

North Yorkshire Council

Community Development Services

Malton and Thirsk Area Constituency Committee

21 DECEMBER 2023

23/00249/FUL- CHANGE OF USE OF AGRICULTURAL LAND TO A SEASONAL CAMPING SITE TO ALLOW 24NO. TENT AND 6NO. MOTOR HOME PITCHES TO INCLUDE ERECTION OF AN ASSOCIATED TOILET BLOCK ON BEHALF OF MISS LINDA COOPER (R COOPER & SON)

Report of the Assistant Director Planning

1.0 Purpose of the Report

- 1.1 To determine a planning application for the change of use of agricultural land to a seasonal camping site to allow 24no. tent and 6no. motor home pitches to include erection of an associated toilet block on land at Cotril Farm, New Road, Terrington, North Yorkshire YO60 6NT
- 1.2 The application has been referred to the Committee for determination owing to the range of issues raised.

2.0 EXECUTIVE SUMMARY

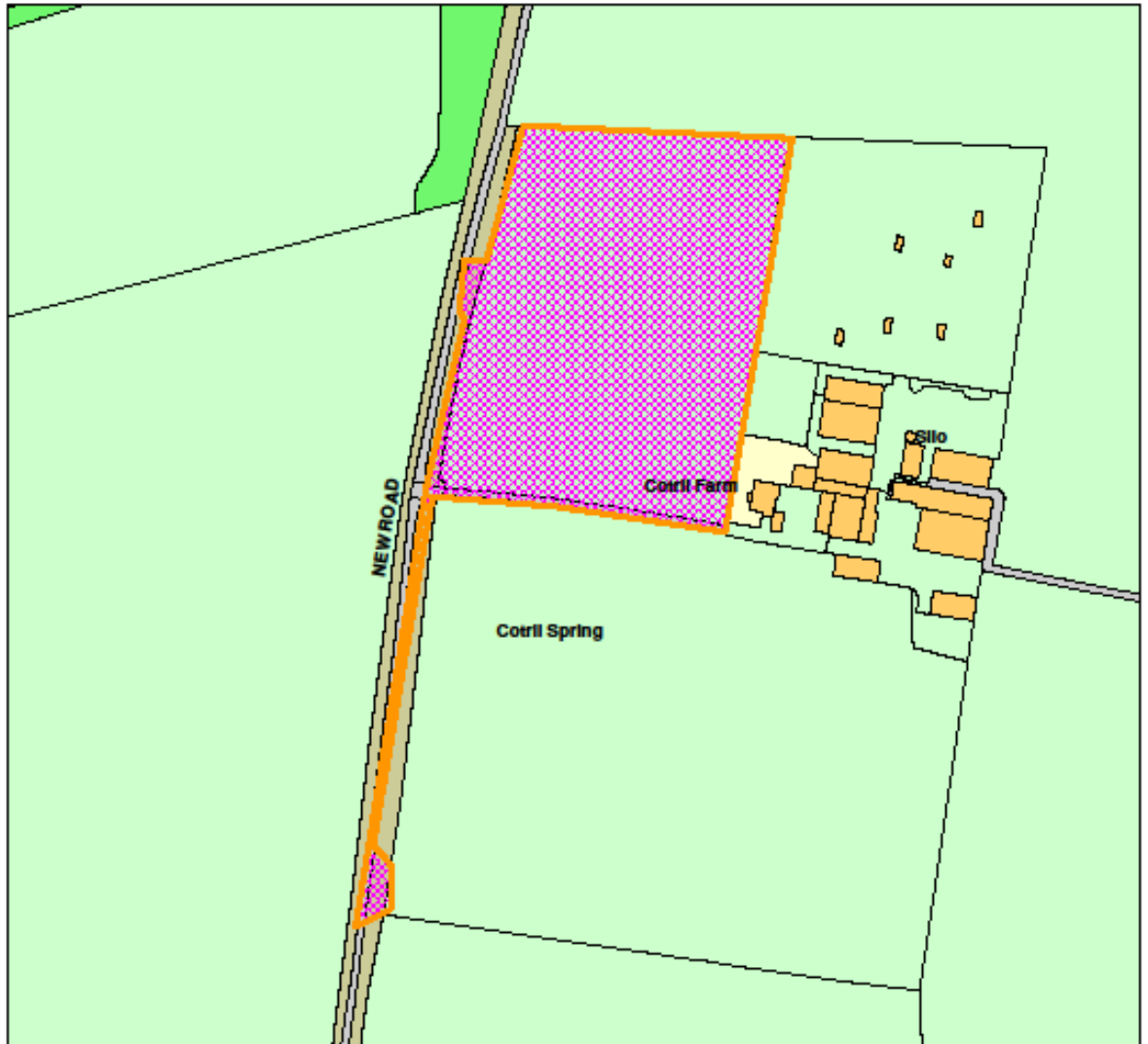
RECOMMENDATION: That planning permission be GRANTED subject to conditions listed below.

- 2.1. The application site relates to a field within the landholding of Cotril Farm. The entire site also falls within the Howardian Hills Area of Outstanding Natural Beauty (AONB.)
- 2.2. The proposal seeks planning permission for the change of use of agricultural land to a seasonal camping site to allow 24no. tent and 6no. motor home pitches to include erection of an associated toilet block for seasonal use between 1st May and 31st October annually.
- 2.3. This amended scheme incorporates a reduced red line area, together with a noise and amenity management plan, landscaping scheme and the inclusion of 2no. passing places.
- 2.4. The principle of the development is considered to align with the following policies contained within the Ryedale Plan; Policy SP1 (General Location of Development and Settlement Hierarchy) SP8 (Tourism) and SP9 (The Land Based and Rural Economy.)

- 2.5. The scheme has been also carefully considered in relation to the setting of the the potential impact upon the Howardian Hills AONB, the form and character of the site, ecology, neighbouring amenity, access and highway safety in line with Policies SP13 (Landscapes) SP16 (Design) and SP20 (Generic Development Management Issues.)
- 2.6. It is considered that the proposal as amended secures an acceptable scheme, limited to 6no. motor home pitches and 24no. camping pitches, to be utilised for up to 6 months annually. This is on the basis of the additional landscaping scheme and operating restrictions including the proposed annual opening period, together with what would be achievable under permitted development and the removal of tourism related permitted development rights from the wider site. It is considered on balance that this would not harmfully impact the significance and special value of the Howardian Hills AONB or the character of the paddock and could be delivered without harm to the local highway network and ecology.
- 2.7. The scheme, subject to the conditioning of the Noise and Amenity Management Plan is not considered likely to result in material adverse amenity impacts for occupiers of neighbouring residential dwellings.

