

North Yorkshire Council

Community Development Services

Thirsk and Malton Area Constituency Committee

23 MAY 2024

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

Report of the Head of Development Management – Community Development Services

1.0 Purpose of the Report

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

2.0 SUMMARY

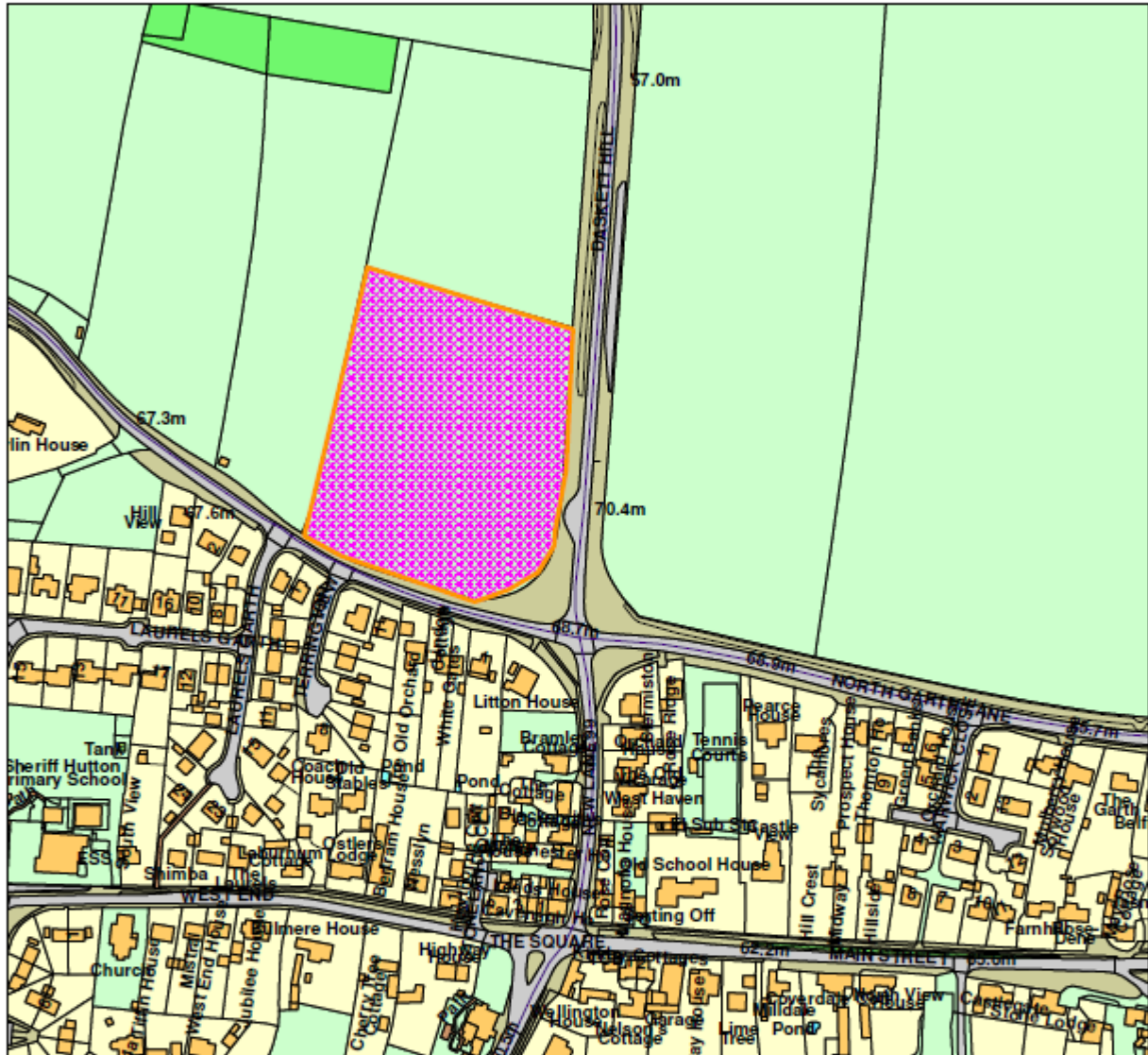
RECOMMENDATION: That planning permission be GRANTED subject to conditions listed below.

