

**North Yorkshire Council**

**Community Development Services**

**Selby and Ainsty Area Constituency Committee**

**10 JANUARY 2024**

**2023/0220/COU - Change of use from public house (sui generis use) to bed and breakfast and mixed-use events venue (sui generis use) (retrospective) at Kings Arms, Marsh Lane, Beal, DN14 0SL**

**Report of the Assistant Director - Planning – Community Development Services**

**1.0 Purpose of the Report**

- 1.1 To determine a planning application for the retrospective change of use of a public house (sui generis use) to a bed and breakfast and mixed-use events venue (sui generis use) at The Kings Arms, Beal.
- 1.2 This has been brought to Planning Committee as the Head of Planning Development Management considers that the planning application raises significant planning issues such that it is in the public interest for the application to be considered by committee.

**2.0 SUMMARY**

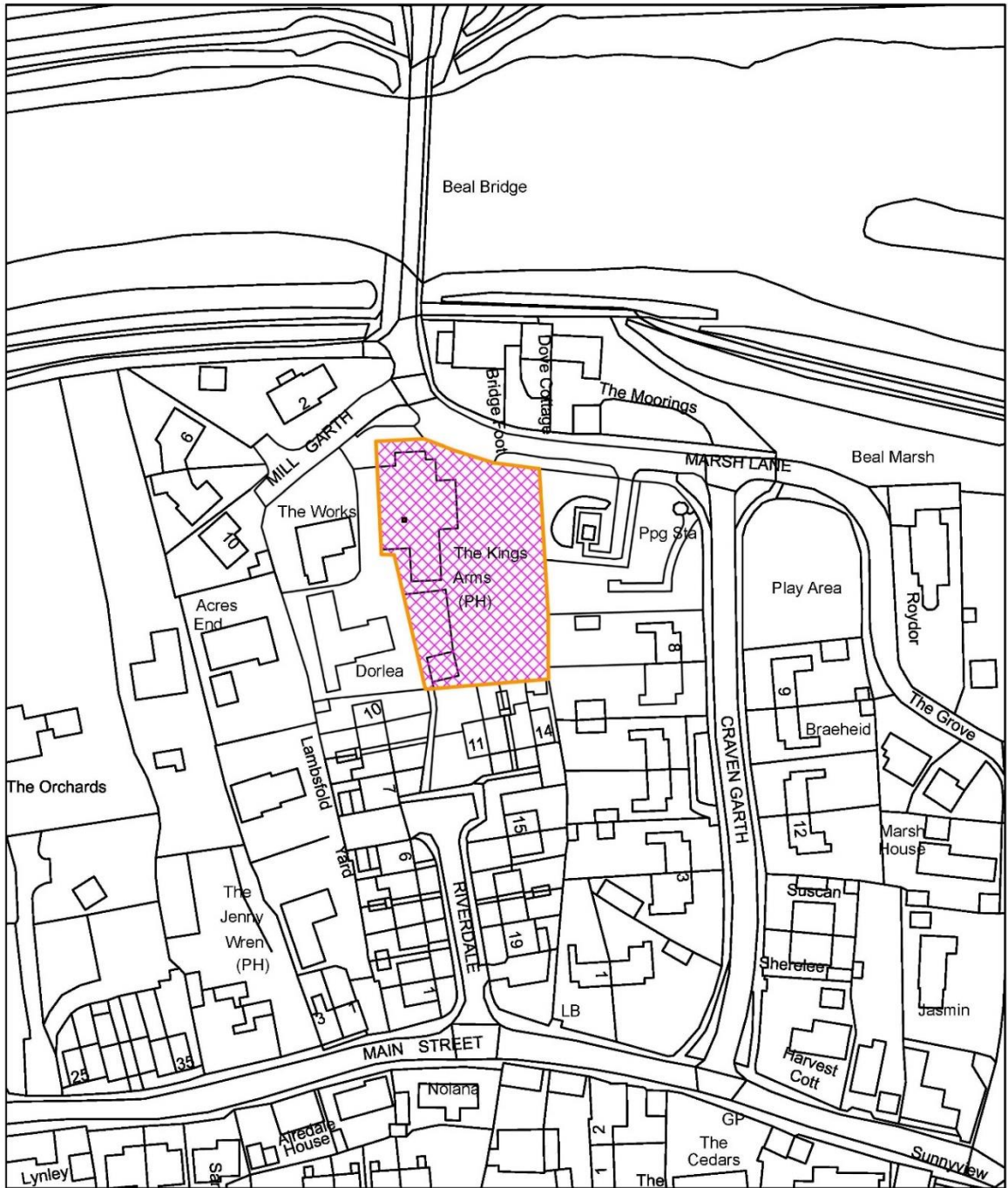
**RECOMMENDATION: That planning permission be GRANTED subject to conditions listed below.**