23/00249/FUL

Not Set

**Scale:** 1:12,500

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Organisation	North Yorkshire Council
Department	Development Management
Comments	Not Set
Date	12/12/2023
MSA Number	Not Set

3.0 Preliminary Matters

- 3.1. Access to the case file on Public Access can be found here:-
<https://planningregister.ryedale.gov.uk/caonlineapplications/simpleSearchResults.do?action=firstPage>
- 3.2. There are 4 relevant planning applications for this site which are detailed below, as this relates only to the public house, the associated listed building consents have not been detailed.
- 22/00514/FUL: Change of use of agricultural land to a camping site for caravans and tents to include siting of 6no. temporary toilet blocks and 6no. electrical hook up points to service 12no. pitches. Withdrawn.

4.0 Site and Surroundings

- 4.1. The application site relates to an agricultural field under the ownership of the Applicant who farms Cotril Farm, Terrington. Vehicular access to the site is taken directly from New Road, Terrington, along a predominately single track access. This also serves other residential properties and farm land.
- 4.2. The agricultural field spans c160m from north to south and c125m from east to west. During the consideration of this application, the precise red line indicating the extent of the application site within the field has been significantly reduced. This now relates to a 'U' Shaped area along the western, southern and eastern field boundaries, with the remaining land within the field falling under the blue line.
- 4.3. The application site is now limited to an area in closer proximity to the farmhouse and domestic curtilage of Cotril Farm, which directly adjoins the application site to the east, the remainder of the eastern boundary is a fenced, but unlandscaped field boundary, beyond which other agricultural buildings are located. The application site also incorporates significant established landscaping to the western boundary and a fenced but unlandscaped field boundary to the north and south, (beyond which further agricultural land is located.) Directly to the south of the application site, a public footpath is located along the farm driveway which traverses directly past the application site field and bisects the farm yard. A network of other public rights of way/bridleways are present in the locality, including one taken from Terrington Hall School, c540m to the south east, running northwards, which remains at a distance of c250m from the application site to the west at its nearest point. A bridleway runs from the west of the application northwards along New Lane, to Rose Cottage Farm c275m to the north of the application site, where it splits to become a bridleway and public right of way.
- 4.4. The application site itself is located at a lower point topographically in the context of the surrounding landscapes. The land rises significantly to the north and south of the site at two extremes of New Lane, with the application site forming one of the lower points in the valley.

- 4.5. The entire site also falls within the Howardian Hills Area of Outstanding Natural Beauty (AONB) and land designated as 'Wider Open Countryside' under the Ryedale Plan, Local Plan Strategy.

5.0 Description of Proposal

- 5.1. This application seeks full planning permission for the change of use of agricultural land to a seasonal camping site to allow 24no. tent and 6no. motor home pitches to include erection of an associated toilet block. As noted, this would be operated for a seasonal period only, between the 1st May and 31st October annually.
- 5.2. The 6no. proposed motor home pitches would be located along the western boundary of the site, behind a large well established hedgerow. The original location for the proposed camping was to the western and northern boundary of the site. Upon request, the red line of the application site was amended and reduced from the entire field, to a more limited 'U' shaped area along the western, southern and eastern boundaries. The location for the proposed tented camping is now along the southern section of the eastern boundary (in closer proximity to the existing build form of the farm houses and farm yard) and the southern boundary.
- 5.3. It is noted that neither the motorhome pitches, nor the camping pitches would include any hardstanding and the use would be undertaken on the existing grassed surfacing only.
- 5.4. The Applicant has operated the camp site for three years under a mix of the 28/56 day permitted development rules, for the siting of tents and motorhomes. The Design and Access Statement notes *"The scheme was very successful and provided the farm with a much-needed diversified source of revenue."* It further notes *"In lieu of this application the applicants will continue to operate the site under the 28 day ruling."* It is noted that in the interim, whilst this application has been considered, further permitted development rights for tented and motorhome camping have been provided by the government on the 26th July 2023 under Schedule 2, Part 4, Class BC of the Town and Country Planning Act (General Permitted Development) (England) Order 2015 as amended. This newly introduced rights permits farmers/landowners to run pop up sites for tents, campervans and motorhomes for up to 60 days per year without planning permission, allowing for up to 50 pitches. This permitted development right is available in an Area of Outstanding Natural Beauty and would not require any specific requirements to improve highway safety, nor provide new planting, or operate within the parameters of a Noise and Amenity Management Plan.
- 5.5. The amended scheme now relates to the 6no. motorhome units being located to the western boundary and the tented camping units within a more confined to the south and east. The scheme included a detailed landscaping plan, to plant up the northern field boundary and approximately a third of the western boundary and a half of the eastern boundary to reduce to the overall openness of the site. This would include a double planted native hedgerow spanning c235 metres in total, with native species trees (Rowan and Downy Beech) every 5 metres, relating to in the region of c.45 additional trees to be planted.

- 5.6. As detailed within the incoming information, the proposed lighting scheme involves *“No mains powered external lighting shall be installed on the site without prior approval from the Local Authority. The Applicant will implement low level solar pathway lighting as a necessary safety measure for guests. Guests shall then be encouraged to use their own torches where necessary. This will ensure there would be no wider light pollution within the locality.”* The Agent has further clarified that the proposed solar powered lights would be a maximum of 6, positioned at each of the motorhome pitches only.
- 5.7. An additional element of the scheme is the provision of a toilet block. This relates to a wooden unit, spanning 9m x 1.5m, with a monopitch roof, with a maximum height of 2.3m. This would be clad with Yorkshire Boarding to 3 walls and roof, with an open-sided front element to house portable toilet units.

6.0 Planning Policy and Guidance

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

Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:
The Ryedale Plan – Local Plan Strategy, adopted 2013

Guidance - Material Considerations

- 6.3. Relevant guidance for this application is:
- National Planning Policy Framework 2021
 - National Planning Practice Guidance

7.0 Consultation Responses

- 7.1. The following consultation responses have been received, with the most recent summarised below. Full comments are available to view on the Council’s website.
- 7.2. **Parish Council:** No objection to three consultation phases (6th April 2023, 26th JHuly 2023, 5th October 2023.)
- 7.3. **Environmental Health:** No objection
- 7.4. **Housing:** No objection – Requests informative for Applicant to contact the Council as a caravan site licence may be necessary.
- 7.5. **Howardian Hills AONB Manager:** Some concerns, comments and recommendations (this response is outlined below in full.)
- 7.6. **Local Highway Authority:** No objection, recommend condition to secure 2no. passing places.