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

- 2.3. The scheme for the holiday accommodation is considered acceptable in principle, in accordance with Policies SP8 (Tourism) and SP21 (Occupancy Restrictions) of the Ryedale Plan, Local Plan Strategy. The Warden's accommodation in these site specific circumstances is considered to align with the requirement for new accommodation to support the land based economy as outlined in Policy SP2 (Delivery and Distribution of New Housing) of the Ryedale Plan, Local Plan Strategy. The benefits to securing an onsite management presence are considered significant due to the proximity to the nearby residential properties and on balance, this small scale unit, conditioned to be linked to the business is considered acceptable.
- 2.4. The scheme is considered acceptable in terms of character and form and subject to the strict conditions, will be deliverable without harm to the surrounding wider landscape. The scheme is also considered acceptable in terms of residential amenity, access and highway safety and ecology. Further details are awaited in terms of drainage, whilst the statutory consultees have no objection, additional details have been submitted by the Agent to try and secure 'in accordance with' style conditions. Consequently the scheme is recommended for approval however, Officers will seek the final delegation of this decision to the Planning and Development Manager for overall approval, subject to the scheme being considered satisfactory by Yorkshire Water and the Lead Local Flood Authority with the application of any recommended conditions.

ZE23/01660/MFUL

Not Set



Scale: 1:3,000

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

3.0 Preliminary Matters

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

This application was approved by Members of the Ryedale District Council Planning Committee in October 2021.

4.0 Site and Surroundings

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

5.0 Description of Proposal

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

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

- 5.3. These holiday lodges would be located to a minimum of 21 metres inset from the domestic curtilages of the properties located to the south of Cornborough Road and as noted, very mature screening is present along the southern boundary of the site. The proposal would also include the provision of a surface water attenuation pond to the south east of the site. A pedestrian link along the south eastern corner would be provided to allow for permeability with the village.
- 5.4. This proposal would include two types of holiday lodges, a two bedroom style and a three bedrooms style. Both styles would be constructed with composite cladding and UPVC windows and doors, together with a metrotile roof. Each would have a commensurately sized outdoor decking area and 2no. dedicated parking spaces.
- 5.5. 18no. two bedroom units for holiday lettings are proposed and each would span c4m x c12.5m in size, with a footprint of c49.41 square metres. This would incorporate a pitched roof design, with an eaves height of c2.9m and a ridge height of c4.1m.
- 5.6. 6no. three bedroom units for holiday lettings are proposed and each would span c4.9m x c12.2m in size, with a footprint of c59.7 square metres. This would incorporate a pitched roof design, with an eaves height of c2.9m and a ridge height of c4.8m.
- 5.7. For reference, the previously approved scheme included 16no. timber clad units which included a monopitch roof form, with maximum roof heights of approximately 4.8m, spanning downward to 3.3m. Previously approved were 6no. 2 bedroom units which incorporated a footprint of c80 square metres, 6no. 3 bedroom units which incorporated a footprint of c99.7 square metres and 4no. 4 bedroom units, which incorporated a footprint of c120 square metres. These therefore related to quite significantly larger units. These also included significantly increased levels of glazing in comparison to the proposed scheme.
- 5.8. The wardens unit is the same design as the described two bedroom unit and would be located to the north eastern corner of the site. It has been confirmed that this would be occupied by the Applicant.
- 5.9. The reception would incorporate a footprint of c12.8m x c3.7m with a maximum height of c3.7m. This would allow for a reception, store, office, and WC, together with a site shop. The Applicant has confirmed this would be "*for essentials, such as newspapers, milk, bread, water, soft drinks and maybe bus/theme park tickets.*" It was also confirmed all goods would be locally sourced. It is also noted that the previously approved reception unit did have provision for a shop facility on a year round basis.
- 5.10. The proposed access road would span westwards from the existing site entrance and would extend to serve the four 'quadrants' of the site. The site will incorporate new internal and boundary landscaping, to supplement the existing retained boundary landscaping. No indicative lighting plan has been submitted at this stage.

6.0 Planning Policy and Guidance

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

Adopted Development Plan

6.2. The Adopted Development Plan for this site is the Ryedale Plan, Local Plan Strategy (2013.)

Guidance - Material Considerations

6.3. Relevant guidance for this application is:

- National Planning Policy Framework
- National Planning Practice Guidance

7.0 Consultation Responses

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

7.2. **Parish Council:** No response was received from the Parish Council in relation to the amended reduced scheme with 24no. holiday units. However in the original consultation response dated 12th August 2023. This was an objection to the scheme in relation to significant over development of the site, neighbouring amenity, including noise, highway concerns, no need for an on site shop, no mention of holiday restrictions or whether for residential use.

