

**RYEDALE DISTRICT COUNCIL  
PLANNING COMMITTEE**

**SCHEDULE OF ITEMS TO BE DETERMINED BY THE COMMITTEE**

**PLANS WILL BE AVAILABLE FOR INSPECTION 30 MINUTES BEFORE THE MEETING**

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**Item Number:** 6  
**Application No:** 12/00884/MFUL  
**Parish:** Wombledon Parish Council  
**Appn. Type:** Full Application Major  
**Applicant:** Ryedale Potatoes Ltd  
**Proposal:** Change of use and alteration of existing potato store to wood fuel handling/storage and distribution within Area 1 and a mixed use of potato storage/touring caravan storage within Areas 2 and 3 to include installation of a 5m high sliding door to south elevation to serve Area 1  
**Location:** Teasdale Potato Store Hungerhill Lane Wombledon Kirkbymoorside  
**Registration Date:** 18 September 2012      **8/13 Week Expiry Date:** 18 December 2012  
**Case Officer:** Shaun Robson      **Ext:** 319

**CONSULTATIONS:**

|                                                       |                               |
|-------------------------------------------------------|-------------------------------|
| <b>Howardian Hills AONB JC Parish Council</b>         | Recommend condition<br>Object |
| <b>Highways North Yorkshire Parish Council-Nawton</b> | Recommend condition<br>Object |
| <b>Economic Development</b>                           | Object                        |
| <b>Environmental Health Officer</b>                   | Recommend condition           |

**Neighbour responses:** Dr And Mrs N Walters,SJ And KF Hampton,Julie Forbes,Peer Robinson,Dr Tim Hughes,Doreen & Glyn Roberts,Mr O P Lane,John Thorndycraft & Angela Fawcett,Dr & Mrs J Doyle,Mr & Mrs P Ashton,Mr & Mrs R S Ham,Mrs A Holland,Mr & Mrs J Chapman,Mr Clifford Snaith,Mrs Rowena Robinson,Sarah Steele,Mr Paul Clay,Gillian Osborne,David & Brenda Willoughby,Mrs Foster,Hazel Smith (Headteacher),Philip Coote,Mr Ian Nicholls,Rachel McAlley,Mr Giles Pinkney,Judy And Douglas Oates,Peter And Linda Robinson,Mr Kenneth Rankin,Lee Hutchinson And Sally Taylor,  
**Overall Expiry Date:** 4 February 2013

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**INTRODUCTION:**

Members may recall that this application was deferred originally at the Planning Committee on the 12th February 2013 in order present the application back to Members once a draft Section 106 Agreement had been received from the applicant, detailing how they proposed to restrict the routing of vehicle deliveries to the site. The legality of such an agreement has been investigated.

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**PLANNING COMMITTEE**

7 May 2014

In light of the adoption of the Ryedale Plan – Local Plan Strategy, the report has been revised to reflect the policy change.

#### **SITE:**

The application site is located on part of the Wombleton Airfield and is on the site of the former Potato Store which gains direct access onto Hungerhill Lane. Wombleton village is located approximately 1km to the south.

The site is located in the ‘wider open countryside’ in Local Plan terms, and is partially screened by existing landscaping when viewed from the adjacent highway. Views of the existing potato store are available from the current access position. The site has a partial bund screen to its southern side and is open on its west and part of its northern boundaries to the airfield.

Views of the existing potato store and its curtilage can be seen when approaching the site from the south and also when viewing the site from higher ground from the north-west, Common Lane and further a field via Wash Beck Lane and Hungerhill Lane. The potato store has a footprint of approximately 3000m<sup>2</sup> and measures some 6.6 metres to eaves and 7.9 metres to apex and is clad in green profiled sheeting.

There is an existing camping and caravan site approximately 400 metres to the south-west of the site off Moorfield Lane, and the adjacent former scrap yard which has been granted permission for caravan/recreational uses.

#### **PROPOSAL:**

The planning application seeks full permission for a change in the use of the existing potato storage building to a mixed use, which will result in the sub-division of the building, for the following uses: -

- The storage, handling and distribution of wood fuel;
- Internal storage of touring caravans;
- Potato store

It is also proposed to install a new sliding door to the south elevation of the building. The door is 15m wide.