Local Representations

- 7.7. 33 local representations have been received in total to the original scheme including 15 letters of objection from individuals and the Countryside Charity CPRE, together with 10 letters of support on the original scheme. Following the full readvertisement of the amended scheme on 10th July 2023 (due to the repositioning of the units, reduced red line, additional landscaping and the Noise Management Plan) all consultees and third parties who had made representations and the Countryside Charity (CPRE) were reconsulted. The Countryside Charity did not make any further comment or take the opportunity to specifically reaffirm their original objection. 8 additional letters of objection were received confirming the scheme did not address their original concerns.
- 7.8. 10 letters of support have been received noting the following
- Will help other local businesses including the local shop, church and tourism attractions, supporting the rural economy and will provide additional income for the surrounding area particularly important post covid and during recent financial constrictions. Should the pub get running, the campsite would be a good source of income. The seasonal boost to local businesses is vital to ensure they are able to survive the winter season.
 - The seasonal use of land will have minimal environmental impact and is preferable to large housing benefits.
 - Farming families have supported our villages in countless ways over the generations and when they need to find other ways of earning because consumers refuse to pay realistic prices for food and meat, they should be supported and applauded.
 - This will be an asset to the area, given lack of accommodation within the area.
 - Feedback on google was very positive, good advertisement for Terrington.
 - Won't be obtrusive, impact upon the scenery greatly, nor affect the community by way of noise.
 - Currently there is little low cost holiday accommodation and provides opportunities for visitors of all budgets to enjoy the AONB which should be encouraged.
 - Will support farm diversification, we should encourage and support our local farming community. This is a sensible and prudent diversification strategy. Using a small section of their arable land will allow them to offer sustainability for their farm.
 - Great place for a campsite
 - Support this scheme.
 - Note withdrawal of the Basic Payment Scheme, it is important that farmers are encouraged and helped to diversify. This is exactly the type of project that should be supported
- 7.9. Objections (received between 29th March and 27th April 2023 in respect of the original scheme)
- The access is inadequate to cope with the traffic increase. Would be a substantial increase in traffic on a 4 way bend at the junction from the Main Street in Terrington, with poor visibility creating hazardous conditions, there is not the capacity including for large motor homes or camping trailers. The first 200m regularly becomes muddy and slippery due to erosion.

- New Lane is single track 'no through road' which is steep, with no passing places and does not have capacity for heavy traffic, or number of cars to service the tents on the site.
- New Lane has no footpath nor lighting. Neighbours consider the walk to the village school as too dangerous for their children and there are conflicts with agricultural vehicles, horse risers, walkers and children already.
- There are 8 dwellings on New Lane, this applicant is proposing to increase the number effectively by 30, this would mean a commensurate increase in vehicle movements by 400% +. Visitors to the site would primarily drive to the village as there is no public transport.
- Passing places may become temporary parking spaces.
- Highways objected to the previous withdrawn scheme.
- No Transport Impact Assessment has been submitted and assumptions made. (Case Officer note: A TIA was not requested by the Highway Authority.)
- Note the singular proposed passing place not justified as sufficient. (Case Officer note: this was subsequently increased to 2 passing places.)
- The area is already well served with caravan and campsites nearby.
- The Applicant lives miles away and will not be affected.
- Proposed hedging on the west and north of the campsite is not enough to hide the caravans and toilet block and shield them from view. More trees and other screening would be required to blend into the local landscape. It would take years for screening to mature.
- New scheme has reduced the amount of pitches, but still priced a lot of extra cars. Number of vehicle movements appear unrealistically low.
- Residents have paid a premium to live in an AONB, this would detract not enhance the area.
- Site is at the bottom of a wide open valley, with few screening trees, so will be highly visible. Not compatible with the nature of the site and would have a widespread detrimental impact, it wouldn't positively contribute to the AONB and would be at odds with the AONB principles.
- High degree of visibility for public right of way users, even if planting were installed, would not mitigate the effect. It would impact upon the tranquillity and visual quality of the AONB.
- The previous seasons have shown there has been littering, noise pollution, rowdy behaviour and light pollution.
- The AONB Management plan, which is a material consideration affirms that high levels of tranquillity should be maintained and increases in noise and light pollution be resisted.
- A neighbouring resident has experienced security issues due to increased footfall and persons straying from dedicated public rights of way.
- Concerns over the site area/red line for the number of pitches, could have far greater physical capacity. (Case Officer note: this red line has since been significantly reduced.)
- Consistently in decision making (from occupier of neighbouring property at Rose Cottage Farm) they secured planning permission for a Romani Wagon and Bell Tent, with associated development in adjoining paddock. This scheme required careful consideration to colour finishes, sensitive location of parking, new landscaping and as such, the application process with the LPA was detailed. In the currently proposed scheme the converse is proposed. The client would expect the same degree of detailed assessment. (Case Officer note: the same degree of detailed assessment has been undertaken for this site as it was for this referenced application, for which the same Case Officer was responsible.)

- No business plan has been submitted to support the need for this development, occupancy rates etc, bearing in mind the existing saturation of camping in the area. (Case Officer note: this is not something typically requested for a development such as this. to do so would not be consistent with how this type of application is typically assessed as new camping sites are supported in principle.)
- No management plan has been submitted (Case Officer note: this has been subsequently submitted.)
- Note complaints in reviews online noting other campers being rowdy until 3.45am, they had no mobile signal and were unable to contact the site owners to alert them or complains.
- Nearest pubs and bars are in Sheriff Hutton and Welburn, unsure if a curfew is enforceable or acceptable to campers. (Case Officer note: As discussed in the report, the wording of the Noise and Amenity Management Plan has been updated to reflect that journeys will be discouraged after 9pm.)
- Concern over future increased in site capacity.
- Design and Access Statement lacks site assessment in planning policy and related terms, in terms of the NPPF, AONB Management Plan and Ryedale Plan, Local Plan Strategy. There is no Landscape and Visual Impact Assessment (LVIA.)

7.10. Objections (received between 17th July and 28th August 2023 in respect of the amended scheme)

- Amendments do not alter the substance/materiality of scheme or improve. Continue to object, previous objection still relevant, scheme is still unsuitable in an AONB.
- Hedging would make no difference to the visibility of the site which sits at the bottom of the valley and can be seen from every vantage point. The amended site is at a higher point in the field, would be more visible and the proposed landscaping would not act as a screen.
- Note that the hedging falls within the blue line land, question this. (Case Officer note: This is not an issue and the hedging in the blue line land can be conditioned.)
- Note that the red line boundary encompasses land which is not within the ownership of the applicants and over which there are no rights for accessing the development. This brings into doubt the deliverability of the proposal. (Case Officer note: The agent has confirmed that the red line of the main section of the site is in their ownership entirely. The two no. passing places are on highways land, but highways are content that notice has been served and this would also be controlled by a separate licencing process.)
- The proposed site should use the access from the property's drive, why still use the entrance from a shared road in a poor state of repair.
- A 9pm bar on access is unrealistic, would prove to be unenforceable and could spoil the experience for a guest.
- As per social media, a previous guest tried to contact owners to report noise but had signal issues. Will people comply with a 9pm curfew when the applicant doesn't live on site.
- There should be an inclusion in the Noise and Amenity Management Plan to keep away from the Private Lake Area.
- Hoping to gain dark sky status, but extra lights could be detrimental/
- Considerable number of other campsites in the locality.

