



PLANNING COMMITTEE

Tuesday 23 September 2014 at 6.00 pm

Council Chamber, Ryedale House, Malton

Agenda

- 1 **Apologies for absence**
- 2 **Minutes of meetings held on 21 August & 27 August 2014** (Pages 3 - 11)
- 3 **Urgent Business**
To receive notice of any urgent business which the Chairman considers should be dealt with at the meeting as a matter of urgency by virtue of Section 100B(4)(b) of the Local Government Act 1972.
- 4 **Declarations of Interest**
Members to indicate whether they will be declaring any interests under the Code of Conduct.

Members making a declaration of interest at a meeting of a Committee or Council are required to disclose the existence and nature of that interest. This requirement is not discharged by merely declaring a personal interest without further explanation.
- 5 **Schedule of items to be determined by Committee** (Pages 12 - 13)
- 6 **14/00734/MFUL - OS Field No 1811, Cawton Road, Gilling East, Helmsley** (Pages 14 - 47)
- 7 **14/00522/FUL - Land At Middlecave Lodge, Middlecave Road, Malton** (Pages 48 - 71)
- 8 **14/00762/73A - Land At, Malton Lane, Allerston, Pickering** (Pages 72 - 82)

- 9 **14/00850/ADV - Land At OS Field 6574, Old Malton, Malton** (Pages 83 - 89)
- 10 **14/00851/ADV - OS Field 3286, High Hutton, Malton** (Pages 90 - 95)
- 11 **14/00865/HOUSE - Glen Gairn, Barugh Lane, Great Barugh, Malton** (Pages 96 - 109)
- 12 **Enforcement Report - Canadian Fields, Nawton** (Pages 110 - 157)
- 13 **Any other business that the Chairman decides is urgent.**
- 14 **List of Applications determined under delegated Powers.** (Pages 158 - 164)
- 15 **Update on Appeal Decisions** (Pages 165 - 172)

Extraordinary Planning Committee

Held at Council Chamber, Ryedale House, Malton
Thursday 21 August 2014

Present

Councillors Arnold (Substitute), Mrs Burr MBE, Mrs Frank (Vice-Chairman), Hope, Richardson, Mrs Sanderson, Wainwright (Substitute) and Woodward

Substitutes: Councillor S Arnold (for Councillor J Windress) and Councillor CR Wainwright (for Councillor B Maud)

In Attendance

Jo Holmes, Gary Housden, Mel Warters and Anthony Winship

Minutes

64 Apologies for absence

Apologies were received from Councillors Windress, Maud and Hicks.

65 Declarations of Interest

The following Members' indicated that they would be declaring interest under the Members' Code of Conduct in respect of the following item.

Councillor	Application
Arnold	4, 5, 6, 7
Hope	4, 5, 6, 7
Sanderson	4, 5, 6, 7
Burr	4, 5, 6, 7
Woodward	4, 5, 6, 7
Richardson	4, 5, 6, 7
Wainwright	4, 5, 6, 7
Frank	4, 5, 6, 7

66 Schedule of items to be determined by Committee

The Head of Planning & Housing submitted a list (previously circulated) of the applications for planning permission with recommendations there on.

67 14/00426/MOUTE - Land At Edenhouse Road, Old Malton, Malton

14/00426/MOUTE - Erection of new livestock market (sui generis) comprising circa. 2,850 sq m floorspace: Agricultural Business Centre comprising circa. 6,010 sq m of floorspace for uses within Use Class A1, A2, A3, D1, B1, B2, B8 and agricultural vehicle sales (sui generis); and new Business Park comprising circa. 19,040 sq m of floorspace for uses within Use Class B1, B2, and B8 including premises for The Ginger Pig comprising 1,790 sq m of floorspace (for uses falling within Class B1, B2, B8 and A1) along with (in respect of all elements) all associated development including drainage, provision of services, landscaping, boundary treatments, attenuation ponds and access and associated highway works. (Site area 17.8ha).

The Head of Planning & Housing updated Members on late representations received from third parties and outstanding consultees in respect of this application.

In addition to matters already raised in the report, Members were advised of a late objection relating to the application of the sequential approach relating to town centre uses because the application included some elements of Use Class A1, A2, A3, D1 and Class B1 office uses on the livestock market and associated agri-business centre and also on the proposed business park.

The Head of Planning & Housing clarified the following matters which were also covered in the proposed suggested conditions circulated with the Late Pages and in the verbal update reported to the meeting.

In particular, the Head of Planning & Housing drew attention to the proposed planning conditions which are imposed to ensure that the units are occupied in the manner intended.

1. No more than 25% of the floorspace of the Agri Business Units to be occupied for Class A1 use. Such use to be restricted by a further planning condition limiting the range of goods to the sale of agricultural supplies including tools and equipment, animal feed, country sports equipment and associated clothing.
2. No more than 10% of the floorspace of the Agri Business Units to be occupied for Class A2 use i.e. a rural land agent office, auctioneers office or similar.
3. No more than 10% of the floorspace of the Agri Business Units to be occupied for Class A3 use i.e. as an ancillary cafe.
4. No more than 25% of the floorspace of the Agri Business Units to be occupied for Class B1 use with additional restriction on maximum unit size.
5. No more than 50% of the floorspace of the Agri Business Units to be occupied for Class D1 use i.e. a veterinary practice and/or agricultural education facility.

6. No more than 50% of the floorspace of the Agri Business Units to be used for the sale of agriculture vehicles or machinery (Sui Generis).

Similarly, and for the avoidance of doubt, the new Business Park comprises 19,040sq. metres of floorspace in respect of which flexible planning permission is sought for Class B1, B2 and B8 uses. No limit on Class B2 and B8 is proposed albeit a maximum of 4,000sq. metres of floorspace within Class B1 should be set by planning conditions. That maximum is assumed in the Transport Assessment.

The Head of Planning & Housing advised Members of the application of National Planning Policy set out in the NPPF, with particular regard to Paragraphs 24 to 26.

The Livestock Market and Agri-Business Centre supports the retention of the livestock market in the district and is well located to the town. The proposal is well located to the road network and was not considered to harm its character, landscape setting or amenities of any residents. The new livestock market does not require a town centre location or the application of the sequential approach. The associated Agricultural Business Centre is inextricably linked to the livestock market and Members agreed that it should not be treated separately. The development as a whole, cannot be disaggregated and could not be located in a town centre on edge-of-centre site.

The Business Park element on the eastern site could provide up to 4,000sq. metres of B1 offices. Members were advised that the Local Plan Strategy identifies the need for 29.6 - 36 hectares of employment land at the town as set out in the officer report. The Eden Camp locality is identified as suitable for employment uses in the Council's evidence base (Employment Land Review and Update Report) and is also identified as a good site for high quality employment development. The employment uses are consistent with the strategy and it was considered inappropriate to disaggregate individual office units in terms of the sequential approach. A condition is imposed, however, to limit the amount of B1 office uses to that proposed in the application.

None of the development was considered to harm the vitality or viability of the town centre. The levels of retail floorspace are also limited by type of products sold and comprises a relatively small percentage of the identified requirement for non-food floorspace set out in the Local Plan Strategy. The potential for additional linked trips to the town was also noted.

Members were also advised of the comments made by the Council's Regeneration Manager and the comments of the Local Economic Partnership, drawing attention to the significant additional job creation anticipated for the new employment uses.

Against this background, the proposals were considered to have a beneficial impact on the town and that there would be no adverse impacts on the vitality and viability of the Malton town centre.

Decision

That the application be notified to the Secretary of State under the Town & Country Planning (Consultation)(England) Direction 2009 and that, consequent upon the Secretary of State deciding not to intervene and require that the planning application be referred to him, outline planning permission be granted subject to:

a. The completion of an agreement between the applicant and the Council and any other party pursuant to S106 of the Town & Country Planning Act 1990 and subject to the Council Solicitor being authorised to negotiate with the applicants regarding such agreements to secure:

Local highway improvements

b. Conditions as set out in the report subject to the Council Solicitor being authorised to negotiate further with the applicant regarding the detailed wording of such conditions as required and to (a) make such amendments to the detailed wording of those conditions; and (b) to add any further conditions not listed below, as necessary, and agreed with the applicant.

[For 6 Against 1 Abstain 1]

In accordance with the Members' Code of Conduct Councillors Arnold, Hope, Mrs Sanderson, Mrs Burr, Woodward, Richardson, Wainwright and Mrs Frank declared a personal non pecuniary but not prejudicial interest.

68 **14/00427/MOUTE - The Showfield, Pasture Lane, Malton**

14/00427/MOUTE - Demolition of existing buildings and structures and erection of circa 227 residential dwellings (Use Class C3) along with all associated development including drainage, landscaping, cut and fill, formation of earth bund, boundary treatments (including noise mitigation measures) provision of services and access and associated highway works (site area 11.90ha).

The Head of Planning & Housing updated Members on late representations received from third parties and outstanding consultees in respect of this application.

The Head of Planning & Housing clarified a number of matters which were also covered in the proposed suggested conditions circulated with the Late Pages and in the verbal update reported to the meeting.

Decision

PERMISSION GRANTED - Subject to conditions as recommended and Section 106 Agreement relating to developer contributions.

[For 6 Against 1 Abstain 1]

In accordance with the Members' Code of Conduct Councillors Arnold, Hope, Mrs Sanderson, Mrs Burr, Woodward, Richardson, Wainwright and Mrs Frank declared a personal non pecuniary but not prejudicial interest.

69 14/00428/MOUTE - Land South of Westgate, Old Malton, Malton

14/00428/MOUTE - Demolition of existing buildings and structures, conversion of retained buildings to residential dwellings and erection of new residential dwellings (Use Class C3) (circa 35 dwellings in total) along with all associated development including drainage, landscaping, boundary treatments, provision of services and access and associated highway works (site 2.0ha).

The Head of Planning & Housing updated Members on late representations received from third parties and outstanding consultees in respect of this application.

The Head of Planning & Housing clarified a number of matters which were also covered in the proposed suggested conditions circulated with the Late Pages and in the verbal update reported to the meeting.

Decision

PERMISSION GRANTED - Subject to conditions as recommended and Section 106 Agreement relating to developer contributions.

[For 5 Against 2 Abstain 1]

In accordance with the Members' Code of Conduct Councillors Arnold, Hope, Mrs Sanderson, Mrs Burr, Woodward, Richardson, Wainwright and Mrs Frank declared a personal non pecuniary but not prejudicial interest.

70 **14/00429/MOUTE - Land At Rainbow Lane, Malton**

14/00429/MOUTE - Erection of circa 50no. affordable residential dwellings (Use Class C3) along with all associated development including drainage, landscaping, formation of earth bund, boundary treatments (including noise mitigation measures) provision of services and access and associated highway works (site area 3.4 ha).

The Head of Planning & Housing updated Members on late representations received from third parties and outstanding consultees in respect of this application.

The Head of Planning & Housing clarified a number of matters which were also covered in the proposed suggested conditions circulated with the Late Pages and in the verbal update reported to the meeting.

Decision

PERMISSION GRANTED - Subject to conditions as recommended and Section 106 Agreement relating to developer contributions.

[For 8 Against 0 Abstain 0]

In accordance with the Members' Code of Conduct Councillors Arnold, Hope, Mrs Sanderson, Mrs Burr, Woodward, Richardson, Wainwright and Mrs Frank declared a personal non pecuniary but not prejudicial interest.

Meeting Closed 9.25pm

Planning Committee

Held at Council Chamber, Ryedale House, Malton
Wednesday 27 August 2014

Present

Councillors Mrs Burr MBE, Mrs Frank (Vice-Chairman), Mrs Goodrick, Maud, Mrs Sanderson and Windress (Chairman)

Substitutes:

In Attendance

Jo Holmes, Shaun Robson and Anthony Winship

Minutes

71 Apologies for absence

Apologies were received from Cllrs Woodward and Clark.

72 Minutes of meeting held on 30 July 2014

Decision		
That the minutes of the Planning Committee held on 30 July 2014 be approved and signed by the Chairman as a correct record.		
[For 4	Against 1	Abstain 1]

73 Urgent Business

There was no urgent business.

74 Declarations of Interest

Councillor	Application
Goodrick	9
Burr	7

75 Schedule of items to be determined by Committee

The Head of Planning & Housing submitted a list (previously circulated) of the applications for planning permission with recommendations there on.

76 14/00692/73A - Steam And Moorland Garden Centre, Malton Road, Pickering

14/00692/73A - Variation of Condition 05 of approval 11/00749/73A dated 09.12.2011 as follows - replace "ground floor of the building(s)" by "ground floor of the building", replace "building(s) and land" by "ground floor of the building" and amend reason by replacing "in order to comply with PPS4" by "in order to comply with National Planning Policy Framework".

Decision

PERMISSION GRANTED – Subject to conditions as recommended.

[For 6 Against 0 Abstain 0]

77 14/00697/FUL - ATS Euromaster, 25 - 27 Commercial Street, Norton

14/00697/FUL - Demolition of 2no. buildings.

Decision

PERMISSION GRANTED – Subject to conditions as recommended.

[For 6 Against 0 Abstain 0]

In accordance with the Members' Code of Conduct Councillor Mrs Burr declared a disclosable pecuniary interest and left the room.

78 14/00747/FUL - 6 - 8 Railway Street, Malton

14/00747/FUL - Change of use of retail premises (Use Class A1) to a taxi booking office with customer waiting room.

Decision

PERMISSION GRANTED – Subject to conditions as recommended and the addition of a condition requiring the submission and installation of CCTV equipment.

[For 6 Against 0 Abstain 0]

79 14/00709/MFUL - Gravel Pit Farm, Sand Hutton

14/00709/MFUL - Installation of an anaerobic digestion and combined heat and power plant to include 3 no. tanks, ancillary structures, silage clamps and digestate storage lagoon.

Decision

Site visit agreed, subject to confirmation that the application is a district matter and not a County matter.

[For 6

Against 0

Abstain 0]

In accordance with the Members' Code of Conduct Councillor Mrs Goodrick declared a personal non pecuniary but not prejudicial interest.

80 14/00734/MFUL - OS Field 1811, Cawton Road, Gilling East

14/00734/MFUL - Establishment of a farmstead to include erection of a four bedroom agricultural workers dwelling with detached double garage/store with room above, erection of cattle shed and machinery/feed store and excavation of an attenuation basin/pond, formation of stoned area for external feed storage & vehicular access and landscaping.

Decision

Site visit agreed, subject to confirmation of an appropriate date.

[For 6

Against 0

Abstain 0]

81 Any other business that the Chairman decides is urgent.

There was no other business.

82 List of Applications determined under delegated Powers.

The Head of Planning & Housing submitted for information (previously circulated) which gave details of the applications determined by the Head of Planning & Housing in accordance with the scheme of Delegated Decisions.

Agenda Item 5

APPLICATIONS TO BE DETERMINED BY RYEDALE DISTRICT COUNCIL

PLANNING COMMITTEE - 23/09/14

6

Application No: 14/00734/MFUL

Application Site: OS Field No 1811 Cawton Road Gilling East Helmsley

Proposal: Establishment of a farmstead to include erection of a four bedroom agricultural workers dwelling with detached double garage/store with room above, erection of cattle shed and machinery/feed store and excavation of an attenuation basin/pond, formation of stoned area for external feed storage & vehicular access and landscaping with use of the existing general purpose agricultural building to include for livestock housing

7

Application No: 14/00522/FUL

Application Site: Land At Middlecave Lodge Middlecave Road Malton North Yorkshire

Proposal: Erection of a two bedroom dwelling with attached single garage with associated landscaping

8

Application No: 14/00762/73A

Application Site: Land At Malton Lane Allerston Pickering North Yorkshire

Proposal: Variation of Condition 05 of approval 13/00420/FUL dated 07.06.2013 by submission of revised elevations plan "New copy 1st Aug 2014"

9

Application No: 14/00850/ADV

Application Site: Land At OS Field 6574 Old Malton Malton North Yorkshire

Proposal: Erection of permanent tubular steel frame for display of non-illuminated temporary signs for events within Malton and Norton for a period of five years

10

Application No: 14/00851/ADV

Application Site: OS Field 3286 High Hutton Malton

Proposal: Erection of permanent tubular steel frame for display of non illuminated temporary signs for events within Malton and Norton, for a period of five years

APPLICATIONS TO BE DETERMINED BY RYEDALE DISTRICT COUNCIL

PLANNING COMMITTEE - 23/09/14

11

Application No: 14/00865/HOUSE

Application Site: Glen Gairn Barugh Lane Great Barugh Malton North Yorkshire YO17 6UZ

Proposal: Erection of carport to include installation of biomass boiler and chimney
(Revised details to approval 13/00151/HOUSE dated 25.04.2013) - part
retrospective application

Agenda Item 6

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

Item Number: 6
Application No: 14/00734/MFUL
Parish: Gilling East Parish Council
Appn. Type: Full Application Major
Applicant: Mr Ian Mosey
Proposal: Establishment of a farmstead to include erection of a four bedroom agricultural workers dwelling with detached double garage/store with room above, erection of cattle shed and machinery/feed store and excavation of an attenuation basin/pond, formation of stoned area for external feed storage and vehicular access and landscaping with use of the existing general purpose agricultural building to include for livestock housing
Location: OS Field No 1811 Cawton Road Gilling East Helmsley
Registration Date: 8 July 2014 **8/13 Week Expiry Date:** 7 October 2014
Case Officer: Matthew Mortonson **Ext:** 332

CONSULTATIONS:

Parish Council	Concerns expressed re: outside development limits size of dwelling and traffic volumes
Property Management	No views received to date
Highways North Yorkshire	No Objection - Recommends Conditions
Howardian Hills AONB JC	Significant concerns about the scale of the development
Tree & Landscape Officer	Recommend conditions
Countryside Officer	Comments Made
Environmental Health Officer	No comments to make
Land Use Planning	No views received to date
Vale Of Pickering Internal Drainage Boards	No objection

Neighbour responses: Ms Louise Legard, L J Beavan,

Overall Expiry Date: 2 October 2014

SITE:

The proposed site is located approximately 0.6km to the east of the village of Gilling East, within the open countryside of the Howardian Hills Area of Outstanding Natural Beauty. It is associated with the relocation of the existing farmstead rented by the applicant situated at Ampleforth. The proposal is to construct a detached agricultural worker's dwelling, a detached double garage with additional storage, and two agricultural buildings for the housing of cattle and the storage of machinery and feed with related access and landscaping.

The application site currently consists of a large agricultural building, approved under agricultural notification ref. 13/00088/AGNOT (revised details to 09/01275/AGNOT) and a modest traditional brick built agricultural building.

PROPOSAL:

Planning permission is sought for the establishment of a farmstead to include erection of a substantial four bedroom agricultural workers dwelling with detached double garage/store with room above, erection of cattle shed and machinery/feed store and excavation of an attenuation basin/pond, formation of stoned area for external feed storage & vehicular access and landscaping.

The main components of the proposal consist of the following:-

- **Farmhouse:** An 'L' shaped 2-storey pitched roof dwelling, that will have a footprint which will measure 8.7m by 14.0m and be 9.3m at its ridge height to the main part of the dwelling. The 2-storey projection will measure 10.65m by 4.7m and be 6.9m at its ridge height, for the majority of the projection.
- **Garage/Store/Plant Room and Stable:** An 'L' shaped building with a first floor store area. The building will have a footprint approximately measuring 11.60m by 13.96m and 6.2m at its ridge height.
- **Cattle Shed:** A pitched roof blockwork and profiled sheeting building with a footprint of 31m by 22.8m and 7.0m at the eaves, 9.8m at its ridge height.
- **New Machine/Feed Store:** A pitched roof block and profiled sheeting building with a footprint of 31m by 22.8m with a ridge height to eaves of 6.9m and ridge of 9.8m.

HISTORY:

09/01275/AGNOT – Determined - Erection of a general purpose agricultural storage building.

13/00088/AGNOT – Determined - Erection of a general purpose agricultural storage building.

14/00186/PREAPP - Construction of 2no. agricultural buildings and associated agricultural workers dwelling including detached garage with related access and landscaping.

