

North Yorkshire Council
Community Development Services
Richmond (Yorks) Area Constituency Committee

11 May 2023

**23/00625/FUL - PROPOSED CHANGE OF USE OF AGRICULTURAL AND AMENITY
BUILDING INCLUDING ALTERATIONS TO WEST ELEVATION TO A WEDDING VENUE
WITH ASSOCIATED PARKING FACILITIES AND NEW ACCESS**

AT SEDGEFIELD HOUSE AINDERBY STEEPLE NORTHALLERTON

ON BEHALF OF STUART TWEDDLE

Report of the Assistant Director - Planning

1.0 Purpose of the report

- 1.1 To determine a planning application for Proposed change of use of agricultural and amenity building including alterations to west elevation to a wedding venue with associated parking facilities and new access on land at Sedgefield House Ainderby Steeple Northallerton North Yorkshire on behalf of the Assistant Director – Planning
- 1.2 This application is brought to the Planning Committee as the proposals have generated significant local interest.

2.0 Summary

Recommendation: That Planning Permission be GRANTED

- 2.1 The application is for the change of use of existing buildings on the site to form a wedding and events venue along with the formation of a new access from the highway network to the east of the application site.
- 2.2 The applicant commenced use last year in the absence of planning permission, which resulted in a number of local amenity complaints, culminating in the service of a noise abatement notice, by the Environmental Health Officer. It should be noted that this use was in the absence of any noise mitigation or detailed site management.
- 2.3 An application was made and then withdrawn owing to issues around the use of the existing access.
- 2.4 The main issues to consider are the benefits of a new business and employment activity, the potential impact on the highway network, residential amenity and the character and appearance of the area.
- 2.5 The assessment weighs a number of issues in the planning balance. However, the main determining issues are the balance between the economic activities, residential amenity and the use of the highway.

- 2.6 Officers consider that the majority of the identified issues regarding the potential impact on residential amenity, which would otherwise weigh against the proposed development can be dealt with through local signage, information to be provided in an events pack to be provided to clients and the proposed site management plan.
- 2.7 As set out in the following report the road access to the site is narrow and utilises a difficult junction at Warlaby village. The applicant proposes mitigation in the form of passing places to be formed in appropriate locations along the road, with the agreement of the Local Highway Authority.
- 2.8 Local residents have raised a variety of concerns about the development, including the use of the access but also highlighting concerns about noise and disturbance they consider likely to be caused by an events venue in this location.
- 2.9 These concerns have been somewhat exacerbated by the commencement of the use, last year in the absence of planning permission, when the use caused significant disturbance to local residents.

23/00625/FUL

25/04/2023

PW
38m

Ainderby Steeple

42m

A664

GREEN HILLS LANE

Drain

Drain

Drain
Track

Sedgewell
arn Wigwams

Sedgefield House

GREEN HILLS LANE

Mast

Track



NORTH YORKSHIRE COUNCIL

Civic Centre, Stone Cross, Rotary Way,
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

[Documents for reference 23/00625/FUL: Public Access](#)

3.2 The submission of this application follows an earlier withdrawn application. The matter is brought to Planning Committee owing to the level of public interest generated by the proposed development.

4.0 Site and Surroundings

4.1 The site is located to the south of Ainderby Steeple within farmland on the edge of the curtilage of the farmhouse. The site is accessed via Warlaby lane and then via an unmade road to the farm, and outside the main confines of the village. The land rises up from the tarmac road and the farm buildings stand in a slightly elevated position and are visible at some distance from the main road between Ainderby Steeple and Northallerton.

4.2 Recent permissions have granted the siting 14 camping pods on site. These are set within the surrounding farmland to the north of the current application but can be booked by a party attending the proposed development. Further to this the site has also benefited from a change of use of a former agricultural building, to amenity and office space associated with the use of the camping pods.

4.3 At the time of these previous applications the agent advised that the amenity use within the barn would be for the congregation of camping pod guests in times of bad weather when the pods were hired by large family groups; as somewhere to spend time together. At no point was it advised that the amenity buildings would be used for events with external visitors including noise generating activities such as loud music.

4.4 The existing building complex comprises a small single storey former agricultural building across a courtyard from a similar larger building that benefits from an existing permission as an 'amenity building'. Both are old brick buildings of agricultural origin. A second much larger agricultural building, developed under agricultural permitted development rights (ref: 10/02248/APN) has been converted to a non-agricultural use beyond the scope of the agricultural prior notification for use as an events venue. This includes a substantial insertion of windows into the western elevation without planning consent. This application includes this retrospective element.

5.0 Description of Proposal

5.1 The applicant seeks permission to hold events and weddings including non-resident guests, in the larger agricultural building and the smaller building directly adjoining, granted consent for amenity purposes in 2019. The case officer has sought advice from Environmental Health and the local Highway Authority.