#### The storage, handling and distribution of wood fuel

It is proposed to use the eastern end of the building (approximately 750m<sup>2</sup> of the 3000m<sup>2</sup> building capacity) for the small scale storage, handling and distribution of imported wood fuel. This part of the proposal is envisaged to have a varied usage between 5 – 6 days per week subject to the demand for the wood fuel.

A new sliding door is to provide access to this area of the building.

#### Storage of Touring Caravans/Potato Store

It is proposed to utilise the remaining part of the building for the storage of touring caravans or continue the lawful use as a potato store.

#### **HISTORY:**

10/00830/MFUL: Change of use of woodland to allow the siting of 8no. timber clad static holiday chalets and 9no. eco-camping pods, formation of vehicular access, stone access road and parking areas, installation of bollard down lighting and formation of 2no. wildlife ponds and woodland paths and erection of toilet block - APPROVED AT COMMITTEE 26/10/2012 - Pending the completion of a Section 106 Legal Agreement

08/00986/FUL: Alterations to boundary hedgerow to improve visibility splays to existing access and engineering works to extend hard standing area within the site - REFUSED – Appeal dismissed

08/00303/MFUL: Change of use and alteration of potato store to building for manufacture of wood fuel pellets to include erection of single-storey open fronted storage extension, formation of office and staff facilities within existing building, debarker and log processor within sunken covered bunker, external log and processed wood storage areas, alteration to vehicular access, weighbridge, staff and visitor parking, alteration to existing southern boundary mounding (berm) and landscaping - REFUSED - Appeal dismissed

07/00611/MFUL: Change of use and alteration of potato store to building for manufacture of wood fuel pellets to include erection of attached two-storey office and staff facilities building, wood chipping and debarking lines and wood chip bunker, silos for wood pellets and sawdust, fuel bunker and bunded diesel fuel tank, formation of vehicular access for HGVs with weighbridge, alterations to existing vehicular access, staff parking, external log storage areas, site perimeter mounding (berm), landscaping and excavation of pond - Application Withdrawn

95/00514/OLD: Erection of extension to potato store - APPROVED 21/06/1995

95/00513/OLD: Erection of extension to potato store - APPROVED 27/02/1995

94/00571/OLD: Erection of extensions to potato store for workshop, working area and generator shed - APPROVED 28/07/1994

93/00557/OLD: Erection of general purpose building/Potato Store - APPROVED 18/06/1993

#### **POLICY:**

National Planning Policy Framework (NPPF)

Section 3 - Supports the sustainable growth and expansion of all types of business and enterprise in rural areas both through the conversion of existing buildings and well designed new ones

National Planning Practice Guidance (NPPG)

Ryedale Plan - Local Plan Strategy

Policy SP1 - General Location of Development and Settlement Hierarchy  
Policy SP6 - Delivery and Distributing of Employment Land and Premises  
Policy SP9 - The Land-Based and Rural Economy  
Policy SP13 - Landscapes  
Policy SP16 - Design  
Policy SP19 - Presumption in Favour of Sustainable Development  
Policy SP20 - Generic Development Management Issues

#### **PUBLICITY:**

21 letters of objection to the application were received from residents and the Parish Council prior to the Planning Committee on 12th February 2013. The objections specified some or all of the following points:-

- The inappropriate development of an industrial use in a rural area;
- The surrounding road network is inadequate for such a proposal;
- An unacceptable fire risk will be created by the proposal;

- Light pollution will be created by virtue of the application;
- The proposed development conflicts with the Wombleton Parish Plan;
- The proposed development conflicts with policies EN6, E7 of the Ryedale Local Plan, and Policies SP1, 6, 9, 18 and 19 of the Ryedale Plan - Local Plan Strategy;
- Impact on tourism within the area;
- Noise disturbance;
- Highway safety due to the increase in the number of HGV movements in the area.

Following the Planning Committee, 14 further letters of objection have been received from residents, Wombleton Parish Council, Nawton Parish Council, Harome Parish Council and the Wombleton Residents Action Group objecting to the application citing some or all of the following points:-

- The proposed hours of operation are not compatible with the existing tourism uses in the area;
- The development does not presently restrict vehicular movements of number of vehicles;
- Vehicular movements past Welburn Hall School will create a highway hazard;
- A Section 106 for the routing of vehicles is unenforceable.

### **APPRAISAL:**

The main issues in the consideration of the application are: -

- Principle of development;
- Previous site history;
- Impact on highway safety;
- Noise and light pollution;
- Impact on tourist accommodation;

#### Principle of development

The existing lawful use of the application site for “the storage, sorting and distribution of potatoes and the storage of farm machinery used in connection with the growing of potatoes”. The lawful use is a material planning consideration which Officers are of the view carries significant weight in the determination of this planning application.

