorkshire** (Pages 71 - 104)
8. **ZE23/00437/FUL - Change of use of former agricultural building for use as a (small breeds) dog breeding kennel and domestic storage together with an extension to the building to provide toilets and external alterations including the installation of insulated acoustic sheeting to the exterior of the building (part retrospective) and the change of use of agricultural land to dog exercise area.** (Pages 105 - 120)
9. **Any other items**
Any other items which the Chair agrees should be considered as a matter of urgency because of special circumstances.
10. **Date of next meeting**
Thursday, 19 September 2024 at 10am.

Members are reminded that to expedite business at the meeting and enable Officers to adapt their presentations to address areas causing difficulty, they are encouraged to contact Officers prior to the meeting with questions on technical issues in reports.

Agenda Contact Officer

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Wednesday, 7 August 2024

North Yorkshire Council

Thirsk and Malton Area Constituency Planning Committee

Minutes of the meeting held on Thursday, 18 July, 2024 commencing at 10.00 am.

Councillor Caroline Goodrick in the Chair, plus Councillors Joy Andrews, Alyson Baker, Lindsay Burr MBE, Sam Cross, Nigel Knapton and Malcolm Taylor.

Officers Present: Alpha Love-Koh, Ann Rawlinson, Nicki Lishman and Aisling O'Driscoll.

Copies of all documents considered are in the Minute Book

108 Apologies for absence

There were no apologies for absence.

109 Minutes for the meeting held on 20 June 2024

The minutes of the meeting held on 20 June 2024 were confirmed and signed by the Chair as a correct record.

Voting record

Carried by general affirmation.

110 Declarations of interests

There were no declarations of interest.

111 ZB23/02610/FUL - Construction of 11 dwellings at land to the west of Forest of Galtres Anglican Methodist Primary School, Station Lane, Shipton By Beningbrough

The Assistant Director Planning – Community Development Services sought determination of a planning application for 11 dwellings on land to the west of Forest of Galtres Anglican Methodist Primary School, Station Lane, Shipton by Beningbrough.

The application was reported to the Area Planning Committee for determination as it was considered that the proposal raised significant planning issues.

Presenting the report, the Officer drew Members' attention to:

- The Biodiversity Net Gain (BNG) Metric included in the late papers. Further to the BNG information submitted, there was some discussion regarding the low level of gain for habitats. The applicants had indicated that, due to the development being for Affordable Housing and the size of the site, they would struggle to achieve any further net gain for habitats. The Council's Ecologist agreed that it would be difficult to increase the value of the BNG areas through management

and that with the inclusion of the proposed 17 trees, the proposal was reasonable and proportionate.

- That the application met the criteria that a rural exception site must provide 100% affordable housing and would do this in perpetuity
- The green credentials of the development

The Officer confirmed that Conditions 12 – 16 were not part of the Highways Construction Management Plan and apologised for any confusion.

Mark Dutton spoke to represent the applicant.

During consideration of the item, the Committee questioned the Officer in relation to:

- Parking provision as the site is adjacent to the local primary school – the Officer confirmed that no concerns had been raised by the Highways Authority and that current parking restrictions would be unchanged.
- The provision of wheel washing facilities during the construction phase – the Officer confirmed that this was included in the Conditions.
- Whether EV charging points would be available – the Officer confirmed that this would be included as part of Building Regulations.
- Whether any concerns had been raised by the Internal Drainage Board - the Officer confirmed that the proposal was acceptable to the IDB

Members expressed their support for the application, with particular reference to the need for affordable housing in the area.

Decision

That planning permission be GRANTED subject to the conditions listed in the report and the completion of a Section 106 agreement with terms as detailed in Table 1 of the report.

Voting record

Unanimous.

112 Any other items

There were no items of urgent business.

113 Date of next meeting

Thursday, 15 August 2024.

**North Yorkshire Council
Community Development Services
Thirsk and Malton Constituency Committee
15 AUGUST 2024**

ZF24/00511/FL - Demolition of existing sports hall and erection of 4 no. holiday lets and conversion and existing leisure centre buildings to create 5no. holiday lets, with associated hard and soft landscaping at HUNMANBY HALL SPORT AND LEISURE, HALL PARK ROAD, HUNMANBY, FILEY, NORTH YORKSHIRE, YO14 0HZ, on behalf of ASHCOURT HUNMANBY LTD. (MR KURT BOUSEFIELD)

Report of the Head of Development Management – Community Development Services

1.0 Purpose of the report

- 1.1 To determine planning application reference ZF24/00511/FL for the above development at Hunmanby Hall Sport and Leisure Hall, Park Road, Hunmanby.
- 1.2 The application has been brought to Committee for determination following a request by the Ward Member as it involves the potential loss of a community facility and has generated considerable public interest.

2.0 EXECUTIVE SUMMARY

RECOMMENDATION:

- 2.1 It is recommended to grant full planning permission for the demolition of the existing sports hall (community facility) to erect 4 x holiday cottages and the conversion of the existing leisure centre buildings to create 5 x holiday lets, with associated hard and soft landscaping. The site is in the Conservation Area and within close proximity of Listed Buildings, and the application seeks to remove protected community facilities.
- 2.2 Local Plan Policy HC8 seeks to protect the redevelopment of existing community facilities, although it has been evidenced that the community facility is no longer required, was used to a limited level and has been marketed for a sufficient period of time. The principle of new or the enhancement/expansion of existing tourism facilities is supported through local plan policies TOU1 and TOU4, with the application complying with the requirements of those policies. The design is considered to be appropriate and is an improvement on the existing arrangement conserving the significance of local heritage assets. The proposed development is considered by your officers to comply with relevant Local and National Planning Policies and permission is recommended to be granted with conditions.



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1.0

3.0 Preliminary Matters

- 3.1 Access to the case file on Public Access can be found here: [ZF24/00511/FL | Demolition of existing sports hall and erection of 4 no. holiday lets and conversion and existing leisure centre buildings to create 5no. holiday lets, with associated hard and soft landscaping | Hunmanby Hall Sport And Leisure Hall Park Road Hunmanby Filey North Yorkshire YO14 0HZ \(scarborough.gov.uk\)](https://publicaccess.scarborough.gov.uk/ZF24/00511/FL | Demolition of existing sports hall and erection of 4 no. holiday lets and conversion and existing leisure centre buildings to create 5no. holiday lets, with associated hard and soft landscaping | Hunmanby Hall Sport And Leisure Hall Park Road Hunmanby Filey North Yorkshire YO14 0HZ (scarborough.gov.uk))

4.0 Site and Surroundings

- 4.1 The application relates to the former Sports Hall located in the former historic estate of Hunmanby Hall which is a grade-II* listed building dating from the early 17th century. Three other associated buildings within the setting of the Hall are Grade-II listed. The grade II listed buildings are the Stable Block, Sick Bay and the Lodge/Gateway located on Station Road. The application site itself does not contain any listed structures and is located c.40m to the Southeast of the Old Hall.
- 4.2 The application site contains the gym/leisure facilities building (within one of the former school's buildings) and an existing holiday accommodation unit. Access into the site is from the South of the existing sports hall, which leads into a shared car park. The Sports Hall is located on the Western boundary of the site, adjacent to Hall Park Road. The sports hall is rectangular in shape, constructed from red brick with timber cladding, with a flat roof. The gym is a single storey structure located on the Eastern boundary of the site, with a pitched roof, constructed from red brick.
- 4.3 The blue line boundary on the submitted location plan shows that the applicant also owns a substantial area of the Hall's former parkland to the immediate East, and South of the application site. This land encompasses a 9-hole golf course, tennis courts, parkland, woodland, and dog walking track.
- 4.4 There are a large number of trees located both within the application site, predominantly in close proximity to the car parking area, and also within the blue line boundary. The trees are protected through a blanket Tree Preservation Order (TPO).
- 4.5 The site is located outside of the development limits defined in the Local Plan, hence is a countryside location. It is also located in the Conservation Area of Hunmanby, which also includes the other buildings and parkland associated with the Hall.

5.0 Description of Proposal

- 5.1 The applicant is seeking permission to redevelop the site to create 9 x holiday cottages. The development seeks to demolish the sports hall to facilitate the erection of a 1.5 storey terrace block comprised of 4 x 2-bedroomed holiday lets (units 2-5).
- 5.2 The gym building would be converted to 5 x holiday lets (units 6-10). The building is single-storey, with 4 of the units proposed as 1-bedroomed units, whilst 1 (unit 9)

would feature two bedrooms. External alterations to the gym building are proposed in relation to additional/replacement openings.

- 5.3 The proposed site plan shows that all of the units would have their independent access via a shared footpath, and amenity space bounded by a fence/hedge.
- 5.4 The site is to be accessed from Hall Park Road leading into a parking area accommodating 16 parking spaces, 2 accessible spaces and 3 visitor spaces. A bin store and cycle store are proposed within the site.

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 planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise.

Adopted Development Plan

- 6.2 The Adopted Plan for this site is:
-Scarborough Borough Local Plan 2011 to 2032 adopted 2017

Emerging Development Plan - Material Consideration

- 6.3 There is no emerging development plan which covers the application site.

Guidance - Material Considerations

- National Planning Policy Framework 2023
- National Planning Practice Guidance
- National Design Guide
- NYCC SuDS Design Guidance
- SBC Residential Design Guide Supplementary Planning Document (SPD)

7.0 Consultation Responses

- 7.1 The following consultation responses have been received and have been summarised below.
- 7.2 Hunmanby Parish Council - Strongly objects to the planning application for several reasons. The land is adjacent to an historic monument and the developer to date has not been sympathetic to the site with heavy ground works being carried out and fencing erected without archaeologists present. Drainage details have not been submitted. There are no plans for ancillary buildings on site which raises concerns in terms of the remainder of the site and whether this is to be developed in the future. Hunmanby is a designated service village in the Local Plan and the significance of community facilities has been highlighted, with emphasis placed on the retention of such facilities. The increased number of tourist facilities in the village is also a cause for concern. It is appreciated that there is a need for tourism but the village is now seeing a large number of holiday homes.

- 7.3 Archaeologist - No known archaeological remains within the area indicated on the site plan. No objections to the proposal.
- 7.4 Architectural Liaison - No comments received.
- 7.5 Conservation Officer - Initially responded to the application stating that amendments are required as the design does not fully accord with Local planning policy. Upon receipt of amended plans, the Conservation Officer did not object to the proposal subject to a condition which requires further details of the external materials to ensure that a high quality finish is secured.
- 7.6 Designing out Crime Officer (North Yorkshire Police) - Does not support or raise a direct objection to the proposal but recommended certain designing out crime measures which should be incorporated into the development should permission be granted. These include a CCTV system looking into the car parking area, secure cycle storage, bin and recycling storage, lighting, appropriate landscaping, secure doors and windows, intruder alarms and measures to protect equipment during the construction phase.
- 7.7 Ecology - No comments received.
- 7.8 Environmental Health, Commercial and Regulation - No objection raised subject to conditions concerning development hours and a dust management plan.
- 7.9 Environmental Health, Housing - No objections raised.
- 7.10 Local Highways Authority - There are no objections raised to the proposed development on the understanding that there would be no holiday unit openings onto Hall Park Road. However, it is acknowledged that there is no suitable pedestrian route to Hunmanby Station and visitors are likely to drive rather than walk as the highway walking route is via a narrow rural footway. A pedestrian access which would allow direct access through the applicant's land to the centre of Hunmanby and the train station has been requested.
- 7.11 Lead Local Flood Authority (LLFA) - Initially responded that the submitted documents are limited and the LLFA recommends that the applicant provides further information as detailed in the full response prior to any planning permission being granted.
- 7.12 Yorkshire Water - No objection raised but conditions requiring the submission and approval of surface and foul water drainage were requested.

Local Representations

- 7.13 The application has been advertised by means of site notice and press notice. 52 comments from residents have been received, objecting to the proposal based on the following concerns:

-There is concern raised in terms of the proposed use in terms of the development introducing further holiday lets into the area which already has a high number of such uses. This will place additional stress on local facilities such as the GP

surgery. There are also concerns raised about the future development of the wider site, with the possibility that this will be developed into a holiday park/caravan park. The focus for the village should be on creating and retaining permanent dwellings rather than additional holiday lets. The site does not include a holistic outline plan for the whole site and the Council should be unable to make a judgement as to the case for sustainable development without this.

-The loss of community facilities raises concerns and is lacking evidence. The development will lead to the loss of a golf course, dog walking facilities, tennis courts, gym and the sports hall. The reference within the planning statement to the gym usage has been described as 'misleading' and the reason why the gym is currently unused is not clear. Residents are arguing that the facilities were regularly used up until the middle of September 2023. The local leisure facilities make an important contribution to local health and wellbeing and there are policies within the Local Plan which require the retention of such facilities. There is also the argument that the owner has allowed for the facilities to become dilapidate. Additionally, the sale value of the site (£1.25m) was excessive for such a plot which clearly indicated that there was redevelopment value included within this price.

-The proposed development has the potential to detrimentally impact on highways safety. Hall Park Road is a 60mph road and is already busy and there is concern that the level of development cannot be safely accommodated utilising the existing access and parking provision. There is also no dedicated footpath on large parts of Hall Park Road, rendering it unsafe for guests who wish to reach the village centre and/or the train station on foot.

-The site is located in a historic area, within the grounds of Hunmanby Hall, nearby to numerous listed buildings alongside being within the Conservation Area. It is debated that the proposal leads to an enhancement of the setting of the heritage assets as outlined in paragraph 6.12 in the Heritage and Impact Statement. The demolition of the existing public sports facility is contrary to contributing to the communal value of the village. The development of the site also opens the possibility of further similar development nearby, which would erode the character of the area further. There is no evidence to justify that the development would preserve or enhance the Historic Environment. The development is argued to be of a contemporary design and will have a detrimental impact on the setting of the Hall.

-The site is outside of the Development Limits of Hunmanby and within the countryside, where development should be severely restricted.

-The proposal will have a detrimental Impact on public footpaths which run through the site to the village centre, with the site already being closed off for access to local residents.

-Holiday lets have the potential to detrimentally impact on the amenity of existing and future residents. This is especially true when the properties include hot tubs and can accommodate parties and large groups.

-The application is unclear in terms of flood risk and drainage. There are no details in terms of the connection to public sewers.

-The application would potentially detrimentally impact on the nearby ancient woodland and trees on site. The surrounding area is attractive and is under consideration for inclusion as part of the Yorkshire Wolds Area of Outstanding Natural Beauty. It should be protected from harmful development. There have been regular sightings of various animals on/near to the site and it is unclear as to what impact the development would have on local biodiversity interests. Any loss of the adjacent woodland/parkland would have a severe impact on local biodiversity.

-The proposed development may feature lighting, both on the building themselves and within ancillary areas such as car parking areas. This may lead to light pollution which may affect residents and local wildlife/fauna.

-There is no benefit to the community proposed such as financial agreements to invest in the local services, or affordable housing provision.

-Concerns about the effect of the construction works on local residents which should be supported by a dust, noise and vibration management scheme.

8.0 Environmental Impact Assessment

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 main issues are:

- Principle of Development
- Impact on Amenity
- Design and Impact on Visual Amenity
- Impact on the Historic Environment
- Ecology/Impact on Biodiversity
- Highways Safety
- Impact on Trees
- Flood Risk and drainage
- Crime prevention and community safety

10.0 Assessment

Principle of Development

10.1 The proposed development would represent a loss of community facilities (Sports Hall and gym/leisure facility). Such uses are protected from redevelopment/loss through Local Plan Policy HC8, and are only permitted where the following can be demonstrated:

- a. It can be demonstrated that the facility is no longer required, having been vacant and marketed for a community use without success; or
- b. A replacement facility of at least an equal quality and scale is proposed; or

- c. The proposal will result in the significant enhancement to the capacity, nature and quality of a separate existing facility which serves the same community.
- 10.2 The applicant has submitted information which seeks to meet the criteria of HC8(a), with the argument raised that the facility is no longer required, having been marketed for sale in April 2022, with little interest until the applicant purchased the site in September 2023. The submitted information outlines that the gym was privately owned, and the previous owner operated it on a turn up and pay basis. The sports facilities in the sports hall were also operated on a limited basis, with the previous organiser running a small number of classes per week.
- 10.3 The entire site (including the area and facilities within the blue line boundary) were therefore for sale for a period of c.17 months prior to the facility being purchased. The sales particulars are enclosed within appendix 1 of the amended planning statement (Dated July 2024). The brochure, which is dated 2022, marketed the entire site (including the blue line boundary area), but it is clearly stated that each part of the site could be sold independently.
- 10.4 There is no defined period within Local Plan Policy HC8 as a minimum marketing length to justify the community facilities being lost; however, the evidence does indicate that the community uses on site have been marketed without success for a period of time, prior to the applicant purchasing the site. The LPA is seeking further clarification on the level of interest in the site from prospective buyers and has sought a written statement from the estate agents (Cundalls) which will be clarified at the planning committee meeting.
- 10.5 Whilst the LPA seeks to protect community assets, especially within rural areas, it is necessary to assess such applications against relevant local plan policies. It is considered that, subject to clarification on marketing dates and the level of interest, there has been sufficient evidence presented which outlines that the sports hall and gym were used on a limited basis. Also, it has been outlined that a sufficient marketing period was given without interest in maintaining the site as a leisure facility.
- 10.6 Hunmanby is a service village as identified through Local Plan Policy SH1, although the application site falls outside of the Development Limits of the village and is hence a countryside location. Local Plan Policy ENV6 allows for appropriate recreational or tourism related activity requiring a countryside location. This is providing that the development complies with other relevant policies in the plan, the scale of the proposal is compatible with its surroundings and does not have an unacceptable impact on the character and appearance of the open countryside or the wider landscape.
- 10.7 Local Plan Policy TOU4: Visitor Accommodation and Facilities in the Countryside states that the development of new visitor accommodation and associated facilities will be permitted where certain criteria are met. The criteria includes the development being of an appropriate size in that location, would be visually unobtrusive and successfully integrated into the surrounding landscape, and the road network and site's access can safely accommodate any traffic generated. This includes proposals for the extension of or improvements to existing sites including associated facilities.

- 10.8 In regard to Local Plan Policies ENV6 and TOU4, it is firstly important to note that the development is tourist accommodation which is generally an acceptable use within the countryside subject to the criteria of the relevant policies being met. The site is previously developed, i.e. a brownfield site, and is occupied by uses which would not typically meet the suitability of a countryside location. A gym and indoor sport facility would be considered a main town centre use.
- 10.9 The main physical alteration on site would be the removal of the sports hall which is directly adjacent to Hall Park Road, in a prominent location within the street scene. The existing structure is fairly large, bulky with a flat roof and external timber cladding which is not characteristic of the area. The replacement building on the Western boundary (4 x holiday accommodation units) would be of a smaller scale - in terms of footprint, scale and massing.
- 10.10 Whilst the development does not necessarily meet the criteria of TOU4(b) in terms of it being visually unobtrusive, weight should be added to the fact that it would replace a larger and more visually obtrusive building, which has a greater impact on the surrounding landscape. This is evidenced by the sports hall measuring 760sqm in footprint, whilst the footprint of the proposed terrace row measures 285sqm. The row of terraces is also smaller in height - with a maximum height of 6.5m to the pitched roof ridge, compared to the 8.25m height of the existing sports hall, which is a flat roof. Generally, the design of the proposed replacement building is an improvement to the existing, with more traditional fenestration detailing, external materials and layout. As such, it is considered that the proposed facility has less of a visual impact in the countryside location than the existing building has, which is not a typical countryside use in any case.
- 10.11 Likewise, the use of the current facilities would already generate vehicular movements and activity on site. The proposed use would not significantly increase either of these elements and points A and C of Local Plan Policy TOU4 are considered to be met. Hunmanby is a popular tourist area within the County and is characterised by small holiday lets such as the ones proposed. Indeed, the site already has a two-bedroom holiday let which is to be retained. The above measurements, outlined with the fact that the site is previously developed land, the requirements of Local Plan Policy TOU4 are considered to have been met. The proposal is considered to be compatible with its surroundings and does not have an unacceptable impact on the character and appearance of the open countryside, in line with Local Plan Policy ENV6.
- 10.12 Additionally, Local Plan Policy TOU1 supports and encourages the diversification of the tourism industry throughout the plan area. This is where the development respects the distinctive tourism character of the area, and wherever possible helps to reduce the seasonal nature of the tourism industry in the area. The proposed development provides additional tourism accommodation units on a brownfield site. It would provide year-round accommodation and is considered to respect the distinctive tourism character of the area and is in line with TOU1.
- 10.13 The objections from the Parish Council and residents are acknowledged and can be understood. However, the application is considered to be in compliance with Local

Plan Policies HC8, ENV6, TOU4 and TOU1 and is acceptable in principle subject to other local and national planning policies being complied with.

Impact on Amenity

- 10.14 The proposed layout of the holiday accommodation units is somewhat self-contained, with the frontages of the cottages facing onto each other in a courtyard layout. This reduces the impact on neighbouring properties as there are no outwards facing windows on the rear elevations of the holiday units (excluding rooflights). Although, this creates a situation in which the proposed habitable room windows are in close proximity to each other at a separation distance of c.15m. This is a close proximity between habitable rooms; however the units would be used as holiday lets which ultimately is temporary accommodation. It is reasonable to apply slightly lower amenity standards for the occupiers than would be the case with permanent accommodation. The layout is, therefore, considered to be suitable for such accommodation.
- 10.15 Additionally, the private amenity space/gardens serving the units would be partially overlooked by the other respective properties. However, these areas would be bound by hedgerows/fencing which would provide some level of privacy for guests. The precise details are to be secured by condition should the application be approved.
- 10.16 Proposed holiday unit 6, located in the North-East of the site, is in close proximity to a couple of nearby properties outlined as 'no. 1 and 2' on the proposed site plan. The agent has outlined that these are permanent rented accommodation, and not holiday lets. Unit 6 faces onto the rear elevation of the neighbouring plots, albeit at a right angle, which may lead to a slight reduction in the privacy of the neighbouring units. However, the entire living accommodation of proposed unit 6 is at ground floor level and privacy could be ensured by the erection of suitable boundary treatment. It is not felt that amenity would be significantly harmed through the positioning of the proposed units.
- 10.17 It is acknowledged that holiday accommodation can often lead to an increase in noise and disturbance, especially with external amenity space as proposed. However, the level of the accommodation proposed, and the small nature of the units would be unlikely to generate significant issues in terms of noise and general disturbance.
- 10.18 Nonetheless, the proposed development is considered to be in line with Local Plan Policy DEC4: Protection of Amenity is acceptable in terms of residential amenity.

Design and Impact on Visual Amenity

- 10.19 The sports hall is to be removed from the site to be replaced by a smaller row of terraces for 4 x holiday lets. The removed sports hall is in a prominent position on Hall Park Road, is large, with timber cladding and a flat roof which is not characteristic of the area. It can be argued to have a negative to neutral impact on the street scene, and there is no objection to its removal. The replacement building is considered to be more appropriate and in character with the surrounding area. It

is similar in appearance to the existing holiday accommodation on site, 1.5 stories constructed from red brick and a pitched roof with red pantiles.

- 10.20 The proposed building has taken influence from the existing buildings on site, most pertinently the converted building, which does not require extending or substantial alteration, apart from alterations to the openings which are deemed to be acceptable.
- 10.21 Both buildings reflect the local environment in terms of scale, form, height and layout. The layout of the development creates somewhat of a courtyard, which is respectful of the character of the hall, with the Hall Park Road elevation remaining blank (excluding rooflights). The fenestration details of both the proposed building and converted building are suitable, and characteristic of the location with simplistic frontages. The external materials of the proposed with details (including samples) to be confirmed and agreed via planning condition should the application be approved.
- 10.22 The access to the site is to be widened and additional car parking provision would be provided on site which has a nominal impact on visual amenity. The car parking would be similar to the existing parking arrangement. A planning condition would be attached to any decision notice requiring details of such surfacing to be submitted and approved by the LPA.
- 10.23 The proposed development is considered to be in compliance with Local Plan Policy DEC1: Principles of Good Design and is acceptable in terms of design and visual amenity.

Impact on the Historic Environment

- 10.24 The application site is located c.40m to the South-West of the grade-II* listed hall. The impact of the development is based on the setting of the listed buildings (including the hall), and on the Conservation Area. Applications are to be assessed against Local Plan Policy DEC5 which requires proposals affecting heritage assets to conserve its significance, and where appropriate enhance and preserve the significance.
- 10.25 The Sports Hall does not have any historical significance in relation to the hall and can be described as having, at best, a neutral impact on the character of the area/historic environment. It is in a highly prominent position on Hall Park Road, is bulky in scale and massing and features a flat roof with timber cladding which is not characteristic of the area. The removal of the Sports Hall is not considered to be detrimental to the significance of the heritage asset or on the character of the Conservation Area.
- 10.26 The replacement building is considered to be more appropriate in terms of design and general appearance. It is of a built form, scale and size similar to other buildings on site, and utilises more appropriate materials than the replaced sports hall. Subject to the use of high-quality materials, the Conservation Officer has raised no objection to the proposal. In comparison to the previous application (reference ZF23/01502/FL), the proposed layout of the development encloses the site along Hall Park Road, with a blank elevation (with the exception of the rooflights).

- 10.27 Planning conditions would be attached to any forthcoming decision notice, should the application be approved, in regard to opening (door/window) details and external materials (including samples and mortar mix) to be submitted and approved by the LPA prior to commencement. A planning condition would be attached requiring the rooflights to be heritage-specific and the windows/door to be set into the elevation with a 70mm reveal.
- 10.28 The converted building retains the historic shape, without expansion or significant alteration. The proposed openings are considered to be sympathetic and relate well to the existing character of the building/area.
- 10.29 The other alterations on site would be nominal in terms of their impact on the Historic Environment. A planning condition would be attached to any forthcoming approval in regard to additional lighting, hard surfacing and boundary treatments. Details shall be submitted to and approved by the LPA prior to development commencing.
- 10.30 The proposed development is considered to be in compliance with Local Plan Policy DEC5: The Historic Environment, given that the unlisted and insignificant sports hall being removed from site, which is argued, at best to have a neutral impact on the street scene to be replaced by an attractive and suitable building which respects local character and is considered to be acceptable in regard to this.

Impact on Ecology/Biodiversity

- 10.31 A preliminary bat roost assessment has been carried out in three buildings on site: the sports hall, the holiday cottage and the gym. The buildings were found to have low bat roosting potential and no bats were present on site, nor was there evidence of recent bat activity. Although, it is acknowledged that the surrounding area provided suitability for foraging and commuting bats.
- 10.32 The assessment also included a great crested newt habitat suitability index (HSI) with the survey of the pond within the wider site outlined as scoring a poor suitability for such a habitat.
- 10.33 Recommendations and mitigation measures were outlined in the Bat Roosting Assessment which includes lighting specifications, precautionary working method statement (PWMS) has been recommended which relates to great crested newts and bats. This would be covered through a planning condition should the application be approved.
- 10.34 Additionally, the proposed site plan shows that additional landscaping would be formed in the site, predominantly in the private amenity spaces for the proposed holiday accommodation. Details of the landscaping and how this would be managed would be required as a planning condition should the application be approved.

Highways Safety

- 10.35 Access into the site is from Hall Park Road which leads into an existing shared parking area which served the existing uses on site.

- 10.36 The existing access into the site is to be retained and improved by slight widening to improve visibility in both directions. The parking provision is also to be expanded to 16 spaces for the holiday units, alongside 2 x accessible spaces and 3 x visitor spaces. This can sufficiently cater for the proposed development and the Local highways Authority have not raised any objections to the proposal. The proposed development is considered to be acceptable in terms of highways safety.
- 10.37 The Local Highways Authority raised some slight concern with the lack of a safe pedestrian route from the site to the village centre of Hunmanby and the nearby train station. There is a former pedestrian route which runs through the wider site via Garton Lane which has been requested to be reestablished. Whilst this falls outside of the red line boundary of the site, it does fall, at least partially, within land that is owned by the applicant. Whilst this is desired, it would be difficult to achieve in reality as it would require the provision of a pedestrian access through land which is not owned by the applicant. Additionally, the site generally is less than a kilometre from the village centre of Hunmanby and less than a 10 minutes' walk. The proposal is considered to be in a sustainable location, similar to nearby residential properties, and provides a bicycle stand on site to promote sustainable transport.

Impact on Trees

- 10.38 There are a significant number of trees on the site, primarily located in/near to the parking area. These are all protected by a blanket Tree Preservation Order (TPO). The application has been immediately preceded by a tree works application (reference ZF24/00510/TPW). This gained approval for various tree works including the removal of 3 trees which were conditioned to be replanted on a 2 for 1 basis, as close to the replaced trees as reasonably possible.
- 10.39 Whilst the proposed development does not relate directly to these removed trees, nor does it specifically seek to remove any further trees, a planting scheme has been submitted in line with the 2-for-1 replacement ratio. This is appropriate in terms of positions and tree species and is acceptable. Adherence to the planting scheme would be conditioned should the application be approved.
- 10.40 The proposed development seeks to retain the remaining trees on site. Some of which are close to the demolished sports hall and the proposed building and will need to be protected during demolition and construction works. Additionally, the trees are located in close proximity to the expanded car parking area and widened access. The tree report includes tree protection measures including protective barrier fencing and outlines that the hard surfacing for the car parking area would be laid using low invasive methods.
- 10.41 The details enclosed within the tree report are considered to be suitable. Adherence to the report shall be conditioned should the application be approved.

Flood Risk and Drainage

- 10.42 The site is located in Flood Zone 1, indicating a low flood risk with a less than 0.1% annual probability of flooding on site. The application is not a major development, although a drainage strategy plan and percolation test has been submitted. This

has been assessed by colleagues at the Lead Local Flood Authority (LLFA) who have not objected to the proposal but have requested further information - which has not yet been provided. Negotiations are ongoing between the LPA, the LLFA and the developer in terms of the submission of the additional information and an update will be given at the planning committee meeting. It is very likely that should sufficient information be submitted; the LPA will likely be able to attach an adherence planning condition rather than requiring the submission of further details.

- 10.43 The site is somewhat self-contained, and the footprint of the development (and hence the impermeable area) is actually decreasing, given that the existing sports hall is to be demolished and replaced by a smaller terrace of holiday lets. Additional soft landscaping is proposed which increases the permeability of the site. The proposed development, based on the current information and subject to the LLFA supporting the additional information, is considered to be in compliance with Local Plan Policy ENV3 in that it is a brownfield site, not at significant risk of flooding and does not increase the flood risk elsewhere in the nearby area.