- 5.2 The planning statement describes events would be up to fifteen each year between the beginning of May and the end of October with no more than one happening per week. The majority of these events will take place on Saturdays with guests typically arriving between 11.00 and 13.00 on the day of the event. All events will finish by midnight with the last guests leaving no later than 00.30. It is proposed that the venue can accommodate up to a maximum of 140 guests although it is understood that there will be no more than 100 guests in total at most events. A wedding ceremonies licence has previously been granted by North Yorkshire County Council.
- 5.3 In order to, in part, address amenity issues raised through the use of the existing access from Green Hills Lane, the current application includes a new access taken from the lane to the east of the site, known as Ashcroft, which leads through to Warlaby and subsequently to Warlaby Cross Roads on the A684. This will create a new access link across the fields to the application site.
- 5.4 Through discussion on the potential highway impact through the use of Ashcroft, the applicant has proposed the inclusion of a series of passing places to be built on the lane.

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:
Hambleton Local Plan, adopted February 2022.
Minerals and Waste Joint Plan, adopted 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.

7.0 Consultation Responses

- 7.1 The following consultation responses have been received and are summarised below:
- 7.2 Parish Council - Ainderby Steeple Parish Meeting support the application but wish to see strict measures imposed to limit the inconvenience caused to residents by the noise and traffic flow associated with the wedding venue. At a well attended AGM the majority of the Parish Meeting supported the application, however there was strong representation from neighbouring residents from Warlaby Lane and Warlaby who expressed concern about the disturbance of noise and traffic flow and unsociable hours.

- 7.3 Environment Agency – No objections.
- 7.4 MoD – No safeguarding objections to the proposed development.
- 7.5 Swale and Ure Drainage Board – No objections.
- 7.6 National Grid – Holding response owing to development crossing mains gas infrastructure. At the time of writing it is understood that this matter is being addressed by the applicant and that a technical agreement has been reached with National Grid. Further information on this will be provided in the Committee update.
- 7.7 Environmental Health - This service has considered the potential impact on amenity and likelihood of the development to cause a nuisance. If you are minded to approve the application, the Environmental Health Service would recommend that the following conditions are applied:
1. Prior to commencement of use, the Celebration Barn shall be sound insulated in accordance with the agreed scheme approved by the local planning authority.
 2. Following completion of all remedial works, and prior to any approved activity, a detailed analysis of noise levels both internally and externally (to include all noise sensitive receptors) should be undertaken when amplified music is being played at the maximum intensity allowed within the structure. The resultant assessment must be submitted and approved by the Local Planning Authority prior to the commencement of any approved use. Where problems are identified, additional remedial work is to be undertaken to prevent excessive breakout (noise) from the building.
 3. No live, amplified music or live entertainment shall take place outside of the premises.
 4. Live music, amplified music, or live entertainment must be put through a noise limiter, levels to be set in agreement with the Environmental Health Service.
 5. The Event Management Plan should be kept under constant review and all measures enforced in line with the document. In addition, reviews should also take place when new plant and equipment are proposed, following a valid complaint, when planning alterations to the building are proposed and when monitoring procedures identify that controls are either no longer working or inadequate.
- 7.8 Public Rights of Way – There is a PROW in the vicinity of the application. No objections subject to standard provisions to maintain the PROW open.
- 7.9 Highway Authority - Background
The application proposes a wedding venue hosting a maximum of 150 guests with a new access and track from the public highway, known as Ashcroft, to the east of the site. Some events have already taken place at the venue and the applicant has submitted vehicle movement data showing a maximum of 93 movements across a day. Accommodation is available on the site which will lead to some of the associated vehicle movements being spread over 2 or more days. The public highway in the vicinity of the site (Ashcroft) is a

narrow, single carriageway that varies in width between 2.7m and 3.5m and has no formal passing places.

The applicant proposes to route all associated traffic to/from the venue via the junction of Ashcroft with the C10 at Warlaby approximately 600 metres to the south-east from the proposed new access. The total journey between the junction at Warlaby and the venue is approximately 1.3 km with roughly half of this journey being on the public highway and the remainder via the proposed new private access and track which is to be constructed.

Considerations and Conclusions

The proposed new access to the site is at a location on Ashcroft where satisfactory visibility splays are available. It requires construction to an appropriate standard and a planning condition to secure this is included later in this report.