Paragraph 28, Section 3 (Supporting a prosperous rural economy), National Planning Policy Framework, states:

*“Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings.”*

Policy SP6 supports small scale conversions of existing buildings and the expansion of established businesses in the ‘Wider Open Countryside’. The policy supports new employment development of B2 (general industrial) and B8 (storage and distribution) on unallocated land, which are of an appropriate scale to their surroundings, have regard to their visual impact and have suitable highway access arrangements without an unacceptable impact.

The proposed use would take place within the existing potato store building, which was erected in 1993 and which has been subsequently extended. The building itself is of permanent construction and is structurally sound. Moreover, no significant alterations are required in order to facilitate the current proposal other than the installation of an additional door to the south elevation. The minor alterations will ensure that the building will remain in keeping with its surroundings.

### Previous Site History

The application site has been subject of a number of applications, more recently two separate applications for a similar use to the current submission. Those applications (08/00303/MFUL & 08/00986/FUL) consisted of the following proposals: -

1. Alterations to boundary hedgerow to improve visibility splays to existing access and engineering works to extend hard standing area within the site;
2. Change of use and alteration of potato store to building for manufacture of wood fuel pellets to include erection of single-storey open fronted storage extension, formation of office and staff facilities within existing building, debarker and log processor within sunken covered bunker, external log and processed wood storage areas, alteration to vehicular access, weighbridge, staff and visitor parking, alteration to existing southern boundary mounding (berm) and landscaping.

Both of the applications were refused by Members and subsequently upheld by the Inspectorate following an appeal by the applicant.

In terms of the extensive alterations to the access arrangements which included the loss of a large section of hedgerow and extension to the existing hard standing within the site, the Inspector considered that the works as a whole would harm the appearance of the area.

With regard to the change of use, the Inspector considered that the development would result in an unacceptable impact on the surrounding area and that the flexible nature of the proposal did not overcome concerns in relation to the potential noise impact to the surrounding area. Therefore the proposal did not accord with National or Local Plan policy.

The current proposal represents a significant reduction in the level of activity proposed under application ref. 08/00303/MFUL as well as a reduced requirement for alterations to the access arrangements thus resulting in a lower level of harm to the surrounding area.

### Impact on Highway Safety

The planning application is accompanied by supporting documentation which includes an indication of the traffic movements to and from the site in connection with the various proposed uses.

The supporting information identifies that in connection with the wood fuel storage element, a requirement is envisaged for the transport of an average 20 tonnes of material per week. This equates to approximately 2 HGV movements **per week**. The level of activity in terms of vehicular movements associated within the proposed caravan storage (up to approximately 100 touring caravans, and continued potato storage) has not been indicated as this is subject to demand and cannot be readily quantified. However, the level of combined activity of all the uses together would be significantly less than the previous submission (under application ref 08/00303/MFUL) that forecast the proposed operation would generate 10 cars, 5 large HGVs, 3 small HGVs and 5 tractors **each day**.

A number of concerns have been received from residents of Wombleton as well as Wombleton Parish Council and neighbouring Parish Council's in relation to the impact on the highway network, specifically the surrounding country lanes, if the proposal is approved.

Whilst the issues raised present a genuine concern, the County Highway Officer did not object to the application subject to the imposition of conditions requiring: -

- Maintenance of the access arrangement onto Hungerhill Lane;

- Details of works required to the access arrangement being approved prior to the commencement of the use;
- Details of the visibility splay emerging onto Hungerhill Lane to be agreed prior to the commencement of the use; and
- The securing of a routing agreement through a Section 106 Agreement which will restrict the deliveries associated with the wood fuel activity to the use of the A170 Welburn, Flatts Lane, Wash Beck Lane and Hungerhill Lane.

The original request from the Highway Officer was to restrict the vehicular movements to the site through a specific route. The applicant proposed that this would be controlled through the enforcement of contract agreements with penalty's and termination clauses.

Members considered, at the Committee on the 12th February 2013, that the application should be deferred in order for the applicant to produce a draft Section 106 Agreement for further consideration. Members considered that any agreement for their further consideration should also include the route of all HGV vehicles to the site and a driver's code of conduct.