- If permission was granted, would like to understand how signage to the site would work.
- Two passing places are proposed, one has already started. In accordance with the highways regulations it is an offence to do so without the correct permission.
- Concerns about the extra traffic. Passing places are likely to be used for walkers to part their vehicles in. Several cars park on the grass verges already. Speed is an issue and concerns for pedestrian safety. Visibility at the junction is impaired and can be difficult to negotiate especially for towing vehicles and larger transport types.

8.0 Environment Impact Assessment (EIA)

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

9.0 Main Issues

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

- Principle of development
- Form, Character and Impact upon the AONB.
- Access, Highway Safety and Parking
- Noise, Amenity and Lighting
- Other Matters

10.0 ASSESSMENT

Principle of Development

- 10.1. Policy SP1 (General Location of Development and Settlement Hierarchy) notes that in all other villages, hamlets and in the open countryside development will be restricted to *that 'which is necessary to support a sustainable, vibrant and healthy rural economy and communities.'*
- 10.2. Within the adopted Ryedale Plan, Local Plan Strategy, land outside Development limits is identified as 'Wider Open Countryside.' Policy SP8 Tourism supports the principle of new camping sites in the Wider Open Countryside where they can be *"accommodated without an unacceptable visual intrusion and impact upon the character of the locality."*
- 10.3. The potential effect of this proposal on the character of the locality will be considered in the relevant sections below. Policy SP8 also acknowledges the potential benefits that well designed tourism facilities can make to the economic wellbeing of the area
- 10.4. The National Planning Policy Framework notes in Paragraph 84(c) that planning policies and decisions should enable *"sustainable rural tourism and leisure developments which respect the character of the countryside."*

- 10.5. The scheme for the proposed camp site is therefore is considered acceptable in principle. As this relates to camping, the standard holiday conditions for new unserviced holiday accommodation (ie. cottages, caravan parks, log cabins/chalets are not appropriate. However, a condition to ensure the operational season is restricted to between 1st May and 31st October annually will be recommended together with a condition to prevent touring or static caravans. A further condition to tie the campsite ownership to Cotril Farm will also be recommended to ensure appropriate control/an on-site management presence is secured in perpetuity. The Planning Agent has confirmed that the Applicant's parents reside on the farm and will be available to act as site managers on evenings and weekends.
- 10.6. It is also considered that the scheme aligns with the requirements of Policy SP9 (The Land Based and Rural Economy.) This notes support for *“appropriate farm and rural diversification activity, including innovative approaches.”* The supporting statement confirms that *“The applicants are seeking to diversify their existing operations to offer the rural business an additional source on income which is essential given the relatively unstable economic climate surrounding the agricultural sector. The Government is actively encouraging farmers to diversify wherever possible.”*
- 10.7. It is therefore considered that subject to full consideration of the other sections below this proposal for a modestly scaled tourism site and other associated development in this location is broadly acceptable in principle and in accordance with Policies SP1, SP8 and SP9 of the Ryedale Plan, Local Plan Strategy and the NPPF. It is however noted, that whilst the LPA would not prejudice a future application, it is unlikely that the further expansion of this site for holiday purposes would be supported.
- 10.8. The fall-back position outlined above given the extended 60 day period for tented camping/motorhome camping as confirmed within Schedule 2 Part 4, Class BC of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended is also noted. As noted, this would allow for up to 50 pitches to be operated for 60 days annually without any specific planning bases restriction, in such a location as the application site, with no controls or conditions, such as passing places, noise and amenity management plans or landscaping schemes. Officers consider that significant weight should be attributed to this fall-back position within the consideration of this scheme.

Form, Character and Impact upon the AONB.

- 10.9. Policy SP13 Landscapes of the Ryedale Plan, Local Plan Strategy notes *“The quality, character and value of Ryedale’s diverse landscapes will be protected and enhanced by ... Protecting the special qualities, scenic and natural beauty of the Howardian Hills Area of Outstanding Natural Beauty (and) the setting of the Area of Outstanding Natural Beauty.”* It also notes: *“Development proposals should contribute to the protection and enhancement of distinctive elements of landscape character that are the result of historical and cultural influences, natural features and aesthetic qualities including:*
- *The distribution and form of settlements and buildings in their landscape setting*
 - *The character of individual settlements, including building styles and materials*

- *The pattern and presence of distinctive landscape features and natural elements (including field boundaries, woodland, habitat types, landforms, topography and watercourses)*
- *Visually sensitive skylines, hill and valley sides*
- *The ambience of the area, including nocturnal character, level and type of activity and tranquillity, sense of enclosure/exposure*

10.10. The NPPF notes in Paragraph 176 that “*Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues.*”

10.11. SP16 Design of the Ryedale Plan, Local Plan Strategy notes: “*Development proposals will be expected to create high quality durable places that are accessible, well integrated with their surroundings and which “Reinforce local distinctiveness and... Protect amenity and promote well-being.”*

To reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings including:

- *The character and appearance of open space and green spaces*
- *Views, vistas and skylines*
- *Appropriate materials, quality and type of building techniques and elements of architectural detail.*
- *Topography and landforms that shape the form and structure of settlements in the landscape*

10.12. Policy SP20: Generic Development Management Issues of the Ryedale Plan, Local Plan Strategy notes:

- *New development will respect the character and context of the immediate locality and the wider landscape/townscape character in terms of physical features and the type and variety of existing uses*
- *Proposed uses and activity will be compatible with the existing ambience of the immediate locality and the surrounding area and with neighbouring land uses and would not prejudice the continued operation of existing neighbouring land uses*

10.13. The site is located within the open countryside, and as noted, within the Howardian Hills Area of Outstanding Natural Beauty (AONB.) The consultation response from the AONB Officer on the original scheme is available to view on the planning file. This was received on the 27th October 2023, on the basis of the amended scheme only. This noted the following:

“I am responding to planning application 23/00249/FUL for change of use of agricultural land to a seasonal camping site to allow 24no. tent and 6no. motor home pitches to include erection of an associated toilet block at Cotril Farm, New Road, Terrington, North Yorkshire YO60 6NT. I am responding in accordance with the role of the Howardian Hills AONB Partnership to support our relevant local authority in

ensuring that they deliver their statutory duties related to conserving and enhancing the natural beauty of the AONB.