The applicant has provided details of the proposed routing of guests to the site. The proposal uses signs and instructions to direct vehicles to/from the site via the junction of Ashcroft with the C10; but the Local Highway Authority considers this routing proposal cannot be fully secured. Drivers will choose their own appropriate route and some will access and/or egress the site via Green Hills Lane to/from Ainderby Steeple to the north-west. However, for information, the Local Highway Authority considers the route to/from Ainderby Steeple to be more appropriate and would not object to its use subject to suitable mitigation (the introduction of passing places). A driver travelling to the venue from the west would travel approximately 1.5km further if they followed the suggested route rather than travelling directly along Green Hills Lane from Ainderby Steeple. Both Ashcroft and Green Hills Lane are narrow and the applicant is proposing to provide a number of passing places in mitigation. A number of locations have been identified where passing places could be provided within the extents of the public highway with locations to the south-east and north-west of the new access. Given that the routing plan cannot be wholly relied upon, it will be necessary to provide passing places on both Ashcroft and Green Hills Lane ie to the north-east and south-west of the access. It is considered that 8/9 passing places would be appropriate, with a minimum width of 5.5 metres and length of 6 metres. It may be necessary to provide retaining structures at any location where the existing verge is elevated. Such improvements to the public highway should be secured by planning condition and implemented via a Section 278 Agreement.

Visibility at the junction of Ashcroft and the C10 at Warlaby is substandard in both directions. Whilst the Local Highway Authority has concern about the use of this junction there is a system of road markings and signage already in place on the C10 on both approaches to the junction including an advisory 30mph speed limit and warning of road narrowing. Personal injury collision data has been reviewed and there have been no personal injury accidents recorded at this location between 1990 and the date of this report. The document "Manual for Streets 2" advises that "unless there is local evidence to the contrary, a reduction in visibility below recommended levels will not necessarily lead to a significant problem". The fact that there have been no personal injury accidents recorded at this location would suggest that this advice is relevant.

The Local Highway Authority must consider if the impact of the proposed development is unacceptable in the context of Paragraph 111 of the National Planning Policy Framework. Paragraph 111 states "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe". Given the proposed passing places and personal injury collision data, it is considered that a recommendation of refusal of this application on highway safety grounds would not be sustainable. Consequently, the Local Highway Authority recommends that conditions are attached to any permission granted:

Local Representations

7.9 The application has generated significant interest with 32 objections and 24 letters of support. It should be noted that in the main letters of support have come from other local businesses with objections from local residents. These representations are summarised below:

7.10 Objections.

- Irregularities in the application form and supporting documents
- Clarification needed about waste storage and disposal
- Operational hours are unclear
- The use of the extension to the farmhouse as a bridal suite needs to be made clear
- The Green Hills Lane route can still be lawfully used. What is there to prevent its use, noting that it is a PROW and provides access to Green Hills Farm and the farmland in the wider vicinity.
- Surface water flooding to the east of the access.
- Lane through to Warlaby is too narrow for the proposed use.
- Mitigation proposals for the public highway are unclear.
- Re-routing of traffic to Warlaby will result in simply moving the harm to the residents of Warlaby.
- The proposed visibility splay is too small in the absence of a speed survey.
- Harmful impact on appearance owing to the overflow car park. Planting will not be an effective screen for many years.
- Loss of amenity owing to additional cars using Green Hills Lane and Warlaby Lane.
- Noise from the construction of the access. Hours for construction should be included.
- Issues of the "after party" from people attending weddings staying in the camping pods.
- Overall loss of amenity in what is otherwise a tranquil location.
- The management of the proposed double doors is likely to fail resulting in noise breakout.
- Is the proposed track gravel or a rolled surface. Gravel would be noisy.
- Impact on local businesses.
- The management plan is not suitable to control the expected numbers of guests, nor the likely noise levels.

- The proposals are not justified in terms of agricultural diversification.
- New access will spoil the appearance of the countryside.
- Light pollution.
- Road network is not suitable for the likely additional traffic generated.
- The additional traffic will impact on the enjoyment of users of the road network, including pedestrians, cyclists and horse riders
- It is suggested that numbers attending would be up to 200, significantly more than the 150 quoted, resulting in unaccounted for traffic movements and noise.
- Outdoor and marquee weddings are suggested in the applicant's advertising and are not covered in the application.
- Restriction on access through to Green Hills Farm
- Sheep worrying incidents have increased since the arrival of the camping pods
- Noise causing stress to grazing animals
- There are sufficient and more appropriate venues for weddings
- Very poor visibility where the lane meets the Warlaby to Newby Wiske road
- The events to date on the site have caused significant disturbance
- Given the size of the site and numbers proposed, adequate supervision would be very difficult to achieve
- Litter and rubbish has been an issue with recent events
- There is already noise and disturbance from the glamping pods. This will only get worse
- The applicants have already demonstrated their total disregard for planning legislation.
- The fact that the operator blocks out the use of the camping pods, even when not booked by guests, when weddings are occurring demonstrates the likely level of harm local residents will experience
- The hedgerow to be removed meets the criteria for a protected hedge
- Sat Nav will still take one down Green Hills Lane to the venue and not the proposed new access
- Harmful impact on local ecology
- Not all road traffic incidents are recorded. There are far more incidents than those on official record.