Crime Prevention and Community Safety

- 10.44 North Yorkshire Police have been consulted on the proposed development and have not objected to the scheme; however, recommendations have been given to enhance the security of the site. This includes a CCTV system to cover the parking area which should be appropriately illuminated, the proposed gate to be fitted with a key-operated lock, the doors and windows to be certified to the relevant Secured by Design (SBD) standards.
- 10.45 Suitable planning conditions would be attached to relevant material planning considerations such as the securable gate details and the installation of a CCTV system.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1 The application site is in reference to the former sports hall, gym/leisure facilities building and an existing holiday accommodation unit located within the former grounds of the Grade-II* Hunmanby Hall, Hall Park Road in Hunmanby. The site is located outside of the development limits on a previously developed site. The application seeks approval for the demolition of the sports hall to be replaced by a 1.5-storey terrace row accommodating 4 x 2-bed holiday units, alongside the conversion of the existing gym building for 5 x holiday lets. The access into the site is to remain from Hall Park Road, which is to be improved and widened, and will lead to increased parking provision.
- 11.2 The proposed development is considered to be in line with Local Plan Policies HC8, ENV6, TOU4 and TOU1. The proposed development leads to the loss of community facilities (sports hall and gym facilities) which is a protected use class. However, there is sufficient evidence presented which outlines that the previous uses were used to a limited degree and that a sufficient marketing period has been followed with little interest prior to the applicant purchasing the site. Further information has been sought from the estate agent (Cundalls) which may be provided at the committee meeting. The development is for tourist accommodation within the countryside which is acceptable subject to certain criteria within Policies

ENV6, TOU4 and TOU1 being adhered to. The proposed development is considered to meet the criteria within the policies, with the replacement being having less of a visual impact on the character of the area than the existing building presents an improvement in terms of design. The resultant layout, scale, form and external materials are considered to be appropriate in relation to the location, subject to planning conditions, and the road network can safely accommodate any additional traffic. The principle of development is therefore considered by your officers to be acceptable.

- 11.3 The site is in the historic environment, most pertinently in close proximity to the Grade-II* listed Hall. The sports hall to be replaced is a bulky structure, immediately adjacent to Hall Park Road and has, at best, a neutral impact on the Historic Environment. It has very little historic significance and its removal is not considered harmful to be harmful to the character of the historic environment. The replacement building is more characteristic of the local area and the layout conserves the historic layout of the former hall with the blank rear elevation of the building enclosing the site. The Conservation Officer has been consulted on the proposal and has not objected to the design, and the proposed development is considered to conserve the significance of the Historic Environment.
- 11.4 The existing access into the site is to be retained and slightly widened to improve visibility and the parking provision on site is being increased in line with local requirements. A safe pedestrian route from the site into the village centre of Hunmanby has been requested by the Local Highways Authority. Although, this would require a pedestrian walkway being formed through land that the applicant does not own and would be unenforceable by the LPA. In any case, the site is considered to be in a sustainable location, less than a kilometre from the village centre of Hunmanby and is a c.10 minutes' walk.
- 11.5 Other consultees have responded to the application, none of which have raised an objection to the proposed development subject to conditions.
- 11.6 The proposed development is considered to be in compliance with relevant Local and National Planning Policies and it is the Case Officer's recommendation that permission is granted subject to conditions.

12.0 RECOMMENDATION

- 12.1 That Permission be granted subject to conditions

- 1 The development hereby permitted shall be carried out in strict accordance with the following plans and documents:
- Location Plan (Dwg. Ref. 230105-00-100-C)
 - Proposed Site Layout (Dwg. Ref. 230105-00-1002-K)
 - Existing and Proposed Footprints (Dwg. Ref. 230105-00-1003)
 - Proposed Cottage Overview - Plot 1 (Dwg. Ref. 230105-PC-1001-A)
 - Proposed 5 no. Cottages Plans and Elevations (Ref. 230105-PG-1001-B)
 - Proposed 4 no Cottages Plans and Elevations (Ref. 230105-PSH-1001-B)
 - Bat Preliminary Roost Assessment (Produced by Crow Ecology Received on 2nd April 2024)

-Tree Report (Dated June 2024 - Received on 5th June 2024)

Reason: For the avoidance of doubt.

- 2 Prior to the commencement of development, full details of the external materials (including physical samples to be delivered to the LPA and mortar mix specifications) shall be submitted to and approved by the Local Planning Authority.

Reason: In the interest of visual amenity and to conserve the character and setting of the Historic Environment, in accordance with Scarborough Local Plan Policies DEC1 and DEC5.

- 3 Prior to the commencement of development, details/specifications of the proposed openings (including rooflights which should be to Conservation specification) shall be submitted to and approved in writing by the Local Planning Authority. The details shall be implemented prior to the first occupation of the development hereby approved and shall be retained for the lifetime of the development.

Reason: In the interest of visual amenity and to conserve the character and setting of the Historic Environment, in accordance with Scarborough Local Plan Policies DEC1 and DEC5.

- 4 Prior to the commencement of development, details of the hard and soft landscaping to be installed/implemented on site shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping details shall be implemented in its entirety in the first planting season after the commencement of development, prior to the first occupation of the development. All trees, shrubs and bushes shall be maintained for a period of five years beginning with the date of completion of the scheme and during that period, all losses shall be made good as and when necessary, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interest of visual amenity, in accordance with Scarborough Local Plan Policy DEC1.

- 5 Upon commencement of development, details of the boundary treatment (including fencing, walls and soft landscaping hedging) shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented in their entirety prior to the first occupation of the development hereby approved.

Reason: In the interest of visual amenity and to ensure the existing and future residents are provided with a good standard of amenity, in accordance with Scarborough Local Plan Policy DEC4.

- 6 The submitted and approved planting scheme (Dated July 2024) shall be implemented in the first planting season after the development hereby approved has commenced. All trees, shrubs and bushes shall be maintained for a period of five years beginning with the date of completion of the scheme and during that period, all losses shall be made good as and when necessary, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interest of visual amenity, and to seek opportunities for the enhancement of habitats, in accordance with Scarborough Local Plan Policies DEC1 and ENV5.

- 7 The accommodation units shall be for holiday use only and shall not be used as a sole or main residence. It shall not be occupied for more than 2 months in total in any 12-month period by the same household. Furthermore, no household shall occupy the accommodation for a single period greater than one month, or within a period of two weeks following the end of a previous period of occupation by that same household. The owners/operators of the holiday accommodation shall maintain an up-to-date register of the names and main home addresses of all the individual holiday makers and shall make this information available for inspection at all reasonable times to the Local Planning Authority following prior written notification.

Reason: The permanent occupation of residential dwellings in the open countryside would be contrary to Local Plan Policy ENV6: Development affecting the countryside.

- 8 Upon commencement of development, details of the proposed lighting on the buildings and in the site (including design, materials, specifications, and additional/replacement lighting in the car parking area) shall be submitted shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be Dark Skies compliant, and no other lighting shall be installed on the site. The lighting shall be installed prior to the proposed parking areas being brought into use, in accordance with the details so approved and shall be retained for the lifetime of the development.

Reason: In the interest of visual amenity, and to ensure that the development does not have a detrimental impact on the environment in terms of noise pollution, in accordance with Scarborough Local Plan Policies DEC1 and ENV6.

- 9 Prior to the first use of the development hereby approved, the vehicle parking indicated on the proposed block plan (Dwg. Ref. 230105 00-1002-K) shall be provided, laid out, hard surfaced, drained, marked out and made available for use, utilising low invasive construction methods. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To provide suitable parking and turning area for, in the interest of highways safety, in accordance with Local Plan Policy INF1.

- 10 The proposed development hereby approved shall adhere to the recommendations in sections 8.1-8.6 and biodiversity enhancements in section 9.1-9.4 in the Bat Preliminary Roost Assessment produced by Crow Ecology received by the Council on 2nd April 2024.

Reason: To mitigate against any adverse impacts on species and habitats, in accordance with Local Plan Policy ENV5: The Natural Environment.

- 11 The proposed development hereby approved shall adhere to the tree protection measures outlined in Sections 4-6 and Appendix A and B in the Arboricultural report (Version 3 Dated June 2024). The proposed parking, access and turning areas shall be surfaced using low invasive construction methods as outlined in appendix B of the arboricultural report.

Reason: To ensure that the trees on site are protected during and after the development, in accordance with Local Plan Policy ENV5: The Natural Environment.

- 12 Prior to the commencement of the development, a scheme detailing foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall demonstrate that the surface water.

Reason: To ensure appropriate drainage of the site and to reduce the risk of flooding, in accordance with Scarborough Local Plan Policy ENV3.

- 13 Upon commencement of development, details of the proposed bicycle storage (as outlined on the proposed site layout plan - reference 230105-00-1002-K) shall be submitted to and approved by the Local Planning Authority. The details shall include the scale, materials and general appearance. The approved bicycle storage shall be made available for use on site prior to the first occupation of the development and shall be retained for their intended purpose at all times.

Reason: In the interest of sustainable Transport, in accordance with Scarborough Local Plan Policy INF1.

- 14 The rainwater goods utilised in the development hereby permitted shall be coloured black and thereafter so maintained.

Reason: In the interest of visual amenity, and to conserve the significance of the historic environment, in accordance with Local Plan Policies DEC1 and DEC5.

- 15 All of the window and door frames shall be set in a reveal of a minimum depth of 70mm from the outer face of the wall and shall be retained as such thereafter.

Reason In the interest of visual amenity, and to conserve the significance of the historic environment, in accordance with Local Plan Policies DEC1 and DEC5.

- 16 Upon commencement of development, the details of the following designing out crime measures shall be submitted to and approved in writing by the Local Planning Authority:

- The fitting of a key-operated lock on the proposed access gate,
- CCTV system to cover the area (location, design and monitoring measures),
- Intruder alarm for each individual holiday accommodation unit.

The details shall be implemented prior to the first occupation of the development hereby approved and shall be retained on site for the lifetime of the development.

Reason: To support safe, accessible and well-designed places, in accordance with Scarborough Local Plan Policy DEC1 and paragraph 92 of the NPPF.

- 17 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), no external alterations, replacement of openings, installation of external apparatus shall be undertaken on the buildings on site, nor shall any buildings or structures be erected within the boundaries of the site without the prior written approval of the Local Planning Authority.

Reason: In the interest of visual amenity and to conserve the significance of the historic environment, in accordance with Local Plan Policies DEC1 and DEC5.

- 18 Prior to the first occupation of the development hereby approved, surface water drainage works details shall be submitted to and approved in writing by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:
- The means of discharging to the public sewer at a rate not to exceed 8 litres per second.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal, in accordance with Local Plan Policy ENV3: Environmental Risk.

- 19 No development shall take place until details of the proposed means of disposal of foul water drainage for the whole site, including details of any balancing works, off-site works and phasing of the necessary infrastructure, have been submitted to and approved by the Local Planning Authority. If sewage pumping is required from any part of the site, the peak pumped foul water discharge must not exceed 4 (four) litres per second. Furthermore, unless otherwise approved in writing by the Local Planning Authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal, in accordance with Local Plan Policy ENV3: Environmental Risk.

Target Determination Date: 28 May 2024

Case Officer: Nathan Denman
nathan.denman@northyorks.gov.uk

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North Yorkshire Council

Community Development Services

Thirsk and Malton Area Constituency Planning Committee

15 August 2024

**ZB24/00145/FUL - Change of use of land for the siting of 5no. holiday lodges,
improvements to existing access and associated infrastructure works**

At Newlyn, Oulston Road, Easingwold, North Yorkshire

On Behalf of Mr & Mrs M Hateley

Report of the Assistant Director Planning – Community Development Services

1.0 PURPOSE OF THE REPORT

- 1.1 To determine an application for full planning permission for the change of use of land for the siting of 5 holiday lodges and associated works at Newlyn, Oulston Road, Easingwold.
- 1.2 This application requested to be determined by the Area Planning Committee following a referral by Cllr Knapton due to the site having a history of dismissal at appeal and a number of material factors.
- 1.3 This application was deferred from the May Planning Committee for further consideration of land levels, a site management plan and the tenure of the proposed lodges.

2.0 SUMMARY

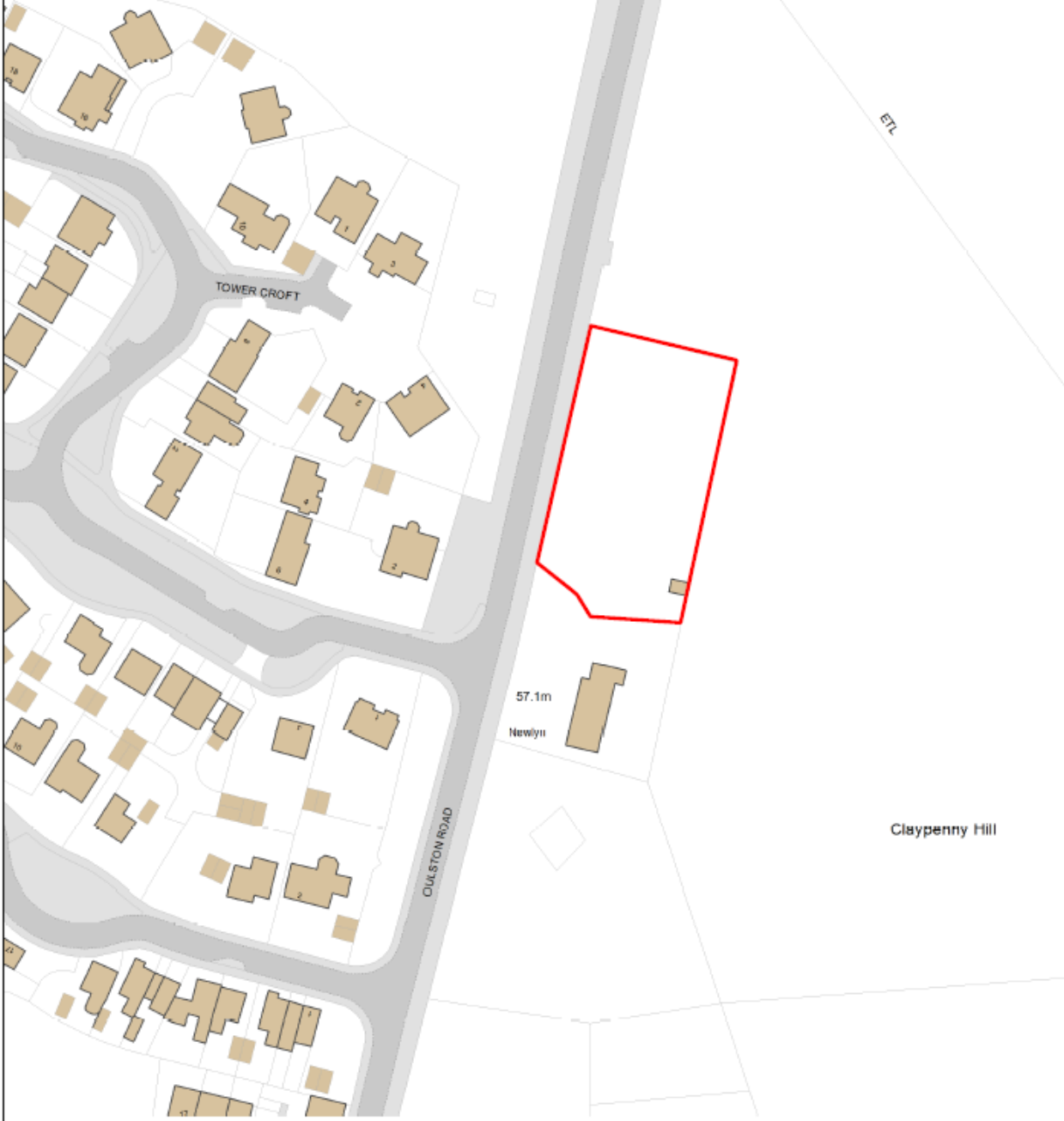
RECOMMENDATION:

- 2.1 That planning permission be **GRANTED** subject to the conditions set out in Section 12 of this report.
- 2.2 The proposed development comprises five holiday lodges and associated development located in a paddock (approximate size, 0.25ha) set to the north of Newlyn, a dwelling at the northern edge of Easingwold. The application site is bound to the west by Oulston Road and, beyond this, residential land associated with the wider Claypenny Estate. To the immediate north and west is agricultural land, with Newlyn set to the south. There is a fall in land levels between the agricultural land to the west and the site and, in turn, a further fall between the site and Oulston Road. The site is within the same ownership as that of Newlyn.
- 2.3 Each proposed lodge measures approximately 4.25m to the ridge and would have a floorspace of 68.8m² (85.8m² with the veranda included). Following discussions with the Environmental Health team, the number of proposed units has been lowered from six to five.
- 2.4 Compliance with Policy EG8 in terms of this site's suitability for the siting of visitor accommodation is one of the main considerations, paying heed in particular to the impact on the character and appearance of the surrounding area and the site's position adjacent to

a settlement and its facilities. Technical matters such as highway safety and drainage are also important material planning considerations.

ZB24/00145/FUL

02/05/2024



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Northallerton DL6 2UU
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3.0 PRELIMINARY MATTERS

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

[Planning Documents](#)

Planning history

3.2 Application site:

19/01878/CAMP - Consultation for the operation of a certified exempted caravan site – Closed (no objections or concerns noted at time of application).

16/00667/OUT - Outline application for the development of 4 self-build housing plots – Refused.

16/00044/REFUSE (Appeal No.: APP/G2713/W/16/3162960) – Appeal dismissed.

Deferral Update

3.3 This application was deferred from planning committee on 23.05.24 so that officers could enter into discussions with the agent clarifying a few matters that had been raised by Councillors.

3.4 These matters were: land levels, a site management plan and tenure of the units.

3.5 Information has subsequently been provided by the agent addressing these issues, which are discussed below:

3.6 The agent clarified that the proposal would involve limited cut and fill and that no imported material will be brought onto site to make up the levels. Further plans were provided, including a street-scene which showed the proposed units both within the context of the existing planting and a nearby property (4 Tower Croft) as well as the extent of the aforementioned cut-and-fill. These plans demonstrate the impact of the existing landscaping on the wider relationship between the site and the surrounding area, where the proposed units are, to a large extent, screened by the existing planting. Further, it is apparent that there is a reasonable distance between the site and 4 Tower Garth, with a number of visual breaks in between the two sites.

3.7 A draft management plan has also been provided which has provided an indication of how the site will be managed. The site management plan addresses the following issues which were raised by the planning officer and the committee:

- Measures to mitigate and control noise and odour from the site.
- Measures to mitigate and control emissions from the site.
- Details of hours of operation, entry/movement from the site and how this will be managed.
- Procedures for maintaining good public relations including complaint management, public consultation and liaison.
- Contact details (including primary address, telephone numbers and email) of who will be responsible for the management of the site to ensure any amenity issues on site are dealt with promptly.

3.8 Environmental Health were consulted on the above and raised a number of queries, listed within Paragraph 7.13 of this report. It should be borne in mind that the management plan is

in draft and that the condition requiring a final, actionable version will remain as part of a decision. Despite querying the details associated with the draft, Environmental Health did not object to it in principle and it is considered that the applicant will be able to incorporate or address the various points raised by Environmental Health within the final plan.

- 3.9 Paragraph 5.2 of the Site Management Plan includes the following: “Until a site operator has been appointed...”, from which it can be inferred that ownership or management of the site may not be with the applicant for the lifetime of the development.
- 3.10 With regard to tenure, the agent has indicated that the applicant originally intended to have the site composed of short-term lets but is also open to the prospect of long-term letting of the units as holiday homes. Both forms of development would provide an economic benefit to the area, but to a different extent: short-term lets promote the use of tourist attractions and leisure facilities more so than long-term lets, which would promote use of the nearby town centre for general shopping.
- 3.11 Regardless, there is no mechanism within the Local Plan that allows the Council to insist on a particular form of tenure and this therefore could not be considered a reason for refusal without being linked to another policy issue (i.e. noise impacts, etc.).
- 3.12 It is not considered that the information supplied following deferral has meaningfully affected the initial recommendation – it is deemed that the proposal remains broadly policy compliant and that the documents supplied address those concerns laid out by the committee at May’s Committee Meeting.
- 3.13 Condition 2 has been updated to reflect the submission of amended drawings.

4.0 SITE AND SURROUNDINGS

- 4.1 The application site consists of 0.25ha of paddock associated with Newlyn, a dwelling to the east of Oulston Road. The site abuts agricultural land on its northern and eastern boundary, whilst Oulston Road (a classified road and part of National Cycling Route 65) sits to the west. Beyond Oulston Road lies the Copperclay Estate and Mallison Hill Woods. The western boundary of the site is lined by well-established planting (mainly Ash), with some planting also present to the northern boundary.
- 4.2 There is a significant land level difference between the site and the agricultural land to the east and also between the site and the road to the west, with the topography lowering from east to west. The application site will be accessed using the existing access associated with Newlyn.

5.0 DESCRIPTION OF PROPOSAL

- 5.1 The application relates to the siting of five lodges within the above-described paddock. Each lodge would measure approximately 4.25m to the ridge and have a floorspace of 68.8m² (85.8m² with the veranda included). The lodges are to be timber clad. Each lodge would have a veranda area and two allocated parking spaces.
- 5.2 The access associated with the site is proposed to be widened considerably as part of the scheme. Landscaping within the site itself and to the northern, southern and eastern site boundaries is also proposed.
- 5.3 The application is submitted with a Design, Access and Planning Statement; Preliminary Ecological Appraisal; Drainage Assessment; Tree Survey; Biodiversity Net Gain Metric and report.

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 for this site is the Hambleton Local Plan (adopted February 2022).

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 Consideration

- 6.4 Relevant guidance for this application is:

- National Planning Policy Framework 2021
- National Planning Practice Guidance

7.0 CONSULTATION RESPONSES

- 7.1 The following consultation responses have been received and have been summarised below:

Initial Consultation

Consultees

- 7.2 Town Council – Objects:

The proposal will have a detrimental impact on the countryside and local residents, community and causes road safety concerns.

- 7.3 Highway Authority – No objection:

Conditions provided relating to amended access, a construction management plan and surface water drainage.

- 7.4 Environmental Health – Neither supports nor objects:

“In respect to the potential impact on amenity and the likelihood of the development to cause nuisance there is no detail within the planning application to explain how the site will be managed to prevent nuisance or who will be managing the site on a day-to-day basis. Therefore, at this stage The Environmental Health Service can only determine that the site has the potential to have a negative impact on local amenity.

The submission of a satisfactory site management plan would ensure a more accurate decision. I would therefore recommend the following condition to ensure no serious negative impact on local amenity.”

Conditions relating to the management and lighting of the site were provided as well as an informative relating to the licencing of the site.

7.5 Yorkshire Water – No objection:

Conditions provided. Request for reconsultation should surface water drainage arrangements change.

Reconsultation took place on the 2 April 2024 following submission of drainage scheme. No response has been received.

7.6 MOD RAF - No safeguarding objections.

Revised Consultation

7.7 Parish Council – No response received.

7.8 Highways Authority - No response received.

7.9 Environmental Health – Neither supports nor objects:

“In respect to the potential impact on amenity and the likelihood of the development to cause nuisance there is still no detail within the planning application additional documents to explain how the site will be managed to prevent nuisance or who will be managing the site on a day-to-day basis. Therefore, at this stage The Environmental Health Service can only determine that the site has the potential to have a negative impact on local amenity.

The submission of a satisfactory site management plan would ensure a more accurate decision. I would therefore recommend the following condition to ensure no serious negative impact on local amenity.”

A condition has been supplied relating to site management.

7.10 Yorkshire Water Services – No response.

7.11 MoD RAF - No response.

Consultation Following Deferral:

7.12 Town Council – No response.

7.13 Environmental Health – Provided the following queries:

- “With regards to the site operator, are they planning to outsource this to an external party? Will they live locally to the site in order to deal promptly with issues? Or will it remain managed / run by the occupiers of Newlyn?
- Can they confirm what their nuisance procedure is in the event of an issue on the site?
- Will the site be advertised as a quiet site, no large groups permitted etc?
- How will they manage the bookings to ensure no large group bookings or stag/hen-dos are automatically made?

- Will customers be advised at the time of booking of what the rules (control measures) of the site will be?
- Is the intention for them to have hot tubs on site now? Point 2.3 mentions Jacuzzis.
- Also, just a query regarding the max group number of 8 allowed in the lodges, is that not excessive for 2 bed lodges? I would have expected max of 6 people in a 2 bedroom lodge? (2 in each bedroom total of 4 and then further 2 lounge/sofa bed)?”

7.14 MoD RAF – No objection.

7.15 NYC Highways – No response.

7.16 Yorkshire Water Services – No response.

Local Representations

Initial Consultation:

7.17 Neighbours and Site Notice – 22 Objections; 9 in Support (summarised below):-

Objections:

- The site is not allocated.
- Noise from guests/site construction.
- Increased light pollution.
- Impact on nearby wildlife, including at Mallison Hill.
- Holiday lodges do not generally exist in residential areas.
- Permission was refused in 2016 for housing on the site, an appeal was later dismissed by the inspector.
- The matters relevant to the 2016 have not changed, especially intrusion into countryside and rural character.
- The proposal does not accord with Local Plan Policies S5 and EG8.
- Holiday homes negatively impact the sense of community and the local economy.
- Tourist destinations have seen increase in use, impacting local services.
- Infrastructure and local facilities are struggling to keep pace with rapid growth.
- No demand for holiday accommodation in the area; many holiday lodges have been for sale unsuccessfully for some time.
- The number of inhabitants will be disproportionate to the scale of the site.
- Concern over use of site for permanent accommodation.
- No footpath on eastern side of Oulston Road.
- Concerns over highway safety, particularly with regard to vulnerable road users (i.e. runners, cyclists, etc.).
- Insufficient access for cars and pedestrians.
- Concerns over management of run-off onto Oulston Road and surface water management.
- Site is in very prominent area, on a hill.
- Negative visual impact when viewed from Public Right of Way to the east.
- Development will be the first thing people see when approaching Easingwold from the north.
- Discrepancy in Design and Access Statement when referring to relationship between the site and 2 Lime Tree Avenue.

In support:

- There are not currently enough places to stay in Easingwold.
- Site appears to be private [in appearance].
- Within walking distance to shops, restaurants and public houses.
- Will bring revenue into the town.

Revised Consultation:

7.18 Neighbours and Site Notice – 14 Objections (summarised below):-

- The site remains wholly inappropriate as a site for a holiday park.
- The reduction in scale from 6 to 5 lodges does not alter previous points of objection.
- There are a large number of public objections to the proposal.
- The amended access would look unsightly.
- Using existing drains would not alleviate drainage issues.
- The site still looks cramped despite revised plans.

Consultation Following Deferral:

7.19 Neighbours – 17 Objections (summarised below):-

- The access would present an unnecessary and significant hazard.
- Vehicles travel at excessive speed on Oulston Road.
- Nothing has changed from previous consultations.
- No pavement to the site.
- Concerned about noise disturbance as close to existing dwellings.
- There would be a serious and unacceptable impact on the environment if allowed.
- Development was refused in 2016, including on appeal.
- Potentially profound impact on the rural character.
- The response from the applicant fails to address the main point raised by the committee and inadequately responds to others.
- Five holiday cottages will not contribute significantly to the local economy.
- The land is not scheduled for development.
- Development is too close to a residential area.
- The land levels on the streetscene drawing seem questionable.
- The boundaries are currently in leaf due to it being summer and this will change.
- The lodges will be much higher than [4 Tower Croft].
- Officer report contradicts itself.
- Development is contrary to Policies S5 and EG8.
- Tourism/Economic gains do not outweigh other harms/non-compliance with policies.
- The proposal will harm the character, appearance, and environmental qualities of the area.

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 Environment Statement is therefore required.

9.0 MAIN ISSUES

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

- Principle of development.

- Impact upon the character and appearance of the site and locality.
- Impact upon the amenity of neighbouring properties.
- Impact on the local highways system.
- Drainage.
- Other matters.

10.0 ASSESSMENT

Principle of Development

- 10.1 National and local policies are supportive of developing the tourism sector as part of the diversification of the Former Hambleton District's economy, with Policy S3(g) stating a desire to enhance the visitor economy in towns through the former district.
- 10.2 With regard to location, EG8 demonstrates a preference for the siting of tourist accommodation within the built form of settlements or, where this is not available, on land adjacent to the built form. Policy S5 sets out the Council's approach to determining the built form of settlements, and it is considered that, falling under S5(c), the site is not within but is instead adjacent to Easingwold's built form. The wording of the policy is such that it does not explicitly state that developments centred around existing settlements are preferred, but it can be inferred from EG8(h) that this is the case due to the preference for sites "...adjacent to the built form..." mentioned within the policy.
- 10.3 Paragraph 88 of the NPPF advises that development address the specific locational requirements of different businesses. To this end, it is considered that, within North Yorkshire, the Easingwold sub-area is receptive to tourism-adjacent development, with a number of attractions (both natural and man-made) within reasonable distance of the site. Additionally, EG8 encourages tourist accommodation within areas that benefit from sustainable travel options (such as Easingwold, which benefits from regular bus services). Further, the site is immediately adjacent to the National Cycle Route and National Byways networks, increasing the range of sustainable travel and activities available within the area.
- 10.4 As a result of its position on the edge of Easingwold, the site benefits from easy access to the local amenities on offer within the settlement, with the town centre situated approximately 0.9km from the site, which is walkable in approximately 10 minutes. It is considered that the short distance between the proposed holiday lets and the town centre makes it likely that occupants of the units would make use of local services and so would contribute to the local economy and is in compliance with EG8(g), which asks that new sites be well-connected to local services and facilities.
- 10.5 Policy EG8(f) asks that sites be limited to holiday purposes only. By conditioning any permission to restrict the use of the proposed units to holiday use only it will be possible to guarantee compliance with the policy.
- 10.6 A number of public comments have drawn attention to the refusal of planning permission and subsequent dismissal at appeal of a scheme for the development of the same site in 2016. The appeal was dismissed largely due to the impact of the previous scheme (four dwellings) on the character and appearance of the countryside (with regard given to the position of the site on the approach into Easingwold) which was not outweighed by the social and economic benefits of the scheme. The current proposal differs from that scheme insofar as the previous application was for housing, which carries with it different requirements within the Local Plan and the NPPF. Additionally, since 2016, there has been

an expansion of the section of the NPPF relating to the rural economy, with Paragraph 89 explicitly identifying that sites adjacent to existing settlements may need to be developed in order to meet local business needs. Within the same paragraph, there is an identified preference for sites which are “physically well-related to existing settlements”, which “should be encouraged where suitable opportunities exist”.

- 10.7 As a result, the prior appeal decision is afforded limited weight in the balance; it is fundamentally a different scheme to the 2016 proposal and, whilst the Inspector’s findings are informative, they cannot be relied upon to fully inform a decision in this instance. This is apparent in the weighing of the various roles (economic, social and environmental) within sustainable development discussed in Paragraph 20 of the appeal decision, which are substantially different when looking at housing versus visitor accommodation. Additionally, the various benefits of that 2016 scheme were weighed against the “significant” negative weight given to the impact of the character of the countryside. These benefits and the policy context are now different, with the impact of visitor accommodation on the rural character requiring a separate assessment, together with a rebalancing of those roles identified above which acknowledges the fundamental difference between the impacts of housing in the area and those associated with a holiday let use.
- 10.8 It is not considered that the relatively limited scale of the proposal (five units) will place an undue burden on the local services within Easingwold.