POLICY:

National Planning Policy Guidance

National Planning Policy Framework
National Planning Practise Guidance

Ryedale Plan - Local Plan Strategy

Policy SP1 - General Location of Development and Settlement Hierarchy
Policy SP2 - Delivery and Distribution of New Housing
Policy SP13 – Landscapes
Policy SP14 - Biodiversity
Policy SP16 - Design
Policy SP19 - Presumption in Favour of Sustainable Development
Policy SP20 - Generic Development Management Issues
Policy SP21 – Occupancy Restrictions

APPRAISAL:

Members will note that to date 3 no. letters of objection have been received to this application. In addition, Gilling East with Cawton, Coulton and Grimstone Parish Council have expressed concerns to the planning application by stating:

“Councillors expressed concerns that the development was outside the residential footprint of the village and that the size of the property is excessive to the listed welfare needs of agricultural site provision. They expressed concern regarding traffic volumes in respect to the current road conditions and the impact on the junction from Cawton Road and Main Street considering recent issues with traffic problems. The Council also wished to note that the property plan as currently leaves scope for further development which could have an environmental impact over and above the economic gain stated within these statements.”

The main considerations in the assessment of this application are:

- i) The principle of the development
- ii) Impact on the AONB
- iii) Residential Amenity
- iv) Highway Considerations
- v) Tree and Landscaping
- vi) Ecology

i) The principle of the development

The applicant operates a large animal and pig finishing business in Ryedale. The backbone of the business is the land farmed around Gilling East and Ampleforth, which totals approximately 1,450 acres. Of this, c600 acres are owned by the applicant. The remaining c850 acres are rented on a Farm Business Tenancy and located around Ampleforth College.

The background for the planning application can be found within the ‘Planning Justification and Agricultural Appraisal’ submitted in support of the proposal. This identifies that to date, calving of the suckler cattle and the lambing of the sheep has taken place in rented buildings close to Ampleforth College. However, the applicant claims that these buildings have a comprised layout and are nearing the end of their lifespan with no expected future landlord investment in relation to upgrading or their replacement. Further, it is identified that the land at Ampleforth only has 8 to 9 years remaining on its tenancy. It is stated that the applicant *“cannot justify investing in new buildings on this land, due to the uncertainty caused by the end of the agreement. Whilst it is hoped that the tenancy will be made available to the Mosey family again, this cannot be guaranteed”*. The applicant also states that there is lack of farm workers accommodation close to the Ampleforth College Farm which results in poor accessibility and a lack of security.

A functional test is necessary to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times.

Para 55 of the National Planning Policy (NPPF) states that Local Planning Authorities should avoid new isolated homes unless there are special circumstances. One such circumstance is *‘the essential need for a rural worker to live permanently at or near their place of work in the countryside.’* The NPPF does not include any clarification of how such need should be demonstrated. However it is considered that guidance can be taken from the now superseded Planning Policy Statement 7, Annex A. The recent decision of a Planning Inspector in Ryedale in considering planning application ref. 12/00331/FUL (appeal ref. APP/Y2736/A/13/2197766) confirms this:

“7. No definition of ‘essential’ is given in the Framework, but the main parties agreed that the functional and financial tests set out in the Annex to the now superseded PPG7: Sustainable Development in Rural Areas form a reasonable basis for such an assessment. The functional test establishes whether the enterprise whether the need for a full time worker to live at the site can be justified for the proper functioning of the enterprise, and the financial test addresses the viability of the enterprise and whether it can sustain the cost of the dwelling. If this is not the case then the development cannot be said to be sustainable; promoting sustainable development (economic, social and environmental) is ‘golden thread’ which runs through the Framework.”

The comments of the Planning Inspector clearly state that both the functional need and financial test are key to identifying the sustainability of the proposed development. If the functional need or the financial viability of the enterprise cannot be demonstrated then it cannot be said that the development is sustainable and would therefore be contrary to the requirements of the Framework.

If the proposal fails to satisfy the NPPF’s requirement to prove ‘essential need’, the proposal would also fail to satisfy Policy SP2 (Delivery and Distribution of New Housing) of the Ryedale Local Plan Strategy which in the wider open countryside supports "new building dwellings necessary to support the land-based economy where an essential need for residential development in that location can be justified...”

The tests from the former PPS7 Annex A in relation to agricultural workers dwellings are as follows:

- i) there is a clearly established *existing* functional need;
- ii) the need relates to a *full-time* worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement;
- iii) the unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so;
- (iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
- (v) other planning requirements, e.g. in relation to access, or impact on the countryside, are satisfied.

The guidance in PPS7 indicates that agricultural dwellings should be of a size commensurate with the established functional requirement. Dwellings that are unusually large in relation to the agricultural needs of the unit, or unusually expensive to construct in relation to the income it can sustain in the long-term, should not be permitted. It is the requirements of the enterprise, rather than those of the owner or occupier, that are relevant in determining the size of dwelling that is appropriate to a particular holding.

In light of the special circumstances surrounding this application, the Local Planning Authority has sought the professional advice of an independent agricultural assessor. It is expected that the independent report will be available to provide to Members at the late pages.

The impact upon the special qualities of the Howardian Hills Area of Outstanding Natural Beauty

The Countryside and Rights of Way Act (2000) states that Local Authorities should have:

Regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.

The NPPF reflects the requirements of the Country and Rights of Way Act (2000) by stating:

115. *Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.*

The Howardian Hills Area of Outstanding Natural Beauty Management Plan 2014 – 2019 outlines the special qualities of the Howardian Hills Area of Outstanding Natural Beauty. These include:

- *An unusual landform*
- *A richly varied landscape*
- *A landscape of high visual quality*
- *A remarkable heritage*
- *An important wildlife resource*

Furthermore, the Howardian Hills Area of Outstanding Natural Management Plan refers to AONB's being places that are increasingly seen as calm and tranquil, without features such as traffic noise, minerals workings, excessive lighting and aircraft noise.

As identified by the AONB Management Plan, the application site is located within the Vale of Pickering landscape character area. The Landscape Management for this character area is to "*Strengthen the landscape by restoration of hedges, hedgerow trees and copses while retaining the contrast with more heavily wooded slopes to the north and south.*"

Members will note that this site is highly visible from a number of public viewpoints in the area. The most significant viewpoint is that from Cawton Road, however there are various other viewpoints from within the village of Gilling East itself, including Station Road and Church Lane, and the B1363 road located in between Gilling East and Oswaldkirk.

The proposed four bedroom farmhouse will be positioned adjacent to Cawton Road on the western side of the site. It is a double fronted traditional design, with a further two storey cross wing extension to the rear. It will measure 9m to the highest ridge point and 6m to the highest eave point. The proposed detached garage with additional storage at first floor level will be positioned to the north east of the farmhouse and will measure 6.2m to the highest ridge point and 4m to the highest eave point. These buildings will be constructed of random coursed limestone under either clay pantiles or slate.

The proposed cattle building will be positioned 14.5m to the north of the existing shed. It will have a total floor area of 706.8 square metres and measure 7m to the eaves and 9.6m to the ridge. The proposed building to store machinery and feed will be positioned 23m to the east of the cattle shed. This will also have a total floor area of 706.8 square metres and measure 7m to the eaves and 9.6m to the ridge.

The 'Howardian Hills Area of Outstanding Natural Beauty Design Guidance for New Agricultural Buildings and Infrastructure (November 2013)' provides general design guidance on the siting of new farm buildings. Amongst other things, it is stated that "*subject to operational requirements, the impact of a new structure can be reduced by located it in close proximity to existing buildings with an existing group. Rarely will it be acceptable to build an isolated free-standing structure in the open countryside.*"

The view of officers is that the scale of this large development is one that would be at contrast with the open vale landscape of the surrounding area. The proposed layout provides an open site which is dominated by large farm buildings and a large dwelling. At approximately 75m – 80m to the nearest agricultural building, the position of the farmhouse is a significant distance from the farm. This adds to the open dispersed nature of the proposal and further impacts on the character of the AONB.

A key justification for the siting of this proposal relates to the visual linkage the site has to the nearby Gilling East. It is accepted by Officers that there is an element of visual linkage to the nearby village. However by virtue of the separation distance between the site and the development limits of the village, any visual linkage is considered to be relatively minimal. When viewed in the wider landscape context, the site will be seen largely in isolation from any nearby development limit.

In order to mitigate the impact of the development, the application is proposing screening in the form of areas of woodland. This raises concerns for two reasons. Firstly, the trees would only screen the development for parts of the year. Secondly, the Landscape Management guidelines for the Landscape Character Zone of the AONB, as laid out in the AONB Management Plan, encourage the restoration of a hedged landscape with hedgerow trees and copses of broadleaved trees. The planting of areas of woodland to screen the development would not be compatible with the landscape character type.

It is the view of officers that layout and design of the development is one that does not protect the scenic and natural beauty of the Howardian Hills AONB or respect the context provided by its surroundings. Therefore, the design is considered to be contrary to the requirements of Policy SP13 and SP16 of the Ryedale Local Plan Strategy.

As identified by the AONB Management Plan, a special quality of the AONB landscape is that of tranquillity. This landscape character is protected by Policy SP13 of the Ryedale Local Plan Strategy which seeks that *'the ambience of the area, including nocturnal character, level and type of activity and tranquillity, sense of enclosure/exposure'* is protected.

The application site is situated on a single track country road which provides access between Gilling East and Cawton. There is currently very little development between the two settlements which ensures low levels of vehicular activity and artificial lighting. This enhances the nocturnal character and tranquillity of the area.

This development if permitted would result in a significant increase the levels of traffic using Cawton Road and the local road network, including those highways through the villages of Gilling East and Cawton. These comings and goings from the site would materially change of character of the area from that of a quiet agricultural site into a large developed farmstead. It is also submitted that any lighting required for the farmyard together with the lighting associated to the farmhouse will significantly impact on the nocturnal character of the AONB. In light of this it is considered that the development does not conserve or preserve the tranquillity and nocturnal character of the AONB.

To conclude, the impact of the development on the Howardian Hills AONB does not conserve or enhance the special qualities of the AONB therefore is contrary to the requirements of Policy SP13 of the Ryedale Local Plan Strategy, Section 11 of the NPPF and The Countryside and Rights of Way Act (2000). The AONB Manager has raised significant concerns to the development and his comments are attached in full to this report.

Residential Amenity

In considering residential amenity, the requirements of Policy SP20 of the Ryedale Local Plan Strategy is relevant. This states that *"New development will not have a material adverse impact o the amenity of present or future occupiers, 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.”

The application site is located approximately 400m from the nearest residential dwellings. These separation distances are considered to be such that the farmstead itself would not result in harm to nearby residential properties. Nevertheless, Officers do have concerns regarding the potential impact the proposed development will have on the amenities of the residents in the nearby village of Gilling East and its surroundings as a result of additional noise and general disturbance through vehicular movements associated with the proposed development. For this reason, the proposal is considered to be contrary to the requirements of SP20 of the Ryedale Local Plan Strategy.

Highway Considerations

Whilst the Highway Authority have raised concerns to the development, no objections have been raised to the proposal, subject to conditions.

Tree and Landscaping

The Council's Tree and Landscape Officer has made comments on the application recommending conditions.

Ecology

With regards to ecology, the Council's Countryside Officer has raised concerns that, in line with Policy SP14 of the Ryedale Local Plan Strategy, there needs to be provision to provide a net gain for biodiversity within this application. Further information is awaited from the applicant in respect to this matter.

Conclusion

A full recommendation will follow within the late pages once the report of the agricultural assessor has been received.

RECOMMENDATION: To Follow

Background Papers:

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

NOTES

Do not scale from this drawing unless for planning purposes. Figured dimensions only are to be used. All dimensions must be checked on site by the contractor prior to the commencement of any fabrication or building works. Where appropriate, dimensions and details are to be read from the drawings. The contractor is to be responsible for the accuracy of the drawings and details to be brought to the attention of Smiths Gore prior to the commencement of any fabrication or building works. This drawing is the property of Smiths Gore and may not be reproduced without their expressed permission.

REVISIONS

REV	NOTE / DRAWN BY	DATE
1	THE LAND OWNERSHIP ADDRESS - PSB	25-06-14

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RYEDALE
15/10/2014
MANAGEMENT LTD



PROJECT TITLE
PROPOSED NEW FARM
CAWTON ROAD, GILLING EAST

CLIENT
MR IAN MOSEY

DRAWING TITLE
Location Plan

SCALE	PAPER SIZE	DRAWING NUMBER	REVISION
1:2500@A3	A3	104-1069/ 00	A

DRAWING STATUS
PLANNING

DRAWN BY
PSB

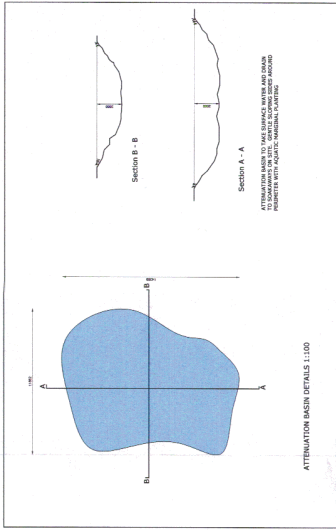
CHECKED BY
PNH

DATE
FEB 14



— LAND OWNED BY APPLICANT
— PROPOSED SITE BOUNDARY

48 Boscawen
York
YO30 7JZ
T 01904 785501
F 01904 785501
e york@smithsgore.co.uk



NOTE: THE ABOVE DIMENSIONS ARE TO THE TOP OF THE INVERTED U-PIPE. THE BASE OF THE INVERTED U-PIPE SHALL BE TO THE FINISH FLOOR LEVEL OF THE ATTENUATION BASIN.

PLANTING SCHEDULE	TREE PLANTING
25% Hawthorn	25% Oak
25% Blackthorn	25% Small Leaf Lime
25% Dogwood	25% Hornbeam

NOTES

1. ALL DIMENSIONS ARE TO UNLESS OTHERWISE STATED.

2. THE DRAWING SHALL BE USED IN CONJUNCTION WITH THE PROJECT SPECIFICATIONS AND CONTRACT DOCUMENTS.

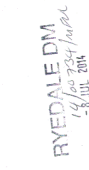
3. THE DRAWING SHALL BE USED IN CONJUNCTION WITH THE PROJECT SPECIFICATIONS AND CONTRACT DOCUMENTS.

4. THE DRAWING SHALL BE USED IN CONJUNCTION WITH THE PROJECT SPECIFICATIONS AND CONTRACT DOCUMENTS.

REVISIONS

REV	NOTE / DRAWN BY	DATE
1	Issue for Planning	07/10/21
2	Issue for Construction	07/10/21
3	Issue for Construction	07/10/21
4	Issue for Construction	07/10/21
5	Issue for Construction	07/10/21
6	Issue for Construction	07/10/21

PROJECT TITLE	PROPOSED NEW DWELLING
CLIENT	MR JAM MOSEY
DRAWING TYPE	SITE PLAN
SCALE	PAPER SIZE
1:1000	A3
DRAWING NUMBER	1041069/01
DRAWING STATUS	G
DRAWN BY	PNH
CHECKED BY	PNH
DATE	SEP 13
PROJECT NUMBER	1041069
PROJECT ADDRESS	CAWTON ROAD, GILLING EAST



RYEDAILE DM
14 Gilling East
15.8.001 DM

DEVELOPMENT
MANAGEMENT



NOTES

Do not scale from this drawing unless for planning purposes. Figures are approximate and should be used as a guide only. The contractor is responsible for the construction of any foundation or structure to be built. The contractor is responsible for the construction of any foundation or structure to be built. The contractor is responsible for the construction of any foundation or structure to be built.

REVISIONS

NO.	REVISION	DATE
1	GENERAL REVISION	03.06.14

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RYAN
14/09/2014
DEVELOPMENT
MANAGEMENT
SMITHSGORE
smithsgore.co.uk

PROJECT TITLE
PROPOSED NEW DWELLING
CAWTON ROAD, GILLING EAST

CLIENT
MR IAN MOSEY

PROPOSED PLANS

SCALE	PAPER SIZE	DRAWING NUMBER	REVISION
1:50	A1	1041069/03	A

PLANNING

DRAWN BY	CHECKED BY	DATE
PSB	PNH	SEP 13

RCS

48 Broomfield Way
111000 10000
111000 10000
111000 10000



FIRST FLOOR



GROUND FLOOR

NOTES
 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE BUILDING REGULATIONS 2010.
 2. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS.
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS.
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS.
 5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS.

REVISIONS

NO.	DATE	DESCRIPTION
A	01/09/2022	ISSUED FOR PERMIT
B	01/09/2022	ISSUED FOR PERMIT
C	01/09/2022	ISSUED FOR PERMIT

KEY

1	WALL
2	ROOF
3	GLAZING
4	DOORS
5	WINDOWS
6	CHIMNEYS

GENERAL NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE BUILDING REGULATIONS 2010.
 2. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS.
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS.
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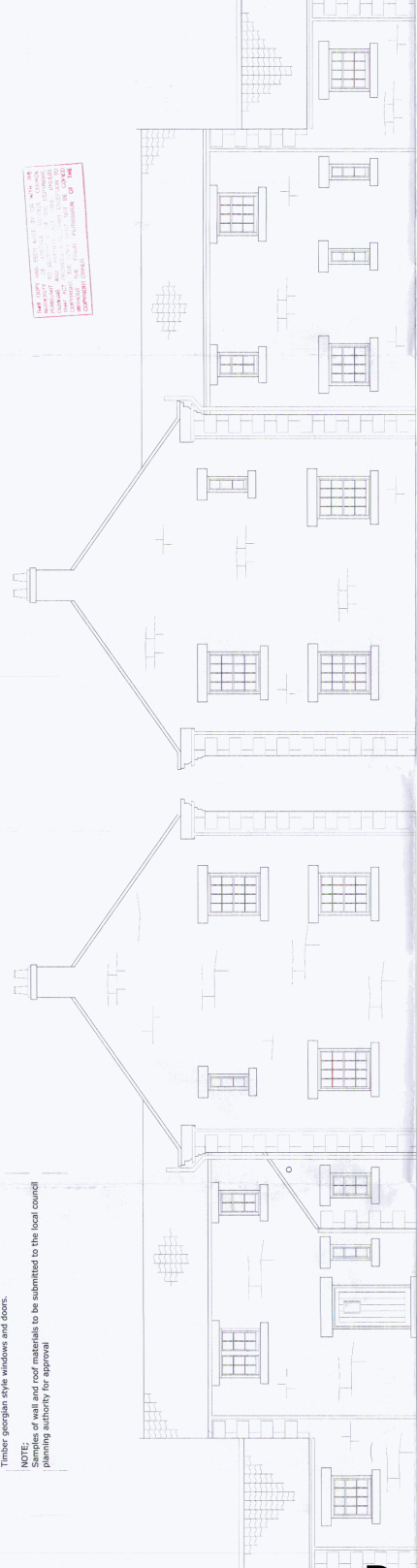
EXTERNAL WALLS: Main walls with Limestone facing, random course.
 Roof: Pitched gabled with new cast iron or cast iron effect gutters, coloured downpipes coloured black.

RAINWATER GOODS: Cast iron or cast iron effect gutters, coloured downpipes coloured black.

EXTERNAL JOINERY: Timber, greggians, style windows and doors.

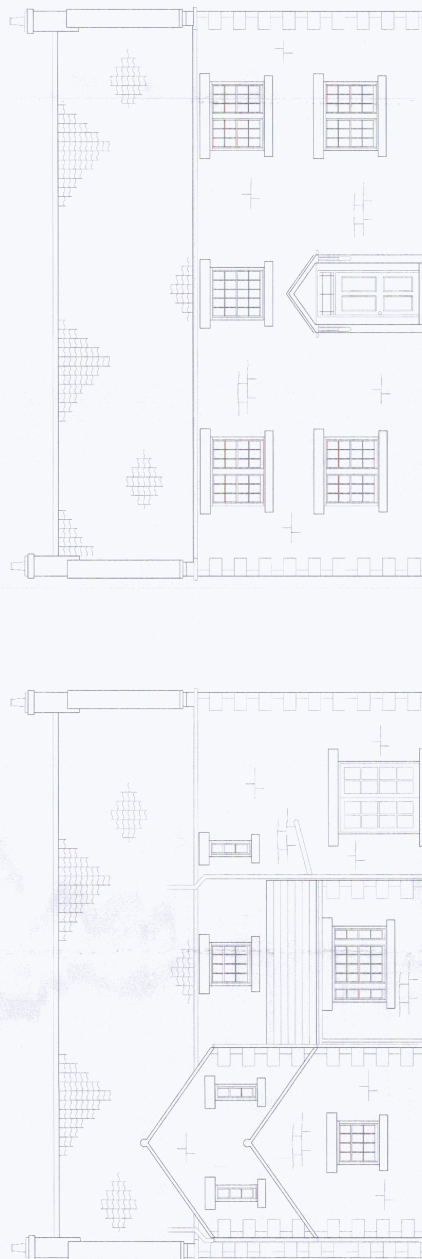
NOTE: Samples of wall and roof materials to be submitted to the local council planning authority for approval

ALL WORK SHALL BE IN ACCORDANCE WITH THE BUILDING REGULATIONS 2010.
 THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS.
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS.
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 THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS.