7.3. **Internal Drainage Board:** Recommended condition

7.4. **North Yorkshire Archaeology:** No objection

7.5. **North Yorkshire Ecology:** Recommend conditions

7.6. **North Yorkshire Environmental Health:** No objection

7.7. **North Yorkshire Highways:** Recommend conditions

7.8. **Lead Local Flood Authority:** Have recommended conditions, awaiting updated.

7.9. **Yorkshire Water:** Have recommended conditions, awaiting updated.

Local Representations

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

7.11. Objections

- Concern over the impact upon highway safety through the increased number of units and associated traffic increase, the site lies between on a blind bend, in proximity to a busy roundabout, cannot assume that cars are travelling at the 30mph speed limit, the increase in numbers will result in accidents. Concern over safety of cyclists and pedestrians existing and accessing the site.
- The site is outside of the development plan boundary. Gross misuse of farmland.
- Overdevelopment of the site – do not consider this a modest increase. Concern over reference to Phase 2 and play area, separated from the lodges.
- Concern over occupancy of the lodges and more permanent residence may occur.
- Doesn't contribute to a low carbon economy.

- Increase in units will make the site visually less attractive when viewed from the AONB to the north, will be easily visible and detract from the open nature of the surrounding area. Would be a prominently positioned eyesore and damaging to the nature of the village by virtue of its scale and proximity. Discords with Policy SP13.
- Support original 16 units, but not the increase to 32
- Are these static caravans designed to look like lodges. Form and materials bear no resemblance to traditional village buildings. Not acceptable in this location.
- Claim that this will enhance the economy is debatable. There is a good local shop in the village. This does not warrant its own shop.
- The Design Statement states that the application has been revised to address financial viability. Was an appraisal carried out?
- Drainage doesn't appear to have been upgraded since the original proposal of 16 to the 32 now proposed, will this overload the system. Concerns over flooding as the mains drain backs up in heavy rain and there are surface water drainage issues in the area, impacting individual properties, this may exacerbate this. Concern the attenuation pond may result in foul smelling stagnant water.
- Concern that villagers who want to comment may not see the village newsletter (Case Officer Comment: the Parish Council was consulted, a site notice erected and a notice put in the local newspaper, together with the consultation by letter of surrounding residents.)
- The village is already well served by caravan sites, this would be overdevelopment.
- Concern over noise impacts, light pollution, wildlife impact and loss of privacy.
- Potential devaluation of village homes.

7.12. Following reconsultation of the amended plans, 4 further local letters of objection have been received between the 5th and 23rd March 2024. A summary of the comments is provided below, however, please see website for full comments.

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

8.0 Environment Impact Assessment (EIA)

8.1. The development falls within Schedule 2 Category 12(e) Permanent Camp and Caravan Sites' of The Environmental Impact Assessment Regulations 2017 (as amended) and exceeds the relevant threshold due to the site being over 1ha. As such the Council as Local Planning Authority have screened the development and found that it is not EIA development and no Environmental Statement is required to be submitted with the application. The

Screening Checklist which acts as the report and decision is available to view on the Council's website. Nothing has changed since the Screening Decision and it is still effective for the Committee Decision. No conditions are required to rule of a likely significant environmental effect.

9.0 Main Issues

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

- Principle of development
- Character, Form and Landscape Impact
- Amenity, including Residential Amenity
- Access and highway safety
- Drainage
- Ecology
- Other Matters, including consultation responses.

