

**Item Number:** 7  
**Application No:** 14/00312/MFUL  
**Parish:** Normanby Parish Meeting  
**Appn. Type:** Full Application Major  
**Applicant:** Mr And Mrs Bell  
**Proposal:** Change of use of agricultural land to form a 50 pitch touring caravan site to include erection of a single storey service building, formation of new vehicular access to the north and excavation of 300m x 90m lake (maximum dimensions)  
**Location:** Land At Westfield Farm Westfield Lane Normanby Kirkbymoorside

**Registration Date:**  
**8/13 Wk Expiry Date:** 16 June 2014  
**Overall Expiry Date:** 23 April 2014  
**Case Officer:** Shaun Robson **Ext:** 319

#### CONSULTATIONS:

**Vale Of Pickering Internal Drainage Boards** No objections  
**Parish Council** Concerns raised  
**Highways North Yorkshire** Objection  
**Countryside Officer** Concerns that the application has no information on its potential impact on existing biodiversity that use the site in its current state.

**Sustainable Places Team (Yorkshire Area)** No Objections  
**Housing Services**  
**Land Use Planning** Comments made regarding water supply and waste water  
**Environmental Health Officer** No objection in principle request informative  
**Tree & Landscape Officer** No objections on landscape grounds, concerns raised on other matters

**Neighbour responses:** Andrew And Susan Knowles, Mrs B Johnson, Mrs Ann Wilkins, Mr Frank Sturdy, Mr Clifton Lund, Mr Frank Sturdy, Miss Harriet Sanders, Dr Peter Smith, Mr Mike Newbould, Ms VAL KAVANAGH, Mr Philip Gospel, John Riddell, Mrs Christina Blythe, ,

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#### SITE:

The application site is located to the south of the village of Normanby within the Open Countryside.

The site approximately measures 7.5 hectares and forms part of the applicant's larger land holding of some 69 hectares.

The site is not served by any formal access arrangement.

The River Seven is located immediately to the east of the site, which is the source of potential flooding to the site. The site is classified as Flood Zone 3a by the Environment Agency.

#### PROPOSAL:

Planning permission is sought for the change of use of land to allow the formation of 50 no. seasonal touring pitches.

The proposal also includes the erection of a single storey pitched roof service building containing an office, information room, showers, toilets and a storage area. The building has a length of 30.0m, width of 9.0m and overall height of 4.8m. A new access will also be created from Westfield Lane directly to the site. The access is 5.0m width, 200m long with a lay-by/ waiting area in the highway verge.

The application is accompanied by a Flood Risk Assessment and Design & Access Statement.

**HISTORY:**

None.

**POLICY:**

National Policy Guidance

National Planning Practice Guidance  
National Planning Policy Framework

Ryedale Plan - Local Plan Strategy

Policy SP8 - Tourism  
Policy SP10 - Physical infrastructure  
Policy SP13 - Landscapes  
Policy SP14 - Biodiversity  
Policy SP15 - Green Infrastructure Networks  
Policy SP16 - Design  
Policy SP17 - Managing Air Quality, Land and Water Resources  
Policy SP19 - Presumption in favour of sustainable development  
Policy SP20 - Generic Development Management Issues

**PUBLICITY:**

10 letters of objection have been received from residents citing some or all of the following points:-

- The submitted Flood Risk Assessment is flawed and based on outdated PPS25 advice;
- The information accompanying the application does not take account of the technical advice contained in the NPPF technical guidance;
- The development will have a detrimental impact to the surrounding area. The Howardian Hills AONB and the North York National Park are only a few kilometres from the site;
- The proposal conflicts with Policies SP12, SP20 of the Ryedale Plan – Local Plan Strategy;
- The development will have a direct adverse impact on the surrounding highway network;
- The development will have a direct in impact on Listed Buildings and Conservation Areas in the vicinity of the site;
- The Ecology and Biodiversity of the area will be damaged through the development;
- The application will devalue properties in the area.

4 letters of support have been received from residents citing some or all of the following points:-

- The proposal will boost the local economy;
- Any visual impact of the development will be easily integrated into the landscape;
- The development will move traffic away from the village thus improving the village environment.

## APPRAISAL:

The main considerations in relation to this application are:-

- The principle of the proposed development and whether the sequential test is met;
- Site specific flood risk mitigation;
- Impact of the proposed development upon the character and appearance of the open countryside;
- Landscaping;
- Highway safety;
- Ecology and biodiversity.

Policy SP8 of the Ryedale Plan in principle supports tourism related development in the District because of its economic benefits to the area. These economic benefits however, have to be balanced against the other associated impacts from the scheme.

### Flood risk

Policy SP17 (Managing Air Quality, Land and Water Resources) (*in part*) states:

*Flood risk will be managed by:*

- *Requiring the use of sustainable drainage systems and techniques, where technically feasible, to promote groundwater recharge and reduce flood risk. Development proposals will be expected to attenuate surface water run off to the rates recommended in the Strategic Flood Risk Assessment. In addition, major development proposals within areas highlighted as having critical drainage problems in the North East Yorkshire Strategic Flood Risk Assessment (or future updates) as Critical Drainage Areas may, if appropriate, be required to demonstrate that the development will not exacerbate existing problems by modelling impact on the wider drainage system*
- *Ensuring new development does not prevent access to water courses for the maintenance of flood defences*
- *Undertaking a risk based sequential approach to the allocation of land for new development and in the consideration of development proposals in order to guide new development to areas with the lowest probability of flooding, whilst taking account of the need to regenerate vacant and previously developed sites within the towns. In considering development proposals or the allocation of land, full account will be taken of the flood risk vulnerability of proposed uses and the national 'Exception Test' will be applied if required*

Members will appreciate that this site is located within Flood Zone 3a. The proposed use is classed as 'More Vulnerable'. As such the proposal needs to meet the requirements of the sequential test and the exception test.