WEST ELEVATION

EAST ELEVATION



NORTH ELEVATION

SOUTH ELEVATION

RYEDALE DM
 DEVELOPMENT
 MANAGEMENT

SMITHSGORE
 smithsgore.co.uk

PROPOSED NEW FARM
 CAYTON ROAD, GILLING EAST

CLIENT
 MR JIM INSEY

PROPOSED ELEVATIONS (FARMHOUSE)

SCALE: 1:50 @A1

DATE: 10/09/22

CHECKED BY: PHH

DATE: SEP 13

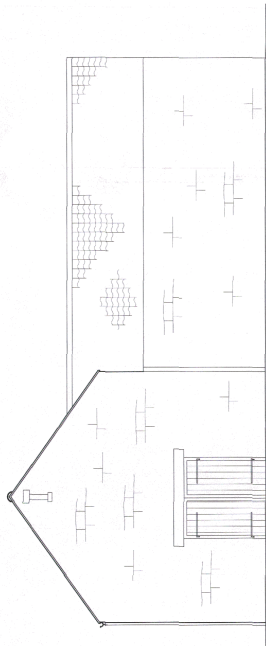


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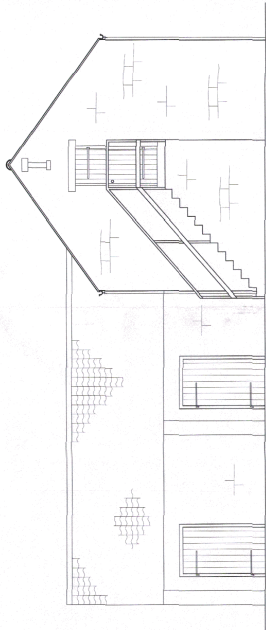
REVISIONS

REV.	NOTE / DRAWN BY	DATE
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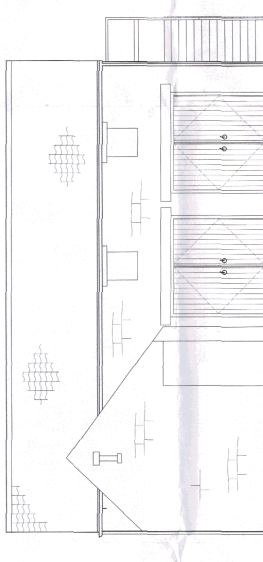
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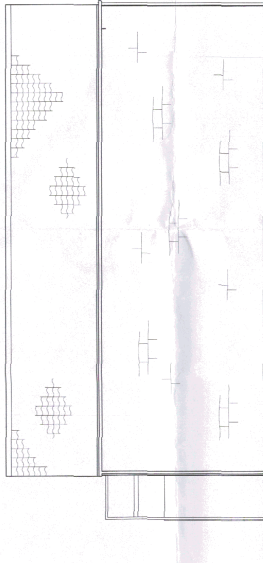
NORTH ELEVATION



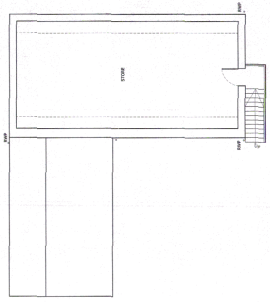
SOUTH ELEVATION



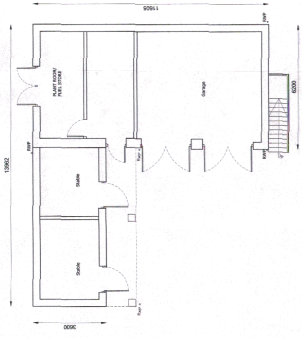
WEST ELEVATION



EAST ELEVATION



FIRST FLOOR 1:100



GROUND FLOOR 1:100

14/10/14
 DEVELOPMENT
 MANAGEMENT

SMITHSGORE
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PROJECT TITLE: NEW FARM
 CAYTON ROAD, GILLING EAST

CLIENT: MR. IAN MOSEY

PROPOSED ELEVATIONS
 (GARAGE AND STORE)

SCALE	DATE	REVISION
AS PER PLAN 1:100	07-10-14	A

PLANNING PERMITTED BY: PNH

DATE: SEP 13

MR. IAN MOSEY

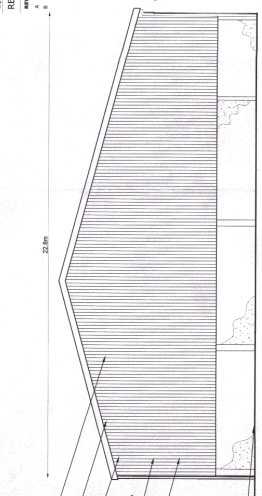
RICS

NOTES

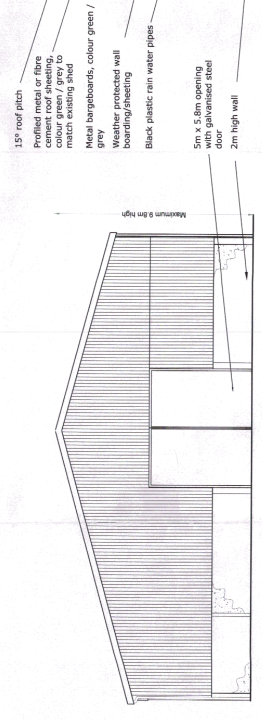
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REV	NO	DATE	BY	CHKD
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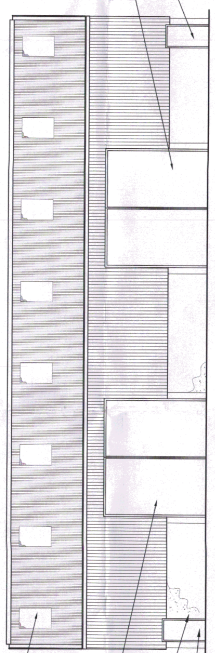
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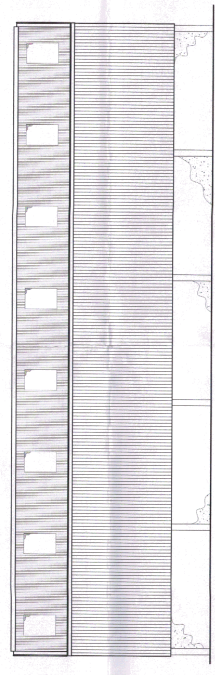
SOUTH - ELEVATION



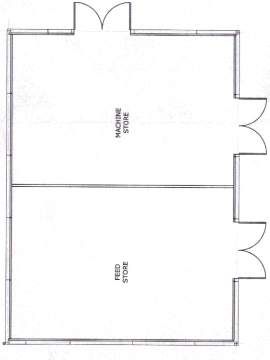
NORTH - ELEVATION



WEST - ELEVATION



EAST - ELEVATION



FLOOR PLAN 1:200

RYDALE DM
19/02/14
-8 JUL 2014
DEVELOPMENT
MANAGEMENT

SMITHSGORE
smithsgore.co.uk

PROJECT TITLE
PROPOSED NEW FARM
CANTON ROAD, GILLING EAST

COUNTY
RIE, IAN MOSEY

DATE
FEB 14

CHECKED BY
PHH

DRAWN BY
JTC

SCALE
1:100 @A1

REVISION
1041069/05

DATE
FEB 14

PROJECT NO
1041069/05

CLIENT
SMITHSGORE

DESIGNER
RYDALE DM

DATE
FEB 14

PROJECT NO
1041069/05

CLIENT
SMITHSGORE

NOTES

ON THE BASIS OF THE ABOVE DETAILS FOR THE PROPOSED SHED, THE CLIENT HAS ADVISED THAT THE SHED WILL BE USED FOR THE STORAGE OF CATTLE AND HORSES. THE CLIENT HAS ADVISED THAT THE SHED WILL BE USED FOR THE STORAGE OF CATTLE AND HORSES. THE CLIENT HAS ADVISED THAT THE SHED WILL BE USED FOR THE STORAGE OF CATTLE AND HORSES.

REVISIONS

NO.	DATE	DESCRIPTION
A	08/04/24	Issue for approval
B	08/04/24	Issue for approval
C	08/04/24	Issue for approval

DATE
08/04/24

PROJECT NO.
1041069/06

CLIENT
MR DAN MOSEY

DESIGNER
SMITHSGORE

SCALE
1:100 @ A1

DATE
FEB 14

CHECKED BY
PNH

DATE
FEB 14

RYEDALE DM
14/03/24

DM
14/03/24

MANAGEMENT
14/03/24

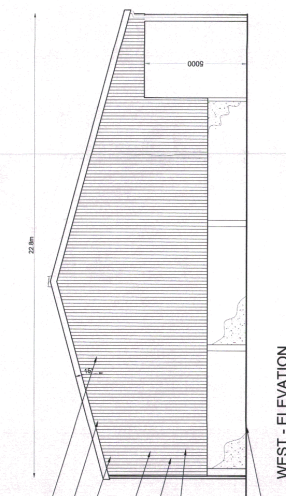
SMITHSGORE
14/03/24

1041069/06
14/03/24

1041069/06
14/03/24

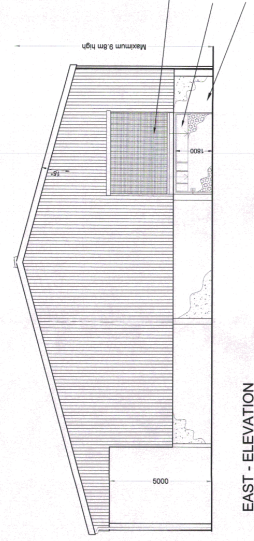
1041069/06
14/03/24

1041069/06
14/03/24

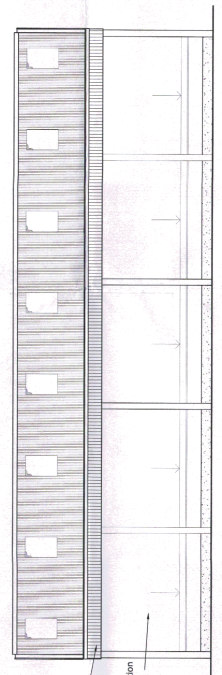


WEST - ELEVATION

- 15° roof pitch
- Profiled metal or fibre colour green / grey to match existing shed
- Metal bargeboards, colour green / grey
- 6m clear height from finished floor to base of haunch
- Black plastic rain water pipes
- Vertical timber Yorkshire boarding
- Cable ties to secure with capacity to cover top / open section of gate
- 1.8m high agricultural gate, 300mm off floor
- 1200mm, mesh / open to top section
- 2m high wall



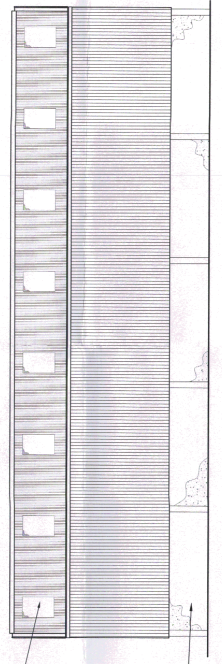
EAST - ELEVATION



SOUTH - ELEVATION

Overhang to shed

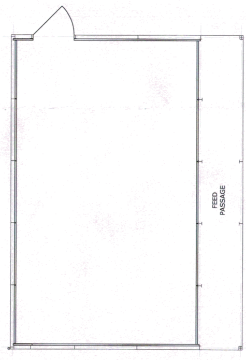
Shed open to south elevation to form feed passage with provide protection when required



NORTH - ELEVATION

Rooflights

2m high wall



FLOOR PLAN 1:200

Proposed New Cattle Shed

RYEDALE DM
14/03/24

DM
14/03/24

MANAGEMENT
14/03/24

SMITHSGORE
14/03/24

1041069/06
14/03/24

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14/03/24

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14/03/24

1041069/06
14/03/24

PROJECT TITLE
PROPOSED NEW FARM
CANTON ROAD, GILLING EAST

CLIENT
MR DAN MOSEY

DESIGNER
SMITHSGORE

SCALE
1:100 @ A1

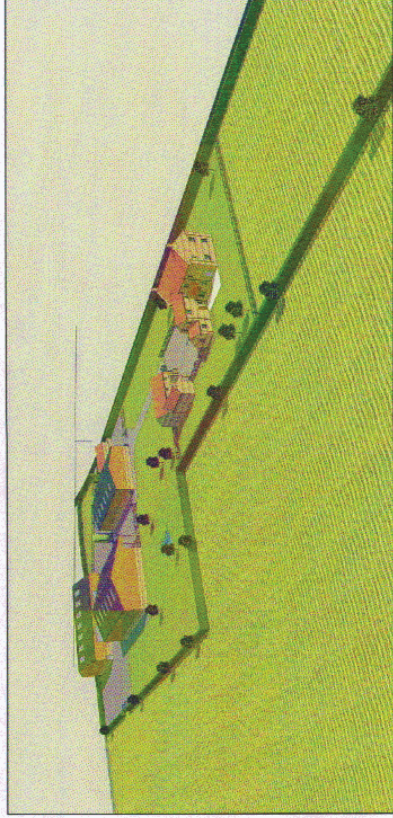
DATE
FEB 14

CHECKED BY
PNH

DATE
FEB 14



3D Model Aerial View - West



3D Model Aerial View - East



Superimposed 3D Model on photograph from Cawton Road - North East



Superimposed 3D Model on photograph from Cawton Road - West



PROJECT TITLE
 PROPOSED NEW FARM
 CAWTON ROAD, GILLING EAST

CUSTOMER
 MR IAN MOSEY

DRAWING TITLE		DATE	
3D VISUALS	14/00 754	14/00 754	14/00 754
DATE	14/00 754	DATE	14/00 754
BY	SM	BY	SM
PLANNING	1043109-07	DATE	FEB 14
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 NONE

Project Address: Cawton Road, Gilling East, Helmsley

Applicant: Mr Ian Mosey

Proposal: Construction of 2no. agricultural buildings and associated agricultural workers dwelling including detached garage with related access and landscaping.

Design & Access Statement




SMITHSGORE

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48 Bootham
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YO30 7WZ

RYEDALE DM
14/00734/MFOL
- 8 IIII 2014

June 2014



Scope

This statement seeks to explain the design criteria relating to the proposal to develop a new farm steading comprising two agricultural buildings, a farmhouse plus ancillary structures/buildings, including associated access provision and landscaping on Cawton Road, Gilling East. The buildings and arrangements, as proposed, consider the needs of the farming enterprise to ensure an effective and sustainable farming operation for the future.

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0.0 Applicant/s and Property Address

Applicant – Mr Ian Mosey

Address - Cawton Road, Gilling East, Helmsley

0.1 Introduction and Background

The following Design & Access (D&A) Statement has been prepared in support of the planning application submission for a new farm steading, which is to include two new agricultural buildings, an agricultural worker's dwelling and related structures/buildings, to be located adjacent to existing agricultural buildings owned by the applicant. The proposal will allow for livestock owned by the family run business to be managed effectively in the future with a focus on owned land, which will offer future security to the farming operation. For further information, please refer to the accompanying Planning Justification and Agricultural Appraisal.

Careful consideration has gone into selection of the site (identified A. on the Land Ownership Map), considering such things as location within and access to owned land, access to tenanted land, the availability of existing buildings on site, proximity to the village but far enough away to avoid, or at least minimise, the impact of farm smells, road suitability, available services, impact on the surroundings including the AONB etc., with the size and design of the agricultural buildings and farmhouse, positioning, orientation and circulation etc. determined by and reflective of the farming needs. Other sites on land owned by Mr Mosey were considered but were discounted on the basis they were less suitable than the proposed, refer to the Land Ownership Map for identification of these sites and see below:

Site B. Located quite central to owned land, however, it is elevated and exposed to the weather/elements (noting south west prevailing wind). This site is also quite visible from nearby/approaching roads and it is felt its impact on the AONB, where rolling hillside is a typical important feature, would be greater than the application site. Service availability is compromised / limited, there is no immediate access to a public highway thus a new access road would need to be formed and it is some distance from rented land at Ampleforth.

Site C. Similar issues to site B., this site is located to the far south east of owned land, which is not ideal in relation to access to other owned land and rented land at Ampleforth. There are also neighbouring properties which could be challenged by another development and again, this is an exposed site with limited service availability and perhaps more visually evident and important within the AONB than the proposed. Whilst there is a nearby access lane, this is narrow and sloping near to the site and would need significant upgrading and formalising along its length to where it meets the public highway.

Site D. This is again an elevated and exposed site, with very difficult access for vehicles involving significant slopes and hillside to be negotiated, a new access road would need to be formed, which would have an impact on the landscape, in addition to being a challenge during winter months (snow and ice). Visibility of any new access road where coming out onto the public highway would also be an issue due

to bends, corners etc. Access to other land under ownership could also be a challenge, with limited service availability also.

Locating the proposed dwelling adjacent to the livestock buildings should ensure that animal welfare can be managed to the highest of standards, helping the business meet the requirements of farm assurance schemes etc. There are no other dwellings available in the vicinity that can deliver this essential proximity to the farm, it is also important that the farm maintains some distance from the nearby settlement of Gilling East to avoid, as much as possible, the impact of farm smells and this should be achieved with the proposal with the prevailing south west wind taking smells away to the north east, where there are no nearby settlements or dwellings.

As referred to in the Planning Justification and Agricultural Appraisal, and confirmed again below, this proposal has been developed in recognition of both national and regional/local planning guidance and requirements such as PPS7 and the Ryedale Plan – Local Plan Strategy. Relevant statements extracted from the Ryedale Plan - Local Plan Strategy (5 September 2013) in support of this proposal include:

SP1 - General Location of Development and Settlement Hierarchy

"Additionally, as part of the site selection process, the Local Planning Authority have regard to the deliverability and developability of sites and their ability to: - be compatible with neighbouring land uses"

"In all other villages, hamlets and in the open countryside development will be restricted to that: - which is necessary to support a sustainable, vibrant and healthy rural economy"

SP2 - Delivery and Distribution of New Housing

"Wider open countryside: - New build dwellings necessary to support the land-based economy where an essential need for residential development in that location can be justified"

SP6 – Delivery and Distributing of Employment/Industrial Land and Premises

"Wider Open Countryside: - Expansion land for existing major employers/established businesses; small scale conversion of existing buildings or provision of new buildings to support appropriate rural economic activity in line with the provisions of Policy SP9"

SP9 - The Land-Based and Rural Economy

"Ryedale's land-based economy will be sustained and diversified with support for: - New buildings that are necessary to support land-based activity and a working countryside, including for farming, forestry and equine purposes"

SP13 - Landscapes

"The quality, character and value of Ryedale's diverse landscapes will be protected and enhanced by – Encouraging new development and land management practices which reinforce the distinctive elements of landscape character within the District's broad landscape character areas of: - Howardian Hills "

"Seek to facilitate the delivery of the Howardian Hills AONB Management Plan Objectives"

"Are considered appropriate for the economic, social and environmental well-being of the area ..."

SP 16 - Design

"Development proposals will be expected to create high quality durable places that are accessible, well integrated with their surroundings and which: - Reinforce local distinctiveness"

"To reinforce local distinctiveness, the location, siting, form, layout and detailed design of new development should respect the context provided by its surroundings including: - The type, texture and colour of materials, quality and type of building techniques and elements of architectural detail"

"The design of new development will also be expected to: - Incorporate appropriate hard and soft landscaping features to enhance the setting of the development and/or space.