10.0 ASSESSMENT

Principle of Development

- 10.1. Policy SP1 (General Location of Development and Settlement Hierarchy) of the Ryedale Plan, Local Plan Strategy identifies that in the Wider Open Countryside, development will be restricted to that which *"is necessary to support a sustainable, vibrant and healthy rural economy or communities."*
- 10.2. Policy SP8 (Tourism) notes *"This policy supports the provision of a range of tourism accommodation across the District. The Council will support in principal within the Wider Open Countryside "New touring caravan and camping sites and static caravan and chalet self-catering accommodation and extensions to existing facilities that can be accommodated without an unacceptable visual intrusion and impact upon the character of the locality."*
- 10.3. Local Policy SP21(e) relates to time-limited occupation and states *"New un-serviced holiday accommodation (holiday cottages, caravan parks (static and touring), log cabins and holiday chalets) will be subject to the following conditions: o The accommodation is occupied for holiday purposes only; and not as a person's sole, or main place of residence; and o It shall be available for commercial holiday lets for a least 140 days a year and no let must exceed 31 days; and o The owners/operators shall maintain an up-to-date register of lettings/occupation and advertising will be maintained at all times and shall be made available for inspection to an officer of the Local Planning Authority on request"*.
- 10.4. Paragraph 88 (C) of the National Planning Policy Framework notes planning policies and decisions should support *"sustainable rural tourism and leisure developments which respect the character of the countryside."*
- 10.5. During the determination of the application, in relation to how the site would operate, the Agent noted that the Applicant *"would like to keep both options open, ie second holiday home and holiday rentals. That's what the rest of the parks are in the area, Mr Wilson advises us, and also that they're all 12 month usage, but with a condition that they have a second address as the main residence, we are happy with such condition(s)."* Officers responded on the 21st February 2024 to note: *"With regards to the query about the proposed model to allow these to potentially operate as new build holiday homes, having discussed this with my manager, given this is a completely new site and has no historic permissions, we would only be supportive of this scheme and seek to approve this if it were in line with the requirements of the Ryedale Plan, Local Plan Strategy and specifically, subject to the LPA's standard holiday conditions contained within Policy SP21, which were those also applied on the earlier scheme. Please advise you are content to proceed on this"*

basis.” Confirmation was received to confirm they were content. This is considered an important aspect of the scheme, as these conditions will ensure the new accommodation is available for short term holiday lets and adheres to the parameters of the Ryedale Plan, Local Plan Strategy 2013 and this is consistent with the original permission granted under 20/00701/MFUL. Some of the holiday parks referenced by the Agent were permitted prior to the adoption of the local plan and in some instances, others are of a scale where a balance of tenure types can be considered more favourably.

- 10.6. It is noted that the incoming responses have highlighted that it is believed there is sufficient holiday provision within the village and that this site lies beyond the village development limits. This is acknowledged, but Policy SP8 of the Ryedale remains supportive in principle of holiday accommodation in the Wider Open Countryside. There is no justification for the LPA to seek confirmation on the precise details of the financial viability of the original scheme as on its own merits, this scheme remains acceptable in principle. However, the impacts of this scheme which incorporates a greater number of units will be carefully considered further in the amenity section below. Furthermore, it is not permissible for the LPA to seek to charge CIL on such a development.
- 10.7. In relation to the wardens accommodation, it is noted that this would technically relate to a new dwelling in the open countryside and as such, the parameters of Policy SP2 (Delivery and Distribution of New Housing) is considered. This policy supports “*New build dwellings necessary to support the land-based economy where an essential need for residential development in that location can be justified.*” It is noted that this is a discreetly positioned and modestly scaled unit and a site warden would provide an onsite management presence that would help to ensure neighbouring amenity is protected. In this instance, the holiday accommodation can be considered a land based activity as this would only be feasibly delivered in the Wider Open Countryside, outside of development limits. The provision of Warden’s accommodation is therefore considered important on this edge of village location and it is considered that this ‘need’ tips the planning balance in favour of approval. This would be conditioned so that it would remain tied to the holiday units and could not be separated. Furthermore, the condition would be worded so that could only be occupied by a manager or member of staff working in this site, so would not become an open market dwelling. This would further be conditioned so that this should only be occupied when the wider holiday complex is brought into use.
- 10.8. The point raised about the presence of the onsite shop and that this could remove trade from the village shop it noted. The Applicant has noted that this would be for basic items such as bread and milk and it is acknowledged that a shop facility was previously approved. It is therefore not considered that this would be a material reason that could justify refusal of this element and it is considered most likely that holiday makers would patronise the village amenities.
- 10.9. It is therefore considered that subject to the recommended conditions, this scheme aligns with the requirements of Policies SP8 and SP21 of the Ryedale Plan, Local Plan Strategy and the NPPF.