Character and Appearance

- 10.9 Policies S3 and EG8 allow for the siting of visitor accommodation where it is shown that the development will not have a detrimental impact on the character and appearance of an area or on neighbour amenity. Support from the NPPF similarly hinges on the ability of a scheme to respect the character and appearance of the surrounding locality.
- 10.10 The proposal would include the siting of five holiday lodges within the site. Each lodge is to be clad in timber. The site is within the edge of the settlement and so the built context and surrounding character is split between residential land and the open countryside beyond. Whilst not uncommon in a rural context, holiday lodges are not generally found within residential areas and would be at odds with the residential character of Copperclay Estate.
- 10.11 However, there exists a significant degree of visual separation between the site and Copperclay Estate, emphasised by the presence of the public highway and extensive planting on each side of Oulston Road. As a result, the key visual relationship between the site and the surrounding area is largely between the paddock area and the countryside to the north and west.
- 10.12 The sole opportunity to view the lodges within this rural context is from the Public Right of Way (PROW) located approx. 100m-275m to the north-east/east of the site. It is considered that the low-level form of the lodges, in addition to the land level difference between the outlying fields and the site, limits the amount of visual intrusion of the proposal into the surrounding landscape. This would be further mitigated through the use of additional planting to the northern and eastern perimeters and through the use of low-level lighting, details of which could be gained through condition.
- 10.13 The layout has been amended since the original submission, with the proposal now being for five units. This has allowed for the inclusion of more planting and has allowed the layout to become more dispersed within the site, allowing for larger gaps between the units, further limiting visual impact.
- 10.14 It is considered that the scheme would not unacceptably impact the character and appearance of the wider area and that the scale, form and appearance of the site is

appropriate to its use and location. The proposal is therefore in accordance with Policies S1, S5, EG8(a), E1 and E7.

Residential Amenity

- 10.15 The Environmental Health Service have been consulted and have stated that a site management plan should be submitted to mitigate the identified potential for negative amenity impact on local amenity. However, in discussions the Environmental Health Officer acknowledged that the distance from the nearest dwellings unconnected to the site (25m) and the intervening road and planting would mitigate a large degree of impact from noise and light. As a result, it was recommended that a condition requiring a satisfactory site management plan be imposed should planning permission be granted, with the plan providing details of how noise, lighting, site access and emissions would be governed on site, as well as how complaint management would be handled. Further, it was also recommended that a condition restricting the erection of ancillary equipment (such as hot tubs, etc.) without express planning permission be imposed on any planning permission.
- 10.16 It is considered that the conditions set out above, in addition to the mitigation offered by the distance between the site and potential receptors, would limit the potential negative amenity impact from the proposal. Whilst there is the potential for amenity issues to arise from the short-term letting of the lodges, the lack of extensive amenity space mitigates this to some degree. It is considered that, given the expectation that visitors would be largely using the indoor space, the level of disturbance to neighbouring properties is not likely to be beyond that which would be expected from properties within Copperclay Estate. As such, the scheme complies with Policies S1, EG8(b) and E2.

Highway Safety

- 10.17 The proposed use would utilise an amended pre-existing access from Newlyn onto Oulston Road. The Highways Authority have been consulted and have not objected to the scheme, instead providing conditions to imposed should planning permission be granted.
- 10.18 There is an appropriate amount of on-site parking available for the properties, with two spaces allocated for each unit. Access would be shared with Newlyn to the south of the site and it is considered that Oulston Road, as a classified road, currently has the capacity to accommodate the movements associated with the holiday let use.
- 10.19 A number of comments have been received relating to highway safety and the impact of the development on road users and on inhabitants of the holiday lets. There has not been any evidence provided relating to historical events (such as road traffic incidents, accidents, etc.) to demonstrate any hazards associated with this stretch of Oulston Road and it was noted by the Planning Officer on site that the road appeared to be relatively quiet during the visit. The access leads onto a part of the road which is within the 30mph zone and is immediately after signage displaying this and a "slow" sign written onto the road, making it apparent that you are entering the town. As such, it is expected that users of the access should not experience traffic going beyond that speed limit.
- 10.20 Further, the proposal includes an improved visibility splay (to be extended by 8m) and adequate space for cars to exit the site in a forward motion, further limiting the potential for road accidents.
- 10.21 It has also been brought to the Council's attention that there is no footpath on the eastern section of the road. However, there is a footpath which connects to the wider system in Easingwold on the opposite side of the road. In their 2016 assessment the Planning Inspector did not raise any concerns regarding the connectivity of the site, noting that the site benefits from local bus connections and lit footways.

- 10.22 It is considered that the proposal does not raise any highway safety concerns and is therefore compliant with Policy IC2.

Drainage

- 10.23 The site is located within Flood Zone 1 and the Environment Agency's mapping shows that it is not within an area at risk of surface water flooding. However, there have been a number of representation referring to the outfall of water from the site onto Oulston Road and this was observed during the site visit. It was also noticed that the site itself was extremely wet underfoot, which could be attributed to the local geology and the land level difference between the site and surrounding land.
- 10.24 A draft drainage scheme has been provided which has demonstrated that the site can be adequately drained through the use of an attenuation tank and control of outflow. However, to ensure the workability of such a scheme a condition would be imposed requiring that a detailed drainage scheme be submitted and imposed prior to the development taking place.
- 10.25 Yorkshire Water requested a re consultation should further surface water drainage details be submitted. Subsequently they have been consulted but have not responded. It is considered that they would have the opportunity to respond as part of a discharge of conditions relating to the inclusion of a drainage condition. In addition, the details provided by the applicant suggest that it is not possible to drain the site through sustainable drainage methods and so there is a likelihood of the sewer connection being agreed to by Yorkshire Water.
- 10.26 Properly conditioned to ensure the submission of a high degree of detail relating to the proposed scheme, it is considered that the proposal is therefore compliant with Policy RM1, RM2 and RM3.

Other Matters

- 10.27 There have been concerns raised regarding wildlife both within and close to the site. The site is not itself part of any designated area (such as a SSSI, etc.) or priority habitat, but it is noted that Mallison Hill's inclusion in the list of Local Green Space was partially based on its "richness of wildlife".
- 10.28 The site is separated from Mallison Hill by Oulston Road, however, and is a fundamentally different habitat, consisting of managed grassland as opposed to woodland. It is considered that, whilst the proposed use of the site would not necessarily benefit local wildlife, the paddock appears to be of little value to biodiversity or local ecology – it is relatively common in planning to ascribe limited ecological importance to paddock areas. Additionally, the retention of the hedging and established planting and the proposed additional planting would be of benefit to existing wildlife through enhancement of the green infrastructure at the perimeter of the site.
- 10.29 A condition requiring the submission of a plan demonstrating an uplift in BNG will be imposed on any grant of planning permission in order to meet the requirements of Policy E4.
- 10.30 In terms of density, the Former Hambleton District did not have an SPD which dictated site density, etc. A general consensus appears to have been reached in authorities across England where a site should not exceed 60-75 units per hectare. This is considered to be the case in this instance. Furthermore, Environmental Health have not raised concerns regarding the density of inhabitants versus site area and so it is not considered to be an issue for consideration within the application.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1 The proposal complies with Local Plan Policies S1, S3, S5, EG8, E2, E3, E4, IC2, RM1, RM2, RM3 and the NPPF. It also partially complies with Policies E1 and E7, where it meets all policy points but does not provide an enhancement to the immediate area.
- 11.2 The Local Plan, particularly in S3 and EG8, encourages the development of the visitor economy within and adjacent to the built form of identified settlements, and towns in particular. It can be taken from this, then, that a site adjacent to Easingwold would be ideal, allowing for access to the services and facilities available within Easingwold, whilst enhancing the visitor economy in the town.
- 11.3 As discussed above, it is considered that, despite the 2016 appeal decision, the proposal should be assessed on its own merits. Visitor accommodation as a development has a greater connection to the rural character of the site than a housing scheme would, and a conditioned landscaping scheme would further limit the wider impact of the proposed development. Whilst it would not contribute a positive impact to the immediate and wider area, the policy test within EG8(d) is solely ensure that the proposal does not “unacceptably harm” the character of the area. E1 and E7 ask that proposals provide a positive contribution to the local character, which is not the case in this scheme – it merely provides a neutral impact – but it is considered that this is easily outweighed by the economic benefits outlined above.
- 11.4 Sustainable development is achieved through the balancing of Economic, Social and Environmental objectives within a proposal. The economic benefit to Easingwold is clear – the proximity of the site to the town centre means that it is likely that any tourists using the site would use the facilities available there, contributing directly to the local economy. The Social and Environmental benefits of the scheme are less clear, but there are no perceived negatives introduced into the area through the scheme which could not then be managed through the imposition of conditions.
- 11.5 Paragraph 8 of the NPPF asks that “opportunities” to secure net gains in the above objectives should be taken but acknowledges in Paragraph 9 that not every decision may be judged against them. Therefore, the lack of direct Social or Environmental Benefit of the scheme does not register as a negative factor in determining the balancing, but instead should be taken as a neutral factor.
- 11.6 As such, there is a positive impact on the area resulting from the proposal and two neutral impacts. As a result, the development is considered to be sustainable development and is therefore recommended for approval.
- 11.7 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including Local Development Framework Policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

12.0 RECOMMENDATION

- 12.1 That permission be **GRANTED** subject to the imposition of the below listed conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered 0001 P00, 1100 P01, 1500 P00, 1050 P05 and details labelled "Luxury Lodge Range" received by the Council on 24.01.24, 02.04.24 and 26.06.24 unless otherwise approved in writing by the Local Planning Authority.

Reason: In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Plan Policies S1 and E1.

3. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the hard surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

Reason: In the interests of the visual amenity of the area in accordance with Local Plan Policy E1 and to ensure that the proposal does not contribute to existing drainage issues in accordance with Policy RM3.

4. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.

Reason: In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Plan Policies S1 and E1.

5. There must be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.

Reason: In the interests of Highway Safety in accordance with Policy IC2.

6. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited to, arrangements for the following in respect of each phase of the works:

- i) details of any temporary construction access to the site including measures for removal following completion of construction works;
- ii) wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- iii) the parking of contractors' vehicles;

- iv) measures to manage the delivery of materials and plant to the site including the routes and timings of deliveries and provision of loading/unloading areas;
- v) areas for storage of plant and materials used in constructing the development clear of the highway;
- vi) details of site working hours;
- vii) a detailed method statement and programme for the building works; and
- viii) contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason: In the interest of public safety and amenity in accordance with Policies E2 and IC2.

7. The development must not be brought into use until the access to the site has been set out and constructed in accordance with the following requirements:

- The crossing of the highway verge must be constructed in accordance with the approved drawing reference 1050 Revision P00 and Standard Detail number E50.
- Provision of a pedestrian crossing point to link the site access to the existing pedestrian dropped kerbs on the footway on the western side of Oulston Road.
- The final surfacing of any private access must not contain any loose material that is capable of being drawn on to the existing public highway.

All works must accord with the approved details.

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users in accordance with Policy IC2.

8. No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users have been constructed in accordance with the approved drawing reference 1050 Revision P00. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

9. No development shall take until a site-specific Management Plan has been submitted to and approved in writing by the Local Planning Authority.

The plan must demonstrate the adoption and use of the best practicable means to minimise the effects of noise, site lighting and loss of amenity to neighbouring properties.

The plan shall include, but not be limited to:

1. Measures to mitigate and control noise and odour from the site.
2. Detail and contact details of who will be responsible for the management of the site to ensure any amenity issues on site are dealt with promptly.
3. Procedures for maintaining good public relations including complaint management, public consultation and liaison.
4. Measures to mitigate and control emissions from the site (open fires, log burners, BBQ's, and patio heaters).
5. Details of Hours of Operation, Entry/Movement from the site and how this will be managed.

Once agreed, the management plan shall be adhered to and updated on an annual basis by the operator and this information shall be available on request at all reasonable times to the Local Planning Authority.

Reason: To ensure that the amenity impacts arising from the proposed scheme are adequately controlled in accordance with Policy E2.

10. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy E2.

11. There shall be no external lighting installed until full details of the proposed lighting scheme have been submitted to and approved by the Local Planning Authority.

Reason: In the interest of neighbour amenity and to assess the landscape impact of the proposal in accordance with Policies E2 and E7.

12. Prior to development, measures (including protective fencing, etc.) to protect the existing hedges and trees within the site shall be submitted for approval to the Local Planning Authority. The approved scheme shall then be carried out in the approved manner for the duration of the works.

Reason: To ensure the continuity of amenity afforded by existing hedges in accordance with Policies E1 and E7.

13. All existing hedges and trees shall be retained, unless shown on the approved drawings as being removed. Any parts of hedges or hedgerows removed without the Local Planning Authority's consent or which die or become seriously diseased or otherwise damaged within five years following completion of the approved development, shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as specified by the Authority.

Reason: To ensure the continuity of amenity afforded by existing hedges in accordance with Policies E1 and E7.

14. No part of the development shall be used after the end of the first planting and seeding seasons following the first occupation or completion of the structure(s), whichever is the sooner, unless a landscaping scheme received and approved by the Local Planning Authority has been carried out in addition to any required Biodiversity Net Gain planting.

Reason: In order to soften the visual appearance of the development and in the interests of enhancing the biodiversity of the site in accordance with Local Plan Policies E1, E3 and E7.

15. Prior to the commencement of development, a landscaping and biodiversity net gain scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide a) a landscape scheme including details of any change in surfacing materials and any planting schemes and shall show the retention of any significant existing landscape features and shall provide b) details to show how a 10% net gain of biodiversity will be achieved on site using the DEFRA biodiversity metric 3.1 (or the latest published version) and include a programme of work and subsequent maintenance arrangements. The development shall thereafter be carried out in accordance with the approved scheme.

Reason: To ensure the requirements of Policy E3 are met in full.

16. Construction activities which are audible beyond the site boundary, including deliveries, ground works and earth movements, shall be restricted to the following days and times:

- 08:00 – 18:00 Monday to Friday
- 08:00 – 13:00 Saturday

Construction shall not be undertaken on a Sunday or a public holiday.

Reason: To mitigate, and reduce to a minimum, adverse impacts on health and quality of life arising from pollution in accordance with Hambleton Local Plan Policy E2.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) 2015 (as amended), no ancillary structures or hot tubs shall be erected or installed within the site.

Reason: To limit the potential for negative impacts on neighbour amenity in accordance with Hambleton Local Plan Policies E1 and E2.

18. The development shall be carried out in accordance with the details shown on the submitted plan, "'Drainage Strategy' 23523-DR-C-0100 (Revision P2) dated 08.03.24 and received by the Council on 02.04.24 prepared by Topping Engineers.

The drainage scheme shall not be implemented until details of the implementation and adoption of the drainage system have been submitted to and approved in writing by the local planning authority.

Reason: In the interest of satisfactory and sustainable drainage, in accordance with Hambleton Local Plan Policies RM1 and RM3.

19. The occupation of the accommodation hereby approved shall be as follows: (i) the holiday accommodation is occupied for holiday purposes only; (ii) the holiday accommodation shall not be occupied as a person's sole, or main place of residence; (iii) the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of the holiday accommodation on the site and of their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority. For the avoidance of doubt this decision does not permit the use of the properties as a dwellinghouse(s).

Reason: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation and can thereby contribute to the rural economy without undue demands on local schools, social and health services etc, and in accordance with the objectives of the Local Plan.

20. Prior to the siting/construction of the approved units, the details of the colour and finish of the timber cladding on the main body of the units shall be submitted to and approved by the local planning authority.

The approved colour and finish shall then be retained for the lifetime of the development.

Reason: In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Plan Policies S1 and E1.

Target Determination Date: 22 February 2024

Case Officer: Mr Connor Harrison
Connor.harrison@northyorks.gov.uk

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North Yorkshire Council

Community Development Services

Thirsk and Malton Area Constituency Committee

15 AUGUST 2024

ZE23/01660/MFUL - Change of use of agricultural and equestrian land to allow the siting of 24no. holiday lodges, 1no. wardens lodge and 1no. reception building with associated access, parking, infrastructure and landscaping (revised detail to planning approval 20/00701/MFUL dated 15.11.2021) at Land Off Daskett Hill, Sheriff Hutton on behalf of Mr John Wilson

Report of the Head of Development Management – Community Development Services

1.0 Purpose of the Report

- 1.1. To determine a planning application for Change of use of agricultural and equestrian land to allow the siting of 24no. holiday lodges, 1no. wardens lodge and 1no. reception building with associated access, parking, infrastructure and landscaping (revised detail to planning approval 20/00701/MFUL dated 15.11.2021) on land at Daskett Hill, Sheriff Hutton.
- 1.2. The application has been referred to the Committee for determination owing to the range of issues raised.

2.0 SUMMARY

RECOMMENDATION: That planning permission be GRANTED subject to conditions listed below.

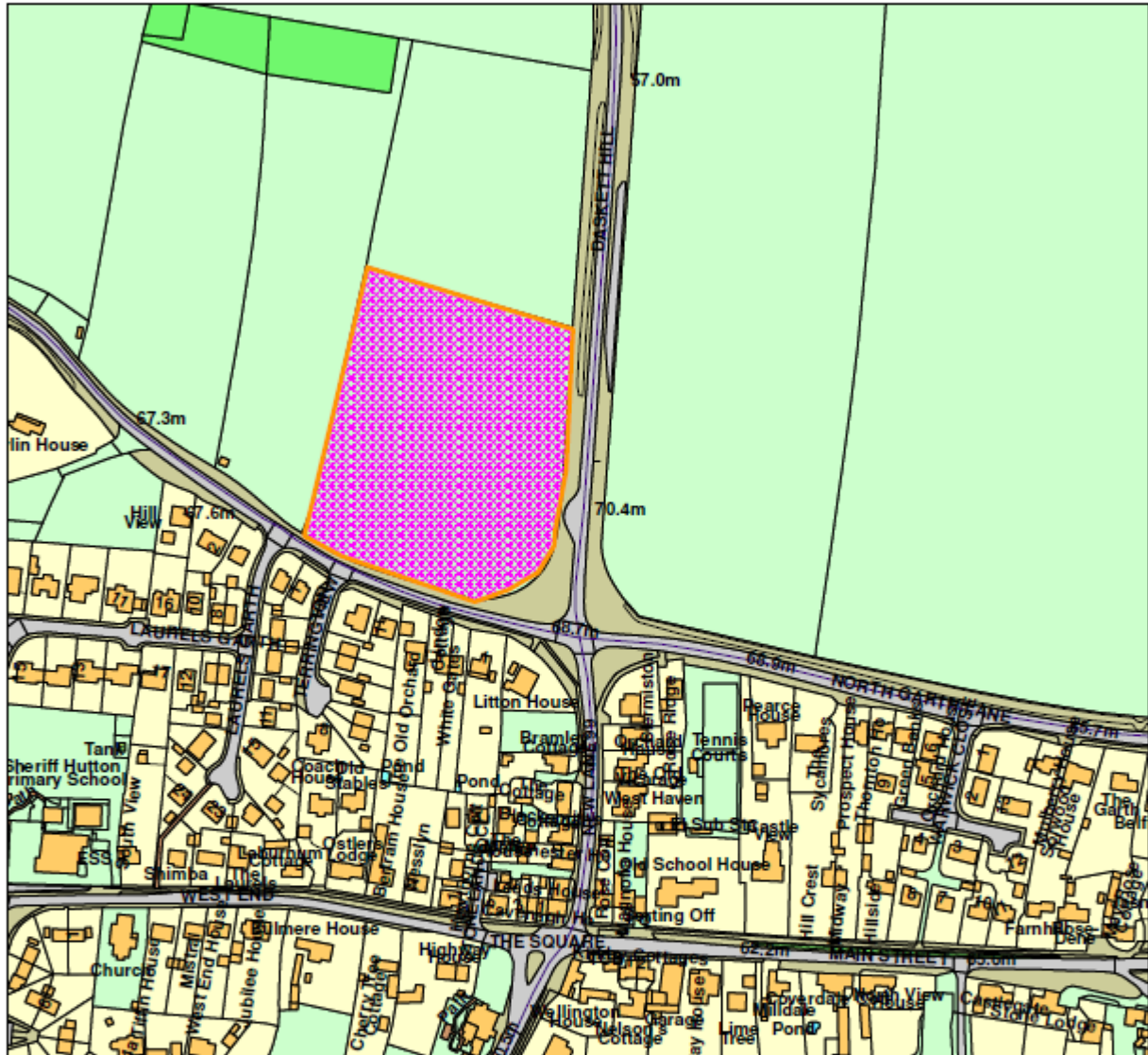
- 2.1. This application seeks full planning permission for the Change of use of agricultural and equestrian land to allow the siting of 24no. holiday lodges in total, 18no. of which incorporate 2 bedrooms and 6 of which incorporate 3 bedrooms. The scheme also seeks permission for 1no. wardens lodge to house an on site management presence who would remain on the site, together with 1no. reception building. The scheme also seeks approval for the associated access, parking, infrastructure and landscaping. This is a revised scheme to the lawful approved development 20/00701/MFUL dated 15.11.2021 which granted permission for 16no. lodges and 1no. reception/shop building.
- 2.2. The application site relates to an agricultural field to the north of Sheriff Hutton, occupying a corner position directly to the west of Daskett Hill from where it is accessed by a field entrance and to the north of Cornborough Road. This field is located directly to the north west of the roundabout linking Daskett Hill with New Lane, North Garth Land and Cornborough Road. Whilst this falls outside village development limits, this is in close proximity to neighbouring residential properties to the south.
- 2.3. The scheme for the holiday accommodation is considered acceptable in principle, in accordance with Policies SP8 (Tourism) and SP21 (Occupancy Restrictions) of the Ryedale Plan, Local Plan Strategy. The Warden's accommodation in these site specific

circumstances is considered to align with the requirement for new accommodation to support the land based economy as outlined in Policy SP2 (Delivery and Distribution of New Housing) of the Ryedale Plan, Local Plan Strategy. The benefits to securing an onsite management presence are considered significant due to the proximity to the nearby residential properties and on balance, this small scale unit, conditioned to be linked to the business is considered acceptable.

- 2.4. The scheme is considered acceptable in terms of character and form and subject to the strict conditions, will be deliverable without harm to the surrounding wider landscape. The scheme is also considered acceptable in terms of residential amenity, access and highway safety and ecology. Further details are awaited in terms of drainage, whilst the statutory consultees have no objection, additional details have been submitted by the Agent to try and secure 'in accordance with' style conditions. Consequently the scheme is recommended for approval however, Officers will seek the final delegation of this decision to the Planning and Development Manager for overall approval, subject to the scheme being considered satisfactory by Yorkshire Water and the Lead Local Flood Authority with the application of any recommended conditions.

ZE23/01660/MFUL

Not Set



Scale: 1:3,000

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Organisation	North Yorkshire Council
Department	Development Management
Comments	Not Set
Date	13/05/2024
MSA Number	Not Set

3.0 Preliminary Matters

- 3.1. Access to the case file on Public Access can be found here:
<https://planningregister.ryedale.gov.uk/caonline-applications/applicationDetails.do?keyVal=RYHWVZNOKDB00&activeTab=summary>
- 3.2. There is 1 relevant planning application for this application which is detailed below.
 20/00701/MFUL– Change of use of agricultural and equestrian land to allow the siting of 16no. holiday lodges, 1no. wardens lodge with associated access, parking, infrastructure and landscaping– Approved 15.11.2021)
- This application was approved by Members of the Ryedale District Council Planning Committee in October 2021.

4.0 Site and Surroundings

- 4.1. The application site relates to an agricultural field to the north of Sheriff Hutton, occupying a corner position directly to the west of Daskett Hill from where it is accessed by a field entrance and to the north of Cornborough Road. This field is located directly to the north west of the roundabout linking Daskett Hill with New Lane, North Garth Land and Cornborough Road.
- 4.2. It is a broadly rectangular area of land spanning approximately 144 metres from north to south and 115 metres from east to west, totally approximately 1.66 hectares. The site is adjoined by residential properties to the south, (located to the south of Cornborough Road) and by agricultural land to the west, north and east.
- 4.3. The site is located outside of the defined settlement limits of Sheriff Hutton, therefore it is considered as being located within the open countryside under the Ryedale Plan, Local Plan Strategy. The site is located within walking distance of the village shop, public house and café. The site is located a significant distance from both the village's Conservation Area boundary approximately 250 metres to the south west at the nearest point) and the Scheduled Ancient Monument Boundary of Sheriff Hutton Castle which is located c225 metres to the south west, both beyond significant amounts of existing development. The site incorporates ridge and furrow formations which NYC Archaeology have identified as a 'non designated heritage asset.'
- 4.4. The Howardian Hills National Landscape (formally the Area of Outstanding Natural Beauty) is located approximately 3.6 kilometres to the north and the site falls entirely within Flood Zone 1.
- 4.5. The site is very well landscaped along the eastern and southern boundaries, with a well-established unmaintained hedge and a line of mature trees. To the western boundary, a mature field hedge is present with intermittent trees. To the north there is a line of tree planting, with some gaps.

5.0 Description of Proposal

- 5.1. This application seeks full planning Permission for the Change of use of agricultural and equestrian land to allow the siting of 24no. holiday lodges, 1no. wardens lodge and 1no. reception building with associated access, parking, infrastructure and landscaping (revised detail to planning approval 20/00701/MFUL dated 15.11.2021)
- 5.2. This was as a result of an amendment to the original scheme which sought permission for 32no. holiday lodges. Other amendments included the removal of reference to a Phase 2

development and children's play area within the adjoining field to the north that does not form part of this planning application. Permission would be needed for such a use.

- 5.3. This application was put on the Agenda for the May 2024 Planning Committee Agenda, however this was withdrawn at the request of Officer's as the LPA were advised that the originally proposed units are no longer available to the Applicant and they are assessing a different supplier. Since then, revised plans have been received to illustrate the amended designs, which will be outlined below. Furthermore, Officer's have negotiated to omission of the previously proposed 'shop' element in the main reception building. The description has been updated to reflect this and the scheme fully advertised. This advertising period concluded on the 5th August, with the Parish Council seeking an extension on the timeframe for comments until the 9th August. Consequently, their comments will be provided via the late pages.
- 5.4. These holiday lodges would be located to a minimum of 21 metres inset from the domestic curtilages of the properties located to the south of Cornborough Road and as noted, very mature screening is present along the southern boundary of the site. The proposal would also include the provision of a surface water attenuation pond to the south east of the site. A pedestrian link along the south eastern corner would be provided to allow for permeability with the village.
- 5.5. This proposal would include two types of holiday lodges, a two bedroom style and a three bedrooms style. Both styles would be constructed with timber coloured composite cladding and UPVc windows and doors, together with a pitched tile roof. Each would have a commensurately sized outdoor decking area and 2no. dedicated parking spaces.
- 5.6. 18no. two bedroom units for holiday lettings are proposed and two specific types are proposed, Type A and Type B. Type A would span c4.35m x c12.6m in size, with an internal footprint of c53 square metres. This would incorporate a pitched roof design, with an eaves height of c2.8 m and a ridge height of c4.1m. Type B would span c4.3m x c12.65m in size, with an internal footprint of c54 square metres. This would also incorporate a pitched roof design, with an eaves height of c2.8 m and a ridge height of c4.1m. There are very limited physical differences between these units. These appear commensurate in size with the units originally proposed as part of this scheme.
- 5.7. 6no. three bedroom units for holiday lettings are proposed and two specific types are proposed, Type C and Type D. Type C would span c6.1m x c12.2m in size, with a footprint of c74.4 square metres. This would incorporate a pitched roof design, with an eaves height of c2.9m and a ridge height of c4.14m. This does relate to a slightly larger footprint than the units originally proposed as part of this scheme which spanned to c59 square metres but includes a lower ridge height. Type D would also span c6.1m x c12.2m in size, with a footprint of c74.4 square metres. This would incorporate a pitched roof design, with an eaves height of c2.9m and a ridge height of c4.14m.
- 5.8. For reference, the previously approved scheme included 16no. timber clad units which included a monopitch roof form, with maximum roof heights of approximately 4.8m, spanning downward to 3.3m. Previously approved were 6no. 2 bedroom units which incorporated a footprint of c80 square metres, 6no. 3 bedroom units which incorporated a footprint of c99.7 square metres and 4no. 4 bedroom units, which incorporated a footprint of c120 square metres. These therefore related to quite significantly larger units. These also included significantly increased levels of glazing in comparison to the proposed scheme.
- 5.9. The wardens unit is the same design as the described two bedroom unit and would be located to the north eastern corner of the site. It has been confirmed that this would be occupied by the Applicant.

- 5.10. The reception would incorporate a footprint of c12.6m x c3.3m with a maximum height of c4.1m. This would allow for a reception, store, office, and WC. As noted, as part of this amended scheme, this no longer includes any retail element.
- 5.11. The proposed access road would span westwards from the existing site entrance and would extend to serve the four 'quadrants' of the site. The site will incorporate new internal and boundary landscaping, to supplement the existing retained boundary landscaping. No indicative lighting plan has been submitted at this stage.

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 for this site is the Ryedale Plan, Local Plan Strategy (2013.)

Guidance - Material Considerations

- 6.3. 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 have been summarised below.
- 7.2. **Parish Council:** The most recent Parish Council submission at the time of writing of this report was provided on the 27th May 2024, which was collated by the Parish Council following the meeting in March 2023 but not submitted to the LPA in error. This noted "Decision – The parish council object to this planning application, on the following grounds:- The parish council feel there is insufficient detail on the planning application with many details missing. The original planning application stated a certain type of lodge. This planning application provides no details of the material to be used. The infrastructure for 24 lodges cannot be the same for 16 lodges. The village has a commitment to support." As highlighted above, a further response is expected by the 9th August on the amended scheme.

The Parish Council also raised a query in relation to anthrax within the site which was reviewed with the Council's EH team and which will be commented upon below.

- 7.3. **Internal Drainage Board:** Recommended compliance condition.
- 7.4. **North Yorkshire Archaeology:** No objection
- 7.5. **North Yorkshire Ecology:** Recommend conditions
- 7.6. **North Yorkshire Environmental Health:** No objection
- 7.7. **North Yorkshire Highways:** Recommend conditions
- 7.8. **Lead Local Flood Authority:** Recommended compliance condition.

7.9. **Yorkshire Water:** : Recommended compliance condition.

Local Representations

7.10. As part of the original consultation on the 32no. lodge scheme, 22 local representations have been received between the 16th August 2023 and the 18th September 2023 all of which were objecting. A summary of the comments is provided below, however, please see website for full comments.