- Reduce crime and the fear of crime through the careful design of buildings and spaces"

SP 18 - Renewable and Low Carbon Energy

"Developments that generate renewable and/or low carbon sources of energy will be supported providing that individually and cumulatively proposals: - Can be satisfactorily assimilated into the landscape ... "

- Would not impact adversely on the local community ...

- Would not have an adverse impact on nature conservation ...

- Would not have an adverse impact on air quality, soil and water resources ..."

"In the absence of major opportunities for large-scale renewable and low carbon energy generation, new development is expected to play a key role in reducing carbon emissions and improving building sustainability through the following: - All new development will demonstrate that all levels of the Energy Hierarchy have been considered, taking into account the nature, scale and location of the development ..."

SP 20 - Generic Development and Management Issues

"Character: - New development will respect the character and context of the immediate locality..."

- Proposed uses and activity will be compatible with the existing ambience of the immediate locality and the surrounding area ..."

SP 21 - Occupancy Restrictions

"c. Agricultural/Forestry/Land-Based Activity – (1) Proposals for new residential development in the open countryside (outside Development Limits) to support land-based

activity, will be required to demonstrate an essential need for the dwelling that cannot be met elsewhere.

Finally, it is important to note that local design guidance including that published by Ryedale District Council, together with information provided by CABI has been considered during the design process. The Howardian Hills Area of Outstanding Natural Beauty Management Plan (2009–2014 edition) has also been consulted and particular care has been taken to consider and mitigate against the impact the development may have on a. the natural beauty of the landscape; b. the historic environment; c. recreation; and d. bio-diversity etc.

Care and attention has been taken in the design and layouts with efforts made to provide a sustainable development that will be compatible with the sites surroundings, having regard to local character and appreciating its location within open countryside and an Area of Outstanding Natural Beauty (AONB). Particular care has been taken to ensure the design of the agricultural buildings and dwelling reflect that apparent elsewhere in the locality.

In consultation with Ryedale District Council's Tree and Landscape Officer and the Manager of The Howardian Hills AONB, an appropriate level of landscaping and planting etc. has been planned and incorporated as part of the proposal to ensure that the impact of the development is minimised and that planting will be in keeping with the surroundings. At the same time, the proposed landscaping and planting should make a positive contribution in relation to biodiversity, to include the creation of new wildlife habitats etc.

1.0 DESIGN

1.1 Assessment of the site and its surroundings

The site is located within the Howardian Hills Area of Outstanding Natural Beauty (AONB). The surroundings, which have clearly evolved, with farming being an important / key activity contributing to the landscape is quite distinctive and characterised by rolling hills, pasture and arable fields with woodland. The site itself is located within a flat lowland and established agricultural area/part of the AONB to the north of Scar Wood.

The application site is located approximately 0.6km to the east of the small village/hamlet of Gilling East and is accessed directly from Cawton Road. There is a modern agricultural building (built in 2013), plus a small traditional farm building already on site and the proposal is to add two further agricultural buildings of similar design and construction to the modern building immediately adjacent and to construct the related farmhouse, plus garage and outbuildings approximately 50m away to the west.

The surroundings, both the immediate and the wider landscape, have been carefully considered in relation to the proposed site and the design of the buildings.

- With the farmhouse located adjacent to the existing agricultural buildings, a clear relationship between the domestic and farming elements is apparent. Accordingly, the proposed house cannot be seen as sitting awkwardly or remote in the landscape without anything to relate to!
- By locating the new house and agricultural buildings adjacent to the existing agricultural buildings and at a similar level, behind existing hedges and with further

planting planned, the proposed buildings will be partially screened, thus reducing their impact.

- Care has been taken to respect the field arrangements and boundaries that comprise straight line hedges and whilst there is a heavily wooded area to the immediate south (Scar Wood), there is little planting in the form of trees in the immediate vicinity of the proposed development. Accordingly, whilst there is a reasonable amount of new hedge planting proposed to offer separation and screening, few trees are proposed on site. Hedge/plant species existing on and adjacent to the site include Hawthorn, Field Maple, Blackthorn and Dogwood and these have been incorporated as part of the proposed planting schedule.
- The proposed site and layout in relation to building types and sizes is reflective of similar farm developments in the area, for example Sundial Farm, Main Street, Cawton.

1.2 Use

The proposal is to construct two new farm buildings, a detached agricultural worker's dwelling plus garage and outbuildings. Related plans, elevations and site layout/arrangements etc. as shown on the following drawings:

Drawing No.:

1041069/00 (Rev A) – Proposed New Farm – Location Plan

1041069/01 (Rev F) – Proposed New Farm – Site Plan

1041069/02 (Rev C) – Proposed New Farm – Proposed Elevations (Farmhouse)

1041069/03 (Rev A) – Proposed New Farm – Proposed Plans (Farmhouse)

1041069/04 – Proposed New Farm – Proposed Elevations (Garage and Store)

1041069/05 (Rev A) – Proposed New Farm – Proposed Elevations (New Machine/Feed Store)

1041069/06 (Rev A) – Proposed New Farm – Proposed Elevations (New Cattle Shed)

1041069/07 (Rev A) – Proposed New Farm – 3D Visuals

1041069/08 (Rev B) – Land Ownership Map

The following accommodation/space is proposed:

House:

Ground Floor. Entrance Hall, Living Room, Dining Room, Kitchen/Breakfast Room, Office, Utility, 2 Separate WC's.

First Floor: Landing, 4 Bedrooms, Family Bathroom, En-suite Bathroom to Bedroom 1 & 2, Storage.

External: Garden, Parking & Circulation, Double Garage with space above plus attached Storage rooms including Plant Room.

Farm Buildings:

Cattle Shed

Machine/Feed Store

Storage area plus 2no. Silo's, access and circulation etc.

Other:

Paddock areas, including attenuation basin/pond, gravel road between farmhouse and farm buildings etc.

Notes:

- Great care has been taken in the design to ensure the buildings are of appropriate quality respecting the sensitive surrounding landscape and local vernacular.
- The domestic accommodation and agricultural buildings (areas and sizes) have been designed in close consultation with the client and are based on need, as farmers and landowners. The farmer has a family, the size of the farmhouse reflects his requirements and importantly is of a size and scale reflective of other farmhouses in the area with similar land holdings and in villages and hamlets such as Cawton, Gilling East and Oswaldkirk. Similarly, the agricultural buildings have been designed to accommodate livestock numbers of an appropriate level for the farm, including required plant/machinery and food storage etc.
- Whilst the proposed development penetrates into an existing field, which is already occupied by a large modern agricultural and smaller traditional farm building, the impact of the proposal on the quality of the surrounding agricultural land and landscape has been kept to a minimum by careful positioning and planting, which has been undertaken in consultation with key consultees to the process including the council's Tree and Landscape Officer and the Manager of The Howardian Hills AONB.
- The development is low lying, protected to the south by a wooded hillside and as such it's visibility is limited compared with if it were to be located on an exposed hillside.

The impact on any neighbours should be negligible, the nearest being within Gilling East. Care has been taken in considering the visual impact from nearby roads and footpaths and due to its location, it is not considered that the development will create any additional or unacceptable level of noise, air or water pollution that would have a detrimental impact.

- The proposal comprising both farm buildings and farmhouse is characteristic of a complete farm steading unit rather than having separation with buildings scattered in

the landscape. The combination of linked uses should add to the value as far as the development character is concerned rather than detracting.

- Incidental outside areas containing hard surfacing, access etc. will be contained and significantly screened by buildings, walls and hedges and should not have a material adverse effect upon the character and appearance of the surrounding countryside. In fact, it is expected that the surrounding environment will be enhanced, by the proposal, with additional planting of native tree and hedge species proposed, that may provide habitats for a variety of wildlife.
- The farmhouse will be highly insulated/thermally efficient and if feasible, a Ground Source Heat Pump will be installed for heating, which should assist in managing carbon emissions and minimising running costs. The Ground Source Heat Pump will be served via vertical bores or a horizontal array located within the field to the north of the house. Rainwater collection/harvesting is also proposed, with excess water from roofs and hard surfaces directed towards an attenuation basin/pond.

1.3 Amount

The size and scale of the farm buildings and farmhouse are considered appropriate and have been determined following extensive discussions with the client including consideration of their farming and occupation needs and comparison with similar farming units/developments.

The farm buildings are, as one would expect, rectangular in nature and whilst the farm house frontage is typically of Georgian symmetrical style/design, the inclusion of rear offshoots manage the floor area effectively/efficiently suggesting the house has evolved over time which is typical and more fitting to the surroundings than could be achieved in a single monolithic structure.

The Gross External Floor Areas (GEFA) are as follows:

Cattle Shed – 698m²

Machine/Feed Store – 698m²

Farmhouse – 336m²

Domestic Buildings – 171m²

The related allocated site area, as shown on the attached proposed site plan, amounts to c 1.77ha and is considered to be of an appropriate size for the development considering the farm needs.

1.4 Layout

The position and layout of the house and garage/outbuildings in their own right and in relation to the existing agricultural buildings, together with access, circulation and garden arrangements etc. has been carefully planned with close client consultation and in discussion with the planning authority, including its key consultees.

- The position of the house has been a key factor behind the application. For security and animal husbandry reasons including bio-security needs, the house and office need to be easily accessible to and overlooking the farm buildings, where access to the farm is visible.
- It can be seen from the house design and site layout arrangements that the Office is located on the ground floor on the east side of the building where the farm is easily visible. This means that visitors to the farm will be seen from this room in particular and can be met or challenged with least inconvenience. The Kitchen/Breakfast Room that may also be occupied during the day is similarly positioned with windows overlooking the farm buildings.

In addition to the above, other spaces in and around the house that are likely to be occupied during and outside business hours have windows and visibility that overlook the farmland and farm buildings, similarly, the garden also has good visibility. This layout arrangement in relation to internal and external spaces means that there is increased security.

- There is adequate circulation and parking space to the rear of the house for vehicles and deliveries. Additional separate parking is available.
- The proposed farm is located to the east of Gilling East and is some considerable distance from any other housing/settlements. Accordingly, the impact of any farm smells on neighbours will be kept to a minimum as the south west prevailing wind will carry any smells arising away from settlements rather than towards. The farmhouse being positioned to the west of the farm buildings should be similarly protected.

Site Layout /Arrangement



1.5 Scale

The farm buildings, farmhouse, related buildings and site are of a size and scale that complement the farming operation and business it supports. At the same time, the buildings and site area as a whole resemble similar farm steadings in the area and the design process has endeavoured to ensure it fits within the landscape and neighbourhood/locality. By having the farmhouse and related garage/outbuildings located a small distance (yet related) from the main farm buildings, the potential overcrowding of buildings in a small/confined area has been reduced.

Measures have been taken to manage the visual impact of the dwelling by providing what appear to be lesser later additions, with lower roof ridges and less detail, to the rear of the house, which offer a break in the building wall and roof lines. Similarly, the proposed new cattle shed is located to the rear (when looked at from the road) of the existing modern agricultural building.

As can be seen from the site layout plan, the planting of hedges to contain the proposed development aims to manage the impact in offering an element of screening. This type of hedging and the occasional tree is typical of the area.

1.6 Landscape

The site is located within the Howardian Hills AONB, with much of the surrounding landscape comprising rolling/undulating hillside with pasture and arable land with surrounding woodland/wooded areas. The site itself occupies a lowland setting, comprising arable and pasture land to the north of Scar Wood.

This proposal has been completed in full consultation with the AONB Manager and the Tree and Landscape Officer for Ryedale District Council. Comments from both these consultees have been taken on board and reflected in the design and the contents of the Howardian Hills Management Plan (2009 – 2014) have been considered, with a note that in moving forward a sustainable development such as this, the success is linked to the special qualities of the AONB.

The AONB Management plan states that “A profitable and thriving agricultural and land management industry is vital to the future economic, environmental and social wellbeing of the Howardian Hills.” This proposal seeks to enable a more profitable and sustainable business to be achieved, where modern and efficient buildings will result in reduced running costs and less waste.

It has been established that there is a farming need in relation to the proposal. It is considered that Objective AG4 of the AONB Management Plan (Ensure high standards of design and careful siting of all new farm buildings and infrastructure.) has been satisfied in that the buildings are appropriate in scale and use with a high standard of design, careful siting and good landscaping measures (AG4.1). The new farm buildings have been designed with the lower wall sections to be faced in natural stone rather than the typical concrete panels usually adopted on such buildings. The roof and upper wall materials and colours of these agricultural buildings will be of a nature that will sit more comfortably in the landscape than is often the case. The farmhouse and related garage/outbuilding are to be constructed with limestone faced walls beneath clay pantile covered roofs, typical of other houses in the area, including the nearby villages/hamlets of Gilling East, Cawton and Oswaldkirk.

1.7 Appearance

The proposal includes a range of buildings including a farmworkers dwelling, associated domestic garaging with attached/integral storage, plus two agricultural buildings and related structures, including two silos. The complete development is set within an allocated site of 1.77ha including garden, paddock, farmyard, circulation and storage spaces. A reasonable amount of space is provided around the buildings to allow for appropriate levels of circulation and to cope with modern farm machinery etc. The paddock has been included to merely close off an awkward corner of a field, resulting from the development, this provided on the advice of the AONB manager who was keen to see relatively straight boundary lines creating square/rectangular blocks of land, which are typical of the area/landscape.

In progressing the design, we have used our extensive local knowledge of traditional building characteristics and types and reflected the local vernacular as far as possible/practicable to ensure the buildings 'fit' the landscape and surroundings. We are also very much aware of the surrounding landscape characteristics.

Landscaping

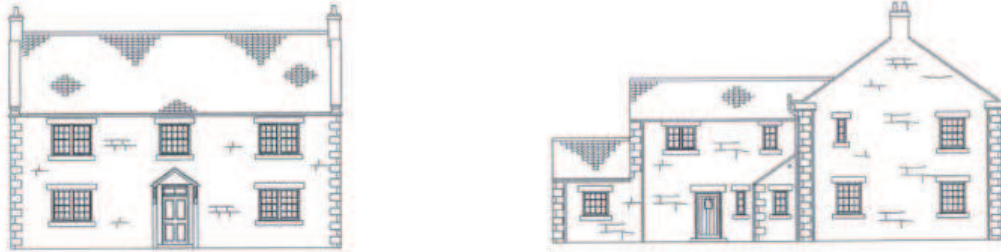
Landscaping, including tree and hedge planting has been undertaken in full consultation with the Tree and Landscape Officer at Ryedale District Council and the AONB Manager and involves a relatively simple planting scheme fitting the local and surrounding landscape and avoiding over domestication. Native planting includes hedge species of Hawthorn, Field Maple, Blackthorn and Dogwood with tree planting to include species such as Oak, Field Maple, Small Leaf Lime and Hawthorn. Occasional specimen trees will be planted as indicated, to include small groups/areas of trees also. An attenuation basin/pond has been included to take water from the roofs of buildings, this will offer an important additional wildlife habitat in addition to all the planting that will be completed as part of the scheme. Whilst there will be areas of hard surfacing required for farming activities, vehicle movements/circulation and storage etc., these will be kept in line with functional needs, typical of a farm steading environment. Where stone/gravel surfaces are involved, these will be in keeping involving limestone which is typical of the surrounding area.

House and Garage/Stores

The farmhouse comprises a two-storey building, to be constructed with random coursed limestone faced main external walls beneath a pitched clay pantile or slate covered roof. It is of a traditional Georgian style with symmetry to the main front/south facing elevation albeit there is a north projection to the east side with a lower ridge suggesting a later/Victorian addition, a typical historic design arrangement and suggesting/implying the building has evolved through time and space need. There are small rear single storey projections relating to the office and part of the dining room.

Whilst the house has been designed in relation to its function, its features and general appearance involve quality materials and detailing typical of houses of this size and nature in the locality. Detailing includes wall corner stones/quoins, lintels and cills to openings, built up gables with copings etc. in natural or part artificial stone. Clay pantiles or slate to roof areas are typical of the locality and house size, junction detailing to roofs will be in lead. Rainwater goods will be cast iron or cast iron effect fixed on rise and fall brackets, windows will be double glazed of sliding sash Georgian design with narrow glazing bars and painted, with painted timber faced panelled external doors.

House



The related garage and stores are of similar construction to the house but construction detailing will be simpler due to its use/function.

Garage and Stores



Farm Buildings

Typical steel framed construction albeit the lower wall section will be constructed with stone facing to match the existing modern agricultural building already of site. Construction and external appearance as shown on accompanying drawings.

Cattle Shed



Machinery/Feed Store



2.0 ACCESS

In relation to vehicle access from Cawton Road, it is proposed that there will be two access points for the farm steading. One access will be a domestic access road for the farmhouse and the second will be a larger access designed for larger vehicle access i.e. farm vehicles and collections/deliveries.

Appropriate circulation has been designed into the scheme to allow for vehicle turning within the farm compound to prevent disruption on the public highway. The large verge and low hedgerow will allow for suitable visibility splays for access to and from the farm. A track is proposed between the farmhouse and the agricultural buildings to allow for private access without the need to use the public highway.

2.1 General and Inclusive Access

One of the key factors in determining the position of the farmhouse is its accessibility to the farming operation to assist the farmer in the management of the farming activities and this has been achieved by locating it adjacent/close to the existing agricultural buildings.

The project includes separate access for the farm and the dwelling house from Cawton Road as indicated above and with reference to drawings, with a link on site between the two to enable a managed link/association between the two areas yet keeping the domestic space separate from the farm yard, which is appropriate in the interests of health and safety.

As the site and road/access is generally flat, very little levelling will be required allowing for easy access and egress provisions for the disabled.

The door approaches and thresholds etc. to the house will be detailed as far as possible and ramped where required to provide an appropriate level of access to and from the garden and pathways etc. Within the dwelling, the whole of the ground floor is on one level and there are existing facilities and adaptation opportunities to enable a person having difficulty getting up stairs to be accommodated at ground floor level.

3.0 Social and Economic Context

In conclusion, this new farm proposal, including its location, size and layout with modern and efficient buildings etc. are key to the future success of the farm business where efficiency, security, including bio-security etc., are essential to growth and a sustainable future.

A successful and sustainable farming operation such as this should very much assist the local economy including nearby villages and the wider community.

Howardian Hills

Area of Outstanding Natural Beauty

A joint partnership funded by Defra, North Yorkshire County Council (Host Authority), Ryedale District Council and Hambleton District Council; also involving Ryedale and Hambleton Parish Councils, Natural England, Country Land and Business Association, National Farmers Union, Ramblers and Forestry Commission

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11 AUG 2014

DEVELOPMENT
MANAGEMENT

SIGNIFICANT CONCERNS
ABOUT THE SCALE OF
THE DEVELOPMENT

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Contact: Paul Jackson

My Reference:

Date: 8 August 2014

Dear Sirs

14/00734/MFUL: Establishment of a farmstead to include agricultural workers dwelling, erection of sheds, creation of storage area and landscaping; OS Field 1811, Gilling

I have the following observations to make on this application:

1. The case for the justification for this development seems to hinge around the insecurity of tenure in relation to the rented land and buildings at Ampleforth College. Leaving aside the issues of lack of on-site accommodation for a farm worker and the poor condition of the rented buildings, the reasoning for the proposed development seems to be somewhat flawed. On p2 of the Planning Justification & Agricultural Appraisal document it states that the applicant intends to focus his livestock/cattle operation on land under his control and ownership. In the following Justification/Support paragraph however it refers to the site having been chosen for a variety of reasons, including "accessibility to rented land for ease of livestock movements". I'm afraid that this can't work both ways. If the rented livestock buildings aren't available then neither is the rented pasture land that supports almost the entire livestock/cattle enterprise – the two elements are linked to each other. The 500 fattening lambs on the land around Gilling will use a mixture of permanent pasture, fodder root crops and temporary ley grassland, and they don't require the extent of buildings proposed as no lambing is involved. In short, the application proposes the establishment of farm buildings and a farm workers dwelling on the basis that the rented grazing land will always be available, whereas the justification for the extent and location of the development assumes that the tenancy will end in 8/9 years' time. In my view this proposal should be assessed on the basis of the needs of the owned land *only*, excluding all rented land and buildings from the equation (unless the availability of other rented pasture land can be demonstrated, to compensate for the assumed loss of the Ampleforth College land). If a longer tenancy was negotiated on the Ampleforth College land then this would give some support to this application but, more importantly, it could encourage landlord and/or tenant investment in the current buildings, which would still be the preferred option from the point of view of conserving and enhancing the AONB landscape.
2. The location of the proposed farmstead and dwelling does have some visual linkage with the developed area of Gilling, although it is of course some way outside the development limit.

