

North Yorkshire Council

Community Development Services

Richmond (Yorks) Area Constituency Planning Committee

12th October 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 along with the formation of passing places on the highway subject to report received on 22 August 2023 at Sedgefield House, Ainderby Steeple, Northallerton, DL7 9JY for Stuart Tweddle

Report of the Assistant Director Planning – Community Development Services

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.
- 1.3 The application was considered by Planning Committee on the 14 August 2023 and was deferred to allow further consideration of the road safety risks including modelling of the use of Warlaby Village crossroads along with the provision of specific details of proposed passing places on the adopted highway.
- 1.4 This information has been submitted by the applicant and the views of the Highway Authority have been sought. The following report has been amended in the light of the updated information.

2.0 SUMMARY

RECOMMENDATION: That Planning Permission be **GRANTED** subject to the conditions set out in Section 12 of this report.

- 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. The application also proposes the formation of passing places on Ashcroft / Warlaby Lane and on Greenhills Lane within the extent of the highway. The applicant proposes 15 weddings through the

year along with 4 marketing events. This limit is subject of a condition set out in section 12 of the report.

- 2.2 The applicant commenced use last year in the absence of planning permission, which resulted in a number of local amenity related 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 at that time.
- 2.3 An application was made and then withdrawn owing to issues around the use of the existing access. The current application proposes a new access to be formed across the field to the east of the application site.
- 2.4 The main issues to consider are the benefits of a new business and employment activity, the potential impact on the highway network and road safety, residential amenity, the character and appearance of the area and ecology.
- 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, the proposed site management plan and installed mitigation in the building by way of insulation and a noise limiting device.
- 2.7 As set out in the following report the road access to the site is narrow and utilises the junction at Warlabby village. The applicant proposes mitigation in the form of passing places to be formed in 8 locations along the road, with the agreement of the Local Highway Authority. Details of the proposed locations and design of passing places have been submitted to the Council for consideration. All of these locations are understood to be within the extent of the highway.
- 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 Many observations have highlighted concerns over the use of the local highway network. These concerns have been somewhat exacerbated by the unauthorised commencement of the use, last year, in the absence of planning permission, when the use caused significant disturbance to local residents.
- 2.10 Since Planning Committee in May the applicant has submitted additional supporting information in the form of an updated transport assessment including the number, position and design of passing places on Ashcroft, Warlabby Lane and Greenhills Lane. Traffic modelling of Warlabby Village cross-roads has also been undertaken.
- 2.11 The unauthorised use of the site has continued and officers have kept under regular review, the necessity or otherwise, for formal enforcement action to be undertaken. At the time of writing the use of the site has not, in the view of officers, resulted in a level of harm, sufficient to necessitate formal action in the public interest. It should

be noted that the tests of enforcement are not necessarily the same as those to be undertaken through the assessment of this application. The enforcement position is not considered to be prejudicial to the consideration or assessment of this application.

- 2.12 The applicant has undertaken works to the building by way of noise insulation and installed a noise limiting device which has been verified by the Environmental Health Officer.
- 2.13 The on-going use has generated regular complaints about noise and the increased use of the local public and private road networks along with alleged impediments to private rights of access on the private elements of the road network.
- 2.14 The view of the Highway Authority has been sought. The Highway Authority has provided a comprehensive response on the matter, given the complexity of the issues raised and on the basis of the requirements of the National Planning Policy Framework, raises no objections to the proposed development, subject to conditions with regard to the access and provision of passing places.
- 2.15 Representations have raised the question of the use of part of the existing dwelling for weddings, which has not been covered in the application. Whilst the applicant's intention is for the accommodation to be available to a wedding party, this part of the site is subject to a separate application for planning permission for use, either as part of the existing dwelling or as holiday accommodation, under reference ZB23/01360/FUL.

3.0 Preliminary Matters

3.1 Access to the case file on Public Access can be found here: [Online Related Documents](#)

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.