- 2.1. The application is seeking permission for the continued change of use of a public house to be used as a bed & breakfast and mixed-use events space. The development has taken place and the bed and breakfast business is currently operating from the site. The application is, therefore, retrospective.
- 2.2. The site is located within the village of Beal and comprises of the former Kings Arms public house building, a detached outbuilding and car park. The application site measures 0.2 hectares in total. A Public Right of Way (PROW) runs north – south through the site.
- 2.3. It is noted that 149 local representations have been received of which 51 are in support and 97 are objecting. Most objections relate to the blocking up of the PROW, which has resulted in local residents no longer being able to access the right of way. The extinguishment of the PROW was originally included as part of the application but has since been omitted and will need to be dealt with as an entirely separate matter via a separate Section 257 application. Section 257 gives the council discretionary power to make a

Diversion or Stopping Up Order to enable development to take place in accordance with planning permission.

- 2.4. The application is considered to be acceptable in principle and complies with policies SP1, SP2 of the Core Strategy and policies EMP6 and S3 of the Local Plan as well as guidance within the NPPF.
- 2.5. The proposed change of use is considered to be relatively minor in nature and would not result in any significant external changes to the building.

Kings Arms, Marsh Lane, Beal  
2023/0220/COU



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Do not measure from plan

### 3.0 **Preliminary Matters**

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

<https://public.selby.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>.

3.2. There are eight relevant planning applications for this application which are detailed below.

- 2007/0937/FUL - Single storey rear extension to form dining room and new entrance porch (following demolition of existing conservatory) and alterations to car park layout and entrance – PERMITTED – 26/09/2007.  
Condition 06 of the Notice of Decision states: The existing Public Right of Way shall be protected and kept clear of any obstruction until such time as any alternative route has been provided and confirmed under an Order made under the Town and Country Planning Act 1990.  
Reason: In Order to protect the Public Right of Way.
- 2007/0455/FUL - Decking with heaters and lighting – PERMITTED – 29/06/2007.
- CO/2001/0615 - Proposed bedroom, garage and conservatory extensions (partially in place of existing garage) – PERMITTED – 31/07/2001.
- CO/1995/0942 - Proposed erection of a conservatory to the side elevation. - PERMITTED – 15/11/1995.
- CO/1992/0878 - Proposed erection of a conservatory at second storey level on existing flat roof, to the rear elevation. – PERMITTED – 16/06/1992.
- CO/1991/0958 - Proposed erection of a single storey kitchen extension to the rear elevation and replacing covered yard area and provision of first floor fire escape. - PERMITTED – 11/10/1991.
- CO/1989/1231 - Proposed erection of 3no single storey extensions and a two-storey extension to provide additional accommodation of an existing public house at The Kings Arms. - PERMITTED – 29/03/1990.
- CO/1988/1224 - Erection of an extension to existing ladies WC at The Kings Arms. – PERMITTED – 11/05/1988.