Cont'd...

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It is however a large development and is sited within a relatively open vale landscape. The Landscape Management guidelines for this Landscape Character Zone of the AONB, as laid out in the AONB Management Plan, encourage the restoration of a hedged landscape with hedgerow trees and copses of broadleaved trees. The planting of large areas of woodland to screen the development would not therefore be compatible with the landscape character type. I therefore have concerns as to whether a development of this size and extent could be successfully integrated into the AONB landscape.

3. Although the landscaping proposals have been improved since the pre-app version of the plans, I still don't feel that they would be sufficient to integrate the development into the surrounding landscape. In particular, the lack of any tree planting beyond individual trees is a weakness that could be addressed. Sufficient field corners would be created along the northern edge of the farmstead site to accommodate copses of native trees. Although the 3D models omit the proposed hedge planting along the adjacent farm track, they still give the impression of a very open site dominated by large farm buildings and a large dwelling.
4. Materials. As far as can be seen from the plans, the materials proposed for the farm buildings will match those of the current modern building on the site. The materials specifications should be controlled by Conditions, to ensure visual uniformity across the site and with the new building already on the site.
5. Lighting. Whilst lighting of the yard area will clearly be required, this should be to the highest modern standards and PIR controlled, to ensure that the minimum of light pollution is created.

In conclusion, should the LPA decide that the agricultural justification for the proposed development is proven, then I would still have significant concerns about the scale of the development within the AONB landscape and the extent of landscaping currently proposed. I feel that this falls short of that which would be required to mitigate the landscape impact and integrate the development into its surroundings.

Yours sincerely

P B JACKSON
AONB MANAGER

S.9.14

MMO

Concerns expressed
re: outside development limits,
size of dwelling and
traffic volumes

Colin Douthwaite

From: S Brown [gillingpc@gmail.com]
Sent: 04 September 2014 18:58
To: Development Management
Subject: Planning observations from Gilling East with Cawton, Coulton and Grimstone Parish Council

Dear Sir/Madam

Please find below comments in respect of planning applications considered by the Parish Council at the meeting yesterday evening;

14/00786/FUL Erection of detached building comprising single garage and one bedroom self-contained residential annex with demolition of existing single garage | Grimston Lodge Moor Lane Gilling East York YO62 4HR

The Council had no objection to the application but requested that a non trading restriction be placed on the additional building

* 14/00734/MFUL Establishment of a farmstead to include erection of a four bedroom agricultural workers dwelling with detached double garage/store with room above, erection of cattle shed and machinery/feed store and excavation of an attenuation basin/pond, formation of stoned area for external feed storage & vehicular access and landscaping. | OS Field No 1811 Cawton Road Gilling East Helmsley

Councillors expressed concern that the development was outside the residential footprint of the Village and that the size of the property is excessive to the listed welfare needs of agricultural site provision.

They expressed concern regarding the traffic volumes in respect to the current road conditions and the impact on the junction from Cawton Road and Main Street considering recent issues with current traffic problems

Council also wished to note that the property plan as currently laid out leaves scope for further development which could have an environmental impact over and above the economic gain stated within the statements

Regards

--
Sally Brown
West View
Queen Street
Gillamoor
YO62 7HU

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RYEDALE DM
- 5 SEP 2014
DEVELOPMENT
MANAGEMENT

Agenda Item 7

Item Number: 7
Application No: 14/00522/FUL
Parish: Malton Town Council
Appn. Type: Full Application
Applicant: Mrs Sue Milburn
Proposal: Erection of a two bedroom dwelling with attached single garage with associated landscaping
Location: Land At Middlecave Lodge Middlecave Road Malton North Yorkshire

Registration Date:
8/13 Wk Expiry Date: 18 September 2014
Overall Expiry Date: 21 August 2014
Case Officer: Matthew Mortonson **Ext:** 332

CONSULTATIONS:

Parish Council	Recommends approval
Highways North Yorkshire	No objection - recommend conditions
Tree & Landscape Officer	Concerns regarding trees
Environmental Health Officer	No comments to make

Neighbour responses: Mrs R J Dummott, Mrs Aileen Fisher, David R And Mary M Wilson, Mr Andrew Riley, Mr Richard Neal,

SITE:

The application site consists of the rear garden area serving Middlecave Lodge, Middlecave Road, Malton. The site is located within the settlement limits of Malton, as identified in the Ryedale Local Plan.

The site is largely characterised by a number of trees, most significantly a TPO Purple Beech Tree.

PROPOSAL:

The proposal seeks planning permission for the erection of a single storey two bedroom dwelling with attached single garage and associated landscaping.

The application proposes a single storey dwelling of modern design which aims to 'sit quietly' within the context of the site. The building will accommodate a flat green sedum roof with projecting zinc canopy and a section of curved pitched roof across the centre of the house. The height the proposal will measure 2.4m to eaves level and 3.7m to the pitch of the curved sedum roof. It is proposed that horizontal timber boarding is clad to the external walls of the dwelling.

It is intended that the new dwelling will meet as a minimum the equivalent of Level 4 of the Code for Sustainable Homes and will incorporate high levels of thermal insulation along with solar panels on the south-facing pitched roof in-between the proposed rooflights. The south-facing glazing will allow an amount of natural solar gain to the main living spaces of the house.

Access to the new dwelling is proposed to the west of the host property created by the demolition and modification of the existing double garage. Division between the proposed dwelling and existing Middlecave Lodge will be provided by the creation of a 1.8m high brick wall and 1.8m high boarded fence.

HISTORY:

No relevant history.

POLICY:

National Planning Statement

National Planning Policy Framework
National Planning Practice Guidance

Ryedale Plan - Local Plan Strategy

Policy SP2 - Delivery and Distribution of New Housing
Policy SP3 - Affordable Housing
Policy SP4 - Type and Mix of New Housing
Policy SP11 - Community Facilities and Services
Policy SP16 - Design
Policy SP19 - Presumption in Favour of Sustainable Development
Policy SP20 - Generic Development Management Issues
Policy SP22 - Planning Obligations, Developer Contributions and the Community Infrastructure Levy

APPRAISAL:

This application is presented to the planning committee because of a number of objections that have been received. The concerns raised include; the principle of the development, residential amenity and landscaping.

The main considerations in the assessment of this application are:

i) The Principle of the Development

With regards the principle of the development, Policy SP2 of the Ryedale Local Plan Strategy is relevant. The aim of this policy is to ensure that the supply of new homes is directed most sustainable settlements in the District. In view of Malton being the most sustainable settlement within the District, the principle of this development is considered to be acceptable, and in accordance with the thrust of Paragraph 14 of the NPPF and Policy SP19 of the Ryedale Local Plan Strategy.

Members will note that within the Middlecave area there are a number new dwellings that have been permitted to the rear of existing dwellings of varying designs but located on large parcels of land within the built-up area. The proposal is therefore considered to be acceptable in principle because it is similar to this existing form and character of the settlement, subject to financial contributions towards affordable housing and public open space.

ii) Character and Form

In terms of the design of the proposal, Policy SP16 seeks to ensure that, to reinforce local distinctiveness, design should respect the context provided by its surrounding through location, siting, form, layout and scale.

In considering the design of this scheme, Members will note that within the locality there are numerous examples of dwellings of varying designs and appearances, including a number of dwellings of more 'modern' design. Therefore, whilst the design approach of this particular proposal is not considered to be 'traditional', it is not out of keeping within the character of the area, because of the wide variety of design of dwellings that can be seen in the vicinity of the site.

It is the view of Officers that the proposal results in a development that respects the character and contexts of its surrounding whilst providing an alternative form of residential accommodation. The character and form of the development is therefore considered to be acceptable and in accordance with the requirements of Policy SP16 of the Ryedale Local Plan Strategy.

iii) Residential Amenity

By virtue of its design, scale and low profile the proposed dwelling would not result in an over-dominating effect or result in a loss of light on the nearby residential dwellings. There are no windows that would overlook adjacent properties, and the siting of an additional dwelling in this location is not considered to result in levels of activity that would be out of character with the residential setting. The impact of the development on residential development is therefore considered to be acceptable and in accordance with the requirements of Policy SP20 of the Ryedale Local Plan Strategy.

iv) Tree and Landscaping

When originally submitted, the Council's Tree and Landscape Officer raised concerns to the impact of the development on the TPO located within the site because of the position of the proposed garage. Revised plans have been submitted which omit the garage from the scheme thereby resolving the concerns raised. All other aspects in terms of tree and landscaping are considered to be acceptable, and the Tree and Landscape Officer has recommended approval, subject to conditions.

v) Other Matters

NYCC Highway Authority have raised no objections to the development, subject to the recommended conditions. The Councils Environmental Health Officers have raised no concerns in respect to land contamination issues.

Conclusion

To conclude, the proposed development is considered to be in accordance with the requirements of the development plan and the National Planning Policy Framework. There are no other material considerations to suggest a determination otherwise. Therefore the application is recommended for approval, subject to S106 agreement in respect to affordable housing and public open space contributions.

RECOMMENDATION: Approval subject to S106 Agreement

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 Notwithstanding the provisions of Schedule 2, Part 1 of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or amending that Order) development of the following classes shall not be undertaken other than as may be approved in writing by the Local Planning Authority following a specific application in that respect:

Class A: Enlargement, improvement or alteration of a dwellinghouse

Class B: Roof alteration to enlarge a dwellinghouse

Class C: Any other alteration to the roof of a dwellinghouse

Class D: Erection or construction of a domestic external porch

Class E: Provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of a dwellinghouse or the maintenance, improvement or other alteration of such a building or enclosure

Class G: The erection or provision within the curtilage of a dwellinghouse of a container for the storage of oil for domestic heating

Class H: Installation, alteration or replacement of a satellite antenna on a dwellinghouse or within its curtilage.

Reason:- To ensure that the appearance of the areas is not prejudiced by the introduction of unacceptable materials and/or structure(s).

- 3 Before the development hereby permitted is commenced, or such longer period as may be agreed in writing with the Local Planning Authority, details and samples of the materials to be used on the exterior of the building the subject of this permission shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policy SP20 of the Ryedale Local Plan Strategy.

- 4 Prior to the commencement of the development, details of all windows, doors and garage doors, including means of opening, depth of reveal and external finish shall be submitted to and approved in writing by the Local Planning Authority

Reason: To ensure an appropriate appearance and to comply with the requirements of Policy SP20 of the Ryedale Local Plan Strategy.

- 5 No development shall commence on site until further details of finished ground floor levels in relation to a measurable datum point have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved levels details.

Reason: To ensure that the appearance of the area is not prejudiced and to satisfy Policy SP20 of the Ryedale Local Plan Strategy.

- 6 Prior to the commencement of the development an Arboricultural Method Statement shall be submitted to the Local Planning Authority for approval in writing. The submitted method statement shall provide details of how the trees to be retained on the site shall be protected during the development phase, including the design of protective fencing in accordance with the recommendations in BS 5837:2012 - Trees in relation to demolition, design, and construction - Recommendations or similar agreed in writing by the Local Planning Authority, and the proposed routing of new services to the new dwelling.

Reason: To ensure that the long-term health, and appearance of the trees to be retained on the site, and in particular the large purple beech tree growing adjacent to the site of the proposed new dwelling which is protected under a Tree Preservation Order, is not adversely affected by the proposed development, and in accordance with Policy SP13-Landscapes - Ryedale Local Plan Strategy.

- 7 Before any part of the development hereby approved commences, plans showing 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 trees and shrubs and show 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 trees and shrubs including existing items to be retained. 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, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of five years from being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development hereby approved.

- 8 No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing 1074_AR10_01A. Once created, these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:- In accordance with Policy SP20 of the Ryedale Local Plan Strategy and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interests of safety and the general amenity of the development.

- 9 There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site, and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

Reason:- In accordance with Policy SP20 of the Ryedale Local Plan Strategy and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

- 10 Unless approved otherwise in writing by the Local Planning Authority, there shall be no establishment on a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction of the site, until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:

(i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway

(ii) on-site materials storage area capable of accommodating all materials required for the operation of the site.

The approved areas shall be kept available for their intended use at all times that construction works are in operation. No vehicles associated with on-site construction works shall be parked on the public highway or outside the application site.

Reason:- In accordance with Policy SP20 of the Ryedale Local Plan Strategy and to provide for appropriate on-site vehicle parking and the storage facilities, in the interests of highway safety and the general amenity of the area.

- 11 Before the commencement of development hereby permitted, or such longer period as may be agreed in writing with the Local Planning Authority, details of the proposed boundary treatment, including a schedule of materials and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development is first brought into use, unless otherwise agreed in writing with the Local Planning Authority.

Reason:- To ensure that the development does not prejudice the enjoyment by the neighbouring occupiers of their properties or the appearance of the locality.

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

Drawing No. 1074_AR10_01B

Drawing No. 1074_AR50_01B

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

INFORMATIVE:

- 1 The applicant is reminded that the any proposals to prune the large purple beech tree on the site would require formal permission from the Local Planning Authority through an application under the Tree Preservation Order Regulations.

Background Papers:

Adopted Ryedale Local Plan 2002

Local Plan Strategy 2013

National Planning Policy Framework

Responses from consultees and interested parties



01 Licence No. 10004



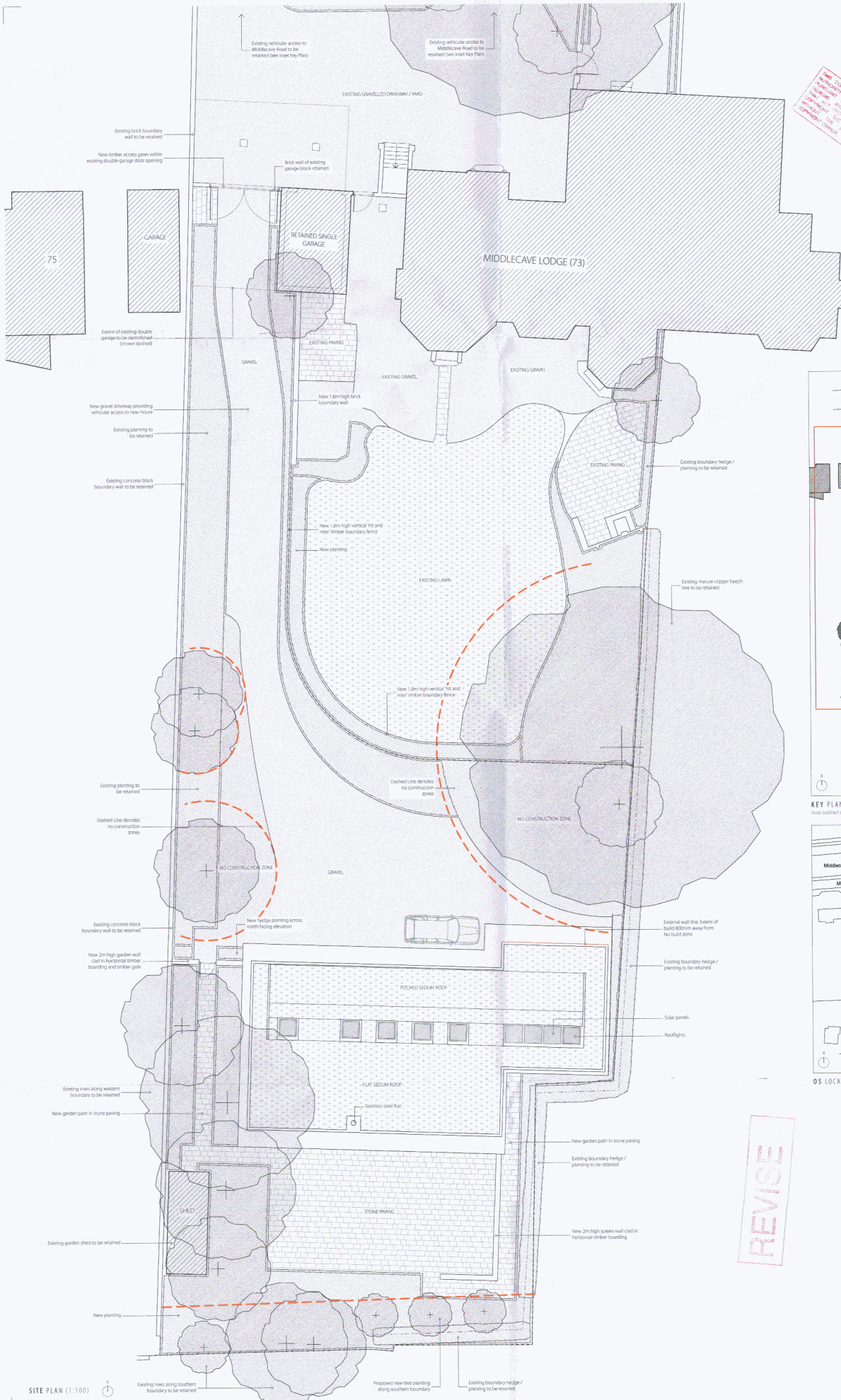
bramhall blenkarn

Middlecave Lodge, Middlecave Rd, Malton, North Yorks, YO17 7NQ

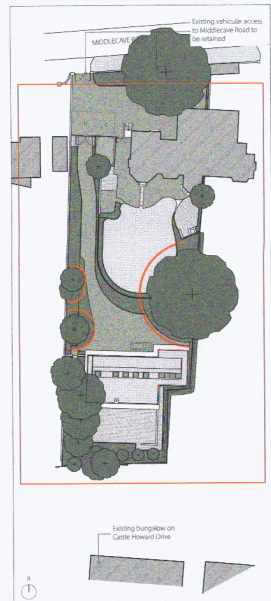
OS LOCATION PLAN

Scale: 1:1250 @ A4
Ref: 1074_EX10_01_

PLANNING ISSUE



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KEY PLAN (1:500)



OS LOCATION PLAN (1:1250)

REVISE

PLANNING ISSUE

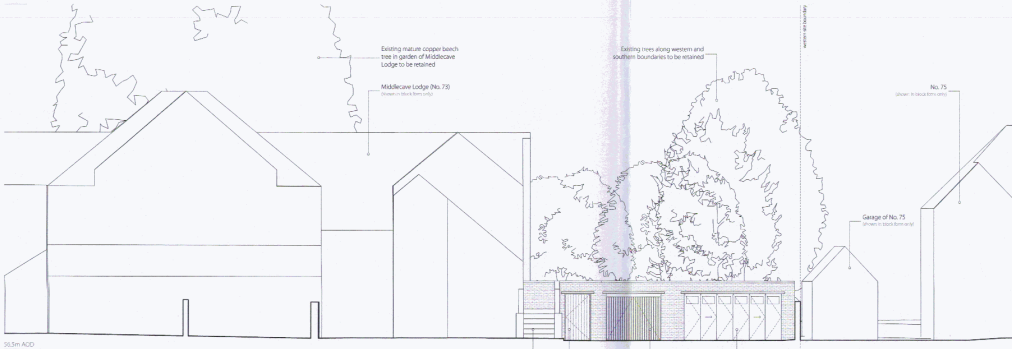
04/09/14 JCB MRB Change outlined floor plan submitted on area from no build zone
 06/05/14 JCB MRB Update planning comments submitted in the updated planning report.
 Rev: Date: Drawn: Check: Description:

bramhall blenkarn

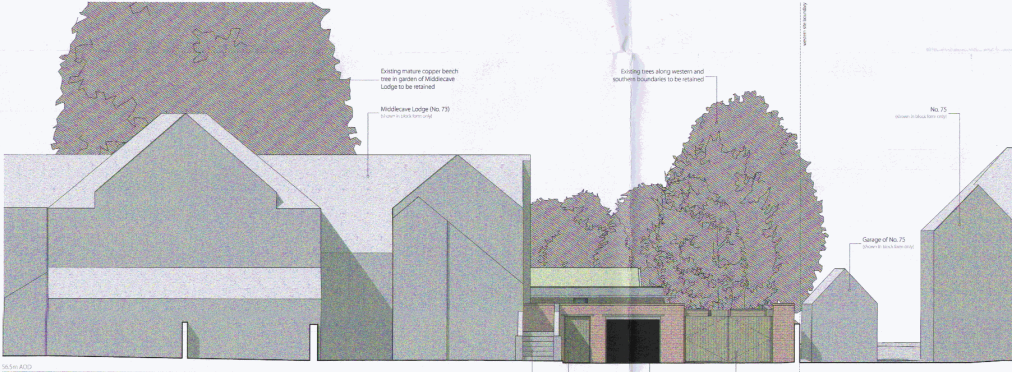
RIBA Chartered Practice
 The Maltbarn, Malton, North Yorkshire YO17 7DP
 T 01853 690333
 F 01853 690505
 e info@bramble.com
 www.bramble.com