I note that this application has revisions compared to planning application 23/00249/FUL which was for change of use of agricultural land to a seasonal camping site to allow a 60 pitch caravan, motor home and camping site (or for a total of 45 pitches as stated in the applicant's letter of 29/09/22), with the most notable changes being:

- A reduction in total number of pitches, from a total of 60 (or 45) to a total of 30 (24 tents and 6 pitches with electrical hook up points for motorhomes).*
- A focus on tents and motorhomes, not caravans.*
- A better definition of the position of the tents and motorhome pitches, now located near to the existing farm buildings.*
- Inclusion of a plan of intended hedge planting.*
- Inclusion of a Noise and Amenity Management Plan which makes commitments to no wider light pollution in the locality, strict noise control and restriction of vehicle movements after 9pm.*
- Replacement of plastic portaloos with a more suitable wooden structure.*
- A clear statement of period of usage (1 May to 31 October).*

I welcome these revisions and appreciate that the applicant has noted and responded to comments made on to their earlier application, 23/00249/FUL.

I suggest that the nature, scale and setting of this proposed development means it still has potential for significant adverse impact on a number of the special qualities of the Howardian Hills AONB, namely tranquillity, a landscape of high visual quality and a rich and varied landscape. Thus, NPPF paragraph 177 could still apply, stating that for AONBs 'planning permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest.'

Likewise, the size of the proposed site constitutes a risk of negative impact on the tranquillity of the surrounding landscape within the Howardian Hills AONB, including the AONB village of Terrington and other rural dwellings in close proximity to the proposed site.

The access to the site is through the AONB, the village of Terrington and then down a single track road, with addition of passing places. The increase in traffic resulting from the scale of the proposed application will have a negative impact, though removal of caravans from the application has reduced this impact. The passing places, whilst aiding traffic flow, will add an urban character to this country lane.

The site is an open field at the bottom of a valley and is very visible from the surrounding higher land, dwellings and Public Rights of Way. The application now includes a plan indicating planting round the boundaries of the northern field edges, and, though this planting is at a distance to the site and is unlikely to affect the visual impact of the proposed site, it is a welcome addition to the existing field hedging and the wider local environment.

There is a well-used bridleway and other Public Rights of Way adjacent to the site and in the wider area and, though no LVIA has been provided, the enjoyment of this public amenity is likely to be affected by the proposed site.

Though the applicant states an intention to restrict vehicle movements in the evening, this is likely to be hard to enforce as the local village does not have evening facilities such as a public house or restaurant so guests are likely to want to drive further afield, leading to light and noise pollution.

Thus, I continue to have some concerns, primarily related to the size of the site and its effect on the tranquillity of this small lane.

During a site visit, an informal discussion with a member of the applicant family indicated that the site, which has been operating under permitted development, has had a far lower level of use than indicated in this application. I suggest that the applicant may consider if a further reduction in number of pitches is feasible, selected to match their experience of actual usage.

If the application is granted, at the current size or at a reduced number of pitches, I suggest the following conditions:

- No caravans allowed.*
- Location of the site near to the existing farm buildings, as shown on the new site plan.*
- Hedge planting to be completed as defined in the new plan.*
- A requirement for enhancements to biodiversity (for example provision of bat and bird boxes).*
- No wider light pollution in the locality, as stated in the Noise and Amenity Management Plan.*
- Strict noise control, as stated in the Noise and Amenity Management Plan.*
- Restriction of vehicle movements after 9pm.*
- Replacement of plastic portaloos with a more suitable wooden structure.*
- A restricted period of usage to run from 1 May to 31 October.”*

10.14. The points made by the AONB Manager are fully noted and have been reviewed carefully. Officers feel it must be clarified that in our view this does not relate to major development in the AONB for the purposes of Paragraph 177 of the NPPF.

10.15. The proposed scheme relates to a development that requires very limited permanent operational development, beyond a sensitively located Yorkshire boarded toilet shed. There would be no hardstanding in the field and only 6 low level solar powered lights utilised. The 2 no. passing places would create extensions to the existing access road and could be undertaken without specific planning permission, rather by the submission of an application to the Local Highway Authority. The critical aspect for consideration therefore relates more to the proposed use of the field for the tented camping (24no. pitches) and motorhome use (limited to 6no.pitches, orientated closely beside existing mature hedgerow to the west.)

- 10.16. As part of the detailed negotiations on this scheme the location of the proposed tented camping pitches have been moved further southwards. It has been raised in the incoming responses that this is in a more prominent location than the previous position to the north, however it is considered that this has a much stronger visual link with the existing built development of the original farmhouse and farmyard, preventing the proposed use appearing sporadic in the wider landscape. The proposed landscaping to the western, northern and eastern boundaries represents a significant investment by the Applicant and this can only realistically be positioned at the field boundaries, as this agricultural field will remain in place for grazing/farming for the remainder of the year between November and April. This landscaping may not secure the obscuration of the camping units, but when on new lane at certain points will better screen the site, including from the most closely adjoining property to the north, Sawmill Cottage and other lower points, which is considered beneficial, whilst also improving biodiversity on the site, a point recognised by the AONB Manager.
- 10.17. Views of this site will be perceptible from certain parts of the nearby public right of way network. The closest public right of way is that immediately to the south of the site, however, given this bisects a working farmyard, there is undoubtedly a sense of existing activity from this view point already. No views are possible from the public right of way to the east/south east from Terrington Hall School northwards. At the very northern extent of this PROW, some views may be possible, but the movement of the units to a more southerly point ensures this would appear less sporadic and the proposed landscaping will assist in this matter.
- 10.18. Views from New Road will be gained at certain points, including from the south, although existing field landscaping will soften this. Views from the lower part of New Road to the west and north west of the site will be limited due to the existing strong landscaping present and in time, the proposed landscaping to the north and west of the site will create further improvements. Views from the public right of way to the north west, as it climbs New Road and the path adjacent to this to the west of Rose Cottage Farm will be possible at points, providing clear but more distant views of the campsite. More views will be perceptible from the public footpath to the north of Rose Cottage Farm, however again, this will relate to distance views and will demonstrate the level of activity associated with the use of the site in the active season, rather than a permanent physical change to the application site.
- 10.19. Due to the positioning of the field, as noted, some views of the proposed camp site will be inevitable, even with the proposed landscaping. However, given the new positioning, this will be orientated directly beside the built form of the dwelling house and existing farm yard. Officers are seeking to strike a balance, in terms of the wider benefits of the scheme including diversification of a farming business, the tourism benefits and trickle down benefits to local businesses, with the impact upon the character and appearance of the locality, including the serious consideration of any scheme such as this upon a nationally important Area of Outstanding Natural Beauty.
- 10.20. It is considered that a key factor in the consideration of this scheme is the limitation to camping between May to October. Although 24 camping pitches and 6 motorhome pitches are proposed, it is unlikely that these will be full to capacity with the exception of perhaps the school summer holiday. A further important factor relates to the fall-back