Character, Form and Landscaping Impact

- 10.10. Policy SP13 Landscapes of the Ryedale Plan, Local Plan Strategy notes “Development proposals should contribute to the protection and enhancement of distinctive elements of landscape character that are the result of historical and cultural influences, natural features and aesthetic qualities including:
- The distribution and form of settlements and buildings in their landscape setting
 - The character of individual settlements, including building styles and materials

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

- 10.11. 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."*
- 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*
- 10.13. As noted, this scheme seeks approval for 24no. smaller holiday units, 1.no wardens dwelling and 1no. reception building, compared to 16no. larger holiday units and 1no. reception building, in the same location. The total footprint of new development as part of this revised scheme, whilst a greater number of units extends to c1334.57 square metres. The previous scheme, given the larger nature of the units extended to 1662.38 square metres. Therefore whilst there are a greater number of units, these are smaller in scale and this approach was further secured by the overall reduction in units negotiated. Consequently it is not considered that these relate to overdevelopment. It is also noted that the units appear to incorporate less massing, given the more traditional pitches roofs and lower eaves heights than the previously approved units, which also included monopitch roofs and much more significant areas of glazing. Whilst the previously scheme could be considered to incorporate more high quality materials, the current scheme as proposed does incorporate materials which are commensurate with this type of holiday accommodation. It is considered that these are acceptable in form, design and positioning.
- 10.14. The previously approved scheme was very carefully considered in relation to its impact upon the character and form of the application site and the adjoining land and was subject to detailed negotiation, including the submission of a Landscape and Visual Impact Assessment (LVIA) (Rosetta Landscape Design, December 2020.) Whilst this has not been formally resubmitted, the contents of this remain relevant as the same use is proposed in the same location.
- 10.15. The LVIA in line with the Guidelines for Landscape and Visual Impact Assessment described and considered all the potential effects of the proposed development and identifies whether this would lead to a positive or adverse impact. This includes an assessment on landscape character impacts, including a baseline review of the landscape and visual resource, landscape classification, landscape and visual assessment and visual effects, including sensitivity and magnitude on identified visual receptors, further assessed in light of potential mitigation. The full assessment of the LVIA was carried out in the previous officer's report for 20-00701-MFUL. It was noted in Section 4.2.7of the LVIA that the site topography the site *"lies on a southward facing slope with its northern edge on a ridge of higher ground that separates the village (to the south) from flat, low-lying, valley bottom land to the north."*

- 10.16. A study on the visual receptors (17 individually considered residential properties and 2 surrounding roads) concluded that the sensitivity of the neighbouring properties is high, *“since any change to the character of the area surrounding their home is critical to those residents enjoyment of their home”* and that the sensitivity of the road users is medium. The magnitude and visual impact of the construction phase was identified as being small/very small and minor/moderate/minor for all receptors, apart from the 8 closest properties where these effects were listed as medium and moderate respectively. It was acknowledged that all receptors would be affected during the construction phase and in relation to the 8 closest properties it was noted *“although these viewpoints lie immediately adjacent to the sit works, there is a substantial perimeter planting buffer between the two which will remain in place during the construction phase.”*
- 10.17. Section 5.3.12 of the LVIA also noted *“in one respect, the completed development will have an impact on the character of the local landscape – namely when viewed from the north. Here two of the lodges will be visible through gaps in the intermittent line of trees along the northern site boundary until the new proposed planting has had an opportunity to mature.”* The ‘Zone of Visual Influence’ as indicated on the above referenced Visual Impact Assessment Plan illustrates that the nearest possible views from the north taken from the public highway would be approximately 286.6m from the northern boundary of the site, which is considered quite a significant distance.
- 10.18. In order to address this most open view, this application proposes similar planting details for carefully considered supplementary planting to the northern and western boundaries which was previously considered suitable. This included a specific Detailed Landscape Proposal Plan relating to the northern boundary following a request for more mature planting (Drawing no. 3717/5 Rev D). This illustrates the installation of an ‘instant hedge’ along the northern boundary at a height of 2m, which is a mature installation planted with a width of 40cm comprised of native hedgerow species. Furthermore, along the northern boundary additional infill planting to include 18no. heavy standard native species trees with heights of c3.5-4.25m would be installed, together with 4no. large feathered silver birch trees, at heights between 2-2.5m. 14 new trees are proposed for installation along the western boundary, including 13no. heavy standard native species trees with heights of c3.5-4.25m and 3no. large feathered silver birch trees at heights between 2-2.5m. It is considered that this will help to address the distant public views which are currently achievable from this point.
- 10.19. As no single comprehensive landscaping scheme has been submitted, (to include internal landscaping) a condition relating to landscaping will be recommended. If this continues to propose the same treatments to the northern and western boundaries, this will be suitable in appropriately landscaping the site from wider views. A further condition will be recommended in terms of protection of existing trees and hedges within the site during the construction phase. This condition was applied previously and discharged successfully by the previous Applicant, so the Case Officer will discuss with the Agent whether they wish to resubmit this information. Members will be updated as to whether this will be a standard condition or an ‘in accordance with’ style condition.
- 10.20. In terms of lighting, no details have been submitted as yet, but this can be controlled by a full condition. The Agent has confirmed they are happy to align with the principles of lighting suitable for dark skies location following review of the North Yorkshire Moors National Park guidance, noting that they would be content with downlit units. This will secure final details of levels of illumination of this and the wall mounted lighting to be installed on the units and within the site.
- 10.21. As part of the consideration of the previous scheme, the Officer Report noted: *“Furthermore it is not considered that this proposal would result in harm to the special character and appearance of the adjoining Area of Outstanding Natural Beauty located c3.6 kilometres to*