Members will recall that whilst the Inspector had previously dismissed both Appeals in 2009 the principle of a routing agreement with an appended 'Drivers Code' was considered to be possible as a way of controlling traffic. The Inspector stated that:-

*"I consider the undertaking is sufficiently detailed and would provide the necessary safeguards to be satisfied that the drivers would **very likely** follow the prescribed route."*

The applicant has subsequently provided a 'draft' Section 106 Agreement with a 'driver's code' attached.

Further discussions have taken place with the NYCC Highway Officer since the application was deferred. The outcome of the further discussions is that a condition restricting the area for the storage of the pellets would be sufficient to address highway concerns in terms of vehicular movements. This view is based on the small amount of HGV vehicular movements anticipated.

Therefore whilst a 'draft Section 106' has been prepared by the applicant, NYCC Highways consider that an appropriately worded condition restricting the internal layout of the building to specific areas is an appropriate mechanism to control traffic associated with the development.

It is considered, by NYCC Highways upon further reflection that given this small number of proposed vehicular movements associated with the wood pellet storage that a restrictive condition of this nature is an adequate control.

The current Highway advice is that there is now **no need** for a lorry routing agreement to be secured by means of a Section 106 planning obligation.

Whilst a Routing Agreement could still be entered into, in this instance it is considered that a specific condition that can be readily enforced is more appropriate.

With regard to a Section 106 Routing Agreement, concerns have been raised relating to their legality and enforceability. The following is considered of relevance:-

- (i) Historically NYCC, and other Councils, have secured lorry routing Section 106 principally in relation to quarry development;
- (ii) Officers are not aware that the legality of lorry routing agreements has been established in the Courts;
- (iii) The legality of lorry routing agreements can only be determined definitively by the High Courts;

- (iv) The Planning Inspector on the earlier appeal had been sympathetic to the use of a lorry;
- (v) On reflection, and given the low levels of vehicle movements it is further considered that an appropriately worded condition is more suitable in this case. Large vehicle movements would be restricted indirectly by conditioning the size of the wood pellet storage area.

In terms of the requirement for the visibility splays to be agreed, this requirement may result in the loss of a section of the hedgerow to the south of the existing access arrangement. Whilst the specific length of hedgerow has not been identified, the Council's Tree and Landscape Officer has been consulted in relation to the loss of a length of hedgerow and has not objected. It is considered, therefore, that the loss of the hedgerow is not significant and that a condition requiring the replacement of a hedgerow outside the required visibility splays be imposed.

It is considered, therefore, that subject to the issues discussed above that the proposed development differs significantly from the previous appeal proposals and that the previous concerns in relation to the detriment to the surrounding countryside are acceptable in relation to this submission. Subject to conditions.

#### Noise and light pollution

The planning system is concerned with protecting residential amenity from such impacts as noise and other sources of disturbance on amenity. As such it deals with any unacceptable adverse effect on the use and enjoyment of land.

In this location, it has been established that background noise level is low. This is particularly so in the evening and night time when levels are very low. Residents are used to very low levels of noise during the night in this rural area. There is a history of complaints due to previous night time activities at this site.

However, this application seeks to establish a number of uses from the existing building within a quiet rural area. The applicant has not identified any specific hours of operation for the caravan storage or the potato storage although the hours of operation of the wood fuel storage activity has been specified as 5 -6 days per week between the hours of 8.00am – 8.00pm Monday – Saturday and at no time on Sundays or Bank Holidays.

The Environmental Health Officer has stated that:

*“...my main concerns regarding the change of use to wood fuel handling etc, is the impact on the timber chalet/camping pod development approved for the adjacent site. Their uses are not considered to be compatible. It is not clear what the owner is intending to do regarding the chalets etc., proposal so it has to be assumed that the development will take place. Nor is it clear whether the two uses will be under the same ownership. In the light of this I would have concerns regarding noise, dust and general disturbance to the occupants of the adjacent site, and would like to see restriction placed on these new uses to limit the hours of operation of vehicles and machinery and deliveries (including chillers/fans and generators) unless they can be demonstrated to be inaudible at the boundary of the campsite to 8am-8pm Monday to Friday 8am-1pm Saturdays and no operation on Sundays and Bank Holidays.”*

Whilst concerns have been expressed it is considered that subject to the imposition of appropriate conditions no issues exist in relation to the current application in terms of noise/disturbance to the wider area.