23 representations in support have been received summarised below:

- Proposals will support other local businesses
- Generation of local jobs
- Help to support the rural farming economy
- Development is in-line with the draft Hambleton Economic Strategy
- The proposals are supported by the Local Plan
- This will allow the farm business to continue
- Providing important benefits to the immediate local economy including two local village pubs in Ainderby Steeple and Morton on Swale as well as the local village shop.
- Growing a business which will provide a sustainable future for the village and surrounding area.
- Supporting local suppliers

- Supporting the wider local economy -- examples of this are local accommodation providers (wedding guests often stay at other outlying village pubs as well as the two closest ones), local wedding suppliers for example caterers, furniture hire, cake makers, florists, photographers, bridal wear, men's suit hire, stationery, wedding stylists, hairdressers, make-up artists etc.
- The development will ensure that the site is maintained and kept tidy
- This is a perfect location for this use in close proximity to infrastructure including the railway
- The proposed new access will improve the situation in the locality along with the proposed passing places
- Despite spending much time in a local garden, the wedding operations had no detrimental impact last summer
- There has been no notable change in traffic on the roads in the vicinity during events

8.0 Environment Impact Assessment (EIA)

8.1 This development is not Schedule 1 or 2 development and is not considered to require an Environmental Statement.

9.0 Main Issues

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

- Principle of development
- Design
- Impact on residential amenity
- Impact on the character, appearance and amenity of the area
- Matters pertaining to Highway Safety
- Impact on nearby businesses
- Ecology and biodiversity net gain

10.0 Assessment

- Principle of development
- 10.1 It is noted National Planning Policy Framework paragraph 83 gives support for all types of business and enterprise in rural areas; by diversification of land-based businesses and sustainable rural tourism and leisure developments that respect countryside character. Paragraph 84 acknowledges that some sites may be beyond existing settlements and not well served by public transport. In supporting such locations careful consideration is required to ensure it is sensitive to the local environment and local highway infrastructure and exploiting opportunities to make the site more sustainable.
- 10.2 Local Plan policy S1 sets out sustainable development principles which include supporting existing communities, minimising the need to travel and promoting sustainable modes of travel, ensuring communities have a healthy, safe and attractive living environment with reasonable access for all to a good range of facilities and services. This policy also supports local businesses to grow and expand, provide high quality jobs and the contribution of the rural economy but

also requires protection and enhancement to the environment and development in a way that respects and strengthens the distinctive character of the landscape.

- 10.3 Policies EG7 and EG8 acknowledge that some rural employment uses can be supported in the countryside where these involve re-use of an existing building, provided that it is well-related to an existing rural settlement and the use requires a countryside location. Policy EG8 requires new tourist facilities to be of a scale, form, layout and design appropriate to its location and supports development that would not harm the character, appearance or amenity of the surrounding area or wider countryside; would not cause unacceptable harm to the living conditions of neighbours or prejudice existing land uses. The policy also notes the Council will have regard to any benefits to the local economy and local services.
- 10.4 Rural employment uses away from these centres must meet the requirements of EG7, including where:
- c. a new building provided that it is well-related to an existing rural settlement and where it is demonstrated that the proposal cannot be located within the built form of a settlement or an identified employment location; or
 - d. other proposals specifically requiring a countryside location.
- Where new or replacement buildings are required, where possible they should be in close proximity to an existing group of buildings and the siting, form, scale, design and external materials of the new buildings should not detract from the existing buildings nor the character of the surrounding area.
In this case the application proposes no new buildings.
- 10.5 It is accepted by the Council that there are some enterprises that require a rural location by virtue of their offer, such as visitor attractions with a specific countryside market. This makes the addition of visitor uses acceptable under this principle, subject to meeting the other requirements of policy. Wedding venues where they respond to and protect and enhance local character have been also found acceptable in the district where there are adequate controls in place to maintain highway safety and local amenity.
- 10.6 The site has limited public transport within Ainderby Steeple, the bus stop being a 1km walk away although the site is only a short taxi trip from Northallerton railway station.
- 10.7 On balance it is considered that the principle of development can be supported in this location.
- Design
- 10.8 The proposal submitted seeks to regularise the built facilities on site comprising the use of the wedding barn with amended design and the addition of event parking. The application introduces areas of glazing into the main facades of the building and revised accesses through the buildings.
- 10.9 Policy E1 requires all development to be of a high quality, integrating successfully with its surroundings in terms of form and function, including

respecting and contributing positively to local character, identity and distinctiveness. The policy explicitly requires proposals to respond positively to its context and draw inspiration from the surroundings, to create distinctive, high quality and well-designed places. Furthermore, that it achieves a satisfactory relationship with adjacent development and not to have an unacceptable impact on the amenities of neighbours or the wider area or creating other environmental concerns. The policy continues that sites should be accessible for all users by maximising travel by sustainable modes, plus providing satisfactory means for vehicular access parking, servicing and manoeuvring. Finally, this policy also notes development should achieve a high quality design and the protection of local character and amenity.