the north. The AONB Officer was informally consulted and they confirmed they were aware of the proposal and had no objection. It was noted that any light from the AONB would be read as part of the lighting from the settlement itself.” The AONB Manager (now National Landscape Manager) has not been reconsulted as part of this revised scheme, but it remains the view of the Local Planning Authority, that the continued use of this site for a holiday site (albeit with 8 additional holiday lodges) would not result in any adverse material impacts upon the special character and appearance of the adjoining Howardian Hills National Landscape.

- 10.22. The continued concerns raised by third parties in relation to this sensitive edge of village location and potential adverse impacts upon the character of the area are noted. It is considered following analysis of the LVIA, full assessment of this revised scheme and subject to recommended conditions that some harm to the character and appearance of landscape would occur as the result of the development of a currently undeveloped field. However Officer's believe this can be mitigated to an acceptable extent, due to the sensitive landscaping and lighting proposals, the landscape impact can be satisfactorily mitigated. These elements would be controlled by condition.
- 10.23. Nor is it considered that this would relate to the visual overdevelopment of the site, as whilst the number of units has increased, the overall proposed floorspace is reduced.
- 10.24. This scheme is considered to remain in accordance with Policies SP13, SP16 and SP20 of the Ryedale Plan, Local Plan Strategy.

Amenity, including Residential Amenity

- 10.25. 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

- 10.26. Accompanying the application was a Noise Impact Assessment (ENS 26th July 2023) which suggested, as was the case with the original approval that a condition to secure the submission of a Noise Management Plan was recommended. The original site plan also shows the installation of acoustic fencing to the southern boundary of the site, which was not provided as part of the originally approved scheme.
- 10.27. In a response dated 1st September 2023, the EHO noted it was *“concluded that the noise management plans were appropriate, although a curfew of 11pm was maybe a little too late*

for children playing/quiet time. The entrance point for arrivals appear to be ok. The noise assessment doesn't advocate an acoustic fence, but would clearly improve the situation at the village side of the site. I can't see any drawings of it."

- 10.28. The Agent confirmed in an email dated 14th May, "further to my previous response and the proposal to reduce the number of units, I can confirm that I am satisfied with the amended proposal and welcome the acoustic fence and commitment to a 10pm curfew, to be secured by condition. I also recommend a condition to seek details of the acoustic fence and secure its erection prior to the site being brought into use."
- 10.29. A plan of the acoustic fence was provided and indicated this was 1.82m in height. The EHO reviewed this and noted further detail on the acoustic massing of this was not provided. As such, a condition has been recommended for full details but the Agent will be asked to provide this information in advance of the meeting.
- 10.30. As noted, this scheme would also now include the provision of a wardens unit, which would afford an onsite management presence, which would be responsive should any issues arise. This is considered important given the relatively close proximity of the nearby residential dwellings.
- 10.31. It is therefore considered that subject to condition, the proposed development would not result in a harmful material impact upon residential amenity, in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.