7.11. Objections

- Concern over the impact upon highway safety through the increased number of units and associated traffic increase, the site lies between on a blind bend, in proximity to a busy roundabout, cannot assume that cars are travelling at the 30mph speed limit, the increase in numbers will result in accidents. Concern over safety of cyclists and pedestrians existing and accessing the site.
- The site is outside of the development plan boundary. Gross misuse of farmland.
- Overdevelopment of the site – do not consider this a modest increase. Concern over reference to Phase 2 and play area, separated from the lodges.
- Concern over occupancy of the lodges and more permanent residence may occur.
- Doesn't contribute to a low carbon economy.
- Increase in units will make the site visually less attractive when viewed from the AONB to the north, will be easily visible and detract from the open nature of the surrounding area. Would be a prominently positioned eyesore and damaging to the nature of the village by virtue of its scale and proximity. Discords with Policy SP13.
- Support original 16 units, but not the increase to 32
- Are these static caravans designed to look like lodges. Form and materials bear no resemblance to traditional village buildings. Not acceptable in this location.
- Claim that this will enhance the economy is debatable. There is a good local shop in the village. This does not warrant its own shop.
- The Design Statement states that the application has been revised to address financial viability. Was an appraisal carried out?
- Drainage doesn't appear to have been upgraded since the original proposal of 16 to the 32 now proposed, will this overload the system. Concerns over flooding as the mains drain backs up in heavy rain and there are surface water drainage issues in the area, impacting individual properties, this may exacerbate this. Concern the attenuation pond may result in foul smelling stagnant water.
- Concern that villagers who want to comment may not see the village newsletter (Case Officer Comment: the Parish Council was consulted, a site notice erected and a notice put in the local newspaper, together with the consultation by letter of surrounding residents.)
- The village is already well served by caravan sites, this would be overdevelopment.
- Concern over noise impacts, light pollution, wildlife impact and loss of privacy.
- Potential devaluation of village homes.

7.12. Following reconsultation of the amended plans, 4 further local letters of objection have been received between the 5th and 24th March 2024. A summary of the comments is provided below, however, please see website for full comments.

- Does not deal with the objections made previously
- Remains the overpopulation of the site

- Highway concerns remain in terms of levels of journeys from 24 lodges and impact upon the character of the site – no walks or safe cycle routes directly from the site.
- Visual and Landscape Concerns remain and this remains contrary to Policy SP13. The original scheme should never have been granted.
- Noise and light pollution
- Drainage issues not dealt with
- Overprovision of holiday accommodation within the village
- Note the presence of overhead pylons, do these pose a risk to occupants.
- If the number of lodges needs to be increase, not a reason to grant permission.
- If approved there should be a maximum time period condition and CIL applied to secure benefits for the community.

7.13 Following publication on the May 2024 Planning Committee Agenda, 9 further responses were received, some of these were provided to Members already on the late pages, but will be summarised below for the avoidance of doubt, however, please see website for full comments.

- No one locally supports this proposal, unwanted and of no benefit to the community. Full agreement with Parish Council
- The visibility splays are currently unsuitable and will get worse as vegetation grows, who will be responsible for this.
- Proposed HGV access is on the main Strensall to Terrington Road, already in disgrace condition and will create more noise and pollution.
- Excessive car parking in the village, taking up residents' spaces and affecting scenery
- Work to overhead power supply is taking place at considerable expense, suspect the council/public purse is being used
- There remains no clause to restrict occupancy on the site and likely for permanent residence (Case Officer Note: please see conditions 3,4,5 and 6)
- Loss of agricultural land
- Poor design quality and materials of lodges – contravene SP16
- Visually intrusive and lighting intrusion
- Concern over loss of outlook and privacy.
- Concern about future growth
- Overdevelopment of site and scale of units akin to houses.
- Harmful impacts upon the local drainage network and flooding
- Noise issues - suspicious of the need for soundproof fencing
- Damage to ecology
- Purely profit driven.
- Incompatible with and detrimental to existing village facilities, ie. Shop
- Impact upon Daskett Hill as a landscape feature, discordance with Policy SP13, Officer's report does not conclude no landscape impacts.
- Inappropriate to grant permission until the local plan is reviewed and local opinions and agreement sought.
- Initial approval for 16 units should never have been granted on grounds already expressed by mass of objections and unanswered by the project team. Further expansion should be refused and original approval rescinded. Hasn't been discussed with the group working on the updated local plan.
- Existing holiday parks are sufficient although underused, but sited in the development area of the village, expansion outside should not be permitted.
- The owner of the village shop had noted they disagree with the Applicant and it will not bring prosperity to the village. Site users will bring their own supplies or arrange a supermarket delivery. The greatest present threat is the dire state of the village utilities, as the shop relies on residents of neighbouring village to support us. The development will have a huge detrimental effect to our business and life in general. Our family business

- supports four incomes all of whom support the local economy, how many local people will this development support. It if proceeds it will be yet another nail in my businesses coffin.
- Officer's report fails to confirm whether the scheme contributes to a range or choice of quality tourism accommodation. Nearly half as many holiday units as houses, too much for a small village.
 - The report fails to refer to the 2009 Sheriff Hutton Parish Plan or the Village Design Statement, relevant to the consideration of this scheme in light of the Localism Act.
 - Case Officer Note: No Sheriff Hutton Parish Plan (2009) or Village Design Guide is available on the Parish Council website, an earlier 2003 Sheriff Hutton Parish Plan is available to review at the following link on the former Ryedale District Council Website but no Village Design Statement is present:
 - <https://democracy.ryedale.gov.uk/documents/s13177/ParishPlanSheriffHutton.pdf>
 - This notes that there is support from 52% of responders to the survey that tourism should be encouraged and developed. IT was noted that *"there are inevitable benefits but great care is needed to ensure that, by developing tourism, we do not change the community for the worse. If 'holiday lets' or second homes were to be encouraged this would reduce the available housing stock and drainage the life of the village... Nevertheless tourism if properly managed could help sustain or expand current village services. It might also generate work within the village and help maintain it as a community."*
 - Furthermore, the Localism Act does give provision for communities to undertaken Neighbouring Plans, which to date Sheriff Hutton have not opted to proceed with.

7.14 Following readvertisement of the scheme to illustrate the new plans for the units and the omission of the retail element, the following responses have been received.

- Note response from agent, long on words and short on detail
- Notes the reference that the consultees have accepted their proposals, subject to conditions but what are these? (Case Officer note: these are available to view on the planning register and at the bottom of this report.)
- Querying chalet style (Case Officer note: full plans are available to view on the planning register and at the bottom of this report.)

The Planning Agent has also produced a document responding to individual objections. This was scanned onto the Planning Register on the 17th July 2024.

8.0 Environment Impact Assessment (EIA)

- 8.1. The development falls within Schedule 2 Category 12(e) Permanent Camp and Caravan Sites' of The Environmental Impact Assessment Regulations 2017 (as amended) and exceeds the relevant threshold due to the site being over 1ha. 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
 - Character, Form and Landscape Impact
 - Amenity, including Residential Amenity
 - Access and highway safety
 - Drainage

- Ecology
- Other Matters, including consultation responses.

10.0 **ASSESSMENT**

Principle of Development

- 10.1. Policy SP1 (General Location of Development and Settlement Hierarchy) of the Ryedale Plan, Local Plan Strategy identifies that in the Wider Open Countryside, development will be restricted to that which *“is necessary to support a sustainable, vibrant and healthy rural economy or communities.”*
- 10.2. Policy SP8 (Tourism) notes *“This policy supports the provision of a range of tourism accommodation across the District. The Council will support in principle within the Wider Open Countryside “New touring caravan and camping sites and static caravan and chalet self-catering accommodation and extensions to existing facilities that can be accommodated without an unacceptable visual intrusion and impact upon the character of the locality.”*
- 10.3. Local Policy SP21(e) relates to time-limited occupation and states *“New un-serviced holiday accommodation (holiday cottages, caravan parks (static and touring), log cabins and holiday chalets) will be subject to the following conditions: o The accommodation is occupied for holiday purposes only; and not as a person's sole, or main place of residence; and o It shall be available for commercial holiday lets for a least 140 days a year and no let must exceed 31 days; and o The owners/operators shall maintain an up-to-date register of lettings/occupation and advertising will be maintained at all times and shall be made available for inspection to an officer of the Local Planning Authority on request”.*
- 10.4. Paragraph 88 (C) of the National Planning Policy Framework notes planning policies and decisions should support *“sustainable rural tourism and leisure developments which respect the character of the countryside.”*
- 10.5. During the determination of the application, in relation to how the site would operate, the Agent noted that the Applicant *“would like to keep both options open, ie second holiday home and holiday rentals. That’s what the rest of the parks are in the area, Mr Wilson advises us, and also that they’re all 12 month usage, but with a condition that they have a second address as the main residence, we are happy with such condition(s).”* Officers responded on the 21st February 2024 to note: *“With regards to the query about the proposed model to allow these to potentially operate as new build holiday homes, having discussed this with my manager, given this is a completely new site and has no historic permissions, we would only be supportive of this scheme and seek to approve this if it were in line with the requirements of the Ryedale Plan, Local Plan Strategy and specifically, subject to the LPA’s standard holiday conditions contained within Policy SP21, which were those also applied on the earlier scheme. Please advise you are content to proceed on this basis.”* Confirmation was received to confirm they were content. This is considered an important aspect of the scheme, as these conditions will ensure the new accommodation is available for short term holiday lets and adheres to the parameters of the Ryedale Plan, Local Plan Strategy 2013 and this is consistent with the original permission granted under 20/00701/MFUL. Some of the holiday parks referenced by the Agent were permitted prior to the adoption of the local plan and in some instances, others are of a scale where a balance of tenure types can be considered more favourably.
- 10.6. It is noted that the incoming responses have highlighted that it is believed there is sufficient holiday provision within the village and that this site lies beyond the village development limits. This is acknowledged, but Policy SP8 of the Ryedale remains supportive in principle of holiday accommodation in the Wider Open Countryside. There is no justification for the LPA to seek confirmation on the precise details of the financial viability of the original scheme as on its own merits, this scheme remains acceptable in principle. However, the

impacts of this scheme which incorporates a greater number of units will be carefully considered further in the amenity section below. Furthermore, it is not permissible for the LPA to seek to charge CIL on such a development. It is considered that this scheme would align with the requirements of Policy SP8 and SP21 of the Ryedale Plan, Local Plan Strategy and would contribute to the tourism offer in the area, without an unacceptable visual intrusion and impact upon the character of the locality as will be discussed further below. The loss of agricultural land is noted, however this has already been secured approval for holiday use and the nature of policy support for tourism in the Wider Open Countryside does not preclude the use of agricultural land for such a development.

- 10.7. It is noted within an incoming response that no reference to the Sheriff Hutton Parish Plan (2009) or Village Design Guide has been made, with no reference to the Localism Act of 2009. Neither the 2009 plan nor Village Design Guide are available on the Parish Council website, however an earlier 2003 Sheriff Hutton Parish Plan is available to review at the following link on the former Ryedale District Council Website but no Village Design Statement is present: <https://democracy.ryedale.gov.uk/documents/s13177/ParishPlanSheriffHutton.pdf> This notes that there is support from 52% of responders to the survey that tourism should be encouraged and developed. It was noted that *“there are inevitable benefits but great care is needed to ensure that, by developing tourism, we do not change the community for the worse. If ‘holiday lets’ or second homes were to be encouraged this would reduce the available housing stock and drainage the life of the village... Nevertheless tourism if properly managed could help sustain or expand current village services. It might also generate work within the village and help maintain it as a community.”* Furthermore, the Localism Act does give provision for communities to undertaken Neighbouring Plans, which to date Sheriff Hutton have not opted to proceed with at this time. Additionally the LPA cannot await the update of the Local Plan before determining this type of application, as the Ryedale Plan, Local Plan Strategy remains in date and the starting point for the policy consideration of this scheme.
- 10.8. In relation to the wardens accommodation, it is noted that this would technically relate to a new dwelling in the open countryside and as such, the parameters of Policy SP2 (Delivery and Distribution of New Housing is considered. This policy supports *“New build dwellings necessary to support the land-based economy where an essential need for residential development in that location can be justified.”* It is noted that this is a discreetly positioned and modestly scaled unit and a site warden would provide an onsite management presence that would help to ensure neighbouring amenity is protected. In this instance, the holiday accommodation can be considered a land based activity as this would only be feasibly delivered in the Wider Open Countryside, outside of development limits. The provision of Warden’s accommodation is therefore considered important on this edge of village location and it is considered that this ‘need’ tips the planning balance in favour of approval. This would be conditioned so that it would remain tied to the holiday units and could not be separated. Furthermore, the condition would be worded so that could only be occupied by a manager of member of staff working in this site, so would not become an open market dwelling. This would further be conditioned so that this should only be occupied when the wider holiday complex is brought into use.
- 10.9. The point raised about the presence of the onsite shop and that this could remove trade from the village shop was noted. The Applicant had noted that this would be for basic items such as bread and milk and it is acknowledged that a shop facility was previously approved. However, the Applicant has proactively agreed to remove this element entirely and as such, this has been removed from the description of the application and readvertised. It is therefore noted that there would be no adverse impact upon the village amenities as a result of this scheme.
- 10.10. It is therefore considered that subject to the recommended conditions that would fully restrict occupancy across the site, whilst there are a number of noted local concerns, which

have been fully considered, this scheme aligns with the requirements of Policies SP8 and SP21 of the Ryedale Plan, Local Plan Strategy and the NPPF.

Character, Form and Landscaping Impact

- 10.11. Policy SP13 Landscapes of the Ryedale Plan, Local Plan Strategy notes “Development proposals should contribute to the protection and enhancement of distinctive elements of landscape character that are the result of historical and cultural influences, natural features and aesthetic qualities including:
- The distribution and form of settlements and buildings in their landscape setting
 - The character of individual settlements, including building styles and materials
 - The pattern and presence of distinctive landscape features and natural elements (including field boundaries, woodland, habitat types, landforms, topography and watercourses)
 - Visually sensitive skylines, hill and valley sides
 - The ambience of the area, including nocturnal character, level and type of activity and tranquillity, sense of enclosure/exposure
- 10.12. SP16 Design of the Ryedale Plan, Local Plan Strategy notes: *Development proposals will be expected to create high quality durable places that are accessible, well integrated with their surroundings and which “Reinforce local distinctiveness and... Protect amenity and promote well-being.”*
- 10.13. Policy SP20: Generic Development Management Issues of the Ryedale Plan, Local Plan Strategy notes:
- *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*
 - *Proposed uses and activity will be compatible with the existing ambience of the immediate locality and the surrounding area and with neighbouring*
- 10.14. As noted, this scheme seeks approval for 24no. smaller holiday units, 1.no wardens dwelling and 1no. reception building, compared to 16no. larger holiday units and 1no. reception building, in the same location. Therefore whilst there are a greater number of units, these are smaller in scale and this approach was further secured by the overall reduction in units negotiated. Consequently it is not considered that these relate to overdevelopment. It is also noted that the units appear to incorporate less massing, given the more traditional pitches roofs and lower eaves heights than the previously approved units, which also included monopitch roofs and much more significant areas of glazing. Whilst the previously scheme could be considered to incorporate more high quality materials, the current scheme as proposed does incorporate materials which are commensurate with this type of holiday accommodation. It is considered that these are acceptable in form, design and positioning.
- 10.15. The previously approved scheme was very carefully considered in relation to its impact upon the character and form of the application site and the adjoining land and was subject to detailed negotiation, including the submission of a Landscape and Visual Impact Assessment (LVIA) (Rosetta Landscape Design, December 2020.) Whilst this has not been formally resubmitted, the contents of this remain relevant as the same use is proposed in the same location.
- 10.16. The LVIA in line with the Guidelines for Landscape and Visual Impact Assessment described and considered all the potential effects of the proposed development and identifies whether this would lead to a positive or adverse impact. This includes an

assessment on landscape character impacts, including a baseline review of the landscape and visual resource, landscape classification, landscape and visual assessment and visual effects, including sensitivity and magnitude on identified visual receptors, further assessed in light of potential mitigation. The full assessment of the LVIA was carried out in the previous officer's report for 20-00701-MFUL. It was noted in Section 4.2.7 of the LVIA that the site topography the site *"lies on a southward facing slope with its northern edge on a ridge of higher ground that separates the village (to the south) from flat, low-lying, valley bottom land to the north."*

- 10.17. A study on the visual receptors (17 individually considered residential properties and 2 surrounding roads) concluded that the sensitivity of the neighbouring properties is high, *"since any change to the character of the area surrounding their home is critical to those residents enjoyment of their home"* and that the sensitivity of the road users is medium. The magnitude and visual impact of the construction phase was identified as being small/very small and minor/moderate/minor for all receptors, apart from the 8 closest properties where these effects were listed as medium and moderate respectively. It was acknowledged that all receptors would be affected during the construction phase and in relation to the 8 closest properties it was noted *"although these viewpoints lie immediately adjacent to the sit works, there is a substantial perimeter planting buffer between the two which will remain in place during the construction phase."*
- 10.18. Section 5.3.12 of the LVIA also noted *"in one respect, the completed development will have an impact on the character of the local landscape – namely when viewed from the north. Here two of the lodges will be visible through gaps in the intermittent line of trees along the northern site boundary until the new proposed planting has had an opportunity to mature."* The 'Zone of Visual Influence' as indicated on the above referenced Visual Impact Assessment Plan illustrates that the nearest possible views from the north taken from the public highway would be approximately 286.6m from the northern boundary of the site, which is considered quite a significant distance.
- 10.19. In order to address this most open view, this application proposes similar planting details for carefully considered supplementary planting to the northern and western boundaries which was previously considered suitable. This included a specific Detailed Landscape Proposal Plan relating to the northern boundary following a request for more mature planting (Drawing no. 3717/5 Rev D). This illustrates the installation of an 'instant hedge' along the northern boundary at a height of 2m, which is a mature installation planted with a width of 40cm comprised of native hedgerow species. Furthermore, along the northern boundary additional infill planting to include 18no. heavy standard native species trees with heights of c3.5-4.25m would be installed, together with 4no. large feathered silver birch trees, at heights between 2-2.5m. 14 new trees are proposed for installation along the western boundary, including 13no. heavy standard native species trees with heights of c3.5-4.25m and 3no. large feathered silver birch trees at heights between 2-2.5m. It is considered that this will help to address the distant public views which are currently achievable from this point.
- 10.20. As no single comprehensive landscaping scheme has been submitted, (to include internal landscaping) a condition relating to landscaping will be recommended. If this continues to propose the same treatments to the northern and western boundaries, this will be suitable in appropriately landscaping the site from wider views. A further condition will be recommended in terms of protection of existing trees and hedges within the site during the construction phase. This condition was applied previously and discharged successfully by the previous Applicant, so the Case Officer will discuss with the Agent whether they wish to resubmit this information. Members will be updated as to whether this will be a standard condition or an 'in accordance with' style condition.
- 10.21. In terms of lighting, no details have been submitted as yet, but this can be controlled by a full condition. The Agent has confirmed they are happy to align with the principles of lighting

suitable for dark skies location following review of the North Yorkshire Moors National Park guidance, noting that they would be content with downlit units. This will secure final details of levels of illumination of this and the wall mounted lighting to be installed on the units and within the site.

- 10.22. As part of the consideration of the previous scheme, the Officer Report noted: “*Furthermore it is not considered that this proposal would result in harm to the special character and appearance of the adjoining Area of Outstanding Natural Beauty located c3.6 kilometres to the north. The AONB Officer was informally consulted and they confirmed they were aware of the proposal and had no objection. It was noted that any light from the AONB would be read as part of the lighting from the settlement itself.*” The AONB Manager (now National Landscape Manager) has not been reconsulted as part of this revised scheme, but it remains the view of the Local Planning Authority, that the continued use of this site for a holiday site (albeit with 8 additional holiday lodges) would not result in any adverse material impacts upon the special character and appearance of the adjoining Howardian Hills National Landscape.
- 10.23. The continued concerns raised by third parties in relation to this sensitive edge of village location and potential adverse impacts upon the character of the area are noted. It is considered following analysis of the LVIA, full assessment of this revised scheme and subject to recommended conditions that some harm to the character and appearance of landscape would occur as the result of the development of a currently undeveloped field. However Officer’s believe this can be mitigated to an acceptable extent, due to the sensitive landscaping and lighting proposals, the landscape impact can be satisfactorily mitigated. These elements would be controlled by condition.
- 10.24. Nor is it considered that this would relate to the visual overdevelopment of the site, as whilst the number of units has increased, the overall proposed floorspace is reduced.
- 10.25. It is considered that a comprehensive review of the landscape impacts of this scheme have been undertaken by Officers and this scheme is considered to remain in accordance with Policies SP13, SP16 and SP20 of the Ryedale Plan, Local Plan Strategy.

Amenity, including Residential Amenity

- 10.26. Policy SP20 Generic Development Management Issues of the Ryedale Plan, Local Plan Strategy notes:
- 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*
- Developers will be expected to apply the highest standards outlined in the World Health Organisation, British Standards and wider international and national standards relating to noise*
- 10.27. Accompanying the application was a Noise Impact Assessment (ENS 26th July 2023) which suggested, as was the case with the original approval that a condition to secure the submission of a Noise Management Plan was recommended. The original site plan also shows the installation of acoustic fencing to the southern boundary of the site, which was not provided as part of the originally approved scheme.
- 10.28. In a response dated 1st September 2023, the EHO noted it was “*concluded that the noise management plans were appropriate, although a curfew of 11pm was maybe a little too late for children playing/quiet time. The entrance point for arrivals appear to be ok. The noise*

assessment doesn't advocate an acoustic fence, but would clearly improve the situation at the village side of the site. I can't see any drawings of it."

- 10.29. The Environmental Health Officer confirmed in an email dated 14th May, "Further to my previous response and the proposal to reduce the number of units, I can confirm that I am satisfied with the amended proposal and welcome the acoustic fence and commitment to a 10pm curfew, to be secured by condition. I also recommend a condition to seek details of the acoustic fence and secure its erection prior to the site being brought into use."
- 10.30. A plan of the acoustic fence was provided and indicated this was 1.82m in height. The EHO reviewed this and noted further detail on the acoustic massing of this was not provided. As such, a condition has been recommended for full details but the Agent will be asked to provide this information in advance of the meeting.
- 10.31. As part of the reconsultation, the EH team were reconsulted on this application and the most recent response sought further details of potable water and sewerage on the 19th June 2024. Sewerage has previously been addressed with a connection to the mains sewers and Yorkshire Water are content with the scheme, having recommended a condition. The EHO has been advised of this. In terms of potable water, this is not an aspect which planning would usually become involved with, however, the Agent has been asked for clarification which will be communicated back to the EHO. The EHO confirmed on the 6th August that their comments of the 19th June could be dismissed and reconfirmed no objection.
- 10.32. As noted, this scheme would also now include the provision of a wardens unit, which would afford an onsite management presence, which would be responsive should any issues arise. This is considered important given the relatively close proximity of the nearby residential dwellings.
- 10.33. Concern has been raised about the presence of an acoustic fence and what this may mean in terms of noise levels, however this is considered a sensible approach, together with the on site management presence and Noise Management Plan to ensure that amenity of nearby residents is protected. This can also be undertaken with no harm to the visual amenity of the surrounding environment, given the location of the existing landscaping.
- 10.34. It is therefore considered that subject to the recommended conditions, the proposed development would not result in a harmful material impact upon residential amenity, in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.

Drainage

- 10.35. A detailed arrange of drainage documents were provided in support of this proposal including a Flood Risk Assessment (Dart Engineers July 2023) and a complete drainage design. Foul water is proposed to adjoin the mains sewers in the village and as soakaways are not suitable, a surface water attenuation pond will be provided within the site, from which surface water will adjoin the mains surface water sewer at a restricted flow rate.
- 10.36. All the drainage bodies – Yorkshire Water, the Lead Local Flood Authority and the Foss Internal Drainage Board have been consulted on the scheme and confirmed no objections, subject to the imposition of conditions. This was welcomed and beyond these original conditions, the Agent provided further more bespoke information, to attempt to provide all the necessary information sought by condition pre-decision. As was communicated to Members on the latest 'late pages' update in May 2024, the IDB, Yorkshire Water and the Lead Local Flood Authority all have confirmed they are content now and all recommend a compliance condition.

- 10.37. Therefore Members will be fully updated of the final responses received from both the LLFA and the YW if these are available. In light of this, it is considered appropriate for Officers to seek the final decision to be delegated to Officers subject to the satisfaction of these relevant drainage consultees if these are not received prior to the meeting.
- 10.38. Consequently, whilst the incoming responses from third parties are noted raising concerns in relation to the local drainage network and flood risk, it is considered that drainage has been very carefully considered by the relevant technical consultees in this area and subject to the imposition of the relevant conditions, the scheme is considered to align with the requirements of Policy SP17 of the Ryedale Plan, Local Plan Strategy.

Access and Highway Safety

- 10.39. The application was submitted together with a Highways Access Appraisal (Local Transport Projects October 2020) and plans which illustrate the works to achieve the necessary visibility splay requirements. In an original informal response dated 24th August 2023, the Highways Team noted due to the increase in number of units, they wished to see *“a traffic survey which includes the number and speeds of vehicles at the carriageway on the approach and adjacent to the sites proposed access please? The survey should be conducted over a minimum of 1 week and should include peak and non-peak hours. The information is required to determine the actual speeds of vehicles to the site and to assist in determining the safe stopping distance and necessary visibility splay at the vehicular access. Local Highway Authority would also like to see a transport statement which provides anticipated vehicular trip generation associated with the proposals the statement should as a minimum include anticipated; vehicle type, number, times associated with the proposals.”*
- 10.40. A Transport Statement (Local Transport Projects February 2024) was provided. This was reviewed by the Highways Team and in their final response, dated 13th May 2024 they confirmed: *“The design standard for the site is Design Manual for Roads and Bridges and the required visibility splay is 2.4 metres by 90 metres at an object height of 0.6 metres and an eye height of 1.05 metres. The achievable visibility is 2.4 metres by 90 metres to the south of the site access. The available visibility to the north of the access is 2.4 metres x 70 metres which falls below the recommended standard however, subject to re-profiling of verge and foliage removal the required visibility could be achieved. It is recommended that the reprofiling work is undertaken at the earliest opportunity if the application is granted approval and subject to appropriate licences to undertake work within the public highway are obtained. Construction of the permitted development must be undertaken in accordance with the approved Construction Management Plan; DWG -1060/CEMP*

Consequently the Local Highway Authority recommends that the following Conditions are attached to any permission granted.” These conditions related to securing the new and altered verge crossing and securing the visibility splays before any access by vehicles, the aforementioned construction management plan will also be conditioned. It is noted that concerns have been raised by third parties about whether these splays will be maintained. It is noted that the condition requires this to be maintained in perpetuity and such a condition is applied consistently to these types of applications. This would be the responsibility of the site owner/manager going forward to adhere to.

- 10.41. It is therefore considered that whilst the significant concerns from third parties, including the level of traffic and road network in the vicinity of site, together with parking in the village have been fully considered by the Local Planning Authority and Local Highway Authority, that subject to the imposition of the recommended condition, the proposed development

would not result in a harmful material impact upon access or highway safety, in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.

Ecology

- 10.42. This application was submitted in advance of the national Biodiversity Net Gain Regulations coming into law. However, a Preliminary Ecological Appraisal was submitted in support of the scheme (Wold Ecology Ltd July 2023.)
- 10.43. The Council's Ecologist responded to note: *"The Preliminary Ecological Appraisal (PEA) has been revised to reflect the current application. The field is identified as species-poor agricultural grassland of low ecological value, with few risks to protected /important species. It is unhelpful that the PEA uses vague phraseology such as "if applicable": by the time a detailed planning application is submitted, it should be known whether hedgerows and trees will be removed or not. I am inferring from the Proposed Site Layout Plan that there will in fact be no hedgerow removal apart from the access on Daskett Hill.*

We would recommend:

- *Submission of a plan showing the location and type of bird and bat boxes to be installed; this could be conditioned*
- *A Condition to implement the following ecological mitigation and enhancement recommendations set out in the PEA: reducing risks to Hedgehogs (paragraphs 8.7.4.1/8.7.4.2); protection of hedgerows during construction (9.2.32); gapping-up of northern boundary hedge (9.2.3.5/9.2.3.6); tree protection during construction (9.3).*

The applicant will need to demonstrate how they would deliver net gains for biodiversity in line with the requirements of the NPPF. This should include a calculation showing the balance of losses and gains using the current Biodiversity Metric."

- 10.44. An updated Construction Ecological Management Plan and Ecological Enhancement Management Plan (Wold Ecology October 2023) was submitted. In their final response dated 29th November the Council's Ecology noted: "I have reviewed the documents and we are happy with what has been submitted. The BNG uplift for area-based habitats is below the threshold which will be required from 1st January but is acceptable in terms of current policy. We recommend a Condition to adhere to the *Ecological Management Plan and Construction Ecological Management Plan* prepared by Wold Ecology Ltd, dated October 2023." Advice was given in relation to a particular species of plant, and the Ecologist's advice will be highlighted via an informative, with the appropriate condition applied.
- 10.45. In addition to the compliance with section 9.3 of the PEA, a standalone condition in relation to securing tree protection measures will be recommended. Previously a Tree Protection Plan was submitted as part of the discharge of conditions file and the Agent has been requested to update this in light of the new site layout, which should be a simple update. Members will be advised of the progress of this request at the meeting, as this may then be able to form a compliance style condition.

Other Matters, including consultation responses.