- 10.10 Policy S5: Development in the Countryside seeks to ensure that new development recognises the intrinsic beauty, character and distinctiveness of the countryside as an asset that supports a high-quality living and working environment and contributes to the identity of the district.
- 10.11 The design of the converted barn is considered complementary to the original structure maintaining the overall agricultural character of the site with large fenestration openings. The materials used reflect the traditional Yorkshire boarding approach and give a high quality finish. This design approach is supported by policy and is not contrary to countryside character.
- 10.12 The main car park area is located to the rear of the buildings with additional parking to front of the site close to the access. Planting plans show hedge and tree planting around the overflow car park to help it to be absorbed into the landscape. Whilst it would be visible from the public right of way when in use, it would be seen against the back drop of the farmstead. It is considered that a degree of harm to the wider landscape character results from the overflow parking through visual intrusion. However, it is noted that recent planting along with additional planting in the vicinity will help to mitigate this harm to some extent. No amenity impacts are noted in terms of loss of privacy or over shadowing, other amenity issues are considered later. The built aspect of the proposal is well contained within the existing farmstead and is considered to meet the relevant policy tests.
- Impact on residential amenity
- 10.13 Policy E2 requires that a high standard of amenity is provided and maintained for all users and occupiers, including both future occupants and users of the proposed development as well as existing occupants and users of neighbouring land and buildings, in particular those in residential use. Part c) requires that development results in no significant adverse impacts in terms of noise including internal and external levels, timing, duration and character. The policy also lists obtrusive light as a potential impact.
- 10.14 The proposed development is in proximity to nearby residential properties located in a rural area with low background noise levels, the open nature of the surrounding landscape offers little potential for noise absorption. This issue is a major concern in the public comments received. It is noted that the site has been used for events over the summer of 2022 without planning consent and

complaints received by the planning enforcement team and the environmental health service. It should be noted that the operation at that time was running in the absence of controls that could otherwise be used, through planning conditions, attached to a grant of consent. Noise and disturbance was noted from onsite music and event traffic arriving and departing late in the evening, also recorded by an Environmental Health Officer site inspection during an event. This resulted in a noise abatement notice being served.

- 10.15 The applicant has submitted an updated Noise Report since the original application. Improvements have been made to the acoustic measures and event management proposals, which has resulted in no objections from Environmental Health, subject to a number of conditions.
- 10.16 Resultant noise impacts are identified in the applicant's acoustic report and the report recommends mitigation including insulation and physical improvements, including an internal lobby system to help limit noise breakout along with a noise limiting device. The report details an event management plan, including stewards to help manage the site.
- 10.17 Representations have raised the issue of the "after party", effectively resulting from clients from a wedding or other event continuing the party at the camping pods. Clearly, there is potential for noise and disturbance from the camping pods owing to the proximity of the pods to nearby housing. It has not been demonstrated that the occupation of the pods has caused an issue to date. It is considered that this matter can be dealt with through appropriate on-site management, who would clearly be equally aware of any noise from the pods as any local resident.
- 10.18 The Environmental Health recommended conditions are summarised below
- The Celebration Barn shall be sound insulated in accordance with the agreed scheme
 - Following completion of all remedial works, and prior to any approved activity, a detailed analysis of noise levels both internally and externally (to include all noise sensitive receptors) should be undertaken when amplified music is being played at the maximum intensity allowed within the structure. The resultant assessment must be submitted and approved by the Local Planning Authority prior to the commencement of any approved use. Where problems are identified, additional remedial work is to be undertaken to prevent excessive breakout (noise) from the building.
 - No live, amplified music or live entertainment shall take place outside of the premises.
 - Live music, amplified music, or live entertainment must be put through a noise limiter, levels to be set in agreement with the Environmental Health Service.
 - The Event Management Plan should be kept under constant review and all measures enforced in line with the document. In addition, reviews should also take place when new plant and equipment are proposed, following a valid complaint, when planning alterations to the building are proposed

and when monitoring procedures identify that controls are either no longer working or inadequate.

