



PLANNING COMMITTEE

Tuesday 18 December 2018 at 6.00 pm

Council Chamber, Ryedale House, Malton

Agenda

12 Late Observations

(Pages 2 - 11)

Agenda Item 12

RYEDALE
DISTRICT
COUNCIL



Please Contact: Mrs Karen Hood
Extension 386
Email: karen.hood@ryedale.gov.uk

All Members of the Planning Committee
Council Solicitor
Head of Planning
Senior Customer Services Officer (Place)

Ref: Agendas/Planning/2018/2019

14th December 2018

Dear Councillor

Meeting of the Planning Committee – 18th December 2018

With reference to the above meeting I enclose for your attention the late observations received since despatch of the agenda.

The Late observations are as follows:

Item 6 (Page 3)

Item 8 (Page 4 – 7)

Item 9 (Page 8 – 11)

Yours sincerely



Mrs Karen Hood
Senior Customer Services Officer (Place)

Late Paper 18/00580/MFUL

This update paper is to advise Members of Planning Committee of a series of additional documents which were submitted by the applicant to the Local Planning authority on 10 December 2018 at 1.19pm. The detailed officer report was already finalised at this point in time and the agenda was published at 2.17pm. In these circumstances Members will appreciate that there has clearly been insufficient time to both consult upon and consider the proposed revisions to the scheme and the supporting documentation which is extensive in nature.

On that basis, Officers' advice is that Members have two broad options with regard to the current major application. Members could proceed to determine the application on the basis of the material which has been subject to consultation (as appraised in the main agenda report), or alternatively to defer this application again for it to be considered at a later committee meeting.

Members of Planning Committee are however unable to determine any application on the basis of the submission of material which has not been subject to public consultation (when the material is substantive in its nature) as is considered to be the case with this application.

If Members are minded to defer the application again the revisions to the scheme and additional evidence submitted on 10th December 2018 would need to be subject of a full consultation exercise also involving re advertisement of this major application on site and in the press.

The following documents have been submitted as amendments to the original application:

- A revised site layout
- Cross sections
- Planting Schedule
- Landscape proposals
- An emailed supporting statement
- Siting of electricity cable
- Ecological survey;
- CAA guidance on aircraft safety; and
- Noise report revised mitigation

Officers consider that the key elements of change to note are:

- Some elements of bunding removed on the northern extent of the runway;
- A reduction in the number of units by 12;
- Removal of cabins from north-western limb of site, and re-siting of cabins into the wooded area to the north east corner of the site;
- Provision of acoustic fencing within the applicant's land on the perimeter of the land on which the potato store is sited;
- Details of the siting of the electricity cable;
- Relocation of the manager's residence;
- Peripheral and Internal landscaping

Other submissions

The owner/operator of runway 17/35 has also provided details of the planning permission for the use of the runway and construction of the hangar. This is available on the Council's website.

Mr Rooke, the owner of the Potato store has submitted a response. This is available on the Council's website.

Sunnycroft
Keldholme
YO62 6ND

13/12/2018

Dear Ms Bonner,

Deepdale Farm Wedding Venue/Livery/Holiday Site Application

I have been reassured about a number of issues with the application if, as recently promised, all new traffic must use the new road by condition and the camping in the field is to be associated only with weddings by condition.

There are several remaining issues which I have summarised below which I feel should be weighed against the positives. It's taking a long time for all facts to come to light, some are still not known, and it seems like the site still has access issues. It is still fair to say it has been foisted upon a imperfect setting against the wishes of many affected.

1) Nuisance, trespass and security concerns for neighbours

Deepdale is a long way from the main highway and experience shows people have trouble finding it and many are now used to the old access too. At one farm on the A170 a large graffiti sign reading "This is not Deepdale!!" was on display all last summer showing the frustration of some. It is inevitable that people will struggle to find it and even the temporary venue signs placed on the roads are quite unsightly and open to misinterpretation. Our lane is shown as the only access on many maps and the OS and even local evening guests are not always prepared. It seems inevitable that at Sunnycroft we will continue to endure a level of trespass and nuisance from the wedding venue as planned. This will bring with it many of the dangers that existed before and were the access gated or restricted could lead to more issues than a flow of traffic in one direction.