#### **4.0 Site and Surroundings**

- 4.1. The application site is comprised of the former King Arms public house, detached outbuilding, to the rear of the main building and car park. The application site measures around 0.2 hectares. The public house fronts Marsh Lane and vehicular access to the site is from this public highway. There is a public footpath that runs north to south through the site, from Marsh Lane to Riverdale. The existing site boundaries treatments consist of a 1.5-metre-high wall along the southern and western boundaries, a substantial conifer tree hedge along the east boundary and a dwarf wall along the frontage with Marsh Lane.
- 4.2. It is noted that an unauthorised fence has been erected along the front of the site, since the submission of this application. The fence is a close board timber fence and appears to be approximately 1.8 metres in height. A fence has also been erected within the car park, to the rear of the main building. The fence requires Full Planning Permission and is being dealt with separately to the change of use application. A separate application has not yet been submitted.
- 4.3. The local area is predominantly residential in nature, with large, detached dwellings to the west and smaller, terraced dwellings to the south of the application site. To the east is a Yorkshire Water pump house and recreational area and more housing beyond this. It is noted that the Jenny Wren Public House is located approximately 150 metres to the south-west of the application site on Main Street.
- 4.4. The application site is located within the development limits of the settlement of Beal, which is a secondary village as defined in the Core Strategy. The Application site is washed over by Green Belt and is also located within Flood Zone 2.

#### **5.0 Description of Proposal**

- 5.1. This application seeks Full Planning Permission for the continued change of use of the former public house to be used as a bed and breakfast and mixed use (sui generis) space.

#### **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:
- Selby District Local Plan, adopted on 8 February 2005

- Selby District Core Strategy Local Plan, adopted on 22 October 2013
- Minerals and Waste Joint Plan, adopted 2022

### Emerging Development Plan – Material Consideration

6.3 The Emerging Development Plan for this site is:

- Selby District Council Local Plan publication version 2022 (Reg 19)

On 17 September 2019, Selby District Council agreed to prepare a new Local Plan. Consultation on issues and options took place early in 2020 and further consultation took place on preferred options and additional sites in 2021. The Pre-submission Publication Local Plan (under Regulation 19 of the Town and Country Planning (Local Development) (England) Regulations 2012, as amended), including supporting documents, associated evidence base and background papers, was subject to formal consultation that ended on 28th October 2022. The responses have been considered and the next stage involves the submission of the plan to the Secretary of State for Examination.

In accordance with paragraph 48 of the NPPF, given the stage of preparation following the consultation process and depending on the extent of unresolved objections to policies and their degree of consistency with the policies in the NPPF, the policies contained within the emerging Local Plan can be given weight as a material consideration in decision making.

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

### Guidance - Material Considerations

6.3. Relevant guidance for this application is:

- National Planning Policy Framework 2023
- National Planning Practice Guidance
- National Design Guide 2021

## **7.0 Consultation Responses**

7.1. The following consultation responses have been received and have been summarised below.

7.2. **Parish Council:** The Parish Council are concerned that the Change of Use application includes an application to extinguish the Public Right of Way. There is an old application which stated that the right of way had to be preserved. This is detailed in section 3 of the report.

The Public Right of Way is a completely separate matter to the change of use and as such the PC have advised that they will continue to object to the application until the Public Right of Way is separated from this current application and dealt with as a separate matter.

The PC are also concerned that as this application is retrospective, care is taken to ensure that current regulations such as Building Regulations, Health and Safety and Fire Regulations are up to date.

- 7.3. **Environment Agency:** The EA originally objected to the application due to concerns raised with the Flood Risk Assessment following the submission of the revised FRA the EA have withdrawn their objections subject to adherence to the FRA.
- 7.4. **Environmental Health:** No objections raised by the EHO, any potential noise or amenity issues can be addressed through the existing premises licence.
- 7.5. **Internal Drainage Board:** No objections.
- 7.6. **Highways:** No objections.
- 7.7. **Public Right of Way:** The PROW team have advised that the Public Footpath across this site is obstructed, this is unlawful under section 143 of the Highways Act 1980. As part of the proposed works, the applicant will need to apply to divert the legal line of the footpath which is obstructed by the building, onto an alternative alignment and any fence obstructions will need removing, ensuring that the Public Footpath is open and available at all times. The Public have a right to deviate onto other land belonging to the same landowner, in order to get around an obstruction to a Public Footpath. It is therefore in the applicant's best interests to resolve the Public Rights of Way issues. If the Public Right of Way is to be permanently closed a Public Path Order/Diversion order will need to be made under S257 of the Town and Country Act