- 10.46. The North Yorkshire Archaeologist noted in their original response dated 10th August 2023 *“The development area contains the well preserved remains of part of a medieval ridge and furrow field system. The ridge and furrow forms part of the medieval open field system surrounding Sheriff Hutton which is particularly extensive on the north side of the village. The ridge and furrow is a heritage asset in its own right and is certainly of local interest in that it relates directly to the setting of the Conservation Area and Scheduled Monument of Sheriff Hutton Castle. It makes a significant contribution to the medieval character of the settlement. The proposal will have a localised impact on part of the medieval field system but will not destroy it in its entirety. The local authority should take into account the value of the ridge and furrow, which is a non-designated heritage asset, when forming its planning decision (NPPF para. 197).”*
- 10.47. This was an identical response to that provided in relation to the previous scheme. The Agent confirmed the following, which was information consistent with the approach taken on the previous scheme “
- The design team were aware of the presence of the ridge and furrow from the beginning of the project and its presence was taken into account with the design
 - The lodges are designed to sit on top of the ridges rather than be “cut” in to them using low impact foundations
 - The proposed road infrastructure has been designed to run in parallel with the ridges for the majority of the development
 - It is not intended to level the site in any way. The intention is to maintain the vast majority of the ridge and furrow in situ
- 10.48. In an updated response, the North Yorkshire Archaeologist noted: *“Further to my original comments set out in a letter dated 18 August 2023, the developer has provided further information on the impact of the proposal on the ridge and furrow field. The additional information confirms that the proposed lodges will sit on top of the ridges rather than being cut in to them and to otherwise retain as much of the ridge and furrow in situ as possible. Given this written commitment, it is unlikely that there will be substantial harm to the ridge and furrow.”*
- 10.49. The site has been considered in terms of impact on the setting of the village, the proximity to the Conservation Area and the Scheduled Ancient Monument of Sheriff Hutton Castle.
- 10.50. Whilst this is currently an undeveloped field on the edge of the village and there is some intervisibility with the Castle from wider landscape views. The proximity to the Conservation Area (approximately 250 metres to the south west at the nearest point) and the Scheduled Ancient Monument of Sheriff Hutton Castle (located c225 metres to the south west) is acknowledged, however the distances, together with the intervening more modern village growth in this direction has meant that this existing development already forms part of the setting of these heritage assets has been notably altered from this point. This aspect is considered to accord with the Policy SP12 of the Ryedale Plan, Local Plan Strategy, the Planning (Listed Building and Conservation Area) Act 1990 and the NPPF.
- 10.51. The potential devaluation of homes is not a material aspect to which weight can be attributed in the determination of a planning application. Nor is the movement of overhead power lines, which is a matter between the site owner and Northern Powergrid. Furthermore, concerns about potential future development cannot be afforded weight at this point and the LPA can only focus on the current application being proposed.
- 10.52. The Parish Council in an email dated 7th June 2024 noted that they had concerns about the historic burial of cows within the site and resultant anthrax issues due to a discussion when the field was for sale in c1960. This has been reviewed with the Council’s Environmental

Health Team who in a response dated 13th June 2024 made reference to government guidance that noted the risk of anthrax contamination was low. However, advice was provided and a watching brief style condition recommended to deal with this low risk.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1. The scheme for the holiday accommodation is considered acceptable in principle, in accordance with Policies SP8 (Tourism) and SP21 (Occupancy Restrictions) of the Ryedale Plan, Local Plan Strategy, subject to the recommended conditions. The holiday use at this site has been previously established through the approval of 20/00701/MFUL and it is considered this amended scheme, with a slightly lower footprint of new holiday accommodation remains acceptable. The Warden's accommodation is considered to accord with the parameters for a new dwelling to support the land based economy in the Wider Open Countryside as outlined in Policy SP2 of the Ryedale Plan, Local Plan Strategy. The benefits to securing an onsite management presence are considered significant due to the proximity to the nearby residential properties and on balance, this small scale unit, conditioned to be linked to the business is considered acceptable.
- 11.2. The application has been carefully considered in relation to character form and landscaping and has been found to be acceptable on balance, subject to the recommended conditions. The Highways Team have also reviewed this site in detail, seeking additional information before coming to their decision to support the scheme subject to the technical conditions.
- 11.3. The scheme is also considered acceptable in terms of ecology, noise, archaeology and in preserving the setting of heritage assets.
- 11.4. Whilst the incoming third party objections are acknowledged and have been carefully considered, the potential benefits that well designed tourism facilities can make to the economic wellbeing of the area are acknowledged and these are supported within Policy SP8 of the Ryedale Plan, Local Plan Strategy. It is considered that these benefits can be achieved without materially harmful impacts being experienced.
- 11.5. Consequently the scheme is recommended for approval however, Officers will seek the final delegation of this decision to the Planning and Development Manager for overall approval, subject to the scheme being considered satisfactory by Yorkshire Water and the Lead Local Flood Authority with the application of any recommended conditions.

12.0 RECOMMENDATION

- 12.1. That planning permission be GRANTED subject to conditions listed below

Recommended conditions:

Condition 1 Time Limit

The development hereby permitted shall be begun within three years of the date of this permission.

Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

Condition 2 Approved Plans

The development hereby permitted shall be carried out in accordance with the following approved documents/plan(s):

Existing Location & Site Plan (Drawing no. (03)01)
 Proposed Site Plan (Drawing no. 1050 Rev P09)
 Proposed Floor Plan Ground Floor Unit E (Drawing no. 5100 Rev P00)
 Proposed Elevations Ground Floor Unit E (Drawing no. 5300 Rev P00)
 Proposed Floor Plan Ground Floor– 2 Bedroom Unit Type A (Drawing no. 1100 Rev P02)
 Proposed Elevations– 2 Bedroom Unit Type A (Drawing no. 1300 Rev P02)
 Proposed Floor Plan Ground Floor– 2 Bedroom Unit Type B (Drawing no. 2100 Rev P02)
 Proposed Elevations– 2 Bedroom Unit Type B (Drawing no. 2300 Rev P02)
 Proposed Floor Plan– Ground Floor 3 Bedroom Unit Type C (Drawing no. 3100 Rev P02)
 Proposed Elevations– 3 Bedroom Unit Type C Unit Type C(Drawing no. 3300 Rev P02)
 Proposed Floor Plan– Ground Floor 3 Bedroom Unit Type D (Drawing no. 4100 Rev P02)
 Proposed Elevations– 3 Bedroom Unit Type C Unit Type D(Drawing no. 4300 Rev P02)

Reason: For the avoidance of doubt and in the interests of proper planning.

Condition 3: Holiday Accommodation 1

The accommodation hereby permitted shall be occupied for holiday purposes only; and not as a person's sole or main place of residence.

Reason: It is not considered that the application site is suitable for permanent residential use because it is located in open countryside, in an area where permanent residential development is only permitted in exceptional circumstances and the application has only been considered in relation to holiday use, and to satisfy the requirements of Policies SP20 and SP21 of the Ryedale Plan - Local Plan Strategy.

Condition 4: Holiday Accommodation 2

The holiday accommodation hereby permitted shall be available for commercial let for at least 140 days a year and no let must exceed a total of 31 days in any one calendar year.

Reason: It is not considered that the application site is suitable for permanent residential use because it is located in open countryside, in an area where permanent residential development is only permitted in exceptional circumstances and the application has only been considered in relation to holiday use, and to satisfy the requirements of Policies SP20 and SP21 of the Ryedale Plan - Local Plan Strategy.

Condition 5: Holiday Accommodation 3

The owners/operators of the holiday accommodation hereby permitted shall maintain an up-to-date register of lettings/occupation and advertising will be maintained at all times and shall be made available for inspection to an officer of the Local Planning Authority on request. The register shall include full details of the following:

- the main address(es) of all the occupiers of the accommodation hereby permitted
- the start date of every one of the letting/occupations and of all the occupiers of the accommodation hereby permitted
- supporting evidence of the main address(es) of all the occupiers of the accommodation hereby permitted

Reason: It is not considered that the application site is suitable for permanent residential use because it is located in open countryside, in an area where permanent residential development is only permitted in exceptional circumstances and the application has only been considered in relation to holiday use, and to satisfy the requirements of Policies SP20 and SP21 of the Ryedale Plan - Local Plan Strategy.

Condition 6 Warden's Accommodation

The Warden's Lodge hereby approved shall be occupied only by a member of staff working within the holiday park hereby approved. This unit shall remain under the same ownership of the holiday park and shall not be separated. The first occupation of this unit shall only take place upon the bringing of the wider site into active use for holiday accommodation.

Reason: New residential development in the open countryside is only permitted in exceptional circumstances and the warden's lodge has only been considered in connection to its use to support the holiday park hereby approved, in accordance with the requirements of Policies SP2 and SP21 of the Ryedale Plan - Local Plan Strategy.

Condition 7: Landscaping

Unless otherwise agreed in writing by the Local Planning Authority, prior to any above ground construction of the new development hereby approved, plans showing full details of a landscaping and planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the planting of new trees/hedging and show any areas to be grass seeded or turfed. The submitted plans and/or accompanying schedules shall indicate numbers, species, heights on planting, and positions of all hedging plants. All planting, seeding and/or turfing comprised in the above scheme shall be carried out during the first planting season following the commencement of the development, and any trees or plants which within a period of five years from the completion of development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Informative: The boundary landscaping contained within the Proposed Site Plan (Drawing no 1050 Rev P09) Mitigation Measures (Drawing no. 3713/3 Rev D) and the Detailed Landscape Proposal Plan (Drawing no. 3717/5 Rev E) are considered to relate to a high quality scheme. Further details are required in relation to internal landscaping.

Reason: To protect visual amenity and the character of the area and to ensure a satisfactory environment having regard to SP13 and SP20 of the Ryedale Plan, Local Plan Strategy.

Condition 8: Ecology

The development shall be carried out in full accordance with the *Ecological Management Plan and Construction Ecological Management Plan* prepared by Wold Ecology Ltd, dated October 2023

Reason: In the interest of ecological protection and mitigation in accordance with Policy SP14 of the Ryedale Plan, Local Plan Strategy.

Condition 9: Lighting

Prior to its installation, full details of all new lighting within the application site shall be submitted to and agreed in writing by the Local Planning Authority. This shall include full details of types of lighting including levels of illumination.

Reason: To ensure appropriate lighting is secured within this area of wider open countryside and to prevent harm to neighbouring amenity, in accordance with the aims of Policy SP13 Landscapes and Policy SP20 Generic Development Management Issues of the Ryedale Plan, Local Plan Strategy.

Condition 10: CMP

All development shall be carried out in full accordance with points 1-16 on the submitted Construction Management Plan scanned by the LPA on the 1st July 2024 (Drawing no. 1060 Rev P01)

Reason: In the interest of public safety and amenity and in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.

Condition 11: New and altered Private Access or Verge Crossing at Daskett Hill, Sheriff Hutton

The crossing of the highway verge must be constructed in accordance with the approved details and/or Standard Detail number E50 Rev A and the following requirements.

- Any gates or barriers must be erected a minimum distance of 10 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.
- Provision to prevent surface water from the site discharging onto the existing or proposed highway must be constructed in accordance with the approved details shown on drawing 'Drainage Design' and maintained thereafter to prevent such discharges.
- The final surfacing of any private access within 10 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
- Measures to enable vehicles to enter and leave the site in a forward gear.

All works must accord with the approved details.

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.

MHi-C New and altered Private Access or Verge Crossing –(MHC-03)

Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's web site: Road adoption | North Yorkshire Council
The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.

Condition 11: Visibility Splays at Daskett Hill, Sheriff Hutton.

There must be no access or egress by any vehicles **between** the highway and the application site at Daskett Hill, Sheriff Hutton until splays are provided giving clear visibility of 90 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.

MHi-D Visibility Splays –(MHC-05)

An explanation of the terms used above is available from the Local Highway Authority.

Condition 12: NMP

The development hereby approved shall be not become operational/occupied by holidaymakers until a Site Noise Management Plan has been submitted to and approved in writing by the Local Planning Authority.

The approved Noise Management Plan shall be reviewed after a year from the date of this planning permission (or earlier at the request of the Local Planning Authority, following receipt by either the Local Authority or the venue of a verified and justified complaint(s)), to ensure that measures to limit noise and other disturbance are maintained.

Reason: To prevent harm to neighbouring amenity by virtue of noise impacts in accordance with Policy SP20 Generic Development Management Issues of the Ryedale Plan, Local Plan Strategy.

Condition 13: Acoustic Fence Details

Prior to the site being brought into use, full details of the proposed acoustic fence, including technical specification (including massing) shall be submitted to and approved in writing by the Local Planning Authority. The approved fence shall be erected prior to the site being brought into use and shall be retained for the lifetime of the development.

Reason: To prevent harm to neighbouring amenity by virtue of noise impacts in accordance with Policy SP20 Generic Development Management Issues of the Ryedale Plan, Local Plan Strategy.

Condition 14: Unexpected Contamination

If contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported immediately to the local planning authority, and work must cease until an appropriate investigation and risk assessment must be undertaken. Where remediation is necessary, a remediation scheme must be prepared by competent persons and submitted to the local planning authority for approval. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the local planning authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors in accordance with Policy SP20 Generic Development Management Issues of the Ryedale Plan, Local Plan Strategy.

Condition 15: Tree Protection

Wording TBC following submission of amended plan.

Condition 16: Drainage YW

The development shall be carried out in accordance with the details shown on the submitted, Drainage Design 23210-DR-C-0100 (revision P6) dated July 2023 prepared by DART Engineers Ltd, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of satisfactory and sustainable drainage in accordance with Policy SP17 Generic Development Management Issues of the Ryedale Plan, Local Plan Strategy.

Condition 17: Drainage LLFA

The Development shall be built in accordance with the following submitted designs;

- Flood Risk Assessment, Dart Engineers LTD, 23210-FRA-001, July 2023
- Drainage Calculations, 23210 Daskett Hill, 05/08/23
- Impermeable Area Plan, DART Engineers LTD, Author/Company, 23210-DR-C0101, P2
- Drainage Design , DART Engineers LTD, Author/Company, 23210-DR-C0100, P6

The flowrate from the site shall be restricted to a maximum flowrate of 2.7 litres per second. A 45% allowance shall be included for climate change. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change plus urban creep critical storm event. The scheme shall include a detailed maintenance and management regime for the storage facility. Principles of sustainable urban drainage shall be employed wherever possible.

Reason: To ensure that the development is built to the submitted drainage design; to prevent the increased risk of flooding; to ensure the provision of adequate and sustainable means of drainage in the interests of amenity in accordance with Policy SP17 Generic Development Management Issues of the Ryedale Plan, Local Plan Strategy.

Condition 18: Drainage IDB

The surface water and foul sewage drainage works shall be constructed in accordance with the Drainage Design – 23210-DR-C-0100 – Revision P6 – by Dart Engineers Ltd. For the avoidance of any doubt, the discharge rate for surface water shall not exceed 2.7 litres per second. Any changes to the scheme must be approved by the Local Planning Authority, in consultation with Foss (2008) Internal Drainage Board, and then implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use.

Reason: To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding in accordance with Policy SP17 Generic Development Management Issues of the Ryedale Plan, Local Plan Strategy.

Informative:

1 - Attention is drawn to the advice of the North Yorkshire Ecologist contained on the public file.

2 - Attention is drawn to the advice of the North Yorkshire Environmental Health Team contained on the public file dated 13th June 2024 in relation to potential anthrax risk, together with links to further government guidance.

3 Attention is drawn to the advice of the North Yorkshire Environmental Health Team contained on the public file dated 20th May 2024

Target Determination Date: 16.08.2024

Case Officer: Niamh Bonner – niamhbonner@northyorks.gov.uk

Appendix A – Appendix Title

Noise Attenuation Fencing -----
KEY

Type	Number	Sqm
3 Bed unit	6	68.9
2 Bed unit	19	48.4
Total	25	1333
Parking Amount		
Type 1	2	
TOTAL	50	

UNIT/PARKING TOTAL	
---------------------------	--

No.	Code	Name	Height	Growth
6	Ac	Acer campestre	3.5-4.25m	>12m
6	Ag	Alnus glutinosa	3.5-4.25m	>12m
6	Bp	Betula pendula	2.0-2.50m	>10m
4	Sar	Sorbus aria	3.5-4.25m	>12m

PROPOSED TREES (NORTH)

No.	Code	Name	Height	Growth
3	Ac	Acer campestre	3.5-4.25m	>12m
5	Ag	Alnus glutinosa	3.5-4.25m	>12m
3	Bp	Betula pendula	2.0-2.50m	>10m
3	Sar	Sorbus aria	3.5-4.25m	>12m

- PROPOSED TREES (WEST)
- REFER TO THE FOLLOWING DRAWINGS FOR PLANTING/LANDSCAPING SCHEME DETAILS:
- 3717-1-ES-16DEC20-A1-2500
 - 3717-2-VIA-16DEC20-A1-2500
 - 3717-3-MM-14DEC20-A2-500
 - 3717-4-PVP-09DEC20-A4-25000
 - 3717-5-DLP-16DEC20-A2-250

revision	date	description	drawn	ck'd
P10	01.07.24	Balconys reinstated on plots	JE	PR
P09	18.06.24	Alterations following comments	JE	PR
P08	14.05.24	Annotation revised	JE	PR
P07	03.01.23	Revised acoustic fencing	JE	PR
P06	19.12.23	Amenity/blue line land removed	PR	-
P05	12.12.23	Minor revs following client comment	PR	-
P04	11.12.23	Unit numbers reduced by 25%	PR	-
P03	06.10.23	Added notes to eastern boundary	TM	PR
P02	15.06.23	Alterations following comments from planning consultant	JE	PR
P01	09.06.23	Alterations following meeting with planning consultant	JE	PR

Vincent & Partners
 Studio 12, Middlethorpe Business Park
 Sim Balk Lane, Bishopthorpe, York. YO23 2BD
 t: 01904 700941 e: studio@vincentandpartners.com

project:
Dasket Hill
Sheriff Hutton

drawing:
Proposed Site Plan
Planning Issue

date: **18.06.20** status: **Planning**

scale:
1:500 @ A1

job number	originator	zone	level	type	role	drawing number	revision
23022	-	-	-	-	-	1050	P10



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North Yorkshire Council

Community Development Services

Thirsk and Malton Area Constituency Committee

15 AUGUST 2024

22/00102/FUL: Change of use of land to a gypsy/traveller site with 4no. family pitches each with 1no static caravan, 1no. touring caravan, 1no. dayroom/amenity block and parking spaces; together with the installation of 1no. bio-disc treatment plant and associated landscaping on land at Cornborough Road, Sheriff Hutton, on behalf of Mr and Mrs Sykes.

Report of the Assistant Director Planning – Community Development Services

1.0 Purpose of the Report and Background

- 1.1 To determine a planning application for the change of use of land to a four-pitch traveller site.
- 1.2 The application is referred to committee for determination based on the planning issues raised and following deferral of an application to change the use of the land to a traveller site at the meeting of the committee on the 21 March 2024. The applicant has amended the scheme and further consultation has been undertaken.
- 1.3 Members will recall that the consideration of the application was also deferred at the June meeting in order to ensure that the Parish Council was given sufficient time in which to respond to the latest amendments.

2.0 EXECUTIVE SUMMARY

RECOMMENDATION: That planning permission be GRANTED subject to conditions listed below.

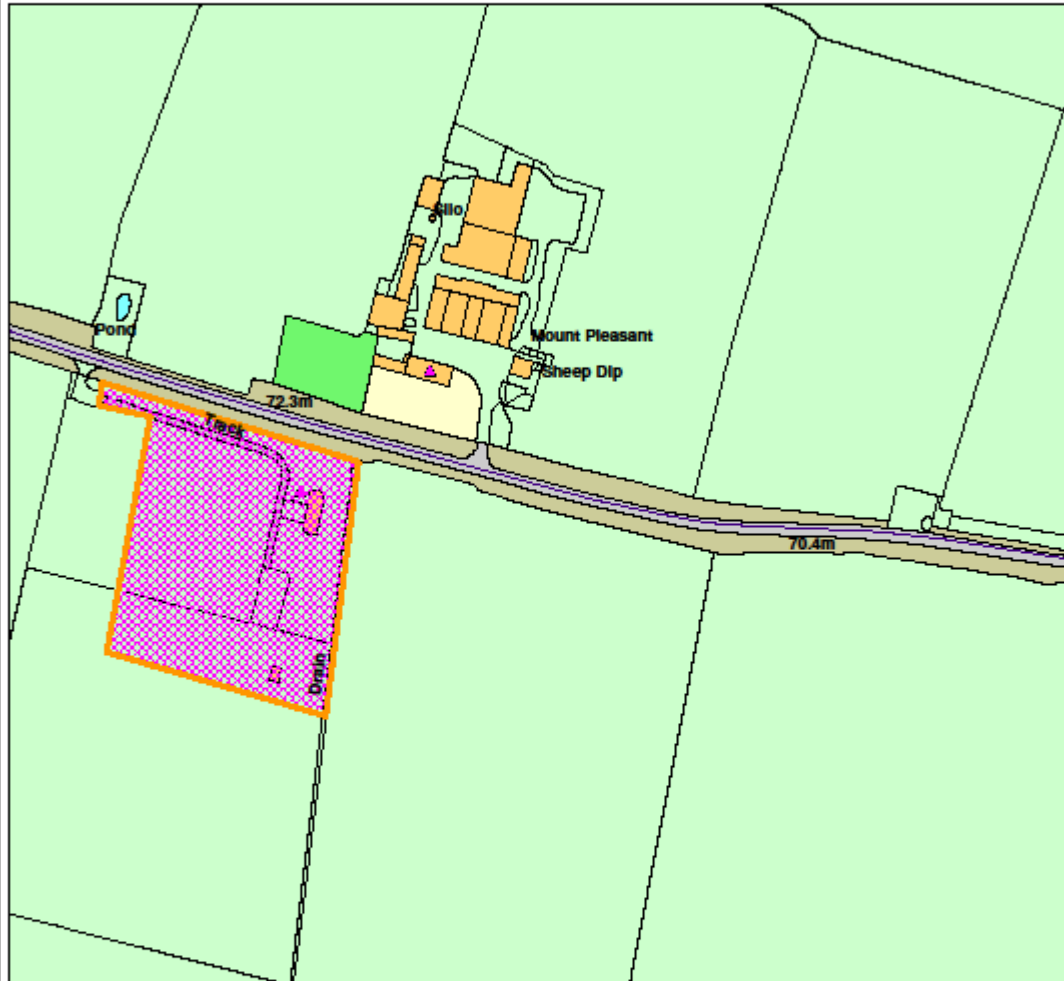
- 2.1 The site is not allocated for the use proposed and the site is not covered by any specific landscape, flood risk or other policy constraint. The proposal seeks planning permission for a four-pitch family traveller site. The family are currently occupying the land which the applicant owns.
- 2.2 Amongst other relevant considerations, the proposal has been carefully considered against the relevant criteria of Policy SP5 (Sites for Gypsies and Travellers and Travelling Showpeople) and paragraph 24 of the national Planning Policy for Traveller Sites (2023).
- 2.3 The site is located in open countryside to the west of Sheriff Hutton and is a location where, in principle, new traveller site development should be strictly limited. The proposal will have a harmful landscape impact, which will be mitigated in part by proposed landscaping.
- 2.4 Notwithstanding its location in the open countryside, the location of the site is considered to provide reasonable access to local services and facilities and the proposed design is considered to meet design and layout requirements which ensure acceptable pitch standards, sufficient car parking and amenity space. The proposal is

not disproportionate in scale to the size of the nearest settled communities and it is considered that the proposed use in this location will not result in unacceptable harm to the residential amenity of neighbouring residents or have an adverse impact on surrounding neighbouring land uses.

- 2.5 The identified need for additional pitch provision, limited alternative provision and the personal circumstances of the applicant and his family (including the best interests of children at the site) weigh in favour of the proposal and are considered, on balance to outweigh harm to the character and appearance of the landscape and the location of the site in the open countryside.
- 2.6 The application is for the change of use of the land which is sought on a permanent basis. In the context of the spectrum of the ages of the children at the site, it is considered that a temporary permission would not be appropriate in these circumstances, as they can only be granted for a fixed short-term period. On the basis that the personal circumstances of the applicant and his family have weighed significantly in the consideration of the application, a personal condition restricting occupancy of the site to the applicant and immediate family members is recommended. Such a condition would mean that the permission would not be an in-perpetuity change of use of the land, although it should be noted that future applications could be made to vary the condition as dependents become adults. Any such application would be determined on its merits. It is considered that in the circumstances of this case and the information used to support the application, the use of a personal condition is considered to be necessary and justified. The legitimate aim of balancing the current and specific needs of the family against the adverse impact of the development of the site on the local landscape is considered to justify a proportionate interference with the applicant's human rights in the public interest.
- 2.7 The approach is consistent with the aim of national policy which is to promote more private site traveller provision. It is also consistent with the findings of the recent (2022) Gypsy and Traveller Assessment for this part of North Yorkshire which recognises the need for additional private site provision as well as the current/ short term pitch needs of the Sykes family.

22/00102/FUL

Not Set

**Scale:** 1:2,500

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Organisation	North Yorkshire Council
Department	Development Management
Comments	Not Set
Date	12/06/2024
MSA Number	Not Set

3.0 Preliminary Matters and Deferral Update

- 3.1 Access to the case file on Public Access can be found here: -
<https://planningregister.ryedale.gov.uk/caonline-applications/simpleSearchResults.do?action=firstPage>
- 3.2 The proposed site plan is at Appendix 1.
- 3.3 The application is also accompanied by another application (ZE23/00437/FUL) which seeks to regularise changes to the external appearance of the existing kennel/agricultural 'style' building at the site and the use of this building. This application is the next item on this agenda.
- 3.4 Relevant planning application history is outlined below:
- 13/00863/FUL: Erection of an agricultural building for the storage of produce and housing of livestock. Approved.
- 13/01461/FUL: Siting of two-bedroom timber cabin for use as a temporary rural workers' dwelling to include formation of access track and hardstanding, and provision of a domestic curtilage (retrospective application). Refused. A s.78 appeal was dismissed and a planning enforcement appeal determined).
- 15/00601/FUL: Retention of timber cabin for use as an office, staff facilities, storage area and incubator area. LPA declined to determine.
- 19/00603/FUL: Change of use of agricultural land and building for commercial dog breeding and kennels with alterations to include formation of up to 10no.kennels within the existing building. Approved.
- 3.5 The application was deferred at the March 2024 meeting of the committee. This was to allow further discussion on the design and permanence of the proposed amenity building and the extent of the proposed pitches into the wider site, to reduce the landscape impact of the scheme.
- 3.6 The applicant has revised the application following the deferral. The main change relates to the removal and replacement of the proposed communal amenity building with smaller individual amenity buildings for each pitch. The location of the pitches within the site remains unchanged, although each pitch has increased in size to each accommodate an individual amenity building. The applicant's agent has submitted a covering letter to accompany the changes. Detailed extracts are included in this report and the letter is available to view in full on the public file.
- 3.7 The revisions to the application, including a revised description, have been subject to consultation.
- 3.8 This report updates the report to the March committee to reflect the scheme as it is now currently proposed and to explain these within the context of discussions with the applicant and his agent. It also summarises the further comments that have been received to date, following re-consultation and provides updated information on other relevant considerations, including current pitch availability.
- 3.9 In the intervening period, the applicant has expressed concern with the personal condition which was recommended in the (March) officer report. In his letter the applicant's agent states:

“There is a duty under the Human Rights Act 1998 and the Equality Act 2010 to promote Equality of Opportunity and also the Race Relations Act 2000 which prohibits victimisation to eliminate unlawful discrimination. All of these Acts are legally binding to Gypsy and Traveller Law and reflect committee planning decisions.

The Sykes family are proven Romany Gypsies by culture and at any time there may be a need to move to another part of the country, should this be the case, like any non-gypsy they would need to sell up and move just like ‘you and I’. To condition that the buildings should be demolished and the site cleared is not proportionate to the legitimate aim pursued by the Government as there is a distinct shortage of pitches nationwide including within South Yorkshire as confirmed by the Council’s own GTAA. It would be more proactive for the site to be conditioned that if it should be sold in its entirety to a family of the Gypsy and Traveller Community to assist in relinquishing the Councils shortfall of site requirement within the 5-year plan set out in PPTS 2015 ie a more balanced approach. I consider clearing the site is an unfair mechanism by the Council when the Governments NPPF 2019 policy is to provide more sites for the Gypsy and Traveller Community. It begs the question, is this condition necessary in a democratic society, which will breach Article 8 ‘rights of a gypsy family’. A condition of this nature will penalise the Sykes family when they have gone to vast expense to develop the site to provide a family home for their family who have occupied the site for 3 years to date.

In conclusion, it is requested that the Council restrain from placing a condition on any possible approval by implicating constraints on both the site and the family as the LPA has not made any substantive provision for Ethnic Romany Gypsies despite specific reference to equality and human rights legislation.

The need for the amenity building is further clarified in government legislation ‘Designing Gypsy and Traveller Sites’ and the more proactive approach would be to avoid naming ‘family members or their dependent children’ to coincide with the removal of structures should be treated on the same basis.

As non-romany gypsy families ie like you or I, living in your own home, it could be argued that they will be unfairly disadvantaged and unlawfully discriminated against. The family have the right to achieve their goal of security, provide a secure stable base for their children and a right to be able to live their traditional way of life by continuing to practice nomadism, without restrictive conditions.”

- 3.10 The issues raised in respect of this matter are addressed in the appraisal and conclusion sections of the report.

4.0 Site and Surroundings

- 4.1 The site is situated to the west of Sheriff Hutton and south of the Cornborough Road. The application site area covers just under one hectare of land which slopes gently in a north - south direction. Vehicular access to the site is from the Cornborough Road via an existing access in the northwestern corner of the site. An access road within the site runs parallel with the Cornborough Road and leads to an area of hardstanding and a modern steel framed/ metal clad agricultural ‘style’ building. There are currently 7 caravans sited in this area which are occupied by the applicant and members of his family. The area is also currently used for the parking of vehicles and associated domestic paraphernalia, including dog kennels and children’s play equipment. The remainder of the site is currently rough grassland and is used for the siting of chicken huts which support the applicant’s hobby of rearing rare breed poultry. The application site is within the ownership of the applicant.

- 4.2 A further area of land (approximately 2.15ha) is also in the applicant's ownership. This includes a field to the south which currently comprises rough grassland. A public footpath runs parallel with the southern boundary of this land. It also includes a section of the field to the west of the application site. Mature hedging bounds much of the extent of the northern and eastern boundaries of the site and wider land in the applicant's ownership. Post and Rail fencing delineates the southern and western boundaries of the land within the applicant's control.
- 4.3 The application site is located approximately 1.2 km to the west of Sheriff Hutton Village and in the rolling open countryside which sits between the Howardian Hills and the Vale of York. Sheriff Hutton village itself benefits from a range of local services and amenities including a bus service, primary school, public houses, café, village shop and village hall with associated children's play facilities.

5.0 Description of Proposal

- 5.1 The application proposes the provision of four Gypsy and Traveller pitches laid in a square arrangement in the northwestern part of the site. Each pitch was originally proposed to include a static caravan, a space for the siting of a touring caravan and two car parking spaces with an area of tarmac hardstanding. In addition, a single brick built communal amenity block was proposed to be located to the south of the four pitches and four visitor parking spaces and a children's play area were proposed to be located adjacent to the amenity block building.
- 5.2 In revising the proposals, the broad location of the four pitches within the site remain unchanged. However, each pitch is now proposed to accommodate one static caravan, one touring caravan, three car parking spaces and an individual amenity building/ dayroom. The inclusion of a day room for each pitch has consequently resulted in pitches that are larger than those originally proposed. Each pitch is now approximately 22m in width and 31m in length and the proposed pitches now cover that part of the application area where the communal amenity building, visitor parking and children's play area were originally proposed.
- 5.3 The four dayroom buildings are proposed to be built of brick with grey tile roofing. Each building measures 6m in width and 6m in depth with a height of 2.4m to the eaves and 4m to the ridge.
- 5.4 Each pitch will be surfaced with gravel and a square grassed area. 4 ft panel fencing and native hedging is proposed to delineate the perimeter of each pitch, with sliding entrance gates to each pitch. A tarmac access track is proposed to run through the middle of the square pitch arrangement to allow vehicular access to each pitch.
- 5.5 The application is supported by a Design and Access statement which includes images of a typical static caravan to illustrate scale and appearance of the nature of the accommodation proposed.
- 5.6 The application site area also includes a strip/ section of grassland across the length of the southern boundary of the site. This area is proposed to be reserved for the re-siting of the chicken huts. A grassed area of land beyond the western edge of the application site boundary is annotated on the site plan as a dog exercising area. This area relates to the use of the existing metal clad portal frame building at the site and is addressed in application ZE23/00437/FUL.