3.3 Planning History

- 10/02248/APN - Application for Prior notification for the construction of a steel portal agricultural storage building – Granted October 2010.
- 12/00382/FUL - Proposed extension to existing dwelling – Granted April 2012.
- 17/00597/FUL - Change of use of agricultural land to site of 3no. camping pods with associated car parking – Granted May 2017.
- 17/01379/FUL - Change of use of agricultural land for the siting of 6no camping pods with associated access and car parking – Granted September 2017.
- 19/00775/FUL - Change of use of domestic outbuilding to farm office and amenity building and associated works in conjunction with existing camping site – Granted June 2019.
- 20/01831/FUL - Proposed change of use of domestic outbuilding to amenity building and siting of 5 camping pods in conjunction with existing camping site with new sewage package treatment plant – Granted October 2020.
- 21/02219/FUL - Single storey extension to the west elevation and two storey extension to the east elevation of the dwellinghouse – Granted November 2021.
- 21/02352/FUL - Construction of an agricultural building for the storage of hay and straw, animal feed, fertiliser, machinery and the handling of stock – December 2021.
- ZB23/01360/FUL –Change of Use of domestic extension to mixed use for domestic use and holiday let at Sedgefield House. Currently under consideration.
- 22/00690/FUL - Proposed change of use of agricultural and amenity building including alterations to west elevation to a wedding venue with associated parking facilities - amended information received 3 November 2022 – Withdrawn.

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 (also known as Ashcroft) or Greenhills Lane and then via an unmade private road to the farm.

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. The private access is also a public right of way which leads from Greenhills Lane to a number of routes to the south including access to Warlaby Village.

- 4.2 Recent permissions have granted the siting of a total of 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 original 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 The applicant has amended their proposals and now asks for permission for 15 events plus 4 additional wedding fayre type events to be held through the year.
- 5.4 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 Warlaby Lane / Ashcroft, which leads through to Warlaby Village and subsequently to Warlaby Cross Roads on the A684. This will create a new access link across the fields to the application site.

- 5.5 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, within the extent of the Highway.

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.

Following submission of Passing place details:

Ainderby Steeple Parish Meeting has nothing further to add to our comments made on 5th April 2023. Whilst the proposal for passing places was discussed it was felt that it is for Highways to determine if the application meets their requirements.

- 7.3 Warlaby Parish Council - **Warlaby Crossroads**
- An independent survey of wedding volumes during 3 weekends in May/June show that actual volumes are as high as double those in the report.
 - The highest peak hour traffic recorded on 13th June is 49 vehicles.

- Likely that this traffic will move in “platoons” with the potential to overload passing places.
- A traffic survey by MHC Traffic shows during daytime vehicles travelling South on C10 at up to 45mph at the top of the dip into the crossroads. 70% are travelling at over 30mph and 33% at over 35mph. These vehicles are 51 metres from the junction before it is in sight so there is a very high risk of collision.
- Currently very few vehicles turn right from C10 into Warlabby Lane but during events this could be up to 60 plus vehicles in the space of an hour
- Considerable increase in use and extremely dangerous
- Vehicles turning right will be stationary, at the bottom of a severe dip and subject to collision by speeding/unsighted vehicles coming behind.
- Visibility splays at the junction well below the stipulated 120 metres. Highways have accepted because there have been zero reported accidents.
- There have been 5 accidents that we know of in recent years involving vehicles going out of control through the junction and colliding with garden walls, fences and a telegraph pole.
- Currently relatively few serious accidents because traffic entering C10 from Warlabby lane is very low (about 10 vehicles per week) and is mainly local residents.
- The Highways judgement fails to recognise that the crossroads has unique topography.
- Junction does not conform to even the lowest design standards in the HS2 Rural Design Criteria report.
- It is surrounded on all sides by large mature trees and is therefore relatively dark and experiences standing water/flooding.
- There are narrow, steep and high verges on all 4 arms.
- Highways previously condemned this same crossroads as dangerous in 1994 when refusing a planning application, a judgement supported on appeal by the planning inspectorate.
- Highways consider the route to/from the wedding venue via Ainderby Steeple to be more appropriate.
- They also state an opinion that the proposed route cannot be fully secured.
- The applicant has ignored this and will instruct drivers to use the post code DL7 9JS when setting their sat nav destination, taking them via the C10 access. Using this setting, sat nav will begin to instruct drivers to turn left into the village cul-de-sac, shortly after they turn onto the C10 from the A684.
- There is a high risk that drivers will follow the sat nav instruction and turn into Warlabby village where the lane is only 3metres wide.

Non Motorised Users

- Warlabby Lane is currently a very quiet lane popular with walkers, runners, cyclists and horse riders.
- There are no footpaths and they have to use the main carriageway. Government policy now is to design for inclusivity and these “non motorised users” have to be given equal consideration.
- Directing a significant volume of traffic along the lane will be detrimental to their safety and comfort.