- 10.19 The mitigation proposed would clearly help the operator deal with noise impacts and lessen the potential for noise disturbance in the vicinity of the application site. It is considered that the noise from events on site can be adequately mitigated through condition and on this basis the proposed development is considered to be in compliance with policy E2.
- 10.20 At the time of the earlier application and associated with events last year, there were significant concerns with regard to traffic generated noise, from vehicles utilising the existing private access which runs north toward Greenhills Lane. Part of the concern being the proximity of the access to neighbouring dwellings and the resultant implications to residential amenity from a large number of vehicles exiting the site late at night.
- 10.21 The applicant has sought to address this issue through the proposal to construct a new access over the fields to the east of the site providing an access from Ashcroft, which is the lane that connects Greenhills Lane to Warlaby village and subsequently to the A684 at Warlaby crossroads.
- 10.22 This route significantly increases the distance between the access and those neighbours directly impacted. Clearly, it does bring the access closer to other residents. However, the access would be approximately 200m from these properties or about 170m from their residential boundaries.
- 10.23 The area is tranquil in character with limited traffic movements, owing to the narrow lane. However, it is considered that this change to the access significantly improves the physical relationship and that whilst occupiers of homes in the vicinity may perceive the access and its use, it is unlikely that the use of the access would result in a significant loss of amenity to these occupiers.
- 10.24 There remains a residual question about the use Ashcroft and Green Hills Lane, into Ainderby Steeple. With regard to vehicles heading out to Warlaby cross roads, via Warlaby village, there are a small number of dwellings adjacent the road. It is considered that the additional joining traffic onto the Newby Wiske Road, whilst resulting in a significant increase in use for a short period, would not be sufficient to result in a harmful impact on amenity.
- 10.25 The issue, should vehicles turn left out of the exit from the proposed new track is slightly different. There are a number of properties which front onto the highway, in the near vicinity. The existing road is extremely quiet at night with very little traffic. As a result, for a short period on each event day, there is the possibility of harmful impact on residential amenity at the end of an event through traffic exiting the site toward Ainderby Steeple.
- 10.26 Whilst it would be difficult to prevent access both from Ainderby Steeple into the site and exiting to the left, toward Ainderby Steeple out of the site, it is considered that subject to advice to be set out in the Management Plan, along

with suitable signage at the exit point (right turn only) that the majority of traffic would use the route to Warlaby. The residual impact of a small number of vehicles insisting on exiting via Ainderby Steeple is not considered to be sufficiently onerous to result in a recommendation of refusal on the grounds of loss of residential amenity. On this basis and subject to conditions, it is considered that the issue of residential amenity is considered acceptable and in compliance with the requirements of policy E2.

- 10.27 It is considered that the development, subject to appropriate conditions covering the management of the site and sound insulation of the building can result in a development in compliance with the requirements of policy E2.

Impact on the character, appearance and amenity of the area

- 10.28 Policy E7 states that the Council will protect and enhance the distinctive landscapes of the district. A proposal will be supported where it: a. takes into consideration the degree of openness and special characteristics of Hambleton's landscapes; b. conserves and, where possible, enhances any natural or historic landscape features that are identified as contributing to the character of the local area; c. conserves and, where possible, enhances rural areas which are notable for their remoteness, tranquillity or dark skies; d. takes account of areas that have been identified as being particularly sensitive to/or suitable for certain forms of development; e. protects the landscape setting of individual settlements and helps to maintain their distinct character and separate identity by preventing coalescence with other settlements; and f. is supported by an independent landscape assessment where the proposal is likely to have a detrimental impact on the landscape
- 10.29 A number of matters have potential to result in harm to the character of the area, including alterations to the buildings, general increases in noise in a tranquil location and the introduction of additional road users in the vicinity.
- 10.30 The alterations to the buildings are relatively minimal and preserve the overall agricultural character of the site. It is considered that the building alterations result in no harmful impacts in this respect.
- 10.31 The development will result in a degree of change to the locality in terms of noise and general activity on the site, including cars manoeuvring and parking. Whilst the majority of noisy activities are confined to the buildings and as such managed and mitigated, external activities still have the opportunity to change the character of the area.
- 10.32 Following the introduction of a number of passing places along the route of Ashcroft to Warlaby village, a number of representations have raised concerns about the resultant change in character of the road. Clearly, the proposals which effectively result in localised widening of the road to allow free flow of traffic will result in a degree of change to the character of the lane. However, in the view of officers, the use of passing places on narrow rural lanes is not particularly unusual. There are no proposals to remove hedges or trees as a result of the proposed passing places and on balance this change is not considered to be harmful.

- 10.33 On balance, it is considered that whilst these matters will result in a degree of change, the existing and proposed planting within and around the site, results in a satisfactory situation which will protect the overall character and appearance of the area.
- 10.34 The additional use of the road network also has potential to result in a change to the character of the area. Ashcroft is a single track lane, mainly used by agricultural and local traffic. There are few passing opportunities. Representations have highlighted the use of the lane, by cyclists, walkers and horse riders. It is clear that there are difficulties associated with these user groups at present. Whilst arrivals to weddings are likely to result in a degree of change to the enjoyment of these road users, late night use by those exiting an event will have far less impact on those other user groups as they would be less likely to be using the route. Again, on balance this matter is considered acceptable.
- 10.35 The proposed new access is located in a position where it mainly relates to the open countryside as opposed to the nearby built form. As such the access has the potential to result in a harmful impact on the character of the area. In this case the proposed access is to be finished in a rolled stone material which is similar in appearance to many agricultural access tracks across the wider area. Whilst the new access is considered to result in a degree of change, this is considered to be in-line with the character of the area.