permitted development position outlined above. This is the possibility that the Applicant could run this campsite with up to 50 pitches for 60 days annually for a mix of motorhomes, campervans or tented camping without any requirement for planning permission. If this were enacted, logically this would most likely occur in the busier summer season and could potential allow for up to 50 units at any one time, which could have a more significant impact in terms of traffic issues and the visual prominence of the site. By accepting this planning proposal, albeit for a longer period of the year, this would secure and enforce an upper limit of 30 total units, of which only 6 could be motorhomes. The Agent has agreed that should this be permitted, they would be content to accept a condition to prevent within the blue line land, any camping to be undertaken under permitted development rights. The LPA also has the ability to secure the delivery of the passing places, condition accordance with the Noise and Amenity Management Plan and secure the significant level of additional landscaping.

- 10.21. Similarly, whilst Policy SP13 notes the requirement for tranquillity and nocturnal ambience in the wider open countryside, this site is directly adjoined by a working farmyard and the nature of what could occur under permitted development rights is noted. Policy SP8 also recognises the important contribution that tourism makes to the economy within the District.
- 10.22. It is further noted, that whilst the AONB Manager considers that the passing places may have an urbanising effect, their inclusion is considered very beneficial in terms of the access and highway safety to and from the site. As noted, this could be undertaken without planning permission through an application to the Local Highway Authority, who would not attribute weight to whether or not this was 'urbanising.' It is however also considered that as the passing places will be off an existing made road, they would not appear incongruous from wider views.
- 10.23. The AONB Manager's advice on conditioning no caravans on site is agreed and has been added as a condition as has the proposed seasonal operating months. A condition has also been recommended to require that any further lighting (beyond the 6no. solar powered lights) will require the prior written approval of the local planning authority and these will be removed in the closed season. The landscaping will also be secured by condition. The more suitable wooden clad toilet structure is present which will obscure the loos from public view. The Noise and Amenity Management Plan (NAMP) will also can be conditioned for compliance and this document will be reviewed further in the amenity section.
- 10.24. The point made by the AONB Manager, in relation to securing the delivery bat boxes and bird boxes is noted. A condition to secure ecological enhancements on the site will be recommended, however it is noted that the significant scale of new landscaping will contribute significantly to this.
- 10.25. On balance, it is considered that the whilst the proposed camp site will be undoubtedly be discernible from certain public vantage points, due to the amended positioning of the proposed seasonal camping pitches, the exclusion of caravans from the site, the low key nature of the associated operational development and lighting, as well as the provision of landscaping, it will result in a scheme that can assimilate in this location,

without material permanent irreversible harm to the wider character of the area and the special value of the AONB. This is concluded given the context and location of the existing landscaping and additional landscaping proposed, the proximity to the existing built form of the buildings at Cotril Farm, the sensitive lighting scheme and the seasonal limitation which are elements that would be secured by condition. This is therefore on balance considered to be in accordance with Policies SP13, SP16 and SP20 of the Ryedale Plan, Local Plan Strategy and the requirements of the NPPF.

Access, Highway Safety and Parking

10.26. The Highways Officer noted in a response dated 2th May 2023 *“New road Terrington is extremely narrow and unable to facilitate vehicles passing when travelling in opposite directions. The sites proposals could increase vehicular activity significantly – could we ask the applicants or agent for a travel plan and how they propose vehicles will safely access/ egress the proposed camp site without meeting head-on, on this narrow country road?”*

10.27. Further discussions were undertaken with the Agent and the final approach has been the submission of a plan showing two indicative additional passing places along New Lane.

10.28. The final response from the Highways Officer notes: “In assessing the submitted proposals and reaching its recommendation the Local Highway Authority has taken into account the following matters:

In principle the Local Highway Authority does not offer objection to the proposed development.

The carriageway leading to the site is single track and although there are some informal sections where traffic can pass when travelling in opposing directions these are within unmade accesses.

The applicant reports a nominal increase in vehicular activity through Monday to Thursday however, the reported vehicular movements between Friday and Sunday shows a significant increase during peak periods. The site is accessed via a narrow road network and would benefit from the installation of 2 no. formalised inter-visible passing places to support the intensification of use. The combined width of the single track road plus passing bay shall be a minimum of 5.5 metres over a length of 10 metres, tapers measuring 5 metres long shall be provided at either end.

The applicant must enter into a section 278 agreement with the Local Highway Authority. A section 278 agreement is a section of the Highways Act 1980 that allows developers to enter into a legal agreement with the council in their capacity as the Local Highway Authority.

The applicants have provided plans scanned by LPA14 September 2023 showing locations for 2 number passing places which the Local Highway Authority consider appropriately positioned to facilitate inter visibility and sections where 2 vehicles travelling in opposing direction can pass safely.” An appropriate condition to secure the delivery of these off site highways works was recommended.

10.29. Subject to the recommended conditions, in terms of transport, parking and highway safety this scheme is considered to meet the requirements contained within Policies

SP16 (Design) and SP20 (General Development Management Issues) contained within the Adopted Local Plan, the Ryedale Plan Local Plan Strategy (2013). It is also considered that the scheme is in compliance with the requirements of the National Planning Policy Framework.

Noise, Amenity and Lighting

10.30. Policy SP20 Generic Development Management Issues of the Ryedale Plan, Local Plan Strategy notes:

- *New development will not have a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence*
- *Developers will be expected to apply the highest standards outlined in the World Health Organisation, British Standards and wider international and national standards relating to noise*

10.31. Paragraph 185 of the NPPF notes *“Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*
a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”

10.32. The nearest properties to the south, Bonny Rigg and Norwood are located c425m from the nearest part of the proposed camp site. The nearest property to the north of the site, Sawmill Cottage is located at a distance of c150m from the blue line land of the field, but c220m to the north of the nearest part of the amended red line indicating the site location plan.

10.33. The Council’s Environmental Health Officers were consulted in relation to the scheme. In their formal response dated 21st April, they confirmed the following: “ I have considered the application, and have no objections in principle.

However I am concerned that the facilities are not going to be connected to existing drainage system but emptied once a week, this may not be sufficient.

As the number of motorhomes exceeds the number allowed by exempted organisation a public health and caravan site licence may be required, this will specify the number of toilets, showers and wash hand basins etc. Currently caravan licensing is administrated by Housing who would be able to advice on the licensing conditions.”