Passing Places

- The construction of passing places will encourage motorists to use Warlaby Lane as a short cut (rat run) between Newby Wiske and Ainderby Steeple to avoid A684 crossroads.
- Our advice is that none of the proposed passing places meet required standards for width and/or intervisibility and two of them require removal of hedges on private land.
- Passing would not be possible with agricultural traffic which is at peak during July to September.
- The report uses January figures to falsely claim low volume of agricultural vehicles.
- We are concerned that the judgement on passing places will be made by Highways after approval of the application.

Drainage

- The new passing places add an additional impermeable area but no drainage assessment has been presented, contrary to Environment agency requirements.

7.4 Environment Agency – No objections.

7.5 MoD – No safeguarding objections to the proposed development.

7.5 Swale and Ure Drainage Board – No objections.

7.7 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.

Following submission of construction details National Grid have lifted their objection.

7.8 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.

Updated submission following submission of objectors acoustic report.

Following submission of an acoustic report from an objector EHO reviewed their response and made the following comments.

Having undertaken a complete review, I feel the consultation response remains accurate and the recommended conditions robust given the complex nature of the site. I would like to recommend a slight amendment to two of the recommended conditions which will clear some ambiguity and address operational times for amplified music.

1. Prior to commencement of use, the Celebration Barn is to be **insulated and all noise attenuating measures installed/implemented** 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 **Celebration Barn. No live music, amplified music or live entertainment is permitted at any location on the site beyond 2300h.**
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.

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.

Updated EHO Report following on-site compliance testing

I have assessed the Compliance Noise Monitoring report by NJD Environmental Associates, which has been submitted in support of the proposed change of use of agricultural and amenity buildings to a wedding venue at Sedgwell Barn.

The compliance monitoring was undertaken by NJD Environmental Associates on the 21 Jun 23. Given the history of the site and the issues relating to noise which

resulted in the serving of an Abatement Notice in 2022, attendance by Environmental Health Officers at the compliance testing was deemed essential to ensure thorough testing took place and that the results could be verified. As a result, Environmental Health officers from North Yorkshire Council's Residential Services Team (Hambleton Locality) were present throughout the compliance monitoring process.

I can confirm that the findings of the report are accurate in respect to the activities undertaken and the results obtained and that the monitoring was undertaken in line with the draft planning conditions as listed below:

- Prior to commencement of use, the Celebration Barn shall be sound insulated in accordance with the agreed scheme approved by the local planning authority.
- 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.

No breakout noise of any significance was witnessed at any noise sensitive receptor, an assessment of noise breakout with doors both open and closed was undertaken and the failsafe on the noise limiter was also tested. Amplified noise (heavy rock music) was played at the maximum intensity throughout; this level being agreed prior to the assessment.

It should be noted that vehicle and patron noise were not assessed during this assessment, as the purpose of the confirmatory testing (as per the draft condition) was to assess the effectiveness of the sound insulation and remedial works proposed in the draft scheme, and identify any additional works needed to prevent excessive music breakout from the barn.

It is also noted that additional improvements to the building are proposed should planning permission be granted. These works have the potential to change the noise footprint of the venue, as a result I would recommend the following

conditions to ensure additional works on the structure do not negate the controls in place or introduce any additional noise sources that could impact noise sensitive locations:

- In the event that any additional approved works are undertaken that would result in the addition of any new noise source or impact on the sound insulation measures already in place (the instillation of ventilation/air conditioning for example) a full review of the noise footprint of the facility must be undertaken. The resultant assessment must be submitted and approved by the Local Planning Authority.
- Where problems are identified, additional remedial work is to be undertaken to prevent excessive breakout (noise) or mitigate additional noise sources. The resultant assessment must be submitted and approved by the Local Planning Authority.

Additional Comments following on-site monitoring are awaited and will be provided to Committee through the update papers.

7.9 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.

7.10 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.

Additional Highways response following submission of modelling and details of proposed passing places:

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. 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.

Eight locations have been identified where passing places could be provided within the extents of the public highway. It is preferred that passing places have a minimum width of 5.5 metres but due to the constraints of the highway this can not be provided at all the proposed locations. Half of the proposed passing places meet this width requirement whilst the remainder provide sufficient width for a car and a lorry to pass in accordance with the guidance in "Manual for Streets". Such improvements to the public highway should be secured by a planning condition and implemented via a Section 278 Agreement.