Matters pertaining to Highway Safety

- 10.36 Policy IC2 of the Local Plans looks at matters of Transport and Accessibility and new development will only be considered acceptable, providing inter alia, the following matters are demonstrated:
- it is located where the highway network can satisfactorily accommodate the traffic generated by the development and where the development
 - can be well integrated with footpath and cycling networks and public transport;
 - it seeks to minimise the need to travel and maximise walking, cycling, the use of public transport and other sustainable travel options, to include retention, where relevant, and enhancement of existing rights of way;
 - highway safety would not be compromised and safe physical access can be provided to the proposed development from the footpath and highway networks;
 - adequate provision for servicing and emergency access is incorporated; and
 - appropriate provision for parking is incorporated
- 10.37 A number of representations have raised objections on the basis of the increased use of Ashcroft and the cross roads in Warlaby village.
- 10.38 Objectors set out the width of the road, which they state even with passing places would not be acceptable for use by the additional traffic from events on the site. At present a tractor using the road would effectively block the route. The single track route is approximately 400m in length.

- 10.39 The next issue raised is the geometry of the cross-roads in Warlabby. The approach from the west is relatively steep. The geometry of the junction and that of the roads in the vicinity results in relatively poor visibility splays. The visibility splay to the south toward Newby Wiske is particularly poor. The Highway Authority in examining this issue has identified that there have not been any personal injuries resulting from the use of the cross roads and as satisfied that the road markings and advisories in the vicinity are sufficient to protect highway safety in this case. The Highway Authority do raise questions about a left turn out of the proposed access and the likelihood of all users turning right rather than left toward Ainderby Steeple. However, this does not raise concerns from a road safety perspective. This issue is dealt with previously, in terms of residential amenity.
- 10.40 The Highway Authority has not raised any specific objections to the proposed development, but have raised a number of issues for consideration in the determination of the application as well as recommending a series of conditions.
- 10.41 North Yorkshire Fire and Rescue has been consulted but no response has been provided at the time of writing. Given the formation of the new access it is considered that this can be built to meet their requirements. Should their comments be received prior to Planning Committee, Members will be updated on this matter.

Impact on nearby businesses

- 10.42 The issue of agents of change has been raised in correspondence and in particular the potential for impact on a nearby cattery business. The operator has raised concerns about noise and disturbance from the operation of the wedding business impacting on both the welfare of visiting animals and the likelihood of customers taking their custom elsewhere owing to the proximity of the proposed wedding venue.
- 10.43 The question here appears to be twofold, firstly the likelihood of an animal welfare issue arising from noise and disturbance from the venue and vehicles coming and going from the site, potentially late at night and secondly an issue of customer perception and therefore taking business elsewhere. Representations from customers of the cattery have raised this issue, expressing concerns about the business and the welfare of their cats.
- 10.44 The business is located approximately 400m away from the proposed venue, although the outdoor spaces associated with the site are approximately 300m away and the access track approximately 250m to the south of the business. The cattery business is located on the road frontage and as such may experience an increase in traffic passing the site.
- 10.45 Whilst the area is generally quiet and tranquil in nature and the proposed wedding venue will result in a degree of change in this respect, it is considered that the development would result in no harm to the operation of the cattery business in terms of welfare. In terms of the perception of customers, the

proposed wedding venue will not be readily perceptible from the cattery and in officer's view there would be little impact in terms of customer perception.

Ecology and biodiversity net gain

- 10.46 The impact on wildlife was raised through the consultation and has not been directly addressed by the agent or applicant. It is noted that paragraph 174 of the NPPF seeks minimising impacts on and providing net gains for biodiversity. The Local Plan policy E3, requires all development will be expected to demonstrate the delivery of a net gain for biodiversity and all development must have as a principal objective, the aim to protect, restore, conserve or enhance biodiversity or geodiversity and deliver a net gain for such objectives which accord with all other relevant policies. The agent has supplied more information setting out the recent environmental enhancements on the wider site since 2019 and a series of hedgerow and substantial tree planting scheme (40 plus trees), planned for 2023. On this basis it is likely that the proposal can meet the requirements for biodiversity net gain.
- 10.47 The consultation raised the wider impact on wildlife. A badger survey has been submitted with the application. This document is maintained as confidential owing to the difficulties raised with the identification of badger setts and badger baiting. However, it is concluded that the proposed development would have no adverse impacts on the habitat.
- 10.48 The applicant has advised in their submission that significant hedge and tree planting has been carried out over recent years. The applicant has a history of wildlife conservation on the farm through Countryside Stewardship scheme and voluntary works undertaken; such as the herbal leys which encourage biodiversity, seed bearing crops for birds and wildflower plots for insects. The Yorkshire Wildlife Trust has been consulted but made no comments on the application.