Project: Middlecave Lodge
 Address: Middlecave Rd, Malton, North Yorks, YO17 7NQ
 Client: Ms S Milburn
 Drawing: PROPOSED SITE

© Bramhall Blenkarn. Do not store from this drawing. 1074_Site_01			
Scale:	Drawn:	First Issue Date:	Sheet No.
A1	TJT	06/05/2014	1074_AR10_01B
Date:	Checked:	Drawing No.	Rev:
1:100	MRB	1074_AR10_01B	



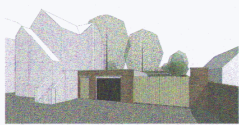
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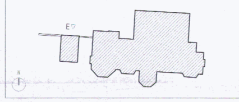
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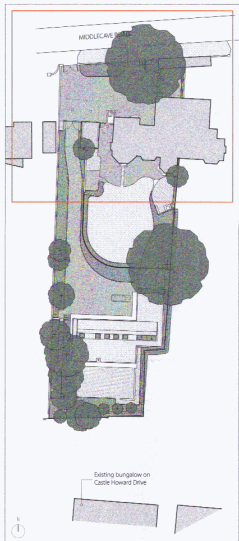
VIEW 1 AS EXISTING



VIEW 1 AS PROPOSED



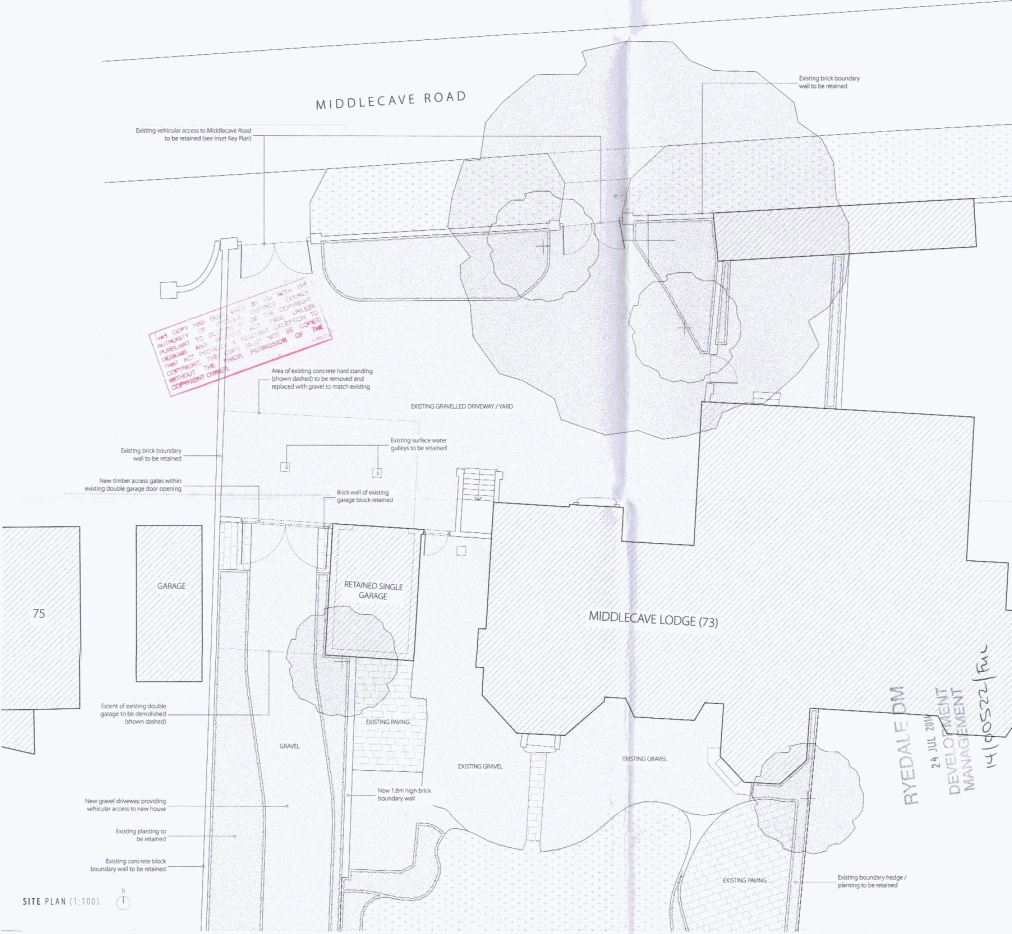
KEY PLAN (1:500)



KEY PLAN (1:500)



OS LOCATION PLAN (1:1250)



SITE PLAN (1:100)

PLANNING ISSUE

No.	Date	Drawn	Checked	Description

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 The Maltbarns, Maltbn, North Yorkshire YO17 7DP
 T 01853 888333 F 01853 888885
 e mail@bramhall.com www.bramhall.com

Project: Middlecave Lodge
 Address: Middlecave Rd, Maltbn, North Yorks, YO17 7NQ
 Client: Ms S Milburn
 Drawing: PROPOSED SITE

© Bramhall Blenkharn. Do Not Scale From This Drawing - 10% Allowance
 Sheet Size: A1 Title: TJT Date: 06/05/2014
 Scale: 1:100 Checked: MRB Drawing No: 1074_AR50_02_

Middlecave Lodge
Malton, North Yorkshire
YO17 7NQ

Design & Access Statement

branhall_blenkharn The Maltings Malton North Yorkshire YO17 7DP
t 01653 693333 f 01653 693605 e mail@brable.com www.brable.com

RYEDALE DM

24 JUL 2014

DEVELOPMENT
MANAGEMENT

14(00522/FUL

Introduction

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- 3 Site Proposed
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- 5 Access & Accessibility
- 6 Flood Risk Assessment
- 7 Scheme Drawings

1.0 Introduction

1.1 This document accompanies an application that seeks permission to construct a new single-storey dwelling to the rear (south side) of Middlecave Lodge (No. 73), Middlecave Road, Malton (Fig. 1). The property is located to the south side of Middlecave Road, from which it is accessed, towards its western end.



Fig 1: Site Location (not to scale)



Extract from Google Maps (not to scale)

Site Existing

2.0 Site Existing

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Fig. 2: Extract from 1892 OS



Fig. 3: Extract from 1912 OS



Fig. 4: Extract from 1928 OS



Fig. 5: Extract from 1969 OS

2.1 Middlecave Lodge is not present on the 1892 OS Map (Fig. 2), but is clearly visible on the 1912 OS Map (Fig. 3), and therefore must have been constructed between these dates. The garage block to the immediate west of Middlecave Lodge is present on the 1969 OS Map (Fig. 5), but does not appear on any of the earlier maps. The garage block was added sometime between 1928 and 1969.

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2.2 The application site is located to the south of Middlecave Lodge (Fig. 6) on the south side of Middlecave Road; currently the southern part of the garden of Middlecave Lodge. It is intended that the existing plot of Middlecave Lodge will be split under the proposals. The site is enclosed by mature planting on all sides (Fig. 7-9), with mature trees to the western site boundary, trees and a hedge to the southern site boundary and a tall mature hedge to the eastern boundary.

2.3 Towards the northern end of the site, and to the immediate west of Middlecave Lodge, is a brick garage block comprising a single garage closest to Middlecave Lodge on the east side and a larger, double garage to the western side (Fig. 10+11). The front wall of the garage block forms an enclosing garden wall, dividing the 'public' yard and parking area to the north of the site and the 'private' garden to the south.



Fig. 6: Middlecave Lodge (south facing elevation)



Fig. 7: View across southern part of existing garden (looking south east)



Fig. 8: View of southern part of existing garden (looking south)



Fig. 9: View of southern part of existing garden (looking south east)



Fig. 10: Existing garage block (north facing elevation) and adjacent steps to Middlecave Lodge, with No. 75 beyond



Fig. 11: Existing garage block (north facing elevation) and Middlecave Lodge (left of frame)

Site Proposed

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3.0 Site Proposed

3.1 The application seeks to construct a new single-storey dwelling with attached single garage in the southern part of the existing plot of Middlecave Lodge (Fig. 12+13). It is proposed that the existing plot will be divided into two, with a new driveway to the new house positioned to the western side of the site against the existing boundary wall. Middlecave Lodge currently has two vehicular access onto Middlecave Road, which will be retained without modification. Ultimately, the western access will be used for the proposed new house, with the eastern access remaining to Middlecave Lodge. Under these proposals, the larger double garage on the west side of the existing garage block will be demolished in order to create the new access to the new house. The single garage to the east will be retained for use by Middlecave Lodge. The existing garage door will be replaced with a pair of vertical boarded timber gates providing access to the new house.



Fig. 12: 'Birdseye' view of proposed new house looking south-east (taken from 3D computer model).

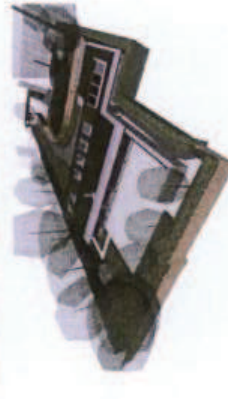


Fig. 13: 'Birdseye' view of proposed new house looking north-west (taken from 3D computer model).

3.2 The new house has been designed to sit quietly within the context of the existing site. A flat 'green' sedum roof is proposed to keep the overall height of the house to a minimum and to echo the 'green' nature of the site. A section of pitched roof is proposed across the centre of the house, allowing south-facing rooflights to bring light into the middle of the plan (Fig. 13). By using this top-light, the need for windows in the external walls is reduced. It is proposed that the east- and west-facing elevations of the new house will have no windows, and the north-facing elevation has only two small, high-level windows providing natural light and ventilation to bathrooms. The south-facing elevation of the new house has larger areas of glazing to take advantage of the enclosed private garden on the south side (Fig. 13). It is proposed that the garden is further enclosed by a new screen wall to the south-east of the new house and some new tree planting to the southern site boundary.

3.3 It is proposed that the north-facing elevation of the new house will be screened by new hedge planting against the building so that the house is softened and appears predominantly 'green' from the north side (Fig. 12). Again, it is intended that this will help the house to sit comfortably within the existing site and the extensive mature planting therein.

3.4 It is intended that the new division between the new house and the existing Middlecave Lodge will be achieved through the construction of a new 1.8m high brick wall to the rear (south side) of the existing garage block, and then, continuing from that, a new 1.8m high 'hit and miss' timber fence (Fig. 13). New planting to either side of this new boundary will help to soften its appearance, whilst still providing a good degree of privacy to both properties.

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4.0 Planning Policy

National Planning Policy (National Planning Policy Framework):

- 4.1 The following elements of the National Planning Policy Framework are considered relevant to this application:
 - 4.2 Paragraph 14 of the National Planning Policy Framework states: *"At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking."*
 - 4.3 Paragraph 23 of the National Planning Policy Framework states: *"Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. In drawing up Local Plans, local planning authorities should... recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites."*
 - 4.4 Paragraph 56 of the National Planning Policy Framework states: *"The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."*
 - 4.5 Paragraph 60 of the National Planning Policy Framework states: *"Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles."*
 - 4.6 Paragraph 63 of the National Planning Policy Framework states: *"In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area."*

Local Planning Policy (Ryedale District Council Ryedale Plan - Local Plan Strategy):

- 4.7 Policy SP1 of the Local Plan Strategy states that Malton and Norton are principal towns and are the primary focus for growth within Ryedale. Policy SP2 recognises sub-division of existing dwellings as a source of new housing within Malton and Norton. This application involves the sub-division of an existing residential plot, which is considered large enough to accommodate an additional residential property.
- 4.8 Policy SP3 of the Local Plan identifies the need for Social Housing. We acknowledge that contributions will be required and they will be secured through legal agreement. Should this scheme be approved we would look to negotiate this contribution with the District Valuers Office.

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4.9 Policy SP11 of the local Plan looks at the continuing up keep and provision of community facilities including the provision of public open space. All new residential development is expected to make contribution to the provision of public open space and should this application be approved we acknowledge that an off site contribution would be negotiated.

4.10 Policy SP16 of the Local Plan Strategy states: *Development proposals will be expected to create high quality durable places that are accessible, well integrated with their surroundings and which Reinforce local distinctiveness. Provide a well-connected public realm which is accessible and usable by all, safe and easily navigated, protect amenity and promote well-being.*

To reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings including: ... The grain of the settlements, influenced by street blocks, plot sizes, the orientation of buildings, boundaries, spaces between buildings and the density, size and scale of buildings. The type, texture and colour of materials, quality and type of building techniques and elements of architectural detail.

The design of new development will also be expected to: Incorporate appropriate hard and soft landscaping features to enhance the setting of the development and/or space.

4.11 Particular attention has been paid in the design process to the existing surroundings that the new house will sit within and to ensure that it is successfully integrated. It is felt that the siting and scale of the new house are respectful to the surroundings, taking into consideration the density, size and scale of surrounding buildings. The incorporation of soft landscaping features, including the proposed seculum roof and hedge planting to the north-facing elevation, serve to further enhance the relationship between the new house and the existing site context.

4.12 Policy SP18 of the Local Plan Strategy states: *"In the absence of major opportunities for large-scale renewable and low carbon energy generation, new development is expected to play a key role in reducing carbon emissions and improving building sustainability through the following: ... For all new build residential development, the proposal demonstrates that it meets the highest Code for Sustainable Homes' standard for its successor that is feasible and viable on the site."*

4.13 Policy SP19 of the Local Plan Strategy states: *"When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area."*

4.14 It is intended that the new house will meet as a minimum the equivalent of Level 4 of the Code for Sustainable Homes and will incorporate high levels of thermal insulation along with solar panels on the south-facing pitched roof inbetween the proposed rooflights. The south-facing glazing will allow an amount of natural solar gain to the main living spaces of the house.

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4.15 Policy SP20 of the Local Plan Strategy states: **Character:** *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 land uses and would not prejudice the continued operation of existing neighbouring land uses.

The cumulative impact of new development on the character of an area will also be considered.

Design: *The design of new development will follow the principles established in Policy SP 16.*

Amenity and Safety: *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.*

Access, Parking and Servicing: *Access to and movement within the site by vehicles, cycles and pedestrians would not have a detrimental impact on road safety, traffic movement or the safety of pedestrians and cyclists. Information will be required in terms of the positioning and treatment of accesses and circulation routes, including how these relate to surrounding footpaths and roads.*

Access into and within buildings will be expected to be of a standard that allows all to access the building unimpeded.

4.16 As has been previously outlined, the new house has been designed to be respectful of the character and context of the immediate locality and wider townscape. The proposed use as a single residential dwelling is considered to be fully compatible with the existing surrounding land uses, which are also private residential dwellings, and would not prejudice their continued operation. The design of the new house follows the principles established in Policy SP16 (see section 4.9 above). It is felt that the new house will have no adverse impact on amenity or safety. Vehicular and pedestrian access to the site from Middlecave Road will remain as existing.

Scheme Drawings

- 1 Introduction
- 2 Site Existing
- 3 Site Proposed
- 4 Planning Policy
- 5 Access & Accessibility
- 6 Flood Risk Assessment
- 7 **Scheme Drawings**

7.0 Scheme Drawings

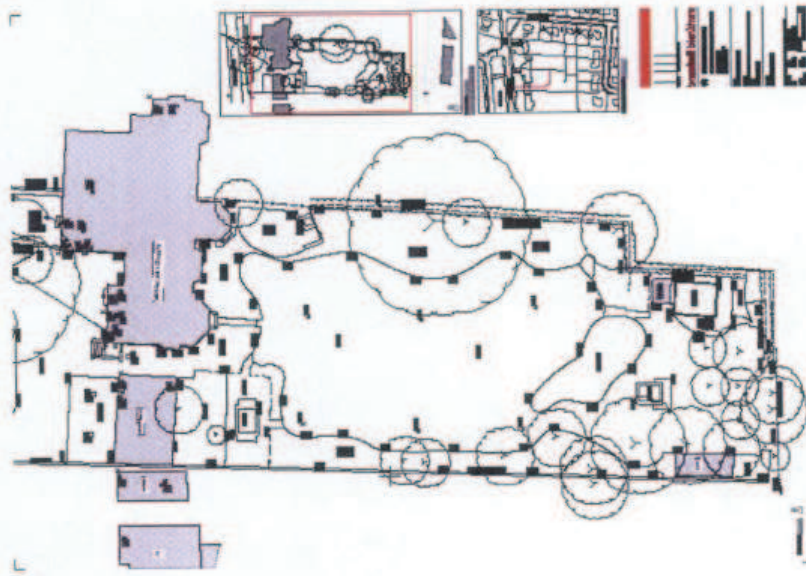


Fig. 15: Existing site

Scheme Drawings

- 1 Introduction
- 2 Site Existing
- 3 Site Proposed
- 4 Planning Policy
- 5 Access & Accessibility
- 6 Flood Risk Assessment
- 7 **Scheme Drawings**

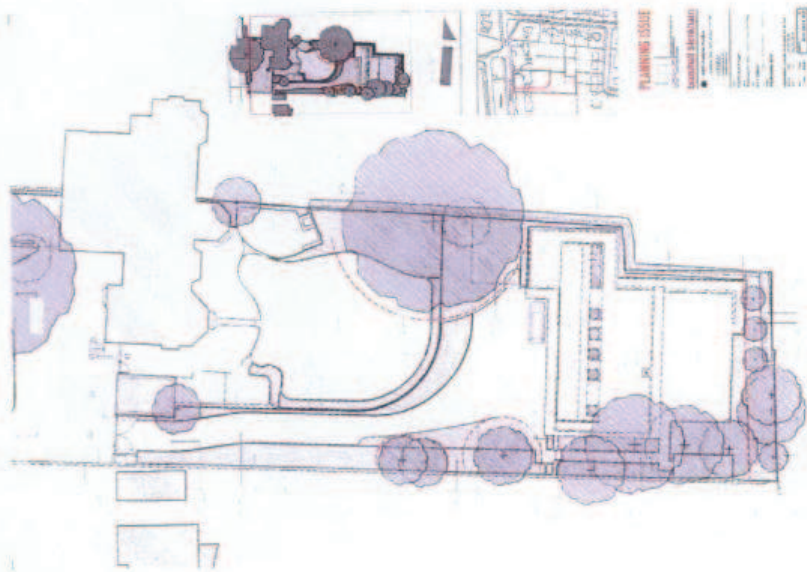


Fig. 16. Proposed site

Scheme Drawings

- 1 Introduction
- 2 Site Existing
- 3 Site Proposed
- 4 Planning Policy
- 5 Access & Accessibility
- 6 Flood Risk Assessment
- 7 **Scheme Drawings**

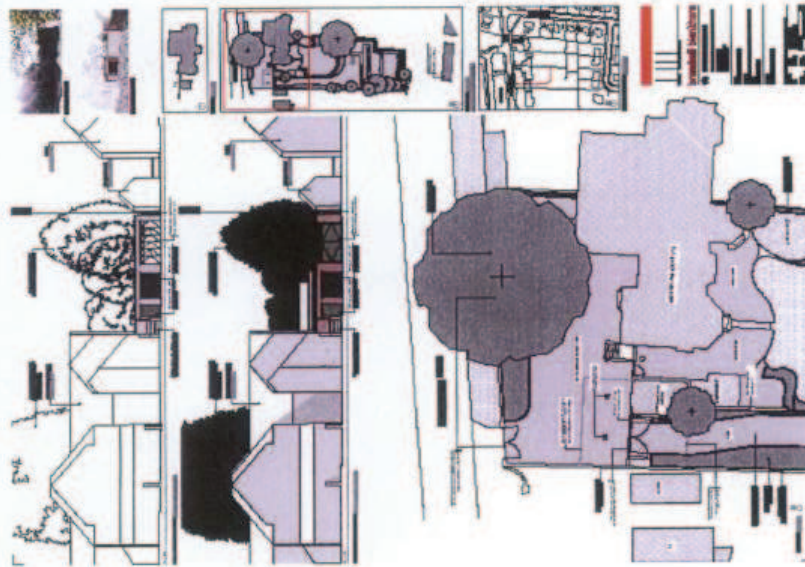


Fig. 17: Proposed plans

M.M.O

S.9.14
←

Recommends
approval.