- 5.7 The existing access track is located along the northern boundary of the site and the application seeks retrospective permission for the surfacing (grading and gravelling) of the track and the wider eastern area of the site which surrounds the existing utilitarian/ metal clad building. Retrospective permission is also sought as part of the application for the installation of a bio-disc treatment plant in the south –eastern part of the site.
- 5.8 Existing established native hedging along the northern and eastern boundaries of the site is proposed to be retained. New native hedge planting is proposed along the western and southern site boundaries with areas of new tree planting between the access track and the proposed pitches.
- 5.9 Prior to the recent changes relating to the amenity building/ dayroom provision, there had been some earlier, relatively minor revisions to the scheme and supporting information after the application was received and initially consulted on. Over time these have included: a revised red line plan; changes to the internal spaces within the originally proposed amenity building; inclusion of gravel access and surfacing and former agricultural building within the site area; inclusion of area for relocated chicken huts and an addendum to the Design and Access Statement.
- 5.10 The Design and Access Statement has not been further revised to reflect the latest changes to the amenity/ dayroom provision following the deferral of the determination of the application. However, in his covering letter, the agent has set out why the applicants are of the view that the latest revisions address the concerns raised by the committee:

“Further to our recent discussions following my clients planning application which was considered and deferred at the Planning committee Meeting on Thursday 21 March 2024 to enable the opportunity to have further discussion with your good self and my client on design and performance of the amenity building and also the extent of the proposed pitches into the wider open are of the site. The amendments will now reduce any visual impact.

With this in mind it is important that the site complies with the “Good Practice Guide for Designing Gypsy and Traveller Sites”, copy attached for members.

Initially, on the original design submitted to the Council which included a larger type of communal dayroom to be used by the 4 no. Pitches. To help reduce the concerns of visual impact of the site, in particular from the public footpath, the communal dayroom has been replaced by smaller individual dayrooms one to be located on each of the 4 no. Pitches. Along with this the turning area and parking has bene removed reducing vehicular activity within this location of the site.

Additional parking and turning for emergency vehicles can be achieved within the hardcored area, adjacent to the kennel building which is densely screened from the roadside boundary. The members are in particular to be directed to chapter 7 (page 41-42 of the Designing Gypsy and Traveller Site Good Practice Guide).

In particular it should be noted that the design of the dayrooms are to be legally comply with the current building regulations and social housing standards as can be seen at the Council’s own designated site at Tara Park. To provide a temporary structure for its purpose is out of the question for any new Gypsy/ Traveller site, in

order to comply with Planning Policy for Traveller Sites (PPTS) 2015 updated December 2023. The revised design provides a safe environment for its intended occupants of the Sykes family and reduced any overall visual or special impact from any vantage points. By appropriate landscaping to the pitch boundaries as shown on the site layout will soften the appearance of the caravans and amenity blocks and help to assimilate the site with its surroundings which can adequately mitigate through the imposition of appropriate planning conditions.

It is noted policy states sites can be located in the countryside and I put it to the Council with the revisions there would not be no significant harm, in this case to the character and appearance of the area.

It therefore follows there is a certain permanence to the application site by virtue of its nature and legal requirements set out in the government publications Designing Gypsy and Traveller Sites and the PPTS.....

As requested, the sites original dayroom has been removed and the site arrangement altered with additional hedge screening to pitches. I trust this will eliminate the concerns of the planning committee and with respect, now approve my client's planning application."

- 5.11 The applicant has given some consideration to the proposed siting of the pitches within the site, in view of concerns over landscape impact. During a site visit, he explained that the proposed location is the flattest part of the site and is more suitable to build on and to drain. A line of pitches, parallel to the agricultural building would be on a steeper area of land and would be less suitable for him to construct. It is understood that some consideration has been given to the need to reduce amenity/dayroom space by locating some of the amenity functions within the agricultural building. From a general 'liveability' perspective as well as for some cultural reasons, this is not something that has been taken forward. The applicants are keen to ensure that each pitch is served with an amenity/dayroom building, which is a common feature of Gypsy and Traveller pitch design.
- 5.12 The applicant and his extended family are Romany Gypsies. It is proposed that the site will provide accommodation for the applicant and his wife together with members of their immediate family and their dependents which currently includes six children. Prior to moving onto the land, the Design and Access Statement confirms that the applicant had been travelling and working away for some time while Mrs Sykes and some family members had been living at the Council's Tara Park site.
- 5.13 Information supporting the application summarises the reasons why the applicant is seeking planning permission for the development proposed. These include personal circumstances of the family and insufficient existing pitches to meet identified need. The Design and Access Statement also notes that an on-site presence will help the family to establish and manage a dog breeding business. These matters are considered in the appraisal section of the report.

6.0 Legal Duties and Responsibilities

- 6.1 Members will be aware that specific considerations of matters of law are relevant in this case.

Human Rights

- 6.2 The Human Rights Act 1998, incorporates the European Convention on Human Rights into domestic UK law, meaning that the Local Planning Authority must not act in a way that is incompatible with the rights set out therein. The Authority must therefore show that it has properly considered the rights and freedoms of the applicant and his family.
- 6.3 Article 8 provides that *'Everyone has a right to respect for his private and family life, his home and his correspondence'* and continues : *'There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the protection of disorder or crime , for the protection of health or morals or for the protection of the rights and freedoms of others'*.
- 6.4 The Courts have also confirmed that there is a positive obligation by virtue of Article 8 of the Human Rights Act to facilitate the Gypsy way of life.
- 6.5 Notwithstanding this, Article 8 is a qualified right and interference with it can be justified if this is necessary in a democratic society for the protection of the rights and freedoms of others and is proportionate.
- 6.6 Article 1 of the first protocol to the convention states that every person is ' entitled to the peaceful enjoyment of his possessions (which includes the rights over land). The rights of the state to *'enforce such laws as it deems necessary to control the use of property in accordance with the general interest'* are expressly preserved.
- 6.7 Article 14 states that rights under the convention is to be secured *' without discrimination on any ground such as Race....'*
- 6.8 In the exercise of its powers, the Local Planning Authority needs to be mindful of these issues. If planning decisions are made following the correct procedure, in accordance with the development plan and taking all material planning considerations into account and are in the public interest, then there is no conflict with the Human Rights Act.

Equality

- 6.9 The applicant and his family are Romany Gypsies. Romany Gypsies are defined as an ethnic group, a protected characteristic under the Equality Act 2010. Section 149 of the Act places a duty on all public bodies in the exercise of their functions to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
 - Advance equality of opportunity between people who share a protected characteristic and those who do not
 - Foster good relations between people who share a protected characteristic and those who do not

In summary, the Act explains that the second aim involves having due regard to the need to:

- Remove or minimise disadvantages suffered by people due to their protected characteristics

- Take steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
 - Encourage people with protected characteristics to participate in public life
- 6.10 If the Council fails to have due regard to the matters identified above, it would fail to comply with its statutory duty. In applying development plan policy and taking account of all considerations that are material to this application, members of the committee will need to consider whether applying any of these policies or other considerations would have a disproportionate and negative impact on a racial group.

Rights of the Child

- 6.11 Members should also be aware that under the UN Convention on the Rights of the Child and the Children's Act 1989, the best interests of the child shall be a primary consideration in all decisions made by an administrative authority as a matter of law. This principle applies to planning decisions. Where site residents are children, consideration of their convention rights requires a child's best interests to be a primary consideration.

7.0 Planning Policy and Guidance

- 7.1 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

- 7.2 The relevant adopted Development Plan is the Ryedale Plan -Local Plan Strategy (2013). Policy SP5 (Sites for Gypsies and Travellers and Travelling Showpeople) is specifically relevant to the application and contains criteria to be used to assess sites required to address identified needs. These are as follows:
- *'Reasonable access to local services and community facilities*
 - *The size of the site is sufficient to enable good design and layout in order to provide:*
 - *Adequate space for safe parking, turning and servicing*
 - *Pitch sizes that facilitate good quality living accommodation without overcrowding or conversely unnecessary sprawl*
 - *Facilities, service and amenity space of an appropriate standard*
 - *The site is appropriate in scale to the nearest settled community and the impact on and from neighbouring land uses is considered acceptable*
 - *Safe vehicular access to the public highway can be provided'*

Planning Policy Guidance

- 7.3 Relevant guidance which is a material consideration in the determination of the application is as follows:

National Planning Policy Framework (2023)
 Planning policy for traveller sites (2023)
 National Planning Practice Guidance
 Relevant Ministerial Statements

- 7.4 The National Planning Policy Framework (para 60) makes it clear that Local Planning Authorities are required to ensure that the needs of groups with specific housing

requirements are addressed through the planning process. Footnote 28 of the NPPF notes that Planning Policy for Traveller Sites (PPTS) sets out how traveller's needs should be assessed for those covered by the definition in Annex 1 of the document.

- 7.5 PPTS makes it clear that the Governments overarching aim is to ensure *'fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community'*. The PPTS sets out the Governments eight aims for traveller sites. Amongst other things these include an aim to ensure needs assessments are prepared for the purposes of planning; to promote more private traveller site provision and to reduce the number of unauthorised developments.
- 7.6 The PPTS is drafted to reflect the plan-led system. It advises that Local Plans should (based on evidence of need) set pitch targets/requirements and identify and update annually a 5 year supply of deliverable sites against local targets and developable sites covering a 6-10 year period and where possible beyond. It also provides specific guidance in relation to the determination of planning applications for traveller sites.
- 7.7 Paragraph 24 makes it clear that LPA's should consider the following issues amongst other relevant matters, when considering planning applications for traveller sites:
- The existing level of local provision and need for sites
 - The availability (or lack) of alternative accommodation for the applicants
 - Other personal circumstances of the applicant
 - That the locally specific criteria used to guide the allocation of sites in plans should be used to assess applications that may come forward on unallocated sites
 - Applications for sites should be determined for sites from any travellers and not just those with a local connection
- 7.8 The policy (paragraph 25) goes on to note that LPA's should strictly limit new traveller site development in the open countryside that is away from existing settlements or outside areas allocated in the development plan. It also notes that in rural areas, LPA's should ensure that sites respect the scale of and do not dominate the nearest settled community and that they avoid placing an undue pressure on local infrastructure.
- 7.9 Paragraph 26 of the PPTS notes that in considering applications, LPA's should attach weight to the following matters:
- Effective use of previously developed, untidy or derelict land
 - Sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness
 - Promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children
 - Not enclosing a site with so much hard landscaping, high walls or fences that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community
- 7.10 The PPTS advises LPA's to consider how objections to proposals could be overcome using planning conditions or planning obligations.
- 7.11 The PPTS makes it very clear that the identification of need for pitches is based on those Gypsies and Travellers who meet the definition in Annex 1 of the document. This is as follows: *'Persons of a nomadic habit of life whatever their race or origin,*

including such persons who on the grounds only of their own or their family's of dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such'.

- 7.12 Whilst the definition in national policy has always been a person of nomadic lifestyle, in 2015 this was amended to exclude Gypsies and Travellers who had stopped travelling and could not demonstrate that this was temporary. The Court of Appeal found this to be unlawful and discriminatory and recent revisions to the PPTS (December 2023) have addressed this to ensure that the definition for planning purposes covers those who have ceased to travel permanently.
- 7.13 Following the first version of the PPTS in 2015 and subsequent planning appeal decisions and caselaw, two Ministerial Statements were issued. One related to the specific interpretation of the NPPF (as drafted at that time) which related to housing land supply. Another confirmed that intentional unauthorised development is a material planning consideration to be weighed in the consideration of all applications. Whilst the latter has not been incorporated into the revised NPPF, the Ministerial Statement has not been cancelled and as such remains national policy.

Presumption in Favour of Sustainable Development

- 7.14 Both the Development Plan and the National Planning Policy Framework include policies which promote a presumption in favour of sustainable development to be applied in the decision making process. The purpose of the presumption is to ensure that sustainable development (interdependent social, economic and environmental objectives) is pursued in a positive way. The national presumption does not change the statutory status of the development plan as the starting point for decision-making.
- 7.15 Paragraph 11 of the National Planning Policy Framework details how the presumption in favour of sustainable development is to be applied. In relation to decision-taking makes it clear that this means:

“approving development proposals that accord with the development plan without delay or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting planning permission unless:

- *the application of policies in this framework that protect areas or assets of particular importance provides clear reason for refusing the development proposed or,*
- *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”.*

- 7.16 Policy SP19 of the Local Plan Strategy is consistent with the above national presumption but makes specific reference to the Local Plan and Neighbourhood Plans; working proactively with applicants and clarifies the application of the second bullet of the national presumption. It states:

“When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible and to secure development that improves the economic, social and environmental conditions of the area.

Planning applications that accord with the policies in this Local Plan (and where relevant, with policies in Neighbourhood Plans) will be approved without delay unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- *Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or*
- *Specific policies in that Framework indicate that development should be restricted”*

8.0 Consultation Responses

8.1 The following consultation responses have been received and have been summarised below. Full comments are available to view on the Council’s web-site.

Parish Council

Object

- A previous application for the domestic use of this site has previously been refused
- Outside the Village Development Plan and not allocated for development in the Local Plan
- Inappropriate development in the open countryside, highly visible from the south from a great distance
- National policy states that LPA’s should strictly limit new traveller sites in the open countryside
- Conflicts with SP20 which states that development should respect the character of the area without a material adverse impact on present or future occupants of neighbouring land or buildings
- Detrimental impact on the rural area – part of a previous refusal was due to the harm to the local landscape view particularly detracting from the castle ruins
- There are many available places on existing traveller sites within Ryedale and the wider area
- This is a retrospective application
- The site has not been used for the breeding of dogs so should not be classed as a change of use
- Amenity of existing neighbouring properties will be severely affected. Excessive noise is already an issue. The site is only 30m from its nearest neighbour.
- A large area has been put down to hard core with no drainage
- 8 units of accommodation mean more people living on the site and 12 car parking spaces means a significant increase in car usage as no facilities are in walking distance with no roadside footpaths
- The amenity block is not needed. The Parish believe it to be a bungalow
- The Planning application contains a number of inaccuracies

8.2 Following a reconsultation, the Parish confirmed that their initial comments still stood and added that:

- The application does not meet national requirements for new traveller sites

- Sufficient capacity exists at Tara Park and that it is not clear if the family have applied to live at Tara Park or if they have lived there
- 8.3 Following the most recent amendments to the scheme, the Parish Council has provided further comments which are summarised below.
- Previous objections still stand
 - The officer report says no loss of amenity but NYC has failed to investigate numerous noise complaints regarding this site
 - Most of the information is out of date, including that many of the special needs children have now left the site. Question the number of children on the site
 - No requirement for a separate amenity block when static caravans are equipped with kitchens and bathrooms
 - Encroachment into the countryside
 - Bio-disk should be shown as retrospective
 - Against the removal of the occupancy restriction
 - The site is not needed there is existing availability on other official sites
 - Have the conditions at Tara Park been investigated/ addressed?
 - Condition to have the site cleared if the family move on must be adhered to
- Division member
- 8.5 No comments received.
- NYC Highways
- 8.6 No Objection – It is not considered that the proposal will have a significant detrimental impact on the highway network and as such there are no Local Highway Authority objections. A condition is recommended in relation to Access, Turning and Car Parking.
- NYC Housing
- 8.7 No Objection in principle. The housing team revised earlier comments and confirmed that following the October 2022 GTAA it had no objection in principle to the proposal.
- Local Lead Flood Authority
- 8.8 Initially requested further drainage details but subsequently confirmed that the application was not a major application and that it is not a statutory requirement for the LLFA to be consulted.
- Yorkshire Water
- 8.9 Area is not served by the public sewer network and it is for the Environment Agency and Environmental Health to consider proposals
- NYC Environmental Health
- 8.10 No comments received
- Tree and Landscape Officer
- 8.11 No objection subject to details of how retained hedges will be protected during construction and landscaping, including full details of species, numbers and sizes.
- NYC Ecology
- 8.12 Welcome the inclusion of native species hedging. The submission of further details (eg mix) could be provided by condition. If this was a new application, we would expect to see a Biodiversity Net Gain plan based on the current version of the

Biodiversity Metric. However, we note that this application has been in the system for some time and dates to a time when 'in principle' delivery of biodiversity enhancements was acceptable as BNG.

Local Representations

- 8.13 Local representations have been received, all of which are objecting to the application. A summary of the comments received is provided below. Full comments are available to view on the website, although it should be noted that some comments have had comments redacted which are considered to be inappropriate.

Amenity of Neighbours

- Negative /adverse impact on neighbours and neighbouring land use
- Affects the peaceful enjoyment of our property/ our human rights

Landscape Impact

- Detracts from the rural beauty/ peace/ unspoilt character and appearance of the area
- Not in keeping with the area
- Impact accentuated by elevated nature of the site
- The (latest) revised plans do not address concerns that the site will be developed further into the open area/ open countryside. Why can't the area of hardstanding around the barn be used?
- Concerns about the permanent amenity building have not been addressed. The square footage is greater than the original proposed.
- The track was built without planning permission in 2022
- The design guidance referred to specifically makes the point that it should not be used in isolation to decide whether a private application should be given planning permission.

Location

- Should be located closer to a larger town with more amenities
- Outside of Development Limits
- Not in keeping with the local environment or community
- Not suitable location – close proximity could cause potential conflict which does not promote co-existence
- Unsuitable use in an unsuitable location
- Site is not allocated for development
- Green-field site
- Inappropriate size and use
- Government policy strongly discourages development of Traveller sites in the Open Countryside
- Sets a precedent for development outside of development limits
- Not a sustainable location. Access to services would be by car
- Question whether the site would have been chosen for this use
- The design guidance notes that sites should not be used in locations that are inappropriate for residential dwellings

Infrastructure/Highways

- Local amenities and infrastructure cannot support the development
- Unacceptable impact on road safety
- Would increase traffic at the roundabout which would be dangerous

- Lack of pedestrian access to the site
- Impact on traffic and residents of utility connections
- Lack of details around disposal of waste
- Lack of clean water supply/detail on electricity connections
- No information of oil/gas storage
- Lack of lighting detail
- No renewable energy provision
- A soakaway will not be adequate
- Concern about effluent quality
- No facilities in walking distance with no roadside footpaths
- Puts additional pressure on services - school is at its limits and roads are in need of repair

Alternative Provision and Personal Circumstances

- Established sites in Malton, York and Thirsk provide excellent facilities, have capacity and should be considered
- No need for additional pitches
- Unmet need is not proven
- Family were in Tara Park and the assertion that there are no alternatives are not valid
- Fact that the family were not content at Tara Park should not be a consideration
- Any Issues at Tara Park should be addressed/ are for the Council to address
- Council has addressed issues at Tara Park
- Unclear why the family needed to move when there was access to facilities and schools at Tara Park
- For the applicant to cite very special circumstances for children as the prime argument to outweigh harm to the countryside appears calculated and unproven. The children's welfare was catered for previously
- One family has left and there are fewer children in school than quoted (in the March committee report)
- The cockerels should not be a consideration (in terms of alternative sites) as they arrived after the family
- Provision is being expanded at York and this is an option for the family not just Tara Park
- The family had their needs satisfied at the Official site

General

- Concern over the number of people on the site and of it growing over time
- Sheriff Hutton has provided enough accommodation (houses/ caravans) in last five years
- Village needs a break from further development
- Potential traffic/parking problems. Overflow parking will spill onto a busy road
- Conservation Area protection (if applicable)
- No information relating to caravan licensing requirements
- Lack of clarity on who is responsible for running and maintain the site and length of stays
- Risk of over population of the site/ site increasing in size
- Criterion 3 of H6 not met
- A house has previously been refused on the site and the Council must presumably apply the same ruling

- Has more impact than the previously refused application at the site
- Can the number of residents be limited and how would this be enforced?
- Does not maintain the Green Belt/ is inappropriate development in the Green Belt
- Question whether housing would be passed to build in this location
- Increased Noise, light and air pollution
- Will decrease property values
- No positive benefit to the surrounding area
- Should be a retrospective application
- Demonstrates a disregard for proper procedure
- Public footpath to the south will be impassable without regular maintenance of the planted hedgerow
- Site should be used for more appropriate agricultural use
- Detrimental to ecology
- Council should take enforcement action
- Should deal with breaches of planning control before further site development is considered
- Amenity block is to all intents and purposes a bungalow
- The circumstances of the Sykes family are irrelevant
- The Council has a duty to provide for travellers so we should not allow private developments
- Will open the flood gates for more
- The Council has failed in its duty to uphold planning laws and are guilty of a dereliction of duty
- Concern over the welfare of dogs
- Error in the percolation test results
- The applicant is allowed to do carte blanche

8.14 Following the most recent amendments to the scheme and a covering letter from the agent, further representations have been received. These all object to the scheme and a summary of the comments made is as follows:

Clear that the applicant wants this as a permanent site and not just for his own family

- The communal amenity block was 123m². The separate blocks have a combined area of 144m². A 17% increase.
- The amenity blocks lend themselves to permanent occupancy
- The amenity blocks do not have to be permanent brick built structures
- The Officer report is biased and discriminatory against the 76 local residents who objected to the initial application
- Should be rejected and enforcement action taken
- If minded to approve this should be strictly time limited to 5 years to allow children to complete primary school education
- Object to the extra accommodation which can easily be turned into bedsit accommodation
- Other toilets are proposed (in the other application) to why do the communal rooms require bathrooms?
- Object to any removal of restrictions limiting the use of this site to this family
- Concern that the applicant does not want a condition to clear the site as this would restrict what they can do in the future

- There has already been a failed application by the family for a similar site in Lancashire
- Noise complaints to the Council have not been investigated
- Planning breaches have not been acted upon
- Fails to take account of the suggestions of the committee to move the site to the existing hard core area
- Due process has been ignored
- The applicant continues to undertake unapproved land use eg the number of caravans has increased
- Amenity of neighbours is blighted
- Site is being industrialised
- Does not respect rural norms or the amenity of neighbours
- Should be resoundingly rejected
- No support for this at any level
- Council can't ignore the strength of feeling and the detrimental effect on the local community in Cornborough
- 12 caravans at the site at last count
- We are all entitled to Human Rights and Equality
- Insufficient time to consider further information
- Can't believe that you are considering an application for four families when you know that there are more than double that at the site already

9.0 Environment Impact Assessment (EIA)

- 9.1 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.

10.0 Main Issues

- 10.1 The key considerations in the assessment of this application are:

- Principle of development
- Need and existing/alternative provision
- Personal Circumstances
- Unauthorised development
- Location
- Design Matters
- Landscape Impact
- Amenity of neighbours
- Other Matters (Access, Ecology, Drainage)

11.0 ASSESSMENT

Principle of Development

- 11.1 The site is not allocated in the development plan for the use proposed and consequently, the principle of the development of the site for the use is not established by the development plan. Therefore the extent to which the development is acceptable in principle will be established taking account of strategic policies of the development plan and all other material considerations. The policy criteria of SP5 (Site for Gypsies and Travellers and Travelling Showpeople) are specifically relevant,

together with the matters listed in national policy (as summarised in paragraphs 7.2 – 7.12 above).

Need, Provision of sites and alternative sites

- 11.2 The need for sites/ pitches is informed by a specific Gypsy and Traveller Accommodation Assessment (GTAA). Policy SP5 (Sites for Gypsies and Travellers and Travelling Showpeople) of the Development Plan sets out how the accommodation needs of Gypsies and Travellers were to be met at the time the development plan was prepared and based on a need assessment undertaken in 2008. The policy confirms that the majority of the shortfall in pitch requirements identified at the time would be met through an extension to the Council's existing authorised site - Tara Park at Malton. The policy commits to the provision of a further site which was to have been identified at the time the site-specific part of the Development Plan – the Sites Document was prepared, to be supported by further up to date needs evidence. It should be noted that at the time the Sites Document was prepared, a significant number of vacant pitches were available at Tara Park and following the extension to the site. Against that context, an additional site was not required, based on an updated needs assessment and this was confirmed as part of the examination into the Sites Document in 2019. The policy criteria in SP5 to guide the identification/ allocation of further sites are consistent with national policy and in this respect, it is considered that the policy remains up to date.
- 11.3 The latest Gypsy and Traveller Accommodation Assessment (GTAA) for the Ryedale Plan area was undertaken in November 2022 by Opinion Research Services, to inform the review of the development plan. The work, based on primary research, identifies the pitch needs for Gypsies and Travellers for the period 2022-2038, to meet the 15 year requirement in the national Planning Policy for Traveller Sites (PPTS). The outcomes supersede previous/ historic assessments and as an up-to-date assessment of need, the GTAA is a significant material consideration in the determination of the application. (The assessment was undertaken at a time when the national definition of a Gypsy and Traveller excluded travellers who had ceased to travel permanently. However, it assessed those that did meet the then definition and those that didn't. For this reason the assessment therefore includes an up to date of the assessment of the needs of those who meet the current national definition.)
- 11.4 The assessment reveals a current / short term need for 16 pitches arising from existing households with a longer-term future need for a further 13 pitches resulting from new / demographic household formation. Taking account of supply at the time the work was undertaken (11 available pitches at the Tara Park public site and the vacation of two further pitches at Tara Park as a result of households moving into bricks and mortar accommodation), the net quantitative pitch need (or shortfall) for the period to 2038 is 16 pitches with a short-term five year requirement of a net additional 3 pitches for the period 2022-2026. An additional supply of pitches to meet this identified net five-year requirement has not been met to date by the allocation of land or the granting of planning permission for further pitch provision.
- 11.5 Net pitch requirements identified in the GTAA reflect a point in time and the assessment identifies requirements that are driven by locally identifiable need. The availability of pitches has fluctuated in recent years, with Tara Park being the main source of supply. At the time that the GTAA was undertaken, there were 11 available pitches at Tara Park, in January 2023 this had reduced to 7 available pitches and in March 2024 there were no available pitches. At the present time, Housing Officers have confirmed that there are two available pitches at the Tara Park site, with one pitch vacant but without legal possession. It has also been confirmed at the time of writing, that 3 families are in the process of applying for these pitches. It is understood that at least four pitches let at Tara Park since the needs assessment

was completed, have been let to households that would not have been present at the time that the survey was undertaken. Whilst it is beneficial that this supply has addressed need which has presented itself, this would have the effect of increasing the net pitch shortfall in terms of current/ short term need (assuming no further change in the households interviewed as part of the assessment.)

- 11.6 It is clear therefore that within the area covered by the extant development plan, that there are insufficient pitches for Gypsies and Travellers to meet identified need for the period 2022-2038 and that additional pitches/ site provision is required in this area of North Yorkshire which will need to be addressed through the allocation of further sites in the new North Yorkshire Plan or through the determination of planning applications. Against this context, the need for additional provision to meet current short term identified need is considered to weigh in favour of the proposal in principle. Whilst this is marginally tempered by the fact that whilst the GTAA identifies a need for 3 pitches within the period 2022 –2026 and two deliverable pitches are available at Tara Park, this assumes that the majority of the level 'current' identified need at the time of the GTAA is satisfied by the available supply at the time.
- 11.7 The GTAA notes that the majority of current need arises from households living on privately owned sites with and without planning permission and that *'as such, in practice the vacant pitches on the public site may not be suitable to meet their current accommodation need'*. The assessment makes it clear that public and private gypsy sites are the equivalent of private ownership and renting for those households who live in bricks and mortar housing. It notes that *'in practice, it is unlikely that these pitches will meet the need arising from households living on private sites'* and that *'the Council should carefully consider how to meet this need'*.
- 11.8 The current availability of pitches at Tara Park is insufficient to meet the pitch requirements of the applicant and his family (the needs of which were included in the GTAA.) Whilst the availability of a limited number of pitches (2) at Tara Park does, in principle weigh against the scale of the current proposal (4 pitches) , it is considered that the weight to be applied to the need in this case, is influenced by the extent to which the current deliverable supply (Tara Park) is suitable and available to the applicant and his family and by the fact that the family's pitch requirements contribute to the overall net shortfall in identified pitch requirements.
- 11.9 The family keep livestock (poultry) and would not be currently eligible to live at Tara Park for that reason. In addition, some members of the family have previously lived at Tara Park and have not found the experience of living at the site suitable and acceptable to them or conducive to their well- being. The supporting information notes that the family have found it intolerable to live at Tara Park and have experienced anti- social behaviour. Whilst it could be argued that the applicant has the option not to keep livestock, Tara Park is unlikely to be a realistic alternative for the family.
- 11.10 The proposal site addresses the needs of the family group. Whilst the GTAA (for data protection reasons) does not identify the specific details of households in need of accommodation, the 4-pitch requirement of this family was included in the assessment. The families' situation is illustrated by the point made by the authors of the GTAA, that public pitch provision may not be suitable to meet all of the identified accommodation needs and that there is a qualitative need for different forms of provision.
- 11.11 Officers are of the view that if planning permission was granted for the site, it would ensure that a proportion of identified need is met. This would include the quantitative numerical five-year net shortfall of 3 pitches (noting that this may not be sufficient to ensure a supply which meets short term needs from a 'qualitative' perspective). As it

stands, this will however, reduce the need to identify further sites in this area in the future as part of the new Development Plan. It would also ensure that pitches on the public site are available and best used by those households whose only option financially are public pitches for rent or need which presents itself and which has not been identified through the GTAA .