Also while the new access is already in place the livery traffic continues to use our lane and trespass our private drive for passing even in the winter. This is not something we feel we have given permission to nor are we on all evidence bound by any legal easements over the land, there being none on our title or on the land charges register and nothing else coming forward. We doubt when permission is granted, if the applicants have a full intention to abide by it, in the same way the original application before they built the livery was for an extension and triple garage, which did create a level of deception to anybody in the hamlet watching construction traffic arrive. I certainly thought that the construction was authorised. For a while we assumed all the associated activity must be authorised and were probably not that certain a livery was different to agricultural use planning wise. It was only when all this came forward we knew fully it was commercial DIY livery rather than a wealthy person's hobby or full service operation.

2) Doubts over suitable, secure legal access in short or long term

The new access is not on the same title of land as Deepdale and is not secure as it is not a registered land charge. Applications are supposed to have a suitable level of access to a public highway and this is arguably not in the applicants control. The fact the livery traffic continues to use our land now makes me feel Bogg Hall are not that keen to have the new access, or the access is not that

great, or people will always try to take the shortest easiest route. Also the title still only mentions wedding traffic using the new access. None of which bodes well. Even the enlargement of the single dwelling of South View was initially turned down by planners due to the access in the late 80s, and RDC's Shaun Robson showed several pictures of it to committee to raise concern (even though we own the land to widen it and highways had no issue) when I applied for a lower impact market garden and holiday let on our smallholding. It would require moving a lamp post so would need to be part of a value creation exercise to be viable. So it would be really quite inconsistent to allow any intensification by the farm at the top that doesn't own the land, albeit that farms do these days come with expectations of traffic (this is an unusual case access wise). By law if there were an easement, which I doubt because all traffic has passed over our land with permission and I have no documents to prove otherwise, it is not allowed to affect peaceful enjoyment of the servient tenement land, nor the ability to develop it.

3) The noise assessment is biased, flawed and insufficient so masks the detriment

On inspection only the third nearest house (the closest that officially objected and complained of a problem) was tested for evening music noise and was a bare pass by just 3db, while the applicants knew they were being tested so were bound to be cautious. It was one band not a sample either. The suggestion that traffic noise is constant on the A170 at this point to mask the nuisance to neighbours after 8.30pm to midnight seems wrong. There is an existing permission for 5 holiday lodges in Spaunton Quarry much nearer (not over a brow) and also consultations in the recent past with the national park over a 50 unit luxury holiday development which is said to create 150 short and long term jobs. That would more likely be affected by the wedding noise and could be greatly harmed or suffer a severe nuisance. The national park has encouraged holiday use for the quarry in the past, though was concerned this development might damage the landscape if we believe the press reports. The noise assessment did not measure possible impacts on the redevelopment of Spaunton Quarry. With this being such a tranquil area, especially in the night, it is doubted whether the standards chosen by the applicant are the right ones and the committee would still be free to find that it was incongruous as the NPPF does not prescribe a standard (generic residential ones applied to a town I would not consider suitable). I feel it a shame the noise assessment was not of a higher quality and greater breadth as it was a chance to establish, not confuse, the reality. Like the application in general it seems to understate a number of facts, like the number of weddings that are likely because they are less than one of the tenants told us they had booked in.

4) Visual impact in an AHLV abutting the national park

The aforementioned quarry is barely visible, whereas Deepdale takes a prominent hilltop position of a view towards the moors from the A170. With the new barns, static caravans and bell tents it suddenly becomes much more noticeable, and not always in a very sympathetic vernacular. So if we were concerned about the former quarry scheme as the national park were, the wedding venue and livery is worse. We have seen things turned down nearby with much less impact/visibility but more made of it by planners.

5) Limited economic benefit from the scheme

While having some genuinely new visitors to the area will bring some economic benefits locally and to the supply chain, wedding venues and holiday accommodation are largely cannibalistic so having an extra one does not necessarily add much to the economic activity levels. This one is a little different being a rustic barn and DIY, low cost wedding option, but with the recent chancellors budget opening up the market, is unlikely to be as unique for very long. If the noise has a detriment to Spaunton Quarry that limits its regeneration or anything else nearby, the overall effect may be negative. South View already commented that the noise and traffic had severely curtailed their

repeat bookings.

6) Farm Diversification?