MALTON TOWN COUNCIL

MPC SKEHAN Town Clerk
Telephone: 01439 748500
E-mail: maltontc@btinternet.com



2 LEYSTHORPE COTTAGES
OSWALDKIRK
YORK
YO 62 5YD

1 September 2014

Development Control Manager
Ryedale District Council

Dear Sir

Planning Applications

The Town Council has considered five applications recently submitted under the consultation procedure, and offers the following observations for your attention.

The Town Council recommends approval of the following applications:

- 14/00795/HOUSE
- 14/00877/HOUSE
- 14/00850/ADV
- 14/00870/LBC
- *14/00522/FUL

D.
MANAGEMENT

Yours faithfully

Mike Skehan
Clerk
Malton Town Council

Agenda Item 8

Item Number: 8
Application No: 14/00762/73A
Parish: Allerston Parish Council
Appn. Type: Non Compliance with Conditions
Applicant: Mrs J Stead
Proposal: Variation of Condition 05 of approval 13/00420/FUL dated 07.06.2013 by submission of revised elevations plan "New copy 1st Aug 2014"
Location: Land At Malton Lane Allerston Pickering North Yorkshire

Registration Date:
8/13 Wk Expiry Date: 1 October 2014
Overall Expiry Date: 7 September 2014
Case Officer: Matthew Mortonson **Ext:** 332

CONSULTATIONS:

Parish Council No objections

Neighbour responses: None

SITE:

The site lies in open countryside, 300m south of Allerston. The application site includes an area of land which measures approximately 0.8 hectares consisting of an agricultural building permitted under planning application ref. 13/00420/FUL.

PROPOSAL:

The proposal seeks planning permission for the variation of Condition 05 (the approved plans condition) of approval 13/00420/FUL to seek an alteration in the design. The application is retrospective.

HISTORY:

12/00502/FUL - Erection of an agricultural storage building to include housing of livestock. Planning Permission Refused.

13/00420/FUL - Erection of an agricultural building to include the housing of livestock (revised details to Refusal 12/00502/FUL dated 26.10.2012). Planning Permission Granted.

POLICY:

National Planning Policy Statement

National Planning Policy Framework
National Planning Policy Guidance

Ryedale Local Plan Strategy

Policy SP16 – Design
Policy SP19 – Presumption in Favour of Sustainable Development
Policy SP20 – Generic Development Management Issues

APPRAISAL:

This proposal seeks to regularise the design of the agricultural building which differs from that permitted under planning application ref. 13/00402/FUL.

In considering design Policy SP16 of the Ryedale Local Plan Strategy states *“To reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings...”*

The design of the building has been altered to provide a roller shutter door on the southern elevation and has provided a block wall and metal sheeting within the previously open sided western elevation. A steel door in the west elevation provides access into the building. Members are referred to the appendix of this report for the design of the previously approved building.

It is the view of Officers that the revised design results in the previously approved open sided agricultural storage building now taking an appearance of an industrial unit. This is considered to be out of character with its setting in the open countryside and contrary to the requirements of Policy SP16 and SP20 of the Ryedale Local Plan Strategy.

The ‘non-agricultural’ appearance of the built development does raise a concern that the building is not used for agricultural purposes as the design of the building does not lend itself to the use as an agricultural unit.

Other Matters

Members will note that when originally granted permission the site housed approximately 12 sheep, although it was proposed that this number would rise to 30 should planning permission be granted. A number of site visits have been made to the site recently and at no point were any livestock evident. The applicant has verbally confirmed that the building would be used for agricultural purposes advising that insufficient funds were currently available to purchase more livestock. The applicant confirmed that the livestock would be purchased in the future. Officers will continue to monitor the use of the site to ensure it is in agricultural use only.

Members will also be aware of Condition 03 of Planning Permission 13/00402/FUL which stated *“Unless otherwise agreed in writing by the Local Planning Authority, the existing buildings located on the site together with any other materials or paraphernalia, shall be removed from the site within a period of 1 month from the completion of the development hereby permitted.”*

Various site visits have confirmed that this condition has not yet been fully complied with. Furthermore, other aspects of unauthorised operational development have taken place on the site which are considered to materially harm the character of the area. These include, a building to north of the approved agricultural building and metal sheeting attached to the entrance gate of the site.

CONCLUSION:

In terms of the revised design of the building, it is considered that the building as built results in a development that is not agricultural in appearance and which is out-of-keeping with the character of the surrounding open countryside. The proposed development is therefore considered to be contrary to the requirements of Policy SP16 and SP20 of the Ryedale Local Plan Strategy. The recommendation is one of refusal.

In light of the above, enforcement action and any associated legal authority is sought to secure the compliance with condition 03 and the approved plans of planning permission ref. 13/00420/FUL, and the removal of any other authorised operational development.

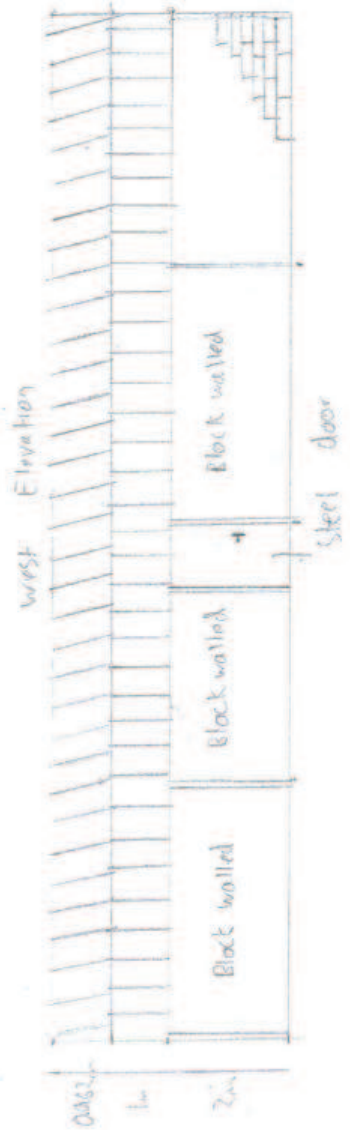
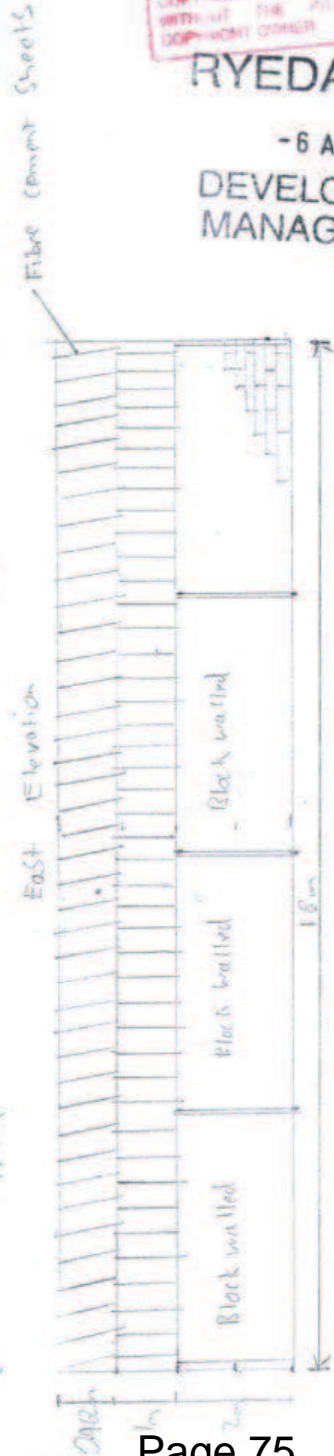
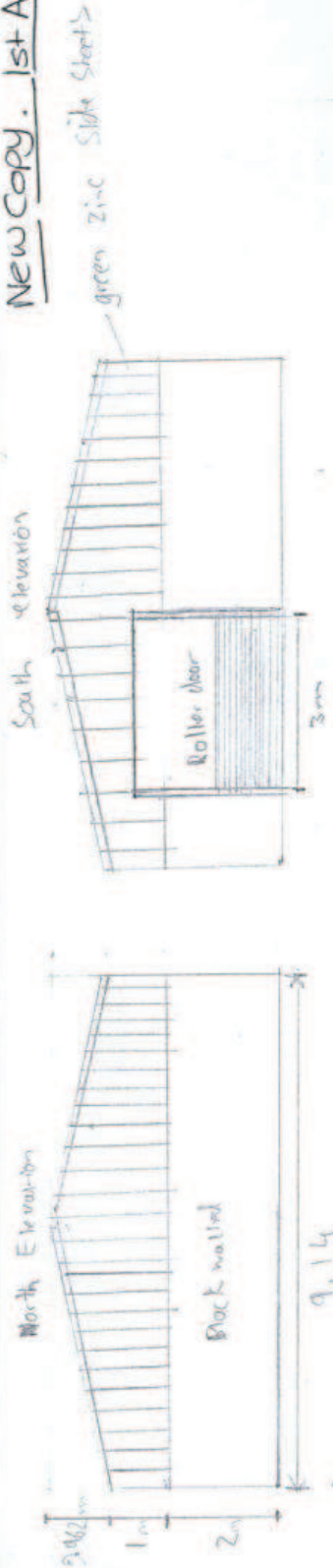
RECOMMENDATION: Refusal

- 1 The proposed building, by virtue of the detail of its design and construction is considered to be out-of-keeping with the character of the surrounding open countryside and it does not respect the context provided by its surroundings. The proposed development is therefore considered to be contrary to the requirements of Policy SP16 and SP20 of the Ryedale Local Plan Strategy.

Background Papers:

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

New Copy. 1st Aug. 14



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RYEDALE DM

- 6 AUG 2014

DEVELOPMENT MANAGEMENT









TITLE NUMBER
NYK295079



NORTH YORKSHIRE : RYEDALE

ORDNANCE SURVEY MAP REFERENCE:

OS/25/25

SCALE 1:1000

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RYEDALE DM

22 APR 2013

DEVELOPMENT
MANAGEMENT

13/00420/PUL

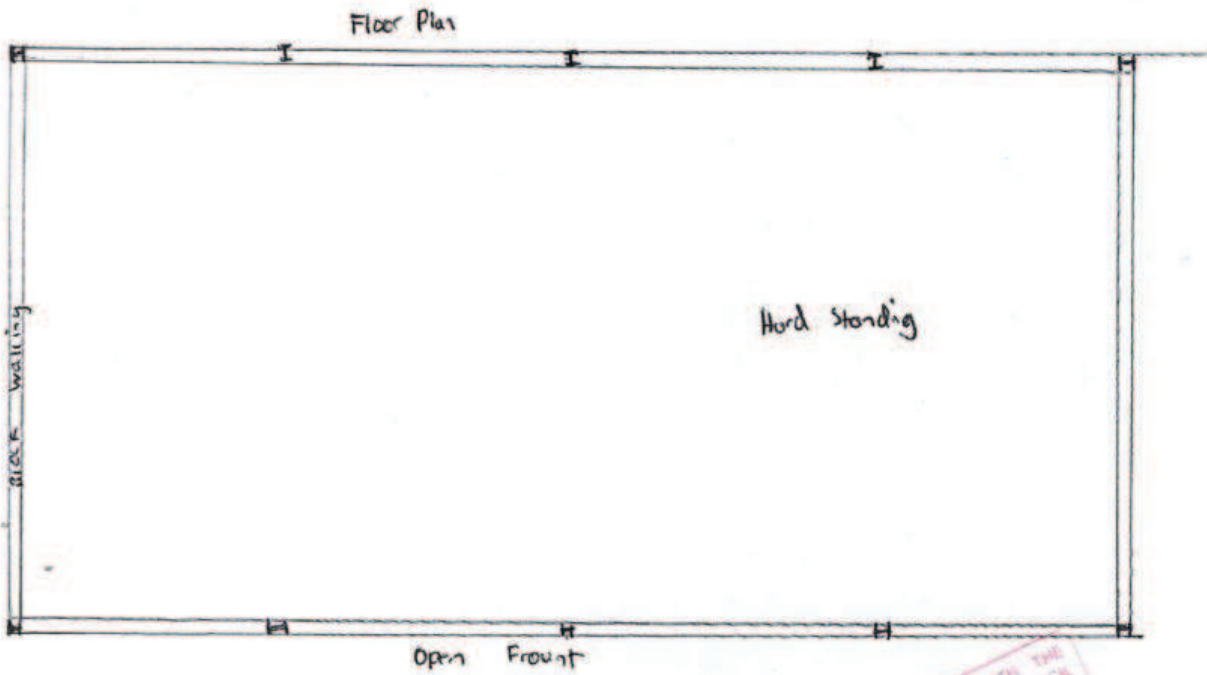
This title plan shows the general position of the boundaries: it does not show the exact line of the boundaries. Measurements scaled from this plan may not match measurements between the same points on the ground. For more information see Land Registry Public Guide 7 - Title Plans.

This official copy shows the state of the title plan on 25 June 2004 at 11:47:26. It may be subject to distortions in scale. Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original issued on 25 June 2004.

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Floor Plan



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RYEDALE DM
22 APR 2013
DEVELOPMENT
MANAGEMENT
13/00420/Fu

1100

Planning Department

Ref:- Application No. 13/00420/Fu
Proposed. Shed - Malton Rd, Allerston.
Mrs. J. Stead.

MMO
2.9.14
kce

NO OBJECTIONS.

Glenys Yates

From: Lesley Myers [chrislesley.myers@btinternet.com]
Sent: 01 September 2014 10:01
To: Development Management
Subject: 14/00762/73A

Planning Application 14/00762/73A
Applicant Mrs J Stead
Description Variation of condition 05 of approval 13/00420/FUL dated 07/06/2014
Location Malton Lane Allerston

Allerston Parish Councillors have no objections to this variation.
Sorry for the delay in returning due to holidays

Lesley Myers
Clerk to Allerston and Wilton Parish Council
Waterways
Main Street
Allerston Pickering
North Yorkshire
YO18 7PG
01723 859237

RYEDALE DM

- 2 SEP 2014

DEVELOPMENT
MANAGEMENT

Item Number: 9
Application No: 14/00850/ADV
Parish: Malton Town Council
Appn. Type: Advert Application
Applicant: Malton Town Council (Mr M Skehan)
Proposal: Erection of permanent tubular steel frame for display of non-illuminated temporary signs for events within Malton and Norton for a period of five years
Location: Land At OS Field 6574 Old Malton Malton North Yorkshire

Registration Date:
8/13 Wk Expiry Date: 26 September 2014
Overall Expiry Date: 29 August 2014
Case Officer: Helen Bloomer **Ext:** 328

CONSULTATIONS:

Parish Council Recommends approval
Highways North Yorkshire Object

Neighbour responses: None

.....

SITE:

The application site comprises a small piece of agricultural land located within the open countryside to the northern side of Malton. The site is directly adjacent to the A169. The proposed site will be approximately 1.3km to the north of the A64 roundabout junction, and positioned to be visible to the south bound traffic on their approach to Malton.

PROPOSAL:

Advertisement Consent is sought for the retention of a permanent steel frame for display of non-illuminated temporary signs for events within Malton and Norton. The proposed sign will approximately measure 2.9m from the ground to the base of the proposed advertisement and the actual advertisement will measure 2.1m by 3.3m. The sign has a maximum height of 5m above ground level. The structure holding the signage is a galvanised hollow support frame; with the signage being a banner constructed from nylon/reinforced PVC.

The proposal is to advertise events that are happening within the Malton and Norton area, with the advert for such events anticipated to be in place for approximately 4 weeks prior to the event taking place. The management of signs is understood to be undertaken by Malton Town Council.

HISTORY:

11/01060/ADV. Erection of permanent tubular steel frame for display of non-illuminated temporary signs for events within Malton and Norton. The officer recommendation was one of refusal. The application was deferred to allow for a Stage two Road Safety Audit to be carried out. Following the Road Safety Audit the officer recommendation remained one of refusal. Members however were minded to grant temporary planning permission for a period of one year. Consent expired on 1 April 2013.

A delay ensued in the erection of 11/01060/ADV due to obtaining landlord consents for the positioning of the sign and funding for the manufacturing of the sign.

13/00376/73A, to allow the sign to be displayed until 01.05.2014. Approved

14/00642/73A, Removal of condition 01 of approval 13/00378/73A dated 09.05.2013 to allow the tubular steel frame structure and associated signs to remain for a further five year period. Application withdrawn.

APPRIASAL:

The key considerations in assessing this application are;

- i) The impact of the proposed signage upon the visual amenity of the surrounding area; and
- ii) The impact of the proposed development upon highway safety.

The intention to advertise events in Malton to help the local economy is understood, and clearly this aspiration is supported. Officers have no objection at all to supporting the local economy and the events that are intended to benefit from the signage. In granting consent it would give a blanket permission to advertise events with no assessment of the impact of such signage, including no account taken of the design of the advert the size of individual lettering, and the level of detail. In this respect it is clearly difficult to assess the impact upon the character of the area. In the past the Local Planning Authority has taken a consistent approach to advance signage on the 'A' roads, by refusing such applications. The reasons have been visual amenity; the setting of an undesirable precedent and highway safety.

Other than road signage there is no other commercial signage in the area. It is considered that the proposed sign by virtue of its size, and location will adversely affect the character and appearance of the open countryside. It is also important to indicate that approval of this sign would create an undesirable precedent for other commercial signs in the locality.

The sign has not resulted in a reduction of the number of 'ad-hoc' individual advertisements advertising events within Malton. It is therefore arguably not fulfilling the justification given for its installation. Members are asked to consider the accumulative effect of the proposal within the wider setting.

The application site is adjacent to the A169, which is subject to the national speed limit of 60mph. Vehicles travelling along this part of the highway are likely to be travelling at speed, close to 60mph. It is considered that an advance sign in that location could cause drivers to be distracted and/or brake in order to read the signs. The Local Highway Authority considers the proposal to be prejudicial to highway safety and recommends that consent is refused (see attached response).

It is considered that in the granting of advertisement consent could lead to other applications which potentially would be hard to resist and thereby result in a proliferation of signs adjacent to the highway creating a distraction to road users and thus be detrimental to safety and the free flow of traffic.

It is also acknowledged that the movements to frequently change the temporary advertisements are likely to lead to vehicles parked within the highway which could also create conditions prejudicial to highway safety. This could be conditioned if the application is considered favourably.

In view of the above the recommendation is one of refusal.

RECOMMENDATION: Refusal

- 1 The granting of permission to display commercial advertising would be prejudicial to highway safety and create a distraction to road users, and thus be detrimental to the safety and free flow of traffic on the A169. The proposal is therefore contrary to the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.
- 2 The proposed sign, by virtue of its siting and scale would adversely affect the visual amenity of the surrounding open countryside. The proposal would, therefore, be contrary to the requirements of Policy SP16 of the Ryedale Plan - Local Plan Strategy.