Drainage

- 10.32. A detailed arrange of drainage documents were provided in support of this proposal including a Flood Risk Assessment (Dart Engineers July 2023) and a complete drainage design. Foul water is proposed to adjoin the mains sewers in the village and as soakaways are not suitable, a surface water attenuation pond will be provided within the site, from which surface water will adjoin the mains surface water sewer at a restricted flow rate.
- 10.33. All the drainage bodies – Yorkshire Water, the Lead Local Flood Authority and the Foss Internal Drainage Board have been consulted on the scheme and have no objections, subject to the imposition of conditons. This is welcomed and beyond these original conditions, the Agent has provided further more bespoke information, to attempt to provide all the necessary information sought by condition pre-decision. The IDB have confirmed they are content now and are recommending a compliance condition, but final details are being considered by the LLFA and YW.
- 10.34. Therefore Members will be fully updated of the final responses received from both the LLFA and the YW if these are available. In light of this, it is considered appropriate for Officers to seek the final decision to be delegated to Officers subject to the satisfaction of these relevant drainage consultees if these are not received prior to the meeting.
- 10.35. Consquently, whilst the incoming responses from third parties are noted, it is considered that drainage has been very carefully considered by the relevant technical consultees in this area and subject to the imposition of the relevant conditions, the scheme is considered to align with the requirements of Policy SP17 of the Ryedale Plan, Local Plan Strategy.

Access and Highway Safety

- 10.36. The application was submitted together with a Highways Access Appraisal (Local Transport Projects October 2020) and plans which illustrate the works to achieve the necessary visibility splay requirements. In an original informal response dated 24th August 2023, the Highways Team noted due to the increase in number of units, they wished to see "a traffic

survey which includes the number and speeds of vehicles at the carriageway on the approach and adjacent to the sites proposed access please? The survey should be conducted over a minimum of 1 week and should include peak and non-peak hours. The information is required to determine the actual speeds of vehicles to the site and to assist in determining the safe stopping distance and necessary visibility splay at the vehicular access. Local Highway Authority would also like to see a transport statement which provides anticipated vehicular trip generation associated with the proposals the statement should as a minimum include anticipated; vehicle type, number, times associated with the proposals.”

- 10.37. A Transport Statement (Local Transport Projects February 2024) was provided. This was reviewed by the Highways Team and in their final response, dated 13th May 2024 they confirmed: *“The design standard for the site is Design Manual for Roads and Bridges and the required visibility splay is 2.4 metres by 90 metres at an object height of 0.6 metres and an eye height of 1.05 metres. The achievable visibility is 2.4 metres by 90 metres to the south of the site access. The available visibility to the north of the access is 2.4 metres x 70 metres which falls below the recommended standard however, subject to re-profiling of verge and foliage removal the required visibility could be achieved. It is recommended that the reprofiling work is undertaken at the earliest opportunity if the application is granted approval and subject to appropriate licences to undertake work within the public highway are obtained. Construction of the permitted development must be undertaken in accordance with the approved Construction Management Plan; DWG -1060/CEMP*

Consequently the Local Highway Authority recommends that the following Conditions are attached to any permission granted.” These conditions related to securing the new and altered verge crossing and securing the visibility splays before any access by vehicles, the aforementioned construction management plan will also be conditioned.

- 10.38. It is therefore considered that whilst the significant concerns from third parties have been fully considered by the Local Planning Authority and Local Highway Authority, that subject to the imposition of the recommended condition, the proposed development would not result in a harmful material impact upon access or highway safety, in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.

Ecology

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

We would recommend:

- *Submission of a plan showing the location and type of bird and bat boxes to be installed; this could be conditioned*

- *A Condition to implement the following ecological mitigation and enhancement recommendations set out in the PEA: reducing risks to Hedgehogs (paragraphs 8.7.4.1/8.7.4.2); protection of hedgerows during construction (9.2.32); gapping-up of northern boundary hedge (9.2.3.5/9.2.3.6); tree protection during construction (9.3).*

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

- 10.41. An updated Construction Ecological Management Plan and Ecological Enhancement Management Plan (Wold Ecology October 2023) was submitted. In their final response dated 29th November the Council’s Ecology noted: “I have reviewed the documents and we are happy with what has been submitted. The BNG uplift for area-based habitats is below the threshold which will be required from 1st January but is acceptable in terms of current policy. We recommend a Condition to adhere to the *Ecological Management Plan and Construction Ecological Management Plan* prepared by Wold Ecology Ltd, dated October 2023.” Advice was given in relation to a particular species of plant, and the Ecologist’s advice will be highlighted via an informative, with the appropriate condition applied.

Other Matters, including consultation responses.