#### Local Representations

- 7.8. 149 local representations have been received of which 51 are in support and 97 are objecting. Comments have also been received from local interest groups West Riding Area of the Ramblers who object to the application. It is noted that all the letters of support have been submitted by representors who do not live in the village or local area. It is also noted that the vast majority of objections raise concerns over the loss of the Public Right of Way (PROW). This, however, is not being dealt with as part of this application.
- 7.9. A summary of the comments is provided below, however, please see website for full comments.
- 7.10. Support:
- Supports the creative industry.
  - Positive impact on local economy.
  - Provides local employment.

- Existing pub is an eyesore.
- It will provide a unique facility.
- Provide a safe space for people.

#### 7.11. Objections:

- Loss of a pub, which is a valuable community asset.
- Use as an Airbnb/holiday let.
- Use as a Women's refuge/ accommodation for vulnerable people.
- Use to cater for Hen and Stag parties.
- Loss of Public Right of Way.
- Potential drainage issues.
- Potential overlooking issues and impact on residential amenity.
- Potential noise issues.
- Loss of jobs.
- The application has been made retrospectively.
- Not clear on what the use of the business will be.

## **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
- Green Belt policy
- Economic considerations
- Design and impact on the character and appearance of the Area
- Impact on residential Amenity
- Impact on highways
- Flood Risk and Drainage
- Other Matters

## **10.0 ASSESSMENT**

### Principle of Development

- 10.1. The application site is located within the defined development limits of Beal, which is designated as Green Belt land and falls within Flood Zone 2 (medium probability). The application seeks permission for the change of use of a former Public House (sui generis use) to be used a bed & breakfast and mixed-use venue (sui generis). It is noted that the change of use has already



taken place and the bed and breakfast and writer's retreat business is operating from the building.

- 10.2. Policy SP1 of the Core Strategy sets out a presumption in favour of sustainable development reflecting the approach of the National Planning Policy Framework (NPPF). Planning applications that accord to the development plan will be approved without delay unless material considerations indicate otherwise. The settlement hierarchy for the Selby Area defines Beal as a Secondary Village with defined development limits. The site is located within the development limit of Beal. Policy SP2 of the Core Strategy sets out the spatial development strategy and the principles for directing new development. This policy allows for limited development within secondary villages at SP2A(c).

*Green Belt policy*

- 10.3. However, as the site lies within land designated as Green Belt, Policy SP2A(d) of the Core Strategy is relevant and states that "In Green Belt, including villages washed over by the Green Belt, development must conform with Policy SP3 and national Green Belt policies.
- 10.4. Policy SP3B of the Core Strategy states "In accordance with the NPPF, within the defined Green Belt, planning permission will not be granted for inappropriate development unless the applicant has demonstrated that very special circumstances exist to justify why permission should be granted".
- 10.5. The decision-making process when considering proposals for development in the Green Belt is in three stages, and is as follows: -
- a) It must be determined whether the development is appropriate or inappropriate development in the Green Belt.
  - b) If the development is appropriate, the application should be determined on its own merits.
  - c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies and the development should not be permitted unless there are very special circumstances which clearly outweigh the presumption against it.
- 10.6. The guidance within the NPPF paragraph 154 states "A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt" other than for specified exceptions including [amongst other things] "the extension or alteration of a building provided it does not result in disproportionate addition over and above the size of the original building". Paragraph 155 of the NPPF states that "Certain other types of development are also not inappropriate in the Green Belt provided they preserve its

openness and do not conflict with the purposes of including land within it" including [amongst other things]:

- b) engineering operations;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).