11.0 Planning Balance and Conclusion

- 11.1 There are clearly a number of factors to be considered in the Planning Balance as set out in the preceding paragraphs. Matters pertaining to the economy and the support of local businesses weigh in favour of the proposed development.
- 11.2 It is considered that matters pertaining to residential amenity can be satisfactorily mitigated through conditions and in particular sound insulation and the site management plan and on this basis results in a neutral impact on the planning balance.
- 11.3 Matters pertaining to the impact on other local business have been considered in the assessment of the development but it is considered that there is no harmful impact in terms of agents of change.
- 11.4 The development will clearly result in a significant increase in traffic using the highway network in the vicinity of the application site which given the narrowness of the road could result in traffic congestion. Through consultation with the Highway Authority, it is considered that the proposals will not result in a

severe impact on highway safety and on this basis the development is, subject to the construction of passing places, acceptable.

- 11.5 It is concluded that subject to the mitigation achieved through the recommended conditions, that the development can be implemented in accordance with the requirements of the Development Plan, on the basis that the proposals represent sustainable economic development which will not result in significant harmful impacts.

12.0 Recommendation

That Planning Permission be **Granted** subject to the following 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 following drawings:

Proposed Block Plan – received on 15 March 2023
Proposed Passing Places – received on 27 April 2023
Proposed additional Planting plan for access – received on 15 March 2023
PR701 New Junction Detail – received 15 March 2023
Roadway construction detail – received 15 March 2023
PR313 – Proposed Floor Plans – received 15 March 2023
PR314 Proposed Elevations – received 15 March 2023

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 Prior to the first use of the Celebration Barn, the barn shall be sound insulated in accordance with the agreed scheme set out in the submitted acoustic assessment. The barn must then be maintained in accordance with these details.

Reason In order to ensure the protection of residential amenity and to comply with the requirements of policy E2.

- 4 Following completion of all remedial works, and prior to any approved activity, a detailed analysis of noise levels both internally and externally (to include all noise sensitive receptors) should be undertaken when amplified music is being played at the maximum intensity allowed within the structure. The resultant assessment must be submitted and approved by the Local Planning Authority prior to the commencement of any approved use. Where problems are identified, additional remedial work is to be undertaken to prevent excessive breakout (noise) from the building.

Reason In order to ensure the protection of residential amenity and to comply with the requirements of policy E2.

- 5 No live, amplified music or live entertainment shall take place outside of the celebration barn identified in the approved drawings.

Reason In order to ensure the protection of residential amenity and to comply with the requirements of policy E2.

- 6 Live music, amplified music, or live entertainment must be put through a noise limiter, the levels to be set in agreement through submission of details to be agreed by the Local Planning Authority before any event takes place.

Reason In order to ensure the protection of residential amenity and to comply with the requirements of policy E2.

- 7 The operation of the development must take place in accordance with the Event Management Plan. This Plan should be kept under constant review and all measures enforced in line with the document. In addition, reviews should also take place when new plant and equipment are proposed, following a valid complaint, when planning alterations to the building and when monitoring procedures identify that controls are either no longer working or inadequate.

Reason In order to ensure the protection of residential amenity and to comply with the requirements of policy E2.

- 8 Prior to the commencement of development of the new access track, a scheme shall be submitted to and approved by the Local Planning Authority for the construction of the access over the gas pipeline that crosses the site. The development shall then be implemented in accordance with the approved scheme.

Reason In order to adequately protect strategic gas infrastructure.

- 9 Notwithstanding the requirements of the General Permitted Development Order there shall be no marquee or other temporary accommodation located as part of the operation of the events venue at any time.

Reason In order to protect the character and amenity of the area and to comply with policy E1 and E2 of the Local Plan.

- 10 The development shall be implemented in accordance with the April 2023 MAB Biodiversity Net Gain Assessment.

Reason In order to achieve a net gain in biodiversity and to comply with the requirements of policy E3.

- 11 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 PR701 and Standard Detail number A1.
- Any gates or barriers must be erected a minimum distance of 14 metres back from the carriageway of the existing highway and must not be able to swing over the existing highway.

All works must accord with the approved details.

Reason for Condition

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.

Informative

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 Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.

- 12 No part of the development must be brought into use until the following scheme of off-site highway mitigation measures has been completed as indicated below:
- Provision of passing places on Ashcroft and Green Hills Lane to provide an overall carriageway width of no less than 5.5 metres, with a minimum length of 6 metres and 30 degree end tapers .

Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority.

A programme for the delivery of the scheme must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site. The off-site highway works must be completed in accordance with the approved engineering details and programme.

Reason for Condition

To ensure that the design is appropriate in the interests of the safety and convenience of highway users.

Informative

Notwithstanding any valid planning permission for works to amend the existing highway, there must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and North Yorkshire Council as the Local Highway Authority. To carry out works within the highway without a formal Agreement in place is an offence.

- 13 No part of the development must be brought into use until the access and parking areas for all users have been constructed in accordance with the details shown on drawings 'Proposed Access Road to Sedgewell Barn' and 'Site Plan Sedgewell

Barn'. 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.

Target Determination Date: 10 May 2023

Case Officer: Mr Peter Jones peter.jones@northyorks.gov.uk