Is this genuinely farm diversification as in the planning statement? Deep dale is 6 acres and the land associated on a separate title is now seemingly farmed from elsewhere e.g. Bogg Hall, who share the same owner (with Deep Dale being under a trust). Eventually the ownership may become unified but it seems less like diversification, more like a whole new purpose for the stead. The tenants don't appear to be doing any or much farming over horse grazing or hay, but I might be wrong. For the previous 40 years or more Deepdale was the home to a farm manager/tenant who probably looked after much of the land here and at Bogg Hall. That would seem to be the natural use for it and it has long not been a traditional owner run farm and is not subject to the same pressures experienced by one. It will no longer be a farm after this it seems, if it were still.

7) Setting a bad precedent in planning procedure

The venue had built/installed a large number of structures before seeking permission and had over 30 weddings booked in using access owned by Sunnycroft and Ox Close. They were not listed on the original ownership certificates bringing about a s.65 planning offence, liable to a fine of up to £5000. While I can see young couples in enterprise might get carried away with demand or need to test the market before committing, the reality is a huge amount was spent, probably by the freeholder, and now this with the bookings may have drawn false sympathy or backers to a scheme that otherwise might be viewed differently. Some of it was for the tenants own wedding first off so could be excused/explained that way but I still feel this undermines public faith in the planning system and/or encourages unauthorised development. Planning was applied for in less contentious areas as it was needed (the extension approved in 2008). I believe we have a measure of unauthorised or improperly authorised buildings in Keldholme already, but it is contrary to what the government and law is looking to achieve so against the council's statutory duties to condone or encourage flouting of the proper procedures. The next application was for lawful building through 4 years use, and a toilet block and viewing platform so clearly there is an understanding of process and this seemed like an attempt to legitimise the operation through a side door. It would have been possible to object to the lawful building due to deception and possibly access but I continue to try to take a balanced view and maintain an appropriate level of "give" so did not.

8) The unknown consequences

Following on from the last point and the additions to the title over time to cover omissions I would be very concerned that whatever is granted here will likely be exceeded in the future, or is already. It is my suspicion from observation that sublet businesses may be running from the farm already and my suspicion from the titling of the application that there is more planned afoot, like a general campsite/resort when either weddings tail off or new tenants arrive. With few footpaths near the access this is a concern to road safety, etc. There are not many facilities on site and while walkable to town by the fit, not an ideal route/distance. Depending on curtilages etc. this application may give the owners a ready made campsite they can run for 60 days a year without a licence/planning anyway. All the focus seems to be on the weddings but we have to be careful not to miss the rest implied in the title/description.

Conclusion

The use of Deepdale in recent times was always as a farm manager/workers family residence. It served land belonging to a different registered titles but this seemed to work very well and on a constrained site, the tenants seemed happy and worked the land well. The old access was only ever

usually their entry point by car not used by farm vehicles except rarely. South View was only normally accessed by John Rain on his bicycle until 1990 which also lessened the access problems. The new tenants arrived not because they are farmers, but some sort of familial connection it would appear, though nobody seems to know for certain. This seems to have led to an unbalanced situation where an unideal use of the land is being shoe horned upon it against the facts of its situation/accessibility and has resulted in a lot of disgruntled neighbours, percentage wise. The long planning process, partly due to errors and omissions by the applicant, has allowed a number of facts to come to light and a noise assessment that while portrayed as a pass, actually on a more neutral reading reveals a likely past nuisance that will only be slightly curtailed by new measures. If the nearest 2 properties or the holiday lodges approved/planned at the adjacent Spaunton Quarry were included it would likely fail even on standard residential measures, let alone in or next to the national park in open countryside which the NPPF suggests should expect more preservation. The low cost venue does seem to be attractive to the market and passionately run to good effect for which the tenants should be commended, but that success may be in part due to the fact that very few venues like this are allowed to exist and already they are starting to rack up extra costs now (e.g. a noise manager) and restrictions that a traditional venue might have to bear in a tough market, where pubs and hotels are suffering and closing. Those that in the past may have had more weddings and been seen as more suitable, even if less adventurous. With the old access this was an open and shut case due to safety, but many of those issues will remain because people are impossible to control fully and confusion will arise. Planning conditions envisaged will hopefully lessen the number and also reduce the risk of an open ended holiday resort arising, but not guarantee. These were hard won and are of some reassurance to limit the impact, for the time being at least.