The Local Highway Authority has concern about the use of the junction of Ashcroft and the C10 at Warlaby however 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 applicant has conducted a traffic speed survey at the location and submitted the recorded speed data. Based on this, the visibility available at the junction in a southerly direction falls below the guidance contained in "Manual for Streets". 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 (as set out in Section 12 of this report).

Local Representations

7.11 The application has generated significant interest with 43 objections and 27 letters of support at the time of writing. It should be noted that in the main letters of support have come from other local businesses with objections from local residents. Since the application was considered by Planning Committee there have been a number of further representations, referring both to the impact of the unlawful use of the site as well as the detail of the application itself.

These representations are summarised below:

7.12 Objections.

- Note that objections include submission of professional reports against the proposed development in terms of the Transport and Noise Assessments. These are available in full on Public Access and seek to question the methodologies and findings in the applicant's submission and the response of Environmental Health and Highways to the issues raised.
- Each event that has taken place over the summer has generated noise and disturbance which has resulted in a significant loss of amenity
- Inappropriate standards (and / or a lack of compliance with recognised standards) have been applied for the passing places, intervisibility and carriageway width.
- The proposed passing places will lead to worse flooding in the vicinity.
- The % increase in vehicles using Warlaby Road is hugely underestimated and can not be considered to be insignificant.
- The on-going use continues to cause noise and disturbance.
- The use of the private access impinges on businesses in the locality and has caused delays to harvest in the nearby fields, due to the traffic control measures on the road.
- Proposed passing places are not wide enough to take agricultural vehicles and the proposed traffic.
- Ecology including the proximity of development to a nearby pond.
- A farm implement could be 3m in width and a car 1.95m. As such a road width of 4.7m is not sufficient.
- Don't agree with the findings or methodology of the applicant's Transport Statement.
- Surfacing of the proposed new access is inadequate and it should be quiet tarmac and not stone.
- The applicant's transport consultant's report suggests that vehicles which use the road to and from Ainderby Steeple can use residential access driveways for passing purposes. This would result in a significant loss of amenity.
- 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 a 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.
- Concern about the content of the officer report. Consider this to be misleading.

An objector has sought opinion from an acoustician whose report concludes:

- It is not evident to me that the noise impact this operation will bring is acceptable. Indeed, some elements of the applicant's noise assessment are demonstrably incorrect, and essential information is also missing. The resulting uncertainty in their predictions is significant, and the magnitude of adverse impact upon residents is underestimated.
- The primary element missing is real-world data measured at the venue. The assessment relies on computer models that are not verified, and the March 2023 NJD Environmental Associates Ltd report version unfortunately falls into the category described by Ed Clarke MIOA in the March/April 2023 edition of the IOA bulletin.
- In the pursuit of informed decision-making outcomes, the output of an acoustic model should not be assumed to be correct without consideration of what has been done in the calculation, how the model is constructed, and the qualifications of its author.

27 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 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 to 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 policy 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 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. The proposals also include the formation of a new access track across the field to the east of the site to join to the highway network on Ashcroft / Warlabby Lane.
- 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 Concern has been raised in representations that the conversion is not appropriate in character and form in this location. 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 considered 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 and 2023 without planning consent and complaints received by the planning enforcement team and the environmental health service. It should be noted that the operation was running in the absence of controls that could otherwise be used, through planning conditions, attached to a grant of consent. It should be noted that over the summer of 2023 the site has been operating with a management plan, noise limiter and sound insulation and yet noise complaints have continued. Noise and disturbance was noted originally 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 Environmental Health has undertaken noise monitoring in local residences during events. The complainant was asked to record noise levels and to keep a diary. For practical purposes, and also in line with previous reports from the occupier about times they were disturbed, the equipment was installed in the dwelling and not outside the property, so levels recorded will not accurately reflect any disturbance in the garden. The complainant reported hearing people outside the venue, occasional breakout of music and bass and also traffic noise.
- 10.18 The Environmental Health officer has listened to the recordings made and one could hear on several occasions voices of several people chatting and laughing outside, although these were quiet. The main noise was tyre noise on gravel when vehicles passed, which was sometimes louder depending on the speed of the vehicle. No music or bass was audible on the recording. Other dominant noise sources were bird song and distant traffic hum.
- 10.19 None of the recordings indicated a breach of the statutory notice, as levels and frequency were not enough to indicate that this had happened. However, it was considered that there is the potential for loss of amenity. This particularly relates to the gathering of people outside throughout the day and evening and also the passing of vehicles later at night. The noise levels were not in breach of recognised standards for indoors, but the background levels were very low, which heightened the impact, especially at night and from vehicles passing.
- 10.20 Officers consider that these findings should be considered in the overall assessment of the application and further consider that whilst this evidence suggests that there is potential for the development to result in a small loss of amenity to residential occupiers but that this is limited and not of sufficient impact to warrant a recommendation of refusal. It should be noted that vehicles passing close to properties on the existing unmade track would no longer be of any significance owing to the provision of a new access.
- 10.21 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 is considered that this matter can be dealt with through appropriate on-site management, who would, in the view of officers, be equally aware of any noise from the pods as any local resident. It is noted that the Glamping rules only allow occupiers to congregate at the pod furthest away from residential properties.
- 10.22 The Environmental Health team 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.