- 10.7. The application proposes change of use of an existing building with re-use of the existing car parking area. The building is considered to be of permanent and substantial construction and no change is proposed to the car parking area. The proposal would therefore be in accordance with paragraph 155 d) of the NPPF as it involves re-use of a building of permanent and substantial construction without additional or external changes that would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. Therefore, the proposal is not inappropriate development in the Green Belt.

*Economic considerations*

- 10.8. Saved Policy EMP6(B) of the Selby Local Plan relates to Employment Development within Development Limits and Established Employment Areas and states that proposals within defined development limits will be permitted for new business development, including the change of use of land or premises subject to the following criteria:
- 1) The nature and scale of the proposal is appropriate to the locality;
  - 2) The proposals would not prejudice the future comprehensive development of land; and
  - 3) The proposal would not harm acknowledged nature conservation interests or result in the loss of open space of recreation or amenity value, or which is intrinsically important to the character of the area.
- 10.9. Saved Policy S3(B) of the Selby Local Plan relates to the loss of a retailing use or the loss of a public house outside the main settlements of Selby, Tadcaster and Sherburn in Elmet. The policy states that the loss of such businesses will not be permitted unless:
- 1) It can be demonstrated that there is alternative provision for a similar type of use within reasonable walking distance; or
  - 2) It can be shown that the business is no longer viable for retail purposes within its existing use class, and that it has remained unsold or unlet for a substantial period of time, despite genuine and sustained attempts to market it on reasonable terms.

- 10.10. With regard to Policy EMP6(B), the premises would serve a local function and due to its size and intensity of use is considered of a scale appropriate to the locality. The impact on access, parking and residential amenity is discussed below.
- 10.11. In terms of Policy S3(B), limited information has been provided by the applicant in relation to the viability of the business. However, it is noted that there is alternative provision of a public house within the village, The Jenny Wren Public House. The Jenny Wren PH is located approximately 100 metres to the south of the application site or a 4-minute walk from the site, located more centrally in the village on Main Street.
- 10.12. In conclusion, having had regard to this policy context, it is considered that the development is acceptable in principle in respect of policies SP1, SP2, SP3 of the Core Strategy and saved policies EMP6 and S3 of the Local Plan and Green Belt policy as set out in the NPPF. Paragraph 97 of the NPPF states that planning decisions should guard against unnecessary loss of valued facilities and services. Whilst the proposal results in the change use of the former public house it remains to be a facility that supports the community in terms of a cultural building.

*Section 149 of The Equality Act 2010*

- 10.13. Under Section 148 of the Equality Act 2010 Local Planning Authorities must have due regard to the following when making decisions: (i) eliminating discrimination, harassment and victimisation; (ii) advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (iii) fostering good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are: age (normally young or older people), disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.
- 10.14. The change of use of the development site to a bed and breakfast and mixed-use events venue would not result in a negative effect on any persons or on persons with The Equality Act 2010 protected characteristics and could in the longer term have a positive effect.

Design and impact on the character and appearance of the Area

- 10.15. Policy ENV1(1) of the Local Plan requires development to take account of the effect upon the character of the area and the amenity of adjoining occupiers. Significant weight should be attached to these policies as they are broadly consistent with the aims of the NPPF to protect residential amenity and the

areas character. ENV1(4) requires the standard of layout, design and materials to respect the site and its surroundings.