It's really an awkward situation that has been created but if officers continue to recommend this for approval despite the issues I would repeat that I believe a temporary permission is the most suitable in this instance. A wedding venue will suffer if it cannot forward plan so I would suggest maybe a 4 year permission with a review every year, at which point it could be terminated on a year's notice. These would balance the rights of all, including the innocents who currently booked a wedding at a venue without planning, and give people a chance to gather their own evidence on the realities of noise and traffic - if it still comes that summer weekends are something they no longer look forward to like they used to, and should in this setting. Unusual problems may need an unusual solution to give the optimal result and a further chance for the venue to prove itself when many would say it should not be rewarded for abusing the due process. It will be a tough decision and a balance but alternatively a straight refusal could easily be justified on material planning or policy considerations looking to protect open countryside.

Yours sincerely

James Cook BA (Hons) LLB

From: Eileen Thomas
Sent: 12 December 2018 15:13
To: Niamh Bonner
Subject: Re Application 18/01047/HOUSE

The Planning Officer re Application 18/01047/HOUSE

Dear Sir

We would like to support this application. As regular users of the back lane we have watched the building of this cabin.

There is no discernable style of building on the lane, anything from derelict buildings to garden sheds. The building which has been erected is tidy and well designed and fits happily in the general mish mash of the area.

Yours faithfully

R.M & E E Thomas

Mount Pleasant
Cropton
YO18 8HL

From: Kate Warnock-Smith
Sent: 12 December 2018 17:35
To: Niamh Bonner
Subject: 18/01047/HOUSE

I write to support the above referenced application for planning permission for the sauna building to the rear of Orchard House. This building has no impact on the village. It is invisible from the main street and can only be seen from the back lane. Very few people walk along the back lane – we occasionally walk our dog up the lane and in 8 years I have very rarely seen anyone else. However when people do use the lane they see a motley collection of structures, old and new, used for all sorts of purposes, exactly what you expect to the backs of houses on a rural village street. The sauna is just another such construction and is in no way either exceptional or objectionable.

Yours sincerely,
Kate Warnock-Smith
Hardey House
Cropton
YP18 8HL

From: Elsa Owlett
Sent: 13 December 2018 12:39
To: Niamh Bonner
Subject: PLANNING 18/01047/HOUSE

Dear Madam,

PLANNING 18/01047/HOUSE

Please note that I am a permanent resident of Cropton and have been so for a few years.

It has come to my attention that a serious complaint has been made against the above application.

The points made about the village, its historical value, location and appearance are all valid points though the length of the documents submitted are long, distracting and just underline the brief points made above.

However, we are not discussing a new development of houses at all, we are merely discussing a small wooden building down a somewhat scruffy back lane.

I walk down the back lane daily on my circular walk routine and there are many old and newer wooden buildings "littered" along the way. Some are shored up by bits of wood and metal and could be deemed an eyesore. The sauna building looks akin to a garden shed and is, in actual fact, a rather smart one.

I can understand that the residents of "Redbricks" can see the building from their home... but it is very likely that everyone who has a house can see things in their neighbour's garden that they dislike, some that can be deemed almost invasive, but this is clearly no such thing.

Perhaps the residents could do something to "disguise" what they do not wish to see ... Perhaps erect some trellising or grow some bushes to disguise it.

I notice from the cleverly angled photographs submitted that the view of the sauna is from their vegetable patch which, in itself, has some rather scruffy structures.

Ergo, I cannot help but think that this objections is overexaggerated and unnecessary.

Yours sincerely,

Elsa Owlett

Old Forge
Cottage

Cropton

Pickering

Item 9 – 4
From: Rachel Faulding
Sent: 14 December 2018 13:01
To: Niamh Bonner
Subject: Re: Planning application Reference 18/01047/HOUSE

Dear Ms Bonner

Re: Reference 18/01047/HOUSE

Please accept this email as a letter of support for the above application.

Our property, Rose Cottage, is immediately adjacent to Orchard House, and the sauna, subject of the above application, is fully viewable from all our rear windows, garden and outbuildings.

We fully support the planning application, as we believe it to be attractive, stylistically tasteful and in keeping with wooden structures in the village rear gardens; pertinently, those visible from Green Lane which, runs behind numerous High Street homes, to the rear of our house and Orchard House. Indeed, this is one of many structures in the village that are made of similar natural materials and range from small to large agricultural buildings, sheds and summer houses. All of which, add to the nature of an attractive country village, such as ours.

In addition, we feel that the sauna sits cohesively and in keeping with the existing buildings on the plot which, are all well-presented and maintained.

We hope our comments will be well met and hope that this case be favourably considered.

Your sincerely

Simon and Rachel Faulding