10.23 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 in terms of site generated noise.

10.24 At the time of the earlier application and associated with events over the last two years, 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 close 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.

10.25 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 Warlaby Lane / Ashcroft, which is the lane that connects Greenhills Lane to Warlaby village and subsequently to the A684 at Warlaby crossroads.

10.26 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. It should be noted that a left turn out of the access would again bring vehicles in close proximity to neighbouring properties, albeit on the adopted highway.

10.27 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.

- 10.28 There remains a residual question about the use Warlabby Lane / Ashcroft and Green Hills Lane, into Ainderby Steeple. With regard to vehicles heading out to Warlabby cross-roads, via Warlabby 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 an increase in use for a short period, would not be sufficient to result in a harmful impact on amenity.
- 10.29 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, on each event day, there is the possibility of harmful impact on residential amenity through vehicles accessing or exiting via Ainderby Steeple. This could result, as identified in representations, in vehicles using residential driveways for the purposes of passing other vehicles and concern is raised that this would lead to a loss of amenity.
- 10.30 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 Warlabby. 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.

Impact on the character, appearance and amenity of the area

- 10.31 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
- 10.32 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 and the formation of the proposed access and passing places.
- 10.33 The alterations to the buildings result in a degree of change to the appearance of the buildings through the insertion of glazing but overall are relatively minimal and are considered to preserve the overall agricultural character of the site. It is considered that the building alterations result in no significant harmful impacts in this respect. Concern is raised in representations that the changes have gone too far and are out of character with the area.

- 10.34 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 potential to change the character of the area.
- 10.35 Following the introduction of a number of passing places along the route of Warlabby Lane / Ashcroft to Warlabby 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 result in a significant harmful change to the character or appearance of the area.
- 10.36 There will be areas of cut back of the road verges and the resultant battering back of bank sides to facilitate the formation of the proposed passing places. Some locations are close to the adjacent hedges. However, this degree of disturbance is considered to have a limited impact on the long term viability of the hedges in these locations.
- 10.37 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.
- 10.38 The additional use of the road network also has potential to result in a change to the character of the area. Warlabby Lane / 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. One recent observation stated;

Neighbourhood observations of the present use of Warlabby Lane during Saturday September 2nd and Sunday 3rd.

Walkers and runners 30 and 33

Cyclists 8 and 38

Horses and riders 8 and 0

Cars and vans 3 and 13

It can be seen that vehicle movements only account for 6.1% on Saturday and 5.4% on Sunday. The main current users of Warlabby Lane use it for leisure and any further increase in traffic will hamper their enjoyment and will increase the risk of accidents. It is one of the few local routes that we can all enjoy without much disturbance. The inclusion of the proposed passing places will only increase volume and speed of traffic as it will become a shortcut from Ainderby Steeple to Newby Wiske reducing the Amenity Value for all

- 10.39 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.

10.40 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

10.41 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

10.42 Since this matter was considered by Planning Committee a further Highway Statement has been submitted by the applicant and has been subject to consideration by the Highway Authority who is generally in support of its findings. It is noted that objectors have submitted a professional report raising concerns with the findings of the applicant's report. This resulted in some changes to the applicant's consultant's report which again has been subject to further scrutiny by the Highway Authority, who have not changed their view.