- 10.16. Policy SP19 - Design Quality of the Core Strategy outlines those proposals "for all new development will be expected to contribute to enhancing community cohesion by achieving high quality design and have regards to the local character, identity and context of its surroundings including historic townscapes, settlement patterns and the open countryside".
- 10.17. The proposed plans show that there would be no external changes to the building other than a change to the signage. Internally, the proposed plans show that one of the rooms at ground floor, to the rear of the building, would be subdivided to provide an additional bedroom at ground floor level and 2 no. offices.
- 10.18. The proposed changes to the building a relatively minor and would not impact on the character of the locality.
- 10.19. Having regard to the above, it is considered the proposal is in accordance with Policy ENV1 of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

#### Impact on Residential Amenity

- 10.20. Selby District Local Plan Policy ENV1 requires the effect of new development upon the amenity of adjoining occupiers to be taken into account Significant weight should be attached to this Policy as it is broadly consistent with the aims of the NPPF to ensure that a good standard of amenity is achieved. Core Strategy Policy SP19 seeks to prevent development from contributing to, amongst other things, light or noise pollution.
- 10.21. The key considerations in respect of residential amenity are considered to be the potential of the proposal to result in unsatisfactory levels of noise and disturbance for the occupiers of neighbouring dwellings.
- 10.22. Due to the nature of the proposal, it is considered that the change of use would not result in any additional overlooking or overshadowing.
- 10.23. Taking into account the previous use as a public house, it is considered that the proposed change of use would not result in any significant adverse effects on the occupiers of any neighbouring residential properties in terms of noise and disturbance. The Council's Environmental Health Team were consulted on the proposal and raised no objections and stated that any potential noise complaints should be covered in the existing premises licence.

- 10.24. Having regard to the above, it is considered that the amenities of the adjacent residents would be preserved in accordance with Policy ENV1 of the Selby District Local Plan and national policy contained within the NPPF.
- 10.25. In light of the above, it has been demonstrated that the proposal would not contravene Convention rights contained in the Human Rights Act 1998 in terms of the right to private and family life.

#### Impact on Highways

- 10.26. Policies ENV1 (2), T1 and T2 of the Local Plan require development to ensure that there is no detrimental impact on the existing highway network or parking arrangements. It is considered that these policies of the Selby District Local Plan should be given significant weight as they are broadly in accordance with the emphasis within the NPPF.
- 10.27. The proposals would not alter the existing access/egress arrangements at the site or the existing car parking arrangements at the site. The site does not have any designated off-street parking. The Council's Highways Officers have been consulted on the proposals for which no objections have been raised. Taking into account the previous use, the proposal would not result in any significant impact on the road network due to a change in comings and goings to the site or any highway safety impacts to pedestrians or vehicle users.
- 10.28. Having regard to the above, it is considered that the proposals are acceptable in terms of highway safety in accordance with Policies ENV1, T1 and T2 of the Selby District Local Plan and national policy contained within the NPPF. Paragraph 111 of the NPPF states that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

#### Flood Risk and Drainage

- 10.29. Policy SP15 Sustainable Development and Climate Change of the Selby District Council Core Strategy and Chapter 14 of the NPPF set out the key considerations with regards to flooding and drainage.
- 10.30. The application was supported by a Flood Risk Assessment which identifies that the site is located within Flood Zones 2 and 3a. The FRA details the vulnerability of the use and concludes that the change of use would lead to a more vulnerable use. The FRA provides recommendations of flood mitigation measures to be implemented.

- 10.31. In terms of the sequential approach to the location of development, the Government's aim is to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. This means avoiding, so far as possible, development in current and future medium and high flood risk areas considering all sources of flooding including areas at risk of surface water flooding. Avoiding flood risk through the sequential test is the most effective way of addressing flood risk because it places the least reliance on measures like flood defences, flood warnings and property level resilience features. The Selby District Council Flood Risk Sequential Test SPD guides Developers on the Selby Legacy Area Flood Risk Sequential Test approach. It sets out that changes of use are not required to be sequentially tested. Likewise, no further details are required in terms of drainage as this is not going to be affected by the proposals and the area has not been identified as having critical drainage issues.
- 10.32. The Environment Agency have been consulted on the proposal and raised no objections subject to the inclusion of a condition requiring that the development is carried out in accordance with the updated FRA. The proposal is therefore considered to comply with Policy SP15 of the Selby District Core Strategy and Chapter 14 of the NPPF.