It is the responsibility of the Local Planning Authority to ensure the sequential test is met. Paragraph 101 of the NPPF states:

*"the aim of the Sequential Test is to steer development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding."*

For individual planning applications where there has been no sequential testing of the allocations in the development plan the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed. The applicant has not identified any specific circumstance or justification for the selection of the site.

The standing advice (Demonstrating the flood risk Sequential Test for Planning Applications) issued by the Environment Agency in order to assist in the preparation and assessment of a sequential test identifies the geographical area of search, over which the test is to be applied. The advice states that the geographical area should be:

*“...over the whole of the Local Planning Authority area but may be reduced where justified by the functional requirements of the development or relevant objectives in the Local Plan.”*

The Local Plan Strategy contains no relevant site specific criterion for the assessment of a caravan site within an area highly susceptible to flooding.

The recently adopted National Planning Practice Guidance states:

*“...the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed.”*

In this particular case the development is not associated within any ‘existing’ facility nor is it the expansion of an existing concern.

It is considered, therefore, that given that no fundamental justification appears to exist for the development of this specific site that the catchment area to apply the sequential test should be across the LPA administrative area.

The agent has cited that the sequential assessment/justification for proposal on this specific site is that the other site/area available in the locality, owned by the applicant, would be more visible and therefore create a greater visual impact than the site proposed.

Officers are concerned with that approach in respect of this application.

The applicant has completed an Exception Test but given the above identified concerns the application is also considered to be flawed with regard to this approach.

Therefore officers consider that the proposal does not meet the requirements of either the Sequential or Exception Test. Furthermore, in regard to the sequential approach, there has been no other assessment of other sites in the area to establish if there is an available site. In this regard, officers that the development fails the requirements as defined within the NPPF and Policy SP17 of the Local Plan Strategy.

#### Impact upon the character and appearance of the open countryside

A number of concerns have been received from residents in regard to the impact of the development on the character of the surrounding open countryside.

The proposal incorporates additional planting around the boundary of the site which will, once matured, add to the existing features and integrate the scheme into the wider area.

The Tree and Landscape Officer has considered the proposal and has raised no issues with regard to the impact of the establishment of the pitches and site.

Policy SP8 requires that new development does not ‘*undermine the character of the area or prejudice the quality of the natural or built environment.*’

It is not considered by Officer, therefore, that the development would have a detrimental visual impact in the surrounding area.

### Ecology

The Ecology Officer has raised concerns in regard to the lack of information accompanying the application with regard to the potential impact on existing biodiversity that use the site in its current state. The application has not been accompanied by a desk based search on protected species and habitats. In light of the lack of this information it is not possible to determine whether the application will have any detrimental impact on protected species.

### Highway safety

The proposal seeks to create an access arrangement off the unclassified County Highway (Westfield Lane).

The Highway Officer has raised a number of concerns in relation to the application specifically that the traffic generation associated with the development would meet or exceed the trigger for the requirement of a Transport Assessment. The application has not however been accompanied by a Transport Assessment. Concern has also been expressed by the Highway Officer with regard to the inadequate width of the public highway leading to the site.

### Other issues

A concern has been received in relation to the conduct and formal response from the Parish Meeting.

A Parish Meeting comprises the Local Government Electors for the Parish. There is no obligation for a Parish Meeting to adopt a member's code of conduct. In addition the District Council has no jurisdiction to monitor and regulate the conduct of Parish Meetings.

Therefore the concerns raised in regard to the comments made and the conduct of the meeting raises no issue with regard to the consideration of the application.

### Conclusion

In view of the concerns highlighted above in respect of the sequential test, the lack of information to assess the impact of the development on biodiversity and the highway concerns, the recommendation on this application is one of refusal.

### **RECOMMENDATION:                      Refusal**

- 1            The Local Planning Authority considers that the public highway leading to the site is of insufficient width to accommodate the additional traffic allied to touring caravan touring vehicles, without serious damage to the carriageway and verges of the highway and loss in amenity value. The proposal is therefore contrary to Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.
- 2            The applicant has failed to adequately assess the application in regard to the required Sequential Test, given the sites location within Flood Risk Zone 3a. The proposal is therefore contrary to Policy SP17 of the Ryedale Plan - Local Plan Strategy and paragraph 101 of the National Planning Policy Framework.
- 3            The application has not been accompanied by any information to assess the potential impact of the development on existing biodiversity that use the site in its current state. In light of the lack of this information it is not possible to determine whether the application will have any detrimental impact on protected species. The proposal is therefore contrary to Policy SP14 of the Ryedale Plan - Local Plan Strategy and paragraph 118 of the National Planning Policy Framework.

**Background Papers:**

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