10.43 The application now proposes seven passing places are installed on Warlaby Lane / Ashcroft and one further passing place on Green Hills Lane, to the north of its junction with Warlaby Lane. Three out of the seven passing places increase the road width to 5.5m over a length of 6m with a 30degree taper at each end. The remainder of the spaces all increase the width to a minimum of 4.7m. The applicant argues that at 4.7m width, taking into account the average width of a car (1.95m) there remains sufficient space for two average vehicles to pass. The Highway Authority are satisfied with this provision but note that it does not meet the generally accepted width of 5.5m.

10.44 Objectors have raised the issue that the width remains insufficient for two vehicles to pass cleanly, in particular if two larger vehicles were to meet. Agricultural implements can be up to 3m in width and as such a road width of 4.7m would be insufficient for a car and a tractor with implement to pass. On balance officers are satisfied that the proposals are acceptable.

- 10.45 The next issue raised in representations is the geometry of the cross-roads in Warlabby Village. 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 are satisfied that the road markings and advisories in the vicinity are sufficient to protect highway safety in this case.
- 10.46 The applicant's updated Transport Statement includes a traffic count at the Warlabby Village cross road and a capacity assessment based on future projections of use. The report concludes that the junction will continue to work within capacity during peak hours with the wedding venue in place. The Highway Authority sought clarifications regarding the applicant's report following submission of a third party observation. Following clarification from the applicant's consultant the Highway Authority has confirmed acceptance of their position.
- 10.47 The Highway Authority raised questions about a left turn out of the proposed access and the likelihood of all users turning right rather than left toward Ainderby Steeple. Whilst there is a possibility of this eventuality, it is considered that with the proposed site and event management in place this eventuality would be relatively unlikely but that should it happen in a limited fashion, this would not raise concerns from a road safety perspective. This issue is dealt with previously, in terms of residential amenity.
- 10.48 Following the submission of the additional information, the Highway Authority raises no objections to the proposed development.
- 10.49 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

- 10.50 The issue of agents of change has been raised in correspondence and in particular the potential for impact on a nearby cattery business and the operation of the farm to the south of the application site. The operator of the cattery 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.
- 10.51 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.
- 10.52 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 on the public highway, although only to a limited degree owing to the proposed mitigation as discussed elsewhere in this report.

- 10.53 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 and the resultant likelihood of taking custom elsewhere officers consider that there is always a risk from new development resulting in fear of the impact of the change which results in a change of habit from customers. It is understood that the cattery has built its business on locality and tranquillity and as such the operator is concerned that the introduction of the proposed use will result in a loss of tranquillity with noise and disturbance from activities on site and resulting from traffic in the near locality. Whilst it is accepted that the cattery may be aware of activity resulting from the proposed development, officers consider that the development is unlikely to result in any significant harmful impact on the business.
- 10.54 The operators of the farm to the south of the application site have raised concerns about the impact of increased activity in the area resulting in a harmful impact on their operations both in terms of interference from visitors and impact resulting from increased vehicle movements limiting their ability to freely operate.
- 10.55 Clearly, there is potential for conflict to result between visiting guests to the area and farm operations. However, officers do not consider the propose use to be onerous in these terms and that the development is unlikely to have any significant impact on the operation of the farm.

Ecology and biodiversity net gain

- 10.56 The impact on wildlife was raised through the consultation. 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.
- 10.57 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. Two setts were found, one which appeared abandoned and a second further considered sufficiently far from the development, not to be impacted by the development. It is noted that there is recent activity at the previously abandoned sett which is closer to the proposed new access. Investigation of this suggests that the activity may be rabbits owing to the limited scale of excavation and widespread presence of rabbit droppings. There remains significant activity at the main sett. The abandoned sett is already heavily impacted by farming activities owing to its location in a cultivated

field. The formation of the proposed access could cause some limited disturbance to any occupiers of the abandoned sett but this would be limited and transient. The use of the access is considered to result in very limited impact in terms of disturbance by vehicles transiting the new access track. The applicant's consultant's report sets out the following mitigation:

- The proposed track has been directed to avoid a 20m buffer from the sett; this should provide sufficient distance to avoid disturbance to the sett (Figure 2). A buffer has also been included from the entrance which is likely disused and occupied by rabbits as a precautionary measure.
- Works should be limited to daylight working only.
- No fire or chemicals should be stored/lit within 20m of the sett.
- No tracked/heavy machinery should be used or manoeuvred within the 20m buffer during construction.
- Any deep trenches should be covered overnight or left with a plank or similar to allow any badgers to escape.
- No lighting should be installed along the strip of road near the sett post-development.
- It is recommended signs are installed along the proposed track to warn of badgers crossing the road.
- Fencing erected should provide sufficient gaps for badger to pass under; if not, badger gates should be installed to ensure badgers can still access the site.
- Habitats within a 5m buffer zone should retain the current on-site conditions. This will continue to provide protective screening of the sett post-development and reduce any potential impacts from increased use of the site. To provide additional protective cover, native mixed scrub could be planted around the sett. This would provide protective cover for badger using the sett and will visually screen the sett from the development.

10.58 It is concluded that the proposed development would have no adverse impacts on the habitat.

10.59 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 in the most part be satisfactorily mitigated through conditions and in particular sound insulation and the site management plan. There is a residual risk to amenity through noise associated with wedding visitors within the camping pods, but this risk is considered to be low. Overall it is considered that amenity issues have 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, including a local cattery and farming businesses. On balance it is considered that there is no significant harmful impact in terms of agents of change and again this is a neutral factor in the planning balance.
- 11.4 The development will clearly result in an increase in traffic using the highway network in the vicinity of the application site, which at certain times could be significant and given the narrowness of the road could result in traffic congestion. Through consultation with the Highway Authority and following the submission of additional information on traffic movements and the position and form of the proposed passing places, 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 the passing places, considered to be acceptable. Highways matters are considered to have a neutral impact on the Planning Balance.
- 11.5 The proposals will result in some limited change to the character of the area both through the introduction of a new form of activity and through the proposed changes to the road. These changes are considered to be negative, but very limited. Officers consider that there is a small negative impact to weigh in the planning balance in these terms.
- 11.6 Matters pertaining to ecology and biodiversity net gain are generally considered to weigh positively in the planning balance.
- 11.7 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:

Condition 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.

Condition 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.

Condition 3: The noise insulation and all noise attenuating measures installed / implemented in accordance with the agreed scheme approved by the local planning authority shall be maintained at all times.

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

Condition 4: No live, amplified music or live entertainment shall take place outside of the celebration barn identified in the approved drawings and there shall be no live music, amplified music or live entertainment is permitted at any location on the site beyond 2300h.

For the avoidance of doubt, there shall be no amplified music within the “Rustic Barn” unless otherwise in accordance with details submitted to and approved in writing by the Local Planning Authority.

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

Condition 5: 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.

Condition 6: 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.

Condition 7: 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.

Condition 8: 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.

Condition 9: 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: 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.

Condition 10: 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 8 no. passing places on Ashcroft and Green Hills Lane in accordance with the information contained within the document "Highway Statement Proposed Wedding Venue Green Hills Lane, Ainderby Steeple".

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: 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.

Condition 11: 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: To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

Condition 12: The number of events to be limited to no more than 15 events per year along with 4 additional open days for advertising purposes. Open days shall allow access to the site for the public between 10am and 8pm only.

Reason: In order to protect local amenity and comply with policy E2.

Condition 13: No external lighting, temporary or permanent, is to be installed except in accordance with a lighting plan which has first been submitted to and approved by the Local Planning Authority.

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

Condition 14: There shall be no amplified music within the "Rustic Barn" unless otherwise in accordance with details submitted to and approved in writing by the Local Planning Authority.

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

Condition 15: Outdoor fireworks shall not be used at any event, at any time.

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

Condition 16: In the event that any additional approved works are undertaken that would result in the addition of any new noise source or impact on the sound insulation measures already in place (the instillation of ventilation/air conditioning for example) a full review of the noise footprint of the facility must be undertaken. The resultant assessment must be submitted and approved by the Local Planning Authority.

Where problems are identified, additional remedial work is to be undertaken to prevent excessive breakout (noise) or mitigate additional noise sources. The resultant assessment must be submitted and approved by the Local Planning Authority.

Reason: In order to protect the amenity and character of the area and to accord with policy E2.

Condition 17: The development shall be implemented and maintained in accordance with the MAB Environment and Ecology report dated March 2023.

Reason: In order to protect related badger sett and to comply with policy E3.

Target Determination Date: 13th October 2023

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