#### Other Matters

- 10.33. The application originally included the extinguishment of the Public Right of Way (PROW), which runs through the application site (footpath 35.7/5/1) and provides access from Marsh Lane to Riverdale.
- 10.34. It is noted that the majority of objections that have been submitted to the LPA relate specifically to the PROW and the unauthorised closure and obstruction of the footpath.
- 10.35. The Council's PROW team advised that the obstruction of the footpath is unlawful under section 143 of the Highways Act 1980. Furthermore, The PROW team confirmed that a separate application would need to be made under section 257 of the Town and Country Planning Act 1990 would need to be made to either extinguish or divert the existing Public Right of Way.
- 10.36. Given this, the proposed extinguishment of the PROW has been removed from the current application and any change to the PROW would need to be made under S.257 as outlined above.
- 10.37. It is also noted that during the application process, a timber fence has been erected in the car park and along the front of the application site. This is unauthorised and a separate application would need to be made for the retention of the fence.

## **11.0 PLANNING BALANCE AND CONCLUSION**

- 11.1. It is considered that the development is acceptable in principle in respect of Policies SP1, SP2 of the Core Strategy and policies EMP6 and S3 of the Local Plan. It is considered that the proposal accords with the NPPF and as such is sustainable development.
- 11.2. It is considered that the proposed development would not have a detrimental effect on the character and appearance of the area or residential amenity of the occupants of neighbouring properties, highways safety, flood risk and drainage. The proposal is not considered to be inappropriate development in the Green Belt. The proposal will ensure that the building is retained for a community/business use and will support the local community in terms of economic, social and environmental objectives. Concerns raised by interested parties have been taken into account, however, the majority of the concerns raised relate to the Public Right of Way which is being dealt with separately outside of this application. The application is therefore considered to be in accordance with Policies ENV1 and T1 of the Selby District Local Plan, Policies SP1, SP15 and SP19 of the Core Strategy, and the relevant sections of the NPPF.

## **12.0 RECOMMENDATION**

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

### **Recommended conditions:**

01. The development for which permission is hereby granted shall be begun within a period of three years from the date of this permission.

Reason:

In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

02. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below:

Drawing No. ADP23/P1 1/01	Location Plan
Drawing No. ADP23/P11/02	Site Layout Plan
Drawing No. ADP23/P1 1/05A	Proposed Floor Plans
Drawing No. ADP23/P1 1/06A	Proposed Elevations

Reason:

For the avoidance of doubt.

03. The materials to be used in the construction of development hereby permitted shall match the existing materials as stated on the application form received by the Local Planning Authority on 11<sup>th</sup> April 2023.

Reason:

In the interests of visual amenity and in order to comply with Policy ENV1 of the Selby District Local Plan.

04. The development shall be carried out in accordance with the submitted flood risk assessment (shown on Public Access as 'Date received 25/05/2023') and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 9.15 metres above Ordnance Datum (mAOD).

The mitigation measure shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measure detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason

To reduce the risk of flooding to the proposed development and future occupants.

### Informative

The Public Footpath across this site is obstructed, this is unlawful under section 143 of the Highways Act 1980. As part of the proposed works, the applicant will need to apply to divert the legal line of the footpath which is obstructed by the building, onto an alternative alignment and any fence obstructions will need removing, ensuring that the Public Footpath is open and available at all times. The Public have a right to deviate onto other land belonging to the same landowner, in order to get around an obstruction to a Public Footpath. It is therefore in the applicant's best interests to resolve the Public Rights of Way issues. For further advice, please contact Countryside Access Service at [CATO@northyorks.gov.uk](mailto:CATO@northyorks.gov.uk)

- 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 Council) for a Temporary Closure Order is required. Please contact the 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 Council's Countryside Access Service at County Hall, Northallerton via [CATO@northyorks.gov.uk](mailto: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.

**Target Determination Date:** 18.10.2023

**Case Officer:** Jac Cruickshank

**Appendix A – Proposed Layout Plan**