In terms of lighting or the potential of light pollution, the applicant has not submitted any details in relation to the installation of any illumination. If illumination were required, planning consent would be required prior to their installation by way of a planning condition.

#### Impact on tourist accommodation

A number of objections have been received from residents and existing tourist businesses in relation to the impact of the proposal.

The Council's Visitor Economy Officer has stated the following: -

*"In my view, the proposed activity at Wombleton airfield will have a negative impact on nearby businesses, and the wider economy."*

The application for storage and transportation of wood fuel pellets will result in significant levels of noise, which is bound to impact on the caravan and campsite just a short distance away. The proposed operating times throughout the week and weekend will have a substantial impact on local businesses and residents. I understand that although the application states there will only be a small amount of increase in traffic to the site, I find it extremely doubtful that there will not be more lorries taking materials to the airfield, given the level of proposed activity. Due to concerns about this traffic through Wombleton, the proposed route is now through Welburn. Whilst this is a bus route (for the infrequent 126 service), I do not think that it is ideal to have a number of lorries using these 'rural' roads, and particularly past a school.

The nearby Wombleton Caravan and Camping Park is marketed to visitors wanting peace and seclusion, and the storage and subsequent transportation of wood fuel pellets a short distance away will conflict with the visitors' expectations. The operation of machinery so close to this site is likely to have a serious effect on the economic and environmental plans of this business.

In short, the operation of the machinery and extra traffic will cause disturbance to visitors to the area, is likely to result in a number of complaints, will affect the local environment, and could threaten the existence of successful business. As tourism is so vital to the economy of this area, this proposal is unacceptable due to the negative impact on the environment, nearby businesses, and the wider economy of the district."

Whilst a number of concerns have been received in relation to the perceived impact of the activity, no evidence has been produced to substantiate such claims. It is considered that an opinion based on the perceived impact of noise and vehicular movements that have not been supported by the appropriate consultee (namely Environmental Health) cannot be sustained as a valid reason to refuse a proposal.

#### Conclusion

The proposed use of this agricultural building is considered to be in accordance with the relevant Local Plan Policies. Moreover, the NPPF is strong in its support for economic growth in rural areas.

Therefore, the application is recommended for approval subject to the following conditions:-

#### **RECOMMENDATION:                      Approval**

1            The development hereby permitted shall be begun on or before .

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



- 2 No machinery (Generators or Fans) shall be operated, no process shall be carried out and no deliveries taken at, or despatched from the site outside the following times 08:00 - 20:00 Monday - Friday, 08:00 - 13:00 Saturday nor at any time on Sundays Bank or Public Holidays without the written permission of the Local Planning Authority.

Reason:- To ensure that the amenities of nearby residents are not unreasonably affected.

- 3 There shall be no access or egress between the highway and the application site by any vehicles other than via the existing access with the public highway at Hungerhill Lane. The access shall be maintained in a safe manner which shall include the repair of any damage to the existing adopted highway occurring during construction.

Reason: In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and in the interests of both vehicle and pedestrian safety and the visual amenity of the area.

- 4 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:

(i) The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.

(ii) The existing access shall be improved by so that the access road extending 13 metres into the site shall be constructed in accordance with standard detail E2.

(iii) Any gates or barriers shall be erected a minimum distance of 13 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.

(v) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details and maintained thereafter to prevent such discharges.

(vi) The final surfacing of any private access within 13 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

- 5 No caravans and/or wood pellets shall be stored outside of the building hereby consent for their storage without express consent of the Local Planning Authority.

Reason: In accordance with Policies SP13 and SP16 of the Ryedale Plan - Local Plan Strategy.

- 6 The internal storage areas restricting the area for wood pellet storage shall be restricted to drawing no. 2012-13-352 (Proposed), unless otherwise agreed in writing with the Local Planning Authority.

Reason:- This condition is imposed in accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 7 No external lighting shall be installed on the building without the prior approval of the Local Planning Authority.

Reason: This condition is imposed in order to ensure that the use, hereby approved, does not impact on the amenity of the surrounding area in accordance with Policy SP20 of the Ryedale Plan – Local Plan Strategy.

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

Dwg No. 2012-13-352 Proposed  
Dwg No. 2012-13-352 Elevations

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

**Background Papers:**

Adopted Ryedale Local Plan 2002  
Local Plan Strategy 2013  
Regional Spatial Strategy  
National Planning Policy Framework  
Responses from consultees and interested parties