- 10.34. The Agent has confirmed that the toilet block will be emptied once a week by a contractor. This has been considered acceptable by the Council's licencing team. Their formal response noted: "I would confirm I have no objections in principle to this application. The previous responses regarding the proposed once-weekly servicing/emptying of the portable toilet units are noted and I have no objections to the proposal. I would also request that if planning permission is granted that an informative is added that the applicant may need to contact the council as a caravan site licence may be required (if they were to exceed the 28 days per annum, which is also noted in the application and subsequent responses)." This will be confirmed by way of an informative. Therefore the point raised by the EHO is considered addressed.
- 10.35. Whilst no specific concerns were raised by the EHO in terms of neighbouring amenity, it was considered appropriate to seek the submission of a comprehensive Noise and Amenity Management Plan for the site. This document was submitted by the Agent and scanned on the 10th July 2023. This can be read in full on the Planning file but mitigation measures include the following:
- Guests will not be permitted fireworks, dogs off leads if they are likely to disturb other guests, no unauthorised camp fires, use of litter bins, no flags, drones or generators. additional lighting, BBQs, or hot tubs.
 - Guests may only pitch their tents in the approved areas of the site
 - Guests will be informed that no amplified or non-amplified music is permitted after 9pm, with any music prior to that time be limited to a 'low level' to avoid disturbance for neighbouring residents.
 - The Applicant will keep a full record of all lead guest names and associated vehicle registration numbers
 - The Applicant will as much as is feasibly possible ensure that there is an on-site management presence (usually within the adjacent property Cotril Farm) when the site is occupied. A 24 hour telephone number will be made available to guests and manned by the site manager.
 - Guests will be directed to dispose of all litter/ waste in clearly identified waste bins.
 - No mains powered external lighting shall be installed on the site without prior approval from the Local Authority. The Applicant will implement low level solar pathway lighting as a necessary safety measure for guests. Guests shall then be encouraged to use their own torches where necessary.
 - No vehicles movements beyond 9pm, unless in the case of an emergency. (The Agent clarified upon this point in an email dated 30th October 2023 *"Realistically the Applicant can only do their utmost to deter patrons from coming to and from the site beyond 9pm, however it would not be reasonable (nor safe) to go as far as to lock the site, remove keys, etc. at 9pm. I would suggest this is akin to every caravan / glamping / camp site in the UK. It will be clearly outlined within the site rules, which will be issued upon booking, that vehicles movements beyond 9pm are strongly discouraged."*)
- 10.36. The clarifying point about the associated vehicle movements after 9pm is noted. It is not considered that it would be 'reasonable' in terms of the tests of soundness for

planning conditions to prevent all movements after 9pm. However, it is considered that encouraging this would be appropriate. It is noted that with the 2no. additional passing places and the low speeds that people unfamiliar with New Road would hopefully travel at, that there would be limited impacts experienced as a result of some movements post 9pm.

- 10.37. Consequently, the wording relating to the movement past 9pm within the Noise and Amenity Management Plan has been updated for clarity. A condition is recommended for compliance with the Noise and Amenity Management Plan confirming “beyond 9pm vehicle movements are discouraged, unless in the case of an emergency.”
- 10.38. This will be subject to a requirement for its review annually or at the request of the LPA. A further condition to tie the site ownership to Cotril Farm will also be recommended to ensure appropriate amenity and an onsite management presence can be secured in perpetuity.
- 10.39. It is therefore considered that this scheme is acceptable in terms of amenity, in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy and the NPPF.

Other Matters

- 10.40. Limited surface water issues are anticipated given that only the 9m x 1.5m wide toilet block is proposed. The proposed camping pitches will not be treated with any hardstanding.
- 10.41. The scheme will occur in agricultural land that is used for grazing in the remaining 6 months of the year and will result in no permanent physical changes to the field, with the limited exception of the toilet block. It is considered that subject to a condition to secure the landscaping scheme which will result in an ecological enhancement, that this scheme would align with the requirements of Policy SP14 (Biodiversity) of the Ryedale Plan, Local Plan Strategy and the National Planning Policy Framework.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1. This application has been recommended for approval as it is considered to meet with the requirements of the Ryedale Plan, Local Plan Strategy and the National Planning Policy Framework.
- 11.2. This proposed scheme, which includes the creation of a campsite in a section of a field to the west of Cotril Farm is considered to be acceptable in principle within this location, which falls within the designated ‘Wider Open Countryside under the Ryedale Plan, Local Plan Strategy.
- 11.3. Subject to the amendments made and the relevant recommended conditions, it is considered to align with the requirements of the following policies within the Ryedale Plan, Local Plan Strategy: Policy SP1 (General Location of Development and

Settlement Hierarchy) Policy SP8 (Tourism) Policy SP13 (Landscapes) SP14 (Biodiversity) SP16 (Design) SP17 (Managing Air, Land and Water Resources) SP20 (Generic Development Management Issues and Policy SP21 (Occupancy Restrictions, together with the National Planning Policy Framework (NPPF.)

- 11.4. The scheme, which includes sufficient off road car parking spaces and the provision of 2 additional passing places along New Lane (to be secured by condition) is considered acceptable in terms of access and highway safety by the Case Officer and the Highways Officer.
- 11.5. The application is also considered to be suitable in terms of ecology, drainage and landscaping subject to the relevant conditions. On balance, is not considered that this would result in significant adverse effects on the special value of the Howardian Hills Area of Outstanding Natural Beauty. This is due to the realignment of the application site in closer context with the built form of the farmyard and residential dwelling of Cotril Farm, together with the limitation on camping to 6 months of the year, for up to 24 tents and 6 motorhome pitches. It is considered that this proposal for predominantly tented camping would be less visually intrusive than caravans. The site would revert to its original appearance in the remaining 6 months of the year and would be further improved by the proposed landscaping scheme which introduces significant amounts of new hedgerows and trees within the site, together with the management controls secured by the Noise and Amenity Management Plan.
- 11.6. Weight is also given to the outlined, very realistic fall back position available to the Applicant, where a camp site for up to 50 pitches including tents and motorhomes could be operated for up to 60 days without planning permission. This could be undertaken with no improvements in terms of landscaping, passing places or conditioning of a document such as the Noise and Amenity Management Plan. As part of the determination of this application, it has been agreed with the Agent that they would accept a condition that would remove all permitted development rights for camping (tented camping, caravans or motorhomes) within the blue line land. This would afford a better level of control over how the site is operated going forward and would limit any impacts by way of potential cumulative development.
- 11.7. The Environmental Health Officer has reviewed the scheme and raises no concerns in relation to amenity or noise, however notwithstanding this the Agent has provided a Noise and Amenity Management Plan, which will be conditioned to secure a good level of future amenity for surrounding residents. The ownership of the proposed campsite will also be conditioned to remain under the ownership of Cotril Farm and as noted, the Agent has confirmed that this would ensure that family members will be on site on evenings/weekends to fulfil the role of site managers.
- 11.8. Therefore, on balance, this scheme has been carefully considered, with full consideration given to the incoming letters of representation. Improvements and additional management controls sought and agreed. It is acknowledged that this would be undertaken in a very sensitive AONB Landscape, however it is considered that the benefits of the scheme, including the farm diversification benefits and contribution to the local tourism offer with trickle down benefits to local business are

welcomed. Furthermore, the more limited basis on which this would be operated and the limited permanent development are also noted, with no irrevocable permanent changes to the agricultural field proposed, beyond the low key Yorkshire boarded toilet block.