- 10.42. The North Yorkshire Archaeologist noted in their original response dated 10th August 2023 “*The development area contains the well preserved remains of part of a medieval ridge and furrow field system. The ridge and furrow forms part of the medieval open field system surrounding Sheriff Hutton which is particularly extensive on the north side of the village. The ridge and furrow is a heritage asset in its own right and is certainly of local interest in that it relates directly to the setting of the Conservation Area and Scheduled Monument of Sheriff Hutton Castle. It makes a significant contribution to the medieval character of the settlement. The proposal will have a localised impact on part of the medieval field system but will not destroy it in its entirety. The local authority should take into account the value of the ridge and furrow, which is a non-designated heritage asset, when forming its planning decision (NPPF para. 197).*”
- 10.43. This was an identical response to that provided in relation to the previous scheme. The Agent confirmed the following, which was information consistent with the approach taken on the previous scheme “
- The design team were aware of the presence of the ridge and furrow from the beginning of the project and its presence was taken into account with the design
 - The lodges are designed to sit on top of the ridges rather than be “cut” in to them using low impact foundations
 - The proposed road infrastructure has been designed to run in parallel with the ridges for the majority of the development
 - It is not intended to level the site in any way. The intention is to maintain the vast majority of the ridge and furrow in situ
- 10.44. In an updated response, the North Yorkshire Archaeologist noted: “*Further to my original comments set out in a letter dated 18 August 2023, the developer has provided further information on the impact of the proposal on the ridge and furrow field. The additional information confirms that the proposed lodges will sit on top of the ridges rather than being cut in to them and to otherwise retain as much of the ridge and furrow in situ as possible.*”

Given this written commitment, it is unlikely that there will be substantial harm to the ridge and furrow.”

- 10.45. The site has been considered in terms of impact on the setting of the village, the proximity to the Conservation Area and the Scheduled Ancient Monument of Sheriff Hutton Castle.
- 10.46. Whilst this is currently an undeveloped field on the edge of the village and there is some intervisibility with the Castle from wider landscape views. The proximity to the Conservation Area (approximately 250 metres to the south west at the nearest point) and the Scheduled Ancient Monument of Sheriff Hutton Castle (located c225 metres to the south west) is acknowledged, however the distances, together with the intervening more modern village growth in this direction has meant that this existing development already forms part of the setting of these heritage assets has been notably altered from this point. This aspect is considered to accord with the Policy SP12 of the Ryedale Plan, Local Plan Strategy, the Planning (Listed Building and Conservation Area) Act 1990 and the NPPF.
- 10.47. The potential devaluation of homes is not a material aspect to which weight can be attributed in the determination of a planning application.

11.0 PLANNING BALANCE AND CONCLUSION

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

12.0 RECOMMENDATION

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

Recommended conditions:**Condition 1 Time Limit**

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

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

Condition 2 Approved Plans

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

Existing Location & Site Plan (Drawing no. (03)01)
 Proposed Site Plan (Drawing no. 1050 Rev P08)
 Proposed Floor Plan Reception (Drawing no. 3100 Rev P00)
 Proposed Elevations Reception (Drawing no. 3300 Rev P00)
 Proposed Floor Plan Ground Floor– 2 Bedroom Unit (Drawing no. 1100 Rev P00)
 Proposed Elevations– 2 Bedroom Unit (Drawing no. 1300 Rev P00)
 Proposed Floor Plan– Ground Floor 3 Bedroom Unit (Drawing no. 2100 Rev P00)
 Proposed Elevations– 3 Bedroom Unit (Drawing no. 2300 Rev P00)

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

Condition 3: Holiday Accommodation 1

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

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

Condition 4: Holiday Accommodation 2

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

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

Condition 5: Holiday Accommodation 3

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

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

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

Condition 6 Warden's Accommodation

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

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

Condition 7: Landscaping

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

Informative: The boundary landscaping contained within the Proposed Site Plan (Drawing no 1050 Rev P08) and the Detailed Landscape Proposal Plan (Drawing no. 3717/5 Rev D) are considered to relate to a high quality scheme. Further details are required in relation to internal landscaping.

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

Condition 8: Ecology

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

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

Condition 9: Lighting

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

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

Condition 10: CMP

All development shall be carried out in full accordance with points 1-16 on the submitted Construction Management Plan scanned by the LPA on the 15th May 2024.

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

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

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

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

All works must accord with the approved details.

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

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

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

The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.

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

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

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

MHi-D Visibility Splays –(MHC-05)

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

Condition 12: NMP

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

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

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

Condition 13: Acoustic Fence Details

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

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

Informative:

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

Target Determination Date: 24.05.2024

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

Appendix A – Appendix Title