- 11.12 It is considered that taking all of the factors relating to need (and limited alternative provision/ choices) into account that the need for the additional private additional pitch provision to address the families need weighs in favour of the proposal. This would be consistent with national policy PPTS which does aim to promote more private site provision as a way of meeting identified need.
- 11.13 The applicants have noted that an on-site presence will help them establish and manage a dog breeding business at the site. It is understood that they currently do not run a commercial dog breeding operation although when the site was purchased planning permission existed for such a use in the former agricultural building at the site. This permission is considered to have lapsed and the building and its proposed use are the subject of the next item on this agenda. Notwithstanding this, it is not considered that an on-site presence is necessary to manage a dog breeding business at the site. Whilst it may be convenient, it is not a factor which in itself, is sufficient to justify the need for the site to be used for Gypsy and Traveller pitch provision.
- 11.14 The provisions of national policy to meet the needs of Gypsies and Travellers are relevant to households which meet the definition of a Gypsy and Traveller in the PPTS. The definition is outlined in paragraph 7.11 above and the PPTS makes it clear that the following matters are relevant in determining whether persons are gypsies and travellers for the purposes of the national, planning definition:
- Whether they have previously led a nomadic way of life
 - The reasons for ceasing their nomadic habit of life
 - Whether there is an intention of living a nomadic habit of life in the future and if so , how soon and in what circumstances
- 11.15 The recent GTAA notes that the meaning of a nomadic way of life has been tested/ established through caselaw and planning precedent which has established (amongst other things) that : nomadism must have an economic purpose – travel for the purposes of making or seeking a livelihood; that a nomadic way of life can be seasonal; that status can be retained if a person had not travelled for some considerable time providing that their nomadism was held in abeyance and not abandoned. The courts have also confirmed that a household can continue to lead a nomadic way of life from a permanent base.
- 11.16 The GTAA notes that where some household members travel for work on a regular basis and others stay at home to look after children or other dependents, the household unit would be defined as travelling under the planning definition.
- 11.17 Evidence supporting the application in respect of the applicant's nomadic habit of life is limited. The Design and Access Statement note that prior to living at the site Mr Sykes had been travelling and working away for some time, while Mrs Sykes and family members had been living at Tara Park. It notes that that the family has also spent time living on the road around the (former) Ryedale area and that the male family members travel for work (including general building, landscaping and arboricultural businesses) to support their families. The applicant's agent notes that 'in my view, the families clearly have led a nomadic habit of life'.
- 11.18 Officers have no reason or evidence to dispute this point. In addition, it is likely possible that some family/ household members have ceased to travel to care for

children and elderly family members. On this basis, the travel for work by male members of the household is significant in confirming the family's nomadic habit of life. In this respect, the supporting material provides no detailed information on the location of or duration of travel for work, which is unfortunate. Notwithstanding this, Officers are aware that the Sykes family households were identified as meeting the planning definition when needs were assessed as part of the recent GTAA. Whilst (for data protection reasons) the detailed individual survey responses are not published with the GTAA, it is clear from the results of the assessment and the need identified on unauthorised sites at the time, that the family were considered to meet the definition using the primary research/ questionnaire by those undertaking the assessment.

- 11.19 Notwithstanding the above, it should also be noted that the NPPF makes it clear that the planning system does need to address the needs of groups with specific housing requirements. In this respect, as Romany Gypsies, it is appropriate that their needs can be met through culturally appropriate accommodation, a defining feature of which is living in a caravan/ mobile accommodation.
- 11.20 The application reflects the applicants desire to live as an extended family unit. It is understood that this reflects strong cultural traditions of Romany Gypsies whereby extended family is the unit within which resources are shared, work organised, food prepared and support and care is provided. In view of the fact that it is an aim of the PPTS to facilitate the traditional and nomadic way of life, this is a matter which weighs in favour of the proposal.

Personal Circumstances

- 11.21 The agent has outlined reasons why the family require a settled base at the current time which is included in a short supporting document entitled 'Very Special Circumstances'. The document has not been scanned to the public file as it contains personal data/ details relating to members of the family. A number of members of the family suffer from a series of chronic health related issues. In addition there are nine children in the family group, with six currently on the site. (It is understood that one household is temporarily living off site to care for close relative elsewhere). Of the six children on the site at present it is understood that four attend the local primary school and two are home schooled.
- 11.22 The agent for the applicant has made it clear that a refusal of planning permission for the family would force the family to return to a life on the road due to what they consider to be unliveable conditions at Tara Park and that this would have a consequential impact on the educational needs of the children who would have to vacate their existing school places.
- 11.23 It is considered that the health related issues experienced by members of the family, whilst serious, are similar to those experienced by many in society. However, it is entirely understandable that living conditions and uncertainty over housing will impact upon health and well-being and that a secure, stable and comfortable settled base will be in the best interests of those family members which suffer from specific health and or age-related conditions. It is understood that the family are registered at a doctors surgery located in the surrounding area and the site is relatively well located to ensure access to local GP support services.
- 11.24 Officers are in no doubt that it is in the best interests of the children to have a settled home base to allow regular school attendance. This is considered to weigh significantly in favour of the application. Given the ages of the children at the site, it is considered that this stability needs to exist for a significant period until they all reach school leaving age. A number of representations have noted that the children were in

school when the family lived at Tara Park and as such have already been subject to disruption. It is understood however, that not all of the family, including children at the application site had previously lived at Tara Park.

- 11.25 Comments have been made alleging that children with special educational needs are not currently living at the site. Members should be aware that statutory responsibilities relating to the rights of the child apply to all children and not just those with specific needs.

Intentional Unauthorised Development

- 11.26 The applicant and his family have moved onto the site and have occupied it in the knowledge that planning permission does not exist. The applicants have taken professional planning advice and are aware that they have acted in breach of planning control. In view of the ministerial statement issued on the 31 August 2015, this situation is a material consideration which weighs against the granting of planning permission. However, it is understood that the applicant would not have been eligible to stay at Tara Park on the basis that he keeps animals (poultry which is not permitted at the public site). In addition, Mrs Sykes had left Tara Park after a period of residency because the conditions of the site were not acceptable to her. In the circumstances, therefore are no other choices of alternative sites in the area available to the applicant or his family other than the roadside or land within his ownership (the application site). In addition, whilst the family group has occupied land within their ownership, formal pitches have not been laid out or constructed in advance of the determination of this planning application. It is considered that there are some circumstances in this case that therefore temper the weight to be applied to the fact that there has been intentional unauthorised development.
- 11.27 A number of objectors have argued that planning permission should not be granted on the basis of unauthorised development and that enforcement action should be taken. In this respect, the planning application was submitted to regularise the use of the site and Members are aware that the Council has a duty to determine all planning applications that it receives.

Location

- 11.28 The site is located approximately 1.2km from the centre of Sheriff Hutton village. Sheriff Hutton is identified as a Service Village in the Development Plan on the basis of the services and facilities present to serve the local community. Service villages, as local service centres are identified as those rural settlements which will accommodate small scale growth to contribute to meeting development requirements.
- 11.29 The proposed development is located in open countryside outside of the village and is proposed to address the needs and personal circumstances of the applicant and his family. Notwithstanding this, it should be noted that facilities at the village, including the school, shop and public transport are safely accessible on foot via the public right of way to the south of the site and accessible by foot, car or bicycle using the Cornborough Road.
- 11.30 Given the distance/proximity to Sheriff Hutton it is considered that the location of the site provides *'reasonable access to local services and community facilities'* as required by Policy SP5 (Sites for Gypsies and Travellers and Travelling Showpeople) of the Ryedale Plan. National Policy (paragraph 24 of the PPTS) makes it clear that the locally specific criteria used to guide the allocation of sites should be used to assess applications that may come forward on unallocated sites. In this respect the location of the site is considered to comply with the requirements of the Development Plan and national policy.

11.31 The site is situated outside of Sheriff Hutton and within the Cornborough area. Sheriff Hutton is a relatively large village within this part of North Yorkshire. It is considered that the proposed development/ four pitches (17 inhabitants) would not be of a scale which would dominate the settled community in the village or put undue pressure on local infrastructure or services. Equally, Cornborough is a small, dispersed hamlet and at the scale proposed, the proposed development would not dominate the settled community that comprises the Cornborough area. Policy SP5 of the Ryedale Plan requires that '*the site is appropriate in scale to the nearest settled community*'. In addition, national policy (paragraph 25 of the PPTS) makes it clear that in open countryside locations, LPA's should '*ensure that sites respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure*'. The scale of the proposal is therefore considered to be acceptable against the requirements of Policy SP5 and the relevant requirements of national policy.

Design

11.32 The supporting material provides illustrative images of typical static caravans which are intended to be sited on each of the pitches. The information also indicates that these can need to be changed on a regular basis. As a typical static caravan design the accommodation would be functional and utilitarian in appearance. On the basis that the detailed design and appearance of the caravans has not been confirmed and that they will be changed over time, it is considered that (if members are minded to grant permission) a condition to control the external colour and finish of the accommodation is necessary.

11.33 The proposed amenity buildings are single storey in scale and utilitarian in their appearance. The four single amenity buildings are proposed in response to concerns raised in relation to the landscape impact associated with an originally proposed communal amenity building, both in terms of its size and location and the degree of permanence associated with its proposed construction. The agent has supported the proposals with reference to national guidance on Gypsy and Traveller pitch design. It is understood that this guidance has been subsequently withdrawn by Government and is yet to be replaced, although a number of local authorities have produced their own design guidance to address this matter. Whilst there is no local extant guidance on traveller pitch design, it is accepted that the provision of amenity / dayroom space is a standard requirement/element of Gypsy and Traveller pitch design. Officers are of the view that this is a space requirement that is needed for each pitch and that, from a liveability perspective, it would not be appropriate to expect such accommodation requirements to be provided within the existing 'agricultural' building which is proposed to be used for storage and a dog kennels. Officers are also of the view that this could also be culturally inappropriate for the family.

11.34 Objectors have questioned the need for amenity/ day room buildings, noting that most caravans include toilet/ wash and cooking facilities. It is understood that the separation of cooking, washing and sleeping accommodation is part of Romany Gypsy culture. In part this is likely to account for why day room/amenity buildings are an important feature of pitch design.

11.35 The proposed plans indicate brick as the proposed external walling material for the proposed amenity buildings. The application is for the permanent use of the site by the family, as opposed to a temporary use. In this respect, it is understandable that these buildings are proposed to be erected using a substantial/permanent method of construction.

11.36 In design terms, the caravans and amenity buildings are not considered to be of any significant architectural merit. However, they are proportionate in scale to the site area, individual pitches and the proposed use. The application includes sufficient areas for car/vehicle parking and turning and for sufficient amenity space, including children's play. The size of the site, coupled with the surrounding open land within the applicant's ownership will ensure that in design terms, development will appear to be set within open areas of land the site will not appear overcrowded. The pitches themselves will be contained by perimeter landscaping which will ensure that they are physically and visually contained within the site. To ensure that the designed layout is adhered to a condition restricting the use of the gravelled hardstanding is proposed. In design terms, the proposed boundary landscaping will not appear inappropriate, unduly oppressive, or out of place in the locality. On this basis, the proposal is acceptable against Policy SP16 (Design) and the specific design criteria of Policy SP5 and paragraph 26 of the PPTS.

Landscape

- 11.37 The site is located in undulating countryside between the Howardian Hills and the Vale of York. In terms of the national landscape character profiles, the site just falls within the Vale of York landscape character area, although it is very much a transitional landscape between the higher land of the Howardian Hills to the north and the Vale of York to the south. The sloping nature of the topography, fields defined by hedgerows, dispersed farmsteads and long-distance views to the south are key elements of the prevailing landscape character.
- 11.38 The loss of further sections of the field and land use change associated with the development proposed will alter and detract from the character of the landscape. This is in conflict with Policy SP13 (Landscapes) which aims to ensure that proposals should *'contribute to the protection and enhancement of distinctive elements of landscape character.....'*. In this respect, this is a factor which does weigh against the development. However, whilst the further loss of the field and the proposed development will be detrimental to the prevailing landscape character, this is mitigated in part by the fact that development proposed is limited in its scale and extent. It should also be noted that landscaping proposals for the site include existing hedgerow retention and additional (native) hedgerow planting which is typical of field boundaries in the landscape.
- 11.39 Additional (native) hedgerow planting around the perimeter of the site and along the southern boundary of the field to the south will also help to mitigate the visual impact of the proposed development. Due to the height and maturity of the existing boundary hedge and fencing, (with the limited exception of glimpsed views through the site access), the proposed pitches will not be immediately visible from a public vantage point to the north (with the limited exception of glimpsed views through the site access). The existing former agricultural building is visible from the road which runs to the north of the site.
- 11.40 The site is visible from the Sheriff Hutton Bridge – Stillington road to the south and the existing caravans at the site are just visible with the naked eye from this road. However, the visual impact associated with distanced views is largely mitigated by the distance itself and intervening landscape features and will be mitigated by the site landscaping as this matures over time.
- 11.41 The most immediate views of the proposed pitches will be experienced from the public right of way which runs directly adjacent to the field to the south of the application site. Currently, open and uninterrupted views are achieved towards the application site. It is from this public vantage point that the landscape impact of the development and the change in the character and appearance of the site will be most

apparent and visible. It is considered that whilst the removal of the originally proposed dayroom helps to reduce the immediate visible mass of that building from the PROW, the inclusion of the four single dayrooms on the site will still contribute to the visible built form of the development. The applicant has planted hedge planting along this boundary and to the southern boundary of the application site. This will help to mitigate the visual impact of the development although the planting does appear to require some management and species have not been confirmed. It will be important that appropriate landscape planting is in place and managed over time to ensure it grows to maturity and is managed appropriately. Therefore if members are minded to approve the application, a condition is recommended to ensure that (notwithstanding existing planting) a landscaping scheme is agreed for the application site and wider land within the applicant's ownership which secures details of the species, numbers and sizes of hedge and tree planting at the site. A condition is also required to secure the protection of retained hedgerows during construction. The Tree and Landscape Officer has confirmed that subject to such conditions, he has no objections to the application.

- 11.42 Concerns have been raised that landscaping along the boundary of land within the applicant's ownership and the Public Right of Way may result in the PROW becoming impassable. Members are reminded that it is an offence to block a public right of way and that any obstruction can be dealt with under separate legislation.
- 11.43 In addition to mitigate the potential for light pollution and the impact of the proposal on nocturnal landscape character, a condition is proposed to ensure that details of all external lighting are agreed. These conditions will ensure that the impact of the development on the character and appearance of the landscape can be mitigated in accordance with Policies SP13 and SP20.

Highways

- 11.44 The application proposes the use of an existing site access. The Local Highway Authority has confirmed that the proposed development will not have a detrimental impact on the local highway network and that it has no objection. A condition is recommended to ensure access, parking and turning are provided in accordance with the submitted details.

Amenity of Neighbours/ Impact on Neighbouring Land Use

- 11.45 There are three residential properties in the vicinity of the site. The nearest part of the application site is circa 50m from Mount Pleasant Farm to the north and north of the Cornborough Road. Millers Barn and Mill Hill Farm are located circa 250/ 260 m to the west. At least one occupier of a neighbouring property has objected to the application.
- 11.46 The proposal will result in increased activity associated with the site. However, it is considered that at the proposed scale and taking into account intervening distance, the residential use of the site would not result in a level of activity, noise or disturbance which would result in an unacceptable impact of the amenity of neighbouring residents. The development will be visible from surrounding properties (particularly those to the west) but would not have an overbearing impact on the occupiers of surrounding properties. In this respect, the proposal is considered to comply with Policy SP20 of the Local Plan Strategy.
- 11.47 Some objectors have raised concerns that noise complaints have not been investigated by the Council. The Council has received planning enforcement complaints regarding the unauthorised development at the site. However, there are no record of formal noise nuisance complaints having been made to the Council. Environmental Health Officers, former Community Team Officers and the local

policing team members have no record of complaints of noise or disturbance from the site.

Ecology

- 11.48 The Ecologist has confirmed that the site is predominantly agricultural grassland of negligible ecological value and without features that are likely to support protected species. The ecologist has noted that the application does not specifically include a Biodiversity Net Gain Plan based on the current version of the biodiversity metric. However, the ecologist notes that the application dates from a time when in principle biodiversity improvements were acceptable as BNG and has welcomed the inclusion of native species hedging will represent a gain in terms of hedgerow units and has suggested that further details (such as planting mix) could be secured by a condition. Some additional landscaping using native trees and shrubs would increase BNG and this will be secured through a landscaping plan condition.

Drainage

- 11.49 A bio-disc treatment plant has been installed at the site and is a retrospective element of the application. There is no visual impact associated with the plant. As a private means of sewerage disposal, the installation and operation of the plant is covered by separate legislation (legally binding rules and permitting) regulated by the Environment Agency and through Building Regulations. Notwithstanding this and the submitted layout plans, it is unclear as to whether the plant has been installed in a way which meets the binding rules. For that reason conditions are recommended to ensure that full details of foul drainage are submitted and approved and that prior to the amenity buildings being brought into use, the plant is installed to the satisfaction of an approved Building Control Inspector.
- 11.50 The site is located in Flood Zone 1 and is not at risk of flooding. The LLFA originally requested further information in relation to surface water drainage but subsequently confirmed that the scale of the development did not fall within its statutory function. Surface water runoff from impermeable surfaces will be managed by means of a soakaway. Impermeable surfaces include the proposed amenity building and the hardstanding for the pitches. The land is gently sloping and the applicant owns a significant area of paddock below the application site. It is considered that the ample land in which to provide sustainable drainage. A percolation test has been provided which demonstrates that infiltration rates satisfy building regulation requirements and that an infiltration method of drainage will be viable for the site. (There is one minor error in one of the test calculations which appears to be a typographical error. The agent was asked to clarify and a revised document has been provided). Whilst caravans are exempt from Building Regulations, the proposed amenity buildings are not and a soakaway to cater for run off from these buildings will require Building Regulations approval.

Other Issues

- 11.51 Members are reminded that impact / perceived impact on property value is not a material consideration in the determination of the application.
- 11.52 Comments have been made that the proposed development would affect views of the Sheriff Hutton Castle ruins. Whilst the Castle is Grade II* listed, the proposed development is not within the immediate setting of the heritage asset. In the wider landscape setting, there may be some distanced inter visibility but given the distances involved and other development in the landscape, the proposed development would not result in harm to the significance of the Castle and is acceptable within the context of Policy SP12 of the Local Plan Strategy.

- 11.53 The site is not located within the York Green Belt and as such, national policy relating to Gypsy and Travellers sites within the Green Belt is not relevant to the determination of this application.
- 11.54 One objector has suggested that a temporary permission (circa 5 years) would enable the family to remain at the site whilst the children complete their primary school education. This would be the case and a temporary permission could also cover a significant period of the time required to identify any new Gypsy and Traveller sites which are needed as part of the North Yorkshire Local Plan. Notwithstanding this, members are reminded that the application is for pitch provision to provide a permanent settled base for the family and the personal circumstances argued in support of the application are not limited to the presence of young children at the site.
- 11.55 An objector has raised concerns that the officer report is biased and discriminatory to objectors. The report considers the application and all of the issues that it raises against the policies of the development plan and other material considerations. The recommendation follows the consideration of all of these matters in the planning balance and is an officer recommendation. Concerns have also been raised that Officers have discussed the application with the applicant and his agent. The application is the applicant's application and it is not unusual for discussions to take place with the case officer.

12.0 PLANNING BALANCE AND CONCLUSION

- 12.1 The site is located in open countryside and is a location where new traveller site development should be strictly limited. The proposal will have a harmful impact on the character and appearance of the landscape although this will be reduced and mitigated in part by proposed landscaping. These factors do weigh against the proposal.
- 12.2 Notwithstanding its location in the open countryside, the location of the site is considered to provide reasonable access to local services and facilities and the proposed design is considered to meet design and layout requirements which ensure acceptable pitch standards, sufficient car parking and amenity space. The proposal is not disproportionate in scale to the size of the nearest settled community and it is considered that the proposed use in this location will not result in unacceptable harm to the residential amenity of neighbouring residents or have an adverse impact on surrounding neighbouring land uses.
- 12.3 The development would make a contribution to identified pitch requirements covering the next 15 years, as well as to short term requirements, to which weight in favour of the scheme is applied in the planning balance. Limited alternative provision currently exists at Tara Park although this is not considered to be a realistic option for the applicant and the wider family group whose only other option would be the roadside or culturally inappropriate housing. The personal circumstances of the applicant and his family have been argued as part of the justification for the proposal and it is considered that these weigh in favour of the proposal. In particular, significant weight is applied to the best interests of the children at the site. In the planning balance, these matters are considered to significantly outweigh the harm to the character and appearance of the landscape and the location of the site in the open countryside.
- 12.4 If members are minded to approve the development, it is considered that (on the basis that the personal circumstances of the applicant and his family have weighed significantly in the consideration of the application) a personal condition restricting occupancy of the site to the applicant and immediate family members should be applied. Members will be aware that following the March Committee meeting, the

applicant has expressed concerns about the proposed personal condition. The pitch needs of this family were included in the current GTAA need assessment and contribute to the assessment of current levels of need. This, together with their personal circumstances (which includes the experience of some members of the family when living at Tara Park, health conditions and the benefits to the children of the family of having a settled base) have weighed significantly in the recommendation. The application has not been proposed as an 'unrestricted' Gypsy and Traveller site and it has not been considered on that basis. These material planning considerations are, in officers' opinion, considered to be sufficient to outweigh the harm to the landscape which arises from the proposed development.

- 12.5 For this reason, Officers are of the view that the condition is necessary and a limited but justified interference in the applicant's human rights based in the public interest. Occupancy conditions are used within the planning system where these are considered to be necessary and, in this case, they are not considered to have a disproportionate or negative impact in terms of equality of opportunity. It should be noted that the condition does not prevent members of the family from travelling. It is the intention that it provides for a settled base for as long as this is required. In addition, should family members choose to vacate the site, the applicant would also have the option of applying to amend the condition if they consider that this can be justified based on any future identified shortfall in pitch provision. A further condition to restore the site once it is no longer occupied by eligible family members is also recommended.
- 12.6 The approach is consistent with the aim of national policy which is to promote more private site traveller provision. It is also consistent with the findings of the recent (2022) Gypsy and Traveller Assessment for this part of North Yorkshire which recognises the need for additional private site provision.

13.0 RECOMMENDATION

13.1 That planning permission be GRANTED subject to conditions listed below.

- 1 The Gypsy and Traveller site, including pitches, amenity building and associated parking hereby permitted shall be begun within three years of the date of this permission.

Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Single Day room, floor plans and elevations 71239:1004 (Date scanned 30/5/24)
Proposed Block Plan 71239:1001 C (Date scanned 30/5/24)
Revised Location Plan (Date Scanned 3/5/23)

And substantially in accordance with: Typical Static Caravan. Floor Plans and Elevation 71239:1003 (Date scanned 23/2/22)

Reason: For the avoidance of doubt and in the interests of proper planning
- 3 The resident occupation of the land hereby permitted shall be carried on by: Oathie Sykes; Irene Sykes; Darkus Sykes; Jasmine Price; Jessie Sykes (Snr);

Beth Ann Sykes (Snr); Albert Sykes (Snr) and Debbie Ann Sykes and their resident dependants and for no other persons.

Reason: To ensure that the site is occupied to address identified need and the personal circumstances of the applicant and his family and in accordance with Policy SP5 of the Local Plan Strategy.

- 4 When the land ceases to be occupied or used as a settled base by those named in condition (3) the use hereby permitted shall cease and all caravans, structures, materials and equipment brought on to or erected on the land and works undertaken to it in connection with residential occupation of the land shall be removed and the land shall be restored to its condition before the development took place in accordance with a site restoration scheme which shall be submitted for approval within 3 months of the date of this decision.

Reason: To protect the character and appearance of the locality in accordance with Policies SP13 and SP20 of the Local Plan Strategy.

- 5 No more than eight caravans (as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968) shall be stationed on the site at any time. No more than two caravans shall be stationed on any pitch at any time and no more than one caravan per pitch shall be a static caravan or mobile home or large touring caravan. All caravans at the site shall be stationed on the pitches hereby approved.

Reason: For the avoidance of doubt and to protect the character and appearance of the locality in accordance with Policies SP13 and SP20 of the Local Plan Strategy.

- 6 No commercial activities shall take place on the site, including the storage of materials.

Reason: To protect the character and appearance of the locality and residential amenity in accordance with Policies SP13 and SP20 of the Local Plan Strategy

- 7 Only personal commercial vehicles used by occupants of the site to travel to and from work shall be stationed, parked or stored on the site and no vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.

Reason: To protect the character and appearance of the locality in accordance with Policies SP13 and SP20 of the Local Plan Strategy.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting that Order with or without modification) no fences, gates or walls shall be erected on the land other than as approved.

Reason: To protect the character and appearance of the locality in accordance with Policies SP13 and SP20 of the Local Plan Strategy

- 9 Full details of all external lighting at the site shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The details shall include the position, height, angle of lighting, illuminance level and hours of operation. All lighting shall be installed and maintained in accordance with the approved details.

Reason: To protect the character of the area in accordance with Policies SP13 and SP20 of the Local Plan Strategy.

- 10 Prior to the siting of any caravan on the pitches hereby approved, details of the external colour shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the visual amenity of the area in accordance with Policy SP20 of the Local Plan Strategy.

- 11 Prior to the occupation of the development hereby approved a scheme to secure ecological improvements and Biodiversity Net Gain within the site or adjacent land under the applicant's ownership, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be implemented within a three-month period.

Reason: to secure ecological enhancements in accordance with Policy SP14 of the Local Plan Strategy.

- 12 No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance with SP20 of the Local Plan Strategy.

- 13 Prior to the occupation of the development hereby approved, plans showing details of a landscaping and planting scheme to cover the application site and land identified within the blue line on the submitted application plan, shall be submitted to and approved in writing by the Local Planning Authority. The submitted plans and/or accompanying schedules shall indicate numbers, species, heights on planting, and positions of all trees, shrubs and planting, together with protective measures for existing hedgerows. All planting, seeding and/or turfing comprised in the above scheme shall be carried out during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of five years from being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development hereby approved Policy in accordance with Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy

- 14 Notwithstanding the plans hereby approved, prior to the commencement of above ground works associated with the amenity/ day room buildings hereby approved, full details of the foul water drainage system to be utilised on site, shall be submitted to the Local Planning Authority for prior written approval. Any variation from the agreed foul water drainage system shall require the prior written approval of the Local Planning Authority.

Reason: In the interests of appropriate drainage in accordance with Policy SP17 of the Ryedale Plan, Local Plan Strategy.

Informative: The submission shall demonstrate if the drainage approach follows the Environment Agency General Binding Rules (which indicates that a flow from a Package Treatment Plant cannot meet the general binding rules if it discharges to a ditch that does not contain flowing water throughout the year.) If compliance with the general binding rules is not feasible, an Environment Agency Permit is likely to be required. <https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-the-ground>

- 15 Notwithstanding the plans hereby approved, prior to the amenity building being brought into use, the agreed foul water drainage system shall be installed and operational, to the satisfaction of an approved Building Control Inspector. Any variation from the agreed foul water drainage system shall require the prior written approval of the Local Planning Authority.

Reason: In the interests of appropriate drainage in accordance with Policy SP17 of the Ryedale Plan, Local Plan Strategy.

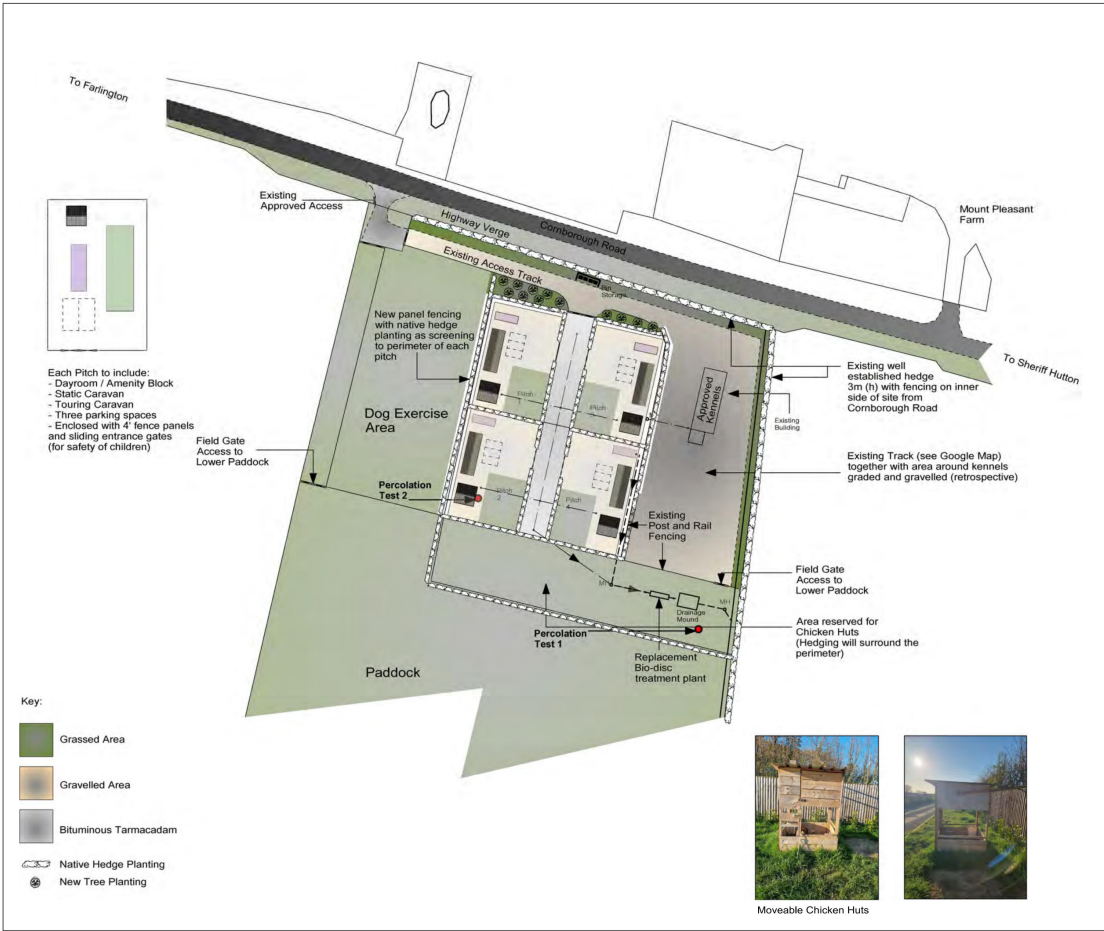
Informative:

The applicant is required to apply to the Council's Housing department for a caravan site licence.

Target Determination Date: 00.00.0000

Case Officer: jillthompson1@northyorks.gov.uk

Appendix A – Proposed Site Layout Plan



NOTES:
All dimensions must be checked on site and not scaled from this drawing.