12.0 RECOMMENDATION

12.1 That planning permission be GRANTED subject to conditions listed below

Recommended conditions:

Condition 1 Time Limit

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

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

Condition 2 Approved Plans

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

Site Location Plan A1(Including Site Plan Drawing and Passing Places) (Drawing no. LC010223B Rev B)

Elevations A1 (Drawing no. LC020223)

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

Condition 3 – Ownership

The campsite hereby approved shall remain in the same ownership as the property currently known as Cotril Farm, Terrington.

Reason: In the interests of the amenity of existing and future occupiers and to satisfy the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

Condition 4 – Holiday 1

The campsite hereby approved shall only be available to accommodate holidaymakers between 1st May and 31st October annually.

Reason: In the interests of visual amenity in accordance with Policies SP13, SP16 and SP20 and as the application has been based on this assessment

Condition 5 – Holiday 2

No touring or static caravans shall be brought onto the application site for commercial tourism purposes.

Reason: In the interests of visual amenity within this Area of Outstanding Natural Beauty and in the interest of access and highway safety as this scheme has been assessed on the basis of tented camping and motorhomes, to satisfy the requirements of Policies SP13 and SP20 of the Ryedale Plan - Local Plan Strategy.

Condition 6 – PD rights removal

Notwithstanding the provisions of Schedule 2, Part 4 Class B and Class BC, Schedule 2, Part 5, or Schedule 2, Part 12 Class VA of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or amending that Order) permitted development rights for tented camping, the siting of motorhomes or caravans for tourism purposes are henceforth removed.

Reason: To ensure that the appearance of the areas is not prejudiced by the introduction of unacceptable materials and/or structure(s) in compliance with Policy SP20.

Condition 6:

All planting seeding and/or turfing comprised in the landscaping scheme indicated within the Site Plan Drawing (Drawing no. LC010223B Rev B) shall be carried out during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of five years from being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development hereby approved Policy in accordance with Policies SP14, 16 and SP20 of the Ryedale Plan - Local Plan Strategy

Condition 7: Lighting

No external lighting (beyond the 6no. solar powered lights to serve the 6no. motorhome pitches) shall be installed within the application site without the prior written approval of the Local Planning Authority.

Any approved lighting shall be maintained in perpetuity with the approved details unless otherwise approved in writing by the Local Planning Authority.

The 6no. solar powered lights shall be removed from site during the closed season.

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

Condition 8: Noise – Noise Management Plan

The development hereby approved shall be operated in accordance with the approved Noise and Amenity Management Plan produced by Ian Pick XXX and in conjunction with the email from the Agent dated XXX

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

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

Condition 9: Highways

The following schemes of off-site highway mitigation measures must be completed as indicated below:

- INSTALLATION OF 2 NO. FORMAL PASSING PLACES at NEW ROAD, TERRINGTON at locations agreed on 'Revised Location Plan' prior to SITE BEING BROUGHT INTO USE.

For each scheme of off-site highway mitigation, 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 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 that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site.

Each item of 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 in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.

MHi-A Other Permissions required from the Local Highway Authority

Applicants are reminded that in addition to securing planning permission other permissions may be required from North Yorkshire County Council as Local Highway Authority. These additional permissions can include, but are not limited to: Agreements under Sections 278, 38, and 184 of the Highways Act 1980; Section 38 of the Commons Act 2006, permissions through New Roads and Streetworks Act 1991 and Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (as amended and including all instruments, orders, plans, regulations and directions).

Further information on these matters can be obtained from the Local Highway Authority. Other permissions may also be required from third parties. It is the applicant's responsibility to ensure all necessary permissions are in place.

MHi-F Delivery of off-site highway works –(MHC07)

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. No unit must be occupied until the related parking facilities have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Condition 10: Ecology

Prior to the application site being brought into use within the next season, a scheme to secure for ecological improvements/biodiversity net gain within the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be brought into use within a 3 month period unless otherwise agreed with the Local Planning Authority.

Reason: to secure ecological enhancements within the application site, in accordance with Policy SP14 of the Ryedale Plan, Local Plan Strategy.

Informatives

- 1:
- i) There is a Public Right of Way or a ‘claimed’ Public Right of Way within or adjoining the application site boundary – please see the attached plan.
 - ii) If the proposed development will physically affect the Public Right of Way **permanently** in any way an application to the Local Planning Authority for a Public Path Order/Diversion Order will need to be made under S.257 of the Town and Country Planning Act 1990 as soon as possible. Please contact the Local Planning Authority for a Public Path Order application form.
 - iii) If the proposed development will physically affect a Public Right of Way **temporarily** during the period of development works only, an application to the Highway Authority (North Yorkshire County Council) for a Temporary Closure Order is required. Please contact the County Council or visit their website for an application form.
 - iv) The existing Public Right(s) of Way on the site must be protected and kept clear of any obstruction until such time as an alternative route has been provided by either a temporary or permanent Order.
 - v) It is an offence to obstruct a Public Right of Way and enforcement action can be taken by the Highway Authority to remove any obstruction.
 - vi) If there is a “claimed” Public Right of Way within or adjoining the application site boundary, the route is the subject of a formal application and should be regarded in the same way as a Public Right of Way until such time as the application is resolved.
 - vii) Where public access is to be retained during the development period, it shall be kept free from obstruction and all persons working on the development site must be made aware that a Public Right of Way exists, and must have regard for the safety of Public Rights of Way users at all times.

Applicants should contact the County Council's Countryside Access Service at County Hall, Northallerton via CATO@northyorks.gov.uk to obtain up-to-date information regarding the exact route of the way and to discuss any initial proposals for altering the route.

- 2: It is noted the Developer should contact the Council's Housing Team to ascertain if a Caravan Site Licence will be necessary.

Target Determination Date: 22nd December 2023

Case Officer: Niamh Bonner, niamh.bonner@northyorks.gov.uk

Appendix A – Proposed Layout Plan