Background Papers:

Adopted Ryedale Local Plan 2002

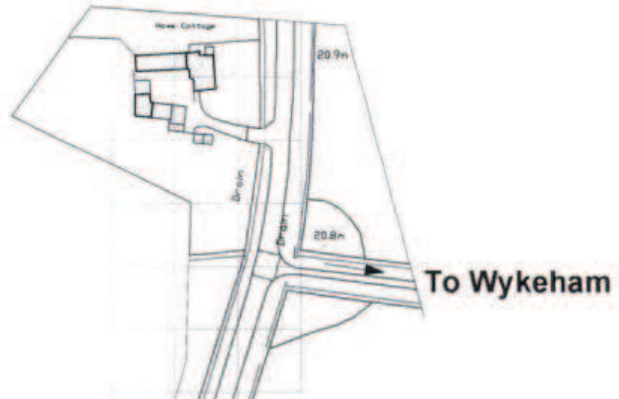
Local Plan Strategy 2013

National Planning Policy Framework

Responses from consultees and interested parties

A169
OLD MALTON MOOR
SIGN LOCATION

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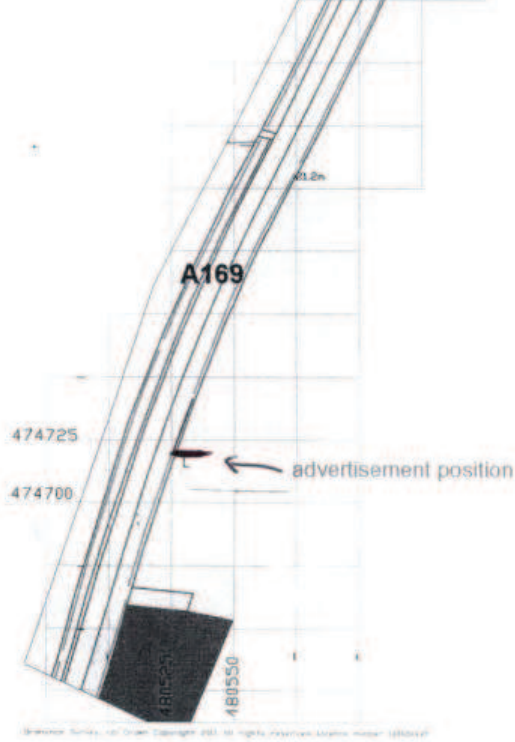
RYEDALE DM

- 1 AUG 2014

DEVELOPME
MANAGEMENT

14/00850/ADV

Location Plan 1:2500



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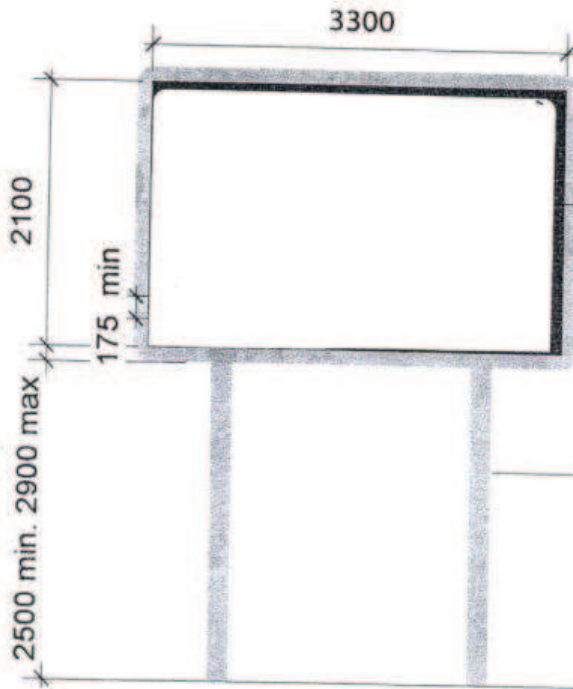
DIMENSIONS OF FRAME.

RYEDALE DM

- 1 AUG 2014

DEVELOPMENT
MANAGEMENT

14/00850/ADV



Permanent tubular steel frame to take temporary event signs eg Malton Food Festival, Malton Christmas Market. Sign non-illuminated

Height variable : 2.5 to 2.9 metres dependant on height of adjacent vegetation plus 500mm to allow for annual growth

Proposed permanent frame and example of generic event sign for use on Eastbound A64 and on A169 . Locations as site plans.

Galvanized circular hollow section steel frame and foundations to be designed by qualified Engineer. Frame shown at indicative size of 114.3mm dia.

All dimensions in mm.

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The Landscape Design Company

1 Newgate Malton North Yorkshire YO17 7LF
tel 01653 892488 fax 01653 892486 email mail@landesco.co.uk

Job: A64 & A169 Signage

Client: Malton Town Council

Drawing: Proposed frame and generic sign

Scale: 1:50

Drawn/Date:	Job no:	Drawing no:	Revision:
RM 31.08.10	112	4	—

RYEDALE DM

-1 AUG 2014

DEVELOPMENT
MANAGEMENT

14/00850/ADV



HBL
5.9.14 KK

Recommends
approval

MALTON TOWN COUNCIL

MPC SKEHAN Town Clerk
Telephone: 01439 748500
E-mail: maltontc@btinternet.com



2 LEYSTHORPE COTTAGES
OSWALDKIRK
YORK
YO 62 5YD

1 September 2014

Development Control Manager
Ryedale District Council

Dear Sir

Planning Applications

The Town Council has considered five applications recently submitted under the consultation procedure, and offers the following observations for your attention.

The Town Council recommends approval of the following applications:

14/00795/HOUSE

14/00877/HOUSE

* 14/00850/ADV

14/00870/LBC

14/00522/FUL

RYEDALE DM

-5 SEP 2014

RYEDALE DISTRICT COUNCIL
DEVELOPMENT
MANAGEMENT

Yours faithfully

Mike Skehan
Clerk
Malton Town Council

Agenda Item 10

Item Number: 10
Application No: 14/00851/ADV
Parish: Huttons Ambo Parish Council
Appn. Type: Advert Application
Applicant: Malton Town Council (Mr M Skehan)
Proposal: Erection of permanent tubular steel frame for display of non illuminated temporary signs for events within Malton and Norton, for a period of five years
Location: OS Field 3286 High Hutton Malton

Registration Date:
8/13 Wk Expiry Date: 26 September 2014
Overall Expiry Date: 30 August 2014
Case Officer: Helen Bloomer **Ext:** 328

CONSULTATIONS:

Parish Council	No views received to date
Highways North Yorkshire	Concerns raised
Highways Agency (Leeds)	Object
Howardian Hills AONB JC	Concerns raised previously - recommend conditions

Neighbour responses: None

SITE:

The application site is a small piece of agricultural land; reference OS Field 6574, within the open countryside west of Malton. The site is directly adjacent to the A64 Trunk Road, located approximately 70 metres west of the Low Hutton Junction. The site is highly visible to eastbound traffic on the approach to Malton. The application site is within the Howardian Hills Area of Outstanding Natural Beauty.

PROPOSAL:

This application is seeking Advertisement Consent for the retention of a permanent steel frame for the display of non illuminated temporary signs for events within Malton and Norton. The sign measures approximately 2.9 metres from the ground to the base of the advertisement and the actual advertisement measures approximately 2.1 metres by 3.3 metres. The highest part of the advertisement would be approximately 5 metres above ground level. The structure which supports the advertisement is a galvanised hollow steel frame. The banner is constructed from nylon/ reinforced PVC, the front which is visible from the eastbound traffic is a dark green whilst the rear which is visible from the westbound traffic is white.

The proposal is to advertise events that are happening within the Malton and Norton area, with the advert for such events anticipated to be in place for approximately 4 weeks prior to the event taking place. The management of signs is understood to be undertaken by Malton Town Council.

HISTORY:

The application site has been subject to numerous applications however the most relevant applications are:

92/00921/OLD (3/68/73/AU): Display of pole mounted non-illuminated advance directional sign board refused, as the sign was considered to detract from the character and appearance of the AONB, impact on highway safety and the precedent of the sign

11/01059/ADV. The erection of a permanent tubular steel frame for display of non-illuminated temporary signs for events within Malton and Norton. Officer recommendation was one of refusal. The application was deferred to allow for a Stage one Road Safety Audit to be carried out. Following the Road Safety Audit the officer recommendation remained one of refusal. Members however were minded to grant temporary advertisement consent for a period of one year. Consent expired on 1 April 2013.

A delay ensued in the erection of the sign, following the approval of 11/01059/ADV, due to a delay in the funding and manufacturing of the sign and consent from the appropriate landlord.

13/00378/73A, to allow the sign to be displayed until 01.05.2014. Approved

14/00641/73A, Removal of condition 01 of approval 13/00378/73A dated 09.05.2013 to allow the tubular steel frame structure and associated signs to remain for a further five year period. Application withdrawn.

APPRAISAL:

The key considerations in assessing this application are;

- i) Impact of the signage upon the visual amenity of the surrounding area; and
- ii) Impact of the development upon highway safety

The Howardian Hills AONB Manager was consulted on the previous application and raised strong concerns regarding the impact the sign would have on the visual quality of the AONB by introducing an unacceptable visual intrusion into it. These concerns have been reiterated following the consultation for the current application. Despite the sign being in situ for in excess of one year it is not considered that the impact has been diminished. The most prevalent view point is from the westbound carriageway due to the conspicuous large white rectangle silhouetted against the green backdrop of the Golden Hill. If members are minded to grant advertisement consent the AONB Manager has recommended a condition be attached stipulating that the galvanised frame should be painted a dark green and that all sign banners should have a black or dark green coloured reverse side. The purpose of which would be to reduce its visual impact.

Members will be aware that the advertisement has been in situ now for in excess of one year, during that time there are still numerous other individual advertisements advertising events within Malton and the surrounding area. It is therefore arguably not fulfilling the justification given for its installation. In assessing this application Members need to consider the accumulative effect of the proposal within the wider setting.

The AONB Manager has also objected that having frequently passed the site, it is often screened by the hedgerow, which borders the application side. At the time of writing it is noted that the hedgerow has been trimmed and the whole sign is once again visible.

The scale and siting of the proposal on the setting and character of the Howardian Hills AONB was one of the reasons for refusal which was previously presented to members. The 1992 application, reference 92/00921/OLD, was also refused on the adverse impact it would have on the AONB.

The application site is at the foot of Golden Hill on a sharp left turn prior to the start of the Malton by-pass dual carriageway. Members should consider in assessing the application the purpose of the sign, it is by its nature intended to distract drivers to its content. The trunk road has a national speed limit, meaning that motorists could be travelling up to 60mph. This in conjunction with the sharp turn and road junction prior to the application site could result in motorists being distracted by the sign and/or braking suddenly in order to read the sign.

The Highway Agency, whilst acknowledge that no accident has been reported as a result of the sign, still maintain their original stance that the sign would compromise highway safety and therefore recommend refusal. The Highway Agency did not support the previous application, reference 11/015059/ADV. Whilst the local Highway Authority is not the responsible agency, they have raised concerns over the impact the sign would have on highway safety.

As previously stated the previous application was deferred for a Stage one Road Safety Audit. Following the results of this survey it remained the officer's recommendation that Advertisement Consent should not be granted. The full report has been attached. However the summary of the report was that the sign would compromise highway safety by creating driver confusion deriving from the amount of information on the sign.

It is considered that in the granting of advertisement consent could lead to other applications which potentially would be hard to resist and thereby result in a proliferation of signs adjacent to the highway creating a distraction to road users and thus be detrimental to safety and the free flow of traffic.

In view of the above, the recommendation is one of refusal.

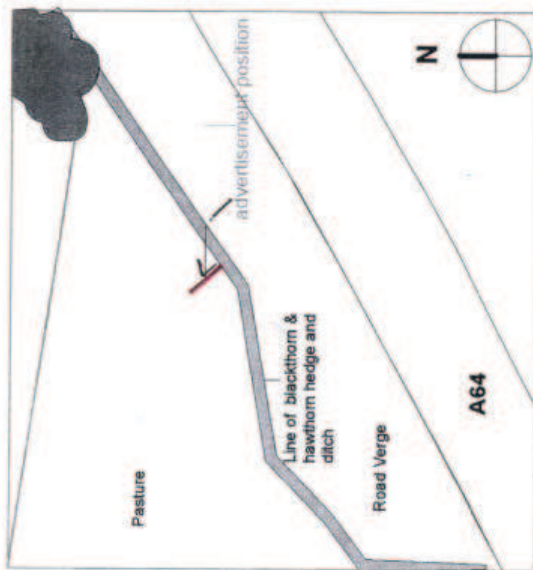
RECOMMENDATION: Refusal

- 1 The granting of permission to display commercial advertising would be prejudicial to highway safety and create a distraction to highway users, and thus be detrimental to the free flow of traffic on the A64. The proposal is therefore contrary to the requirement to Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 2 The sign by virtue of its siting, scale and detail of its design and colouration would distract from the character and appearance of this part of the Howardian Hills, an Area of Outstanding Natural Beauty.

Background Papers:

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



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Location Plan 1:1250



The Landscape Design Company
 1 Newgate, Malton, North Yorkshire YO17 7LP
 Tel: 01453 820488 Fax: 01453 820485 Email: mal@landscape.co.uk

A64 & A169 Signage

Client: **Malton Town Council**

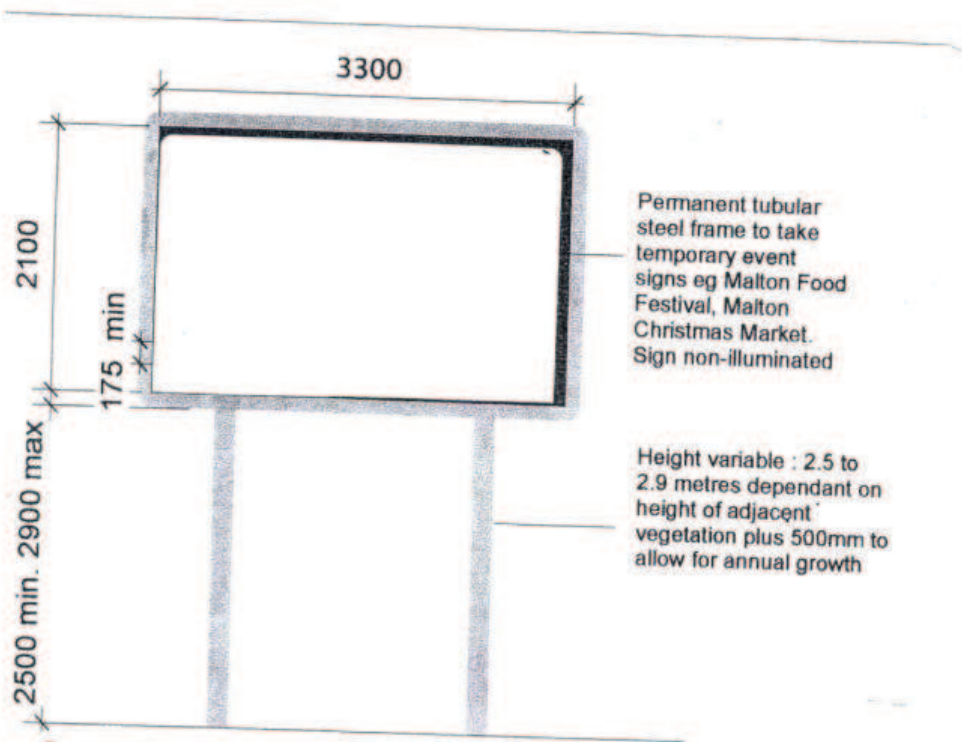
Drawing: **A64 Malton East bound Location & Site Plans**

Scale: **As Shown**

Sheet No.	112	Drawings No.	5
RM 5.10.10			

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DIMENSIONS OF FRAME



Permanent tubular steel frame to take temporary event signs eg Malton Food Festival, Malton Christmas Market. Sign non-illuminated

Height variable : 2.5 to 2.9 metres dependant on height of adjacent vegetation plus 500mm to allow for annual growth

Proposed permanent frame and example of generic event sign for use on Eastbound A64 and on A169 . Locations as site plans.

Galvanized circular hollow section steel frame and foundations to be designed by qualified Engineer. Frame shown at indicative size of 114.3mm dia.

All dimensions in mm.

The Landscape Design Company
 1 Newgate Malton North Yorkshire YO17 7LP
 tel 01653 892480 fax 01653 892488 email mail@landesco.co.uk

A64 & A169 Signage

Malton Town Council

Proposed frame and generic sign

Scale: 1:50

Client ref	Job no	Drawing no	Revision
RM 31.08.10	112	4	—

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MALTON STABLES OPEN DAY
SUNDAY 31ST AUGUST
MALTON FOOD MARKET
SATURDAY 9TH AUGUST

Agenda Item 11

Item Number: 11
Application No: 14/00865/HOUSE
Parish: Great & Little Barugh Parish Council
Appn. Type: Householder Application
Applicant: Mr Jim Everett
Proposal: Erection of carport to include installation of biomass boiler and chimney (Revised details to approval 13/00151/HOUSE dated 25.04.2013) - part retrospective application
Location: Glen Gairn Barugh Lane Great Barugh Malton North Yorkshire YO17 6UZ

Registration Date:
8/13 Wk Expiry Date: 1 October 2014
Overall Expiry Date: 5 September 2014
Case Officer: Charlotte Cornforth **Ext:** 325

CONSULTATIONS:

Highways North Yorkshire No objection
Parish Council Objection

Neighbour responses: None

.....

SITE:

The proposed site of 'Glen Gairn' is a detached property constructed in 1975 which benefits from substantial outdoor amenity. The property lies within the saved development limits of Great Barugh, adjacent to Barugh Lane.

HISTORY:

13/00151/HOUSE - Planning permission granted 25.04.2013 - Erection of front boundary wall with brick piers and iron railings, extension of front entrance porch, excavation of part of garden to allow erection of carport to side and demolition of existing car port.

PROPOSAL:

Erection of carport to include installation of biomass boiler and chimney (Revised details to approval 13/00151/HOUSE dated 25.04.2013) - part retrospective application. The revised details include:

- Installation of biomass boiler
- Insertion of a 2m flue on the flat roof to of the carport
- Insertion of three raised rooflights to the roof slope of the carport
- Shallower roof pitch of the carport
- Insertion of a personnel door on the eastern elevation of the carport
- Insertion of brickwork instead of timber cladding on the eastern elevation of the carport

to assist Members, copies of the previously approved plans and elevations are also enclosed together with photographs taken in the vicinity of the site.

APPRAISAL:

The main considerations to be taken into account when considering the proposal are:

- i. Renewable and low carbon energy
- ii. Impact upon neighbouring amenities

- iii. Impact upon the street scene of Barugh Lane
- iv. Highway safety

The principle of a car port was considered acceptable under application 13/00151/HOUSE dated 25.04.2013. Following works starting on site, the applicant submitted the revised detailed application. As the description states, this application is part retrospective as the works have already started on site and continue to do so.

Great and Little Barugh Parish Council has objected to the proposal stating the following:

What is now proposed is totally unacceptable as part of the street scene in our rural village. The timber cladding on the original plans has been replaced by red brickwork as a consequence, because of its size; it now looks more like an industrial building. This is made worse by inserting 3 windows in the flat roof section and to cap it all placing a 2metre stainless steel chimney on the flat roof. This makes it all very visible from Barugh Lane and very obtrusive to neighbours and particularly the listed house opposite. Many of the residents find the visual impact of the present building structure unacceptable in our village.

Turning now to the biomass boiler. I have already mentioned the chimney eyesore. Another issue is the smoke and other pollutants coming from the chimney. We understand that these can be very unpleasant particularly at start up. With a prevailing south westerly wind these will drift over many of the residential properties at the top of the village including 'The Golden Lion' pub. We have further concern about the delivery of fuel and disposal of waste ash. The amount of fuel required is going to be considerable. No mention is made of where this is to be stored. Likewise where is the waste going? This leads to the obvious question; what is the 9 inch underground plastic pipe to be used for? It says for services for the biomass boiler, what services? It stops not far short of Barugh Lane, for what purpose?

The applicant states in his letter he is keen to reduce his energy footprint. With trucks delivering fuel and taking away waste there will surely be a lot more energy consumed than by a simple oil delivery tanker.

The applicant produced a detailed response to the Parish Council's objection. He clarifies:

- The wood pellets will be stored in a silo that can hold up to 6 tons. The usage is expected to be less than this so the applicants aim is to have a silo to hold 12 months worth of wood pellets. The silo will be located in the garage alongside the boiler.
- It is likely that the ash bucket will need emptying once every 3 months and it will be put on the garden.

i. Renewable and low carbon energy

Policy SP18 of the Ryedale Plan - Local Plan Strategy supports proposals that generate renewable and/or low carbon sources if they would not adversely impact on the local community, economy, or historical interests. Due to the domestic nature of the boiler and it being located within a building, it is considered acceptable in this location and will not have an adverse impact upon the character of the area. It is