Rev A - Revised location of Bio-Disc to match site conditions

Rev B - 24th April 2023

- Upgrade of existing track and gravelled turning area around Kennels Building
- If Gypsy / Traveller site is approved the Chicken Huts will be moved to reserved area as detailed

Rev C - 29th May 2024

- Revisions made following Planning Committee comments on 21st March 2024 where application was deferred
- Removal of large communal amenity building
- Each pitch revised to include smaller individual amenity building

Client
Mr Dathie Sykes

Job Title
Change of use of small section of agricultural land to provide 4 no. Gypsy / Traveller Pitches, Amenity Block and replacement Bio-Disc Treatment Plant. Land off Comborough Road, Sheriff Hutton

Drawing Title
Proposed Block Plan with Drainage Detail

Scale
1:1000 A3

Date
JANUARY 2022

Drawn by
T.M

Drwg No.
71239.1001

Rev
C

Trevor Mennell Planning
Planning & Architectural Consultants
The Galilee | Kendrick's Bank |
Boyston Hill | Shrewsbury |
Shropshire | SY3 0EH

The drawing set includes the following components:

- Front Elevation:** Shows a gabled roof with two windows.
- Rear Elevation:** Shows a gabled roof with a solid brick wall.
- Side Elevation (top):** Shows a gabled roof with two windows and a height dimension of 4000.
- Side Elevation (bottom):** Shows a gabled roof with a door and two windows, and a height dimension of 2400.
- Floor Plan:** Shows a rectangular layout with a Kitchen/Diner, Bathroom, and utility areas (WM, WD, svp). Dimensions are 6000 by 6000.
- Notes:** All dimensions must be checked on site and not scaled from this drawing.
- Client:** Mr Oathie Sykes
- Job Title:** Change of use of small section of agricultural land to provide 4 no. Gypsy / Traveler Pitches with replacement bio-disc treatment plant. Land off Comborough Road, Sheriff Hutton
- Drawing Title:** Single Day Room Floor Plans and Elevations
- Scale:** 1:50 A3
- Date:** MAY 2024
- Drawn by:** T.M.
- Dwg No.:** 71239.1004
- Rev:** -

North Yorkshire Council

Community Development Services

Thirsk and Malton Area Constituency Committee

15 AUGUST 2024

ZE23/00437/FUL -CHANGE OF USE OF FORMER AGRICULTURAL BUILDING FOR USE AS A (SMALL BREEDS) DOG BREEDING KENNEL AND DOMESTIC STORAGE TOGETHER WITH AN EXTENSION TO THE BUILDING TO PROVIDE TOILETS AND EXTERNAL ALTERATIONS INCLUDING THE INSTALLATION OF INSULATED ACOUSTIC SHEETING TO THE EXTERIOR OF THE BUILDING (PART RETROSPECTIVE) AND THE CHANGE OF USE OF AGRICULTURAL LAND TO DOG EXERCISE AREA.

Report of the Assistant Director Planning – Community Development Services

1.0 Purpose of the Report

- 1.1 To determine a planning application for the above on land at Cornborough Road, Sheriff Hutton.
- 1.2 The application accompanies another application (planning application ref 22/00102/FUL) in the same location which raises a range of planning issues. It is considered that both applications should be considered by the Committee in view of the cumulative issues raised.

2.0 EXECUTIVE SUMMARY

- 2.1 RECOMMENDATION: Subject to planning application ref 22/00102/FUL being approved, planning permission be granted, subject to the conditions listed below.
- 2.2 The proposal is for a mixed use of an existing building, to operate in conjunction with the proposed use of the wider site for Gypsy and Traveller pitch provision. In principle, the acceptability of the proposed mixed use, which includes domestic storage, is contingent on application 22/00102/FUL, (the preceding item on this agenda being approved). In the event that the use of the wider site as a Gypsy and Traveller site is found to be acceptable, the proposed domestic storage use of part of the building would help to ensure that domestic paraphernalia is securely stored out of sight. Planning permission has been granted historically for the use of the building as a dog breeding kennels and associated land as a dog exercise area. As such, the planning history has established that this is, in principle, a suitable use for the building and that conditions can be imposed to mitigate the potential impacts resulting from this use.

Location Plan - Land at Cornborough Road, Sheriff Hutton



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 Survey 010001673

0m 20m 50m 75m 100m 125m 150m 175m 200m

Scale: 1:2500, paper size: A4

Sykes - 71239

Location Plan



emapsite™
plans

Prepared by Trevor Vennell, 12-01-2022

3.0 Preliminary Matters

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

<https://planningregister.ryedale.gov.uk/caonline-applications/simpleSearchResults.do?action=firstPage>

3.2 The application was originally submitted as a retrospective application to regularise changes to appearance of the existing building following planning enforcement investigations and, to seek permission for an extension to the building to provide toilet facilities. To address uncertainty over whether a permission for the use of the building as a dog kennel had been implemented historically, the description of the development proposed has been amended. The application area has also been amended to include an area of land for use as a dog exercise area and to include domestic storage as part of a mixed use of the building. These are material changes to the application as originally submitted and as such the changes to the application have been subject to consultation.

3.3 Relevant planning history:

13/00863/FUL: Erection of an agricultural building for the storage of produce and housing of livestock. (Approved)

13/01461/FUL: Siting of two bedroom timber cabin for use as a temporary rural workers dwelling to include formation of access track and hardstanding, and provision of a domestic curtilage (retrospective application). (Refused. A s.78 appeal was dismissed and a planning enforcement appeal determined).

15/00601/FUL: Retention of timber cabin for use as an office, staff facilities, storage area and incubator area. (LPA declined to determine).

19/00603/FUL: Change of use of agricultural land and building for commercial dog breeding and kennels with alterations to include formation of up to 10no.kennels within the existing building. (Approved).

22/00102/FUL: Change of use of land to a gypsy/traveller site with 4no family pitches each with 1no static caravan, 1no touring caravan pitch and parking spaces, erection 1no. amenity building and installation of 1no bio-disc treatment plant with associated parking and landscaping. (Pending consideration at the time this report is drafted. The application is prior to this item on the agenda).

4.0 Site and Surroundings

4.1 The site is located in open countryside approximately 700m to the west of Sheriff Hutton.

4.2 The site covers approximately 0.6 ha. It comprises the building set in an area of gravelled 'hardstanding', a gravel access track and an area of grassland/ field to the west. A family of travellers currently occupy the site and there are currently 7 caravans present within the application area together with some children's play equipment and two small outdoor single dog kennels.

4.3 The building is an existing steel portal frame which is set on a concrete base and low brick faced, block masonry wall. Externally the walls are comprised of green acoustic sheet cladding and the roof is metal sheeting. A large metal roller shutter door and single entrance door are located in the western elevation. The building is

approximately 18.4m in length and 6.2m in width. From the lowest ground level it measures approximately 6.6m to ridge height. The land on which the building is situated gently falls away in a north to south direction resulting in a change of level over the length of the building of approximately 1m north to south. At the northern end of the building the eaves height is 4.1 m above ground level and the ridge height 5.4 m above ground level.

- 4.4 The building is sited in the same position as a building which was granted planning permission for agricultural use in 2013. In 2020, permission was granted for the use of the building, together with alterations, for commercial dog breeding and kennels.

5.0 Description of Proposal

- 5.1 The application seeks permission for the use of the existing building as a dog breeding kennels, together with some domestic storage space which is proposed to be incidental to the proposed use of the wider site for Gypsy and Traveller accommodation (to which application reference 22/00102/FUL) relates.
- 5.2 The proposed internal layout of the building includes 6 kennels and approximately 27 square metres of storage floor space. The application also proposes a small extension to the southern gable of the building to provide site toilet facilities. The proposed extension measures 4m in length, 3.8 m in depth and 3m in height (to the ridge).
- 5.3 The application includes a large area for the exercising of dogs, which forms part of an existing field to the west of the building and to the south of the site access. The access road and land around the building are surfaced with gravel which, together with external changes to the appearance of the building, are retrospective elements of the application.
- 5.4 The supporting Design and Access Statement confirms that it is the applicant's intention to breed small pedigree dog breeds, recognised by the kennel club and suitable for rehoming. A maximum of six adult dogs are proposed to be present on site at any one time. It is understood that it is the applicant's intention that this would, be operated as a commercial operation (as opposed to occasional breeding associated with domestic activity.)
- 5.5 The application was originally made to regularise external changes to the building and the provision of the gravel hardstanding, together with the proposed toilet extension. The description of the development proposed was expanded to cover the change of use of the building to a dog breeding kennels when it became apparent that the earlier permission for that use had not been implemented and had lapsed by a limited number of months. The revised description also included the use of part of the building for domestic storage. The intention is that this use would be incidental to the use of the wider site if application (ref: 22/00102/FUL) is approved.

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 for this site is:
The Ryedale Plan (Local Plan Strategy)

Guidance - Material Considerations

6.3. Relevant guidance for this application is:

- National Planning Policy Framework 2023
- National Planning Practice Guidance

7.0 Consultation Responses

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

Parish Council

7.2. Object

- Not a retrospective application. The previous kennel permission has expired and it does not adhere to that permission. The site is not used for dog breeding. Dogs are kept in kennels outside
- Application states no parking but a large number of vehicles could be parked
- Uncertainty over how surface water is drained. The stoned area is increasing run off to the fields below
- When the kennels were given permission it was on the proviso that there should be no residential use
- No details given for times of use including use of the dog walking area
- No details of how the dogs will be contained
- The site is clearly visible from the public footpath
- Roller door has no soundproofing and cannot be sound proofed
- Concern about lack of light and the conditions in which dogs will be kept
- Question why four toilets are needed
- The site should not have a domestic use
- Thousands of dogs are in need of rehoming since the first application. There is no requirement to breed more dogs
- Constant noise issues with dogs barking at the site. NYC has been made aware and no action has been taken
- Is an effort to legitimise the illegal use of the site for domestic storage

Environmental Health

7.3. Recommend conditions (Noise and Lighting) and an informative (Animal licencing)

Highways

7.4 Recommend a condition (to secure turning and manoeuvring).

Local Representations

7.5 Letters of objection have been received following consultation and re-consultation on changes to the site area and an amended description. A summary of the comments is provided below, however, please see the website for full comments.

- No details of security fencing
- Position of use adjacent to a public right of way is inappropriate

- In Nov 2023 there were 12 caravans at the site without permission
- The Council should take steps to address the residential use of the site
- Is a change of use from agriculture to a business that is not in keeping with the locality
- Progressive gradualism for the creation of a mini industrial estate
- RDC and NYC have failed to look into and take notice of noise complaints regarding the site
- Currently dogs bark for hours on end and noise associated with the unauthorised domestic use of the site is causing daily problems
- We cannot use our outdoor space because of noise and plans to diversify our business have been put on hold
- There should be no domestic use of the site
- The noise assessment is invalid
- I welcomed the idea of a pet breeding business at the site but the current owners have no intention of developing it for business purposes
- Object to the installation of flood lights and impact in terms of light pollution, neighbours and the character of the countryside
- Permission for a change of use has not been granted
- Should be viewed as a retrospective application
- Demonstrates a disregard for proper procedure
- The D&A details a requirement for the family to live on site to manage the business. The original permission was conditional on no-one living on site.
- Severe landscape impact and impact on Castle ruins
- Pressure on local infrastructure and services
- The already unauthorised development at the site has had an impact on the local environment
- Vehemently object to the application and amendments
- The applicants continue to develop the site without planning permission
- Contraventions at the site were not permitted in the past so what has changed ?
- Increased run off into the fields
- Dog breeding business is unnecessary and inappropriate
- Neighbours already suffer a loss of amenity with dog barking
- Does not respect rural norm or the amenity of neighbours
- Should be resoundingly rejected
- No support for this at any level
- Council can't ignore the strength of feeling and the detrimental effect on the local community in Cornborough

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

- Design and Landscape impact
- Impact on local amenity
- Highway Impact
- Drainage
- Other matters

10.0 ASSESSMENT

Principle of Development

- 10.2 The application proposes a mixed use of the building which includes domestic storage and dog breeding.
- 10.3 A building at the site and in this open countryside location was originally justified for agricultural purposes. Planning permission was granted in 2020 to change the use of the building to a non- agricultural use as a dog breeding kennels. Policy SP6 (Delivery and distribution of employment land and premises) supports the use of land and conversion of buildings in the open countryside for appropriate rural economic activity in line with the provisions of Policy SP9 (The land-based and rural economy). Although dog breeding is not exclusively a rural activity, the use of the building and an area of land for the exercising of dogs associated with dog breeding, is considered to be an appropriate use within the rural area and is land-based as proposed. In principle therefore, it is considered that the use of the building and part of the site for dog breeding is acceptable in principle against the provisions of policies SP1, SP6 and SP9. It is considered that the earlier permission for a dog breeding establishment at the site, has established that in principle, the use is acceptable in this open countryside location.
- 10.4 It is considered that the proposed use for domestic storage would not be acceptable in principle at the site on its own or as a mixed use with the dog breeding. In this respect, a personal domestic storage use would only be considered to be acceptable in principle, if permission existed for the wider residential use of the site. Therefore, it is considered that as it stands the use of the building for domestic storage (incidental to the proposed use of the wider site for four pitches of traveller accommodation) is contingent in principle, on the decision which is made in respect of planning application: ref 22/00102/FUL.

Design and Landscape Impact

- 10.5 Policy SP16 (Design) requires that development should respect the context provided by its surroundings, including in terms of siting, scale and detailed design. Ensuring that development respects the character of the locality and wider landscape is also reiterated in Policy SP20 (Generic Development Management Issues). Policy SP20 also requires that extensions or alterations to existing buildings will be appropriate and sympathetic to the character and appearance of the existing building in terms of scale, form and use of materials.
- 10.6 The building is a modern steel framed building. It is utilitarian in its appearance, mass and scale. The applicant has applied green metal sheeting to all exterior walls and these external changes are a retrospective element of the application. The building is readily visible from the public right of way, approximately 130 m to the south of the building and from properties to the west. It is partially visible above established boundary hedging, from the farm to the north of the site and from the road as the site is approached.

- 10.7 The scale and form of the building reflect those of the agricultural building permitted in 2013. In terms of its scale, form and appearance the building is considered to be consistent with the other buildings and in this respect, its presence and appearance is not out of character with the surrounding agricultural/rural landscape. The proposed lean to extension to provide toilet facilities is subservient in scale and form to the existing building and the external materials are proposed to match those of the existing building and are considered to be acceptable in design terms.

Impact on Local Amenity

- 10.8 The proposed dog kennel use has the potential to impact on the residential amenity of neighbouring occupiers. The closest residential receptor is the farmhouse at Mount Pleasant Farm which is approximately 60m to the north of the application building. Mill Hill Farm and Millers Barn are over 300 m to the west.
- 10.9 The proposed use will involve visitors/ customers to view, select and collect puppies. The applicant does not currently breed dogs on a commercial scale and the supporting information does not indicate how breeding cycles will be undertaken. However, the scale of the operation would be for a maximum of six litters of puppies at any one time. It is considered that this would not result in a level of vehicular activity to and from the site that would be noticeably different to the levels of traffic along Cornborough Road, to which local residents are currently exposed. In this respect, activity associated with visiting customers would not result in unacceptable harm to the residential amenity of the occupiers of neighbouring properties.
- 10.10 The proposed use has the potential to generate noise as a result of barking dogs and noise impact has been raised in objections to the proposal from the Parish Council and from local residents.
- 10.11 The current application is not supported by a noise assessment. However, this issue was fully considered when permission was granted for the use of the dog breeding in 2019 and a noise assessment did inform the consideration of the previous application. It provided an indication of background noise levels and established that with the inclusion of a number of improvements (to the building at that time) including, overcladding, insulation, opening sizes and positions and mechanical ventilation, the use would not result in increased ambient noise. It also concluded that exercising dogs are unlikely to be a source of noise.
- 10.12 Therefore, although the current application is not supported by a noise assessment, officers, including the Council's Environmental Health Officers, are mindful of the noise assessment undertaken for the earlier scheme and the recommended mitigation measures and conclusions deemed to be necessary to achieve satisfactory noise levels. Officers are of the view that there have been no significant land use changes in the immediate vicinity of the site which would significantly change ambient background noise levels. (It is noted that objectors have raised concerns over noise associated with the unauthorised use of the wider site and barking dogs. The Council's Community Team and Environmental Health team have confirmed that they have not received any formal complaints specifically relating to noise from the site.)
- 10.13 As it currently stands, the exterior walls of the building have been clad in an insulated cladding and it is understood that insulated sheeting has been installed as part of the roof structure. The supporting material indicates that it is the applicant's intention to install a mechanical ventilation system which will be used to ensure appropriate temperatures and air flow without the need for doors to remain open, although precise details have not been provided. A large roller shutter door has been installed in the western elevation of the building, adjacent to a single pedestrian entrance door.

The acoustic properties of both of these doors is not known but clearly when open, these doors will allow noise from the interior of the building to escape.

- 10.14 The Council's Environmental Health Officers have considered the proposal and the building as it is currently built and have made the following comments and recommendations:

'The noise assessment submitted to support the previous approval 19/00603/FUL concluded that if the recommended acoustic improvements (set out in drawing refs 478-03, 478-04 & 478-05 dated April 2019) were implemented then the additional noise produced by the dogs will not result in increased ambient noise levels.

There is no information submitted with the ZE23/00437/FUL application which details whether the acoustic improvements that have been undertaken are what was detailed in the approval 19/00603/FUL and what the noise report was modelled on. If the acoustic improvements that have been undertaken differ, then the applicant must demonstrate that the acoustic improvements that have been undertaken adequately meet the level of modelled noise reduction for use as breeding kennels.

Based on this, we would recommend the following conditions:

- Prior to first use of the building for the keeping of dogs for commercial purposes, the acoustic insulation improvements shall be tested to demonstrate that they achieve the modelled noise reduction specified in Noise report ref. (R001163 v.3) of approval 19/00603/FUL.*

Reason: To ensure that noise from the buildings does not cause a nuisance to nearby residents.

- All doors to the premises shall be kept closed at all times except for the purpose of entry to or exit from the premises.*

Reason: To ensure that noise from the buildings does not cause a nuisance to nearby residents.

- Prior to first use of the building for the keeping of dogs for commercial purposes, details of the proposed ventilation system for the building shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before such use and thereafter shall be maintained throughout the lifetime of the development.*

Reason: To ensure that noise from the buildings does not cause a nuisance to nearby residents.

Informative: Please note that the proposed dog breeding activity may require a licence the applicant will need to contact animal licensing who will advise on the requirements of the layout and physical conditions of the kennels. This will impact on the number of kennels the building will be able to accommodate and require conditions to be met for the welfare of the dogs'.

- 10.15 Following discussion with the Environmental Health Officer, it is considered that a more precise condition should be applied to specify the noise level limit to be achieved. This would be no more than the background level for daytime at 40db and 37db at night time.

- 10.16 The application proposes the installation of security lighting (LED flood lights with motion sensor and timer) on all exterior corners of the building. Security lighting has the potential to impact upon the amenity of neighbours, as well as the nocturnal character of the site in the landscape. Whilst the proposal is to angle the lights downwards and to fit them 4 m from ground level, four lights on each corner of the

building is considered to be excessive, particularly given that the only entrances to the building are on the western elevation. For this reason, and notwithstanding the submitted details, a condition to secure lighting details is proposed.

Highway Impact

- 10.17 The application does not involve any changes to the existing access from Cornborough Road, which meets the required design specification, including visibility in both directions. The proposed dog breeding use is a relatively small scale operation with limited customer trips associated with viewing, visiting or collection of puppies. The Local Highway Authority has confirmed that it remains of the view the proposals would not create an unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe. The LHA has noted that due to the changes from application ref 19/00603/FUL and association with the as yet to be approved travellers site, a condition to secure turning and manoeuvring for users of the domestic storage building is recommended.

Drainage and Waste

- 10.18 The site is in Flood Zone 1 and is not at risk of flooding. It is understood that surface water run-off from the existing building drains to a soakaway to the rear of the building. Surface water run-off from the proposed toilet block extension is proposed to drain via a soakaway. Percolation testing has demonstrated that drainage via ground infiltration is viable at the site and that infiltration rates to satisfy Building Regulation requirements can be achieved.
- 10.19 Foul waste water from the proposed extension to house toilets will be directed to a package treatment plant which has been installed at the site. Retrospective permission for this package treatment plant is sought as part of application ref 22/00102/FUL which is not determined at the time of writing this report. Therefore, conditions are proposed to ensure that means and details of foul waste water disposal are agreed prior to the erection of the toilet block extension and that prior to the toilets being brought into use, the plant is installed to the satisfaction of an approved Building Control Inspector. The agent has confirmed that it is no longer the applicant's intention to install a cess pit to deal with waste water from the kennel building. This follows discussion with the Council's Environmental Health Officer who has advised that in the absence of any specific justification, any requirement to dispose of foul waste water from the kennel building should be disposed of via the package treatment plant.
- 10.20 The supporting information indicates that solid waste arising from the kennels will be stored in appropriate bins prior to collection by an appropriate contractor. Notwithstanding this it is considered prudent to impose a condition to require the submission of details for the procedures for kennel cleaning and associated waste disposal.

Other Matters

- 10.21 Representations have raised animal welfare concerns. It should be noted that the applicant will need to comply with licensing requirements under Animal Welfare Regulations and any other statutory provisions. If any of these requirements require further external changes to the building then this would need to be addressed through an amendment to any permission granted.
- 10.22 Some representations have duplicated concerns/ objections in response to this application and application reference 22/00102/FUL. In considering application

22/00102/FUL, Officers have made it clear that the proposed dog breeding use does not in itself generate a requirement for someone to live on-site.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1 The proposed mixed use of the building is aligned to the applicant's proposal to use the wider site as a Gypsy and Traveller site. In this respect, the extent to which the proposed domestic storage use of the building is acceptable in principle, is dependent on whether planning permission is granted for the residential/ Gypsy and Traveller site use for the wider site. If planning permission is granted for that use, the use of the building for incidental domestic storage would help to ensure that domestic paraphernalia can be securely stored within one existing building. It would also help to reduce visual impact associated with domestic paraphernalia and pressure for additional buildings at the site which would help to ensure compliance with the requirements of Policy SP20.
- 11.2 The proposed dog kennel use does not conflict in principle with Policies SP1, SP6 and SP9 of the development plan and would represent a small business within the rural area. In the absence of objections from the Environmental Health Officer and in view of the planning history of the building, it is considered that it would be unreasonable to refuse the application on the basis of the proposed dog breeding use. It is considered that appropriate measures, secured by condition will ensure that the use can be undertaken without causing unacceptable harm to the residential amenity of the occupiers of dwellings in the locality or the environment. In this respect, the proposed development is considered to be acceptable against the provisions of Policies SP17 and SP20.
- 11.3 The external appearance of the building, surrounding hardstanding and the proposed extension is acceptable in design terms and in the context of the local landscape and is considered to accord with Policies SP16 and SP20.
- 11.4 Subject to application ref 22/00102/FUL being approved, it is considered that there are factors which weigh in favour of the development on balance.

12.0 RECOMMENDATION

- 12.1 That, subject to planning application (reference) 22/00102/FUL being approved, planning permission be GRANTED subject to conditions listed below.

Recommended conditions:

- 1 The uses and extension hereby permitted shall be begun within three years of the date of this permission.

Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the following approved plans:

- Revised site location plan: Scanned 22/1/2024
- Revised Proposed Floor Plan ref: 71328:1002 Rev B
- Elevations Plan ref: 713281001

Reason: For the avoidance of doubt and in the interests of proper planning

3 No part of the development must be brought into use until the parking, manoeuvring and turning areas for all users have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason for Condition

To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance with Policy SP20 of the Local Plan Strategy.

4 Prior to the use of the building for dog breeding, full details of the ventilation system for the building shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the dog breeding use is commenced and thereafter shall be maintained throughout the lifetime of the development.

Reason: To protect the residential amenity of the occupiers of neighbouring properties and to satisfy the requirements of Policy SP20 of the Local Plan Strategy

5 Prior to first use of the building for the keeping of dogs for commercial purposes, the acoustic properties of the building shall be tested to demonstrate that the predicted noise levels at the nearest noise sensitive receptors specified in Noise report ref. (R001163 v.3) of approval 19/00603/FUL. The levels achieved shall be no more than the current background (L90) for daytime (40dB) and night-time (37dB).

Reason: To protect the residential amenity of the occupiers of neighbouring properties and to satisfy the requirements of Policy SP20 of the Local Plan Strategy

6 All doors to the premises shall be kept closed at all times except for the purpose of entry to or exit from the premises.

Reason: To protect the residential amenity of the occupiers of neighbouring properties and to satisfy the requirements of Policy SP20 of the Local Plan Strategy

7 There shall be no external alteration to the building or addition of any openings, windows or doors except in accordance with the details shown on the elevation Plan hereby approved.

Reason: To ensure an appropriate appearance and to protect the residential amenity of the occupiers of neighbouring properties and to satisfy the requirements of Policy SP20 of the Local Plan Strategy

8 The hours of use of the dog exercise area to the west of the building as shown on the block plan shall be limited to 07:00 and 21:00 hours.

Reason: To protect the residential amenity of the occupiers of neighbouring properties and to satisfy the requirements of Policy SP20 of the Local Plan Strategy

9 The building shall only be used solely for kennels for the breeding of small breed dogs (as defined by the Kennel Club) with a maximum of 6 adult dogs at any one time.

Reason: For the avoidance of doubt and to protect the residential amenity of the occupiers of neighbouring properties and to satisfy the requirements of Policy SP20 of the Local Plan Strategy

10 Notwithstanding the submitted details, full details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The details shall include the position, height, angle of lighting, illuminance level and period of operation. Lighting details shall be designed to be the minimum needed for security, installed to minimise glare and light spillage and shall not illuminate beyond the site boundary. All lighting shall be installed and maintained in accordance with approved details.

Reason: To protect nocturnal landscape character and the residential amenity of the occupiers of neighbouring properties and to satisfy the requirements of Policy SP20 of the Local Plan Strategy

11 Notwithstanding the submitted details, prior to the dog kennel use hereby approved being brought into use, a waste management plan shall be submitted to and approved in writing by the Local Planning Authority. This shall detail the measures to be taken to minimise environmental issues through the correct collection and storage of animal waste. It shall detail the methods of animal bedding and kennel cleaning. Thereafter, the site shall be operated in accordance with the approved details.

Reason: In order to protect the environment and the amenity of nearby residents and to satisfy policy SP20 of the Local Plan Strategy.

12 The building shall not be let or sold off separately from the property currently known as 'The Kennels', Cornborough Road

Reason: In order to protect the residential amenity of site residents and to satisfy the requirements of Policy SP20 of the Local Plan Strategy.

13 The domestic storage use of the building shall cease when the wider site/property currently known as 'The Kennels', Cornborough Road, ceases to be occupied by those named in condition 03 of planning approval 22/00102/FUL or any other person named in any subsequent approved variation of that condition.

Reason: To protect the character of the locality in accordance with Policies SP13 and SP20 of the Local Plan Strategy

14 Prior to the toilets being brought into use, the foul water drainage system shall be installed and operational to the satisfaction of an approved Building Control Inspector. Any variation from the agreed foul water drainage system shall require the prior written approval of the Local Planning Authority.

Reason: In the interests of appropriate drainage in accordance with Policy SP17 of the Ryedale Plan, Local Plan Strategy.

15 Full details of any means of enclosure for the dog exercise area shall be submitted to and approved in writing prior to installation and before the land is brought into use. Thereafter, the means of enclosure shall be maintained in accordance with the approved details.

Reason: To protect the character and appearance of the locality in accordance with Policies SP13 and SP20 of the Local Plan Strategy.

16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting that Order with or without modification) no other fences, gates or walls shall be erected on the land without the prior approval of the Local Planning Authority.

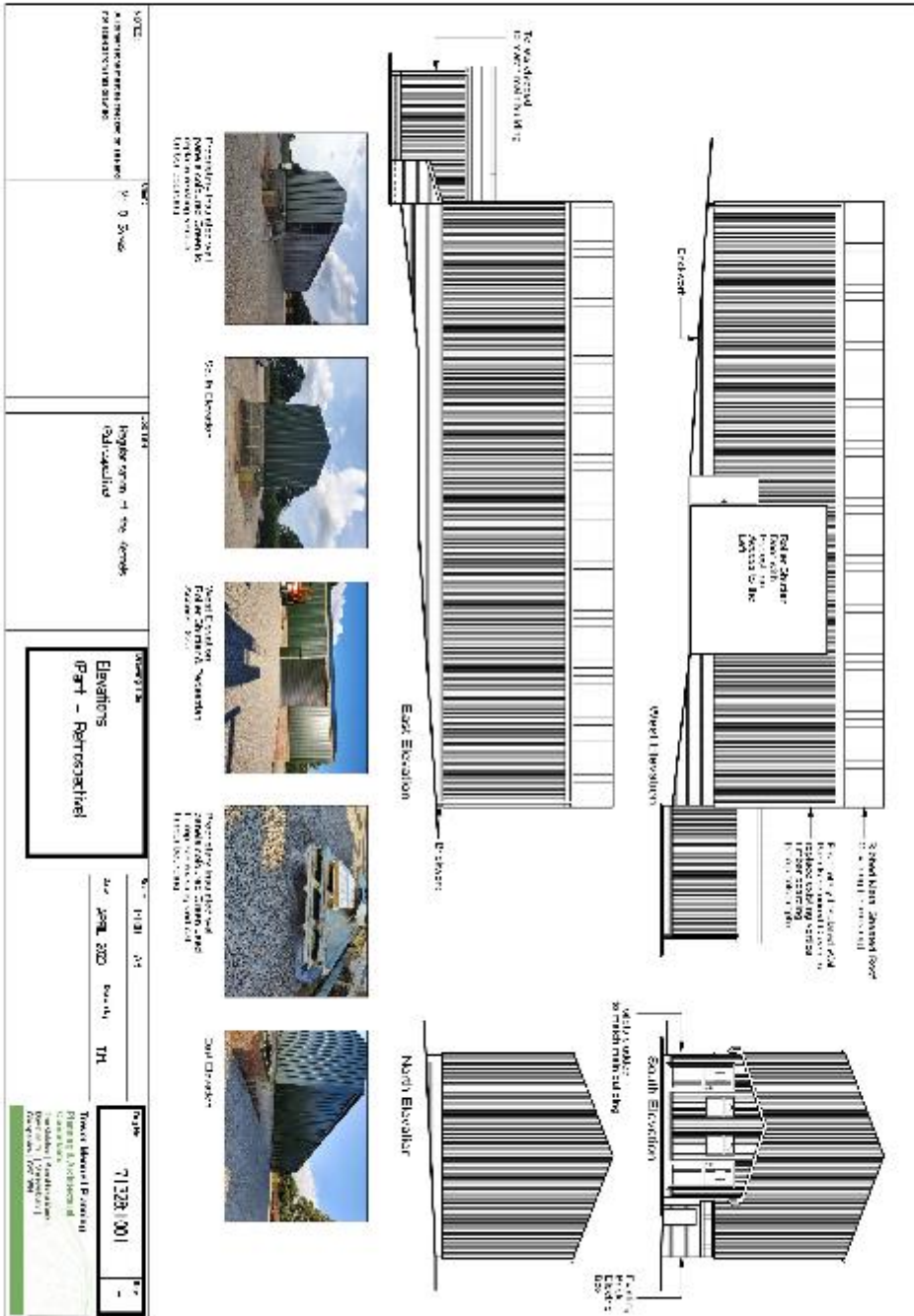
Reason: To protect the character and appearance of the locality in accordance with Policies SP13 and SP20 of the Local Plan Strategy

Informative: Please note that the proposed dog breeding activity may require a licence the applicant will need to contact animal licensing who will advise on the requirements of the layout and physical conditions of the kennels. This will impact on the number of kennels the building will be able to accommodate and require conditions to be met for the welfare of the dogs.

Target determination date: 23/06/2023

Case Officer: jillthompson1@northyorks.gov.uk

Appendix A – Proposed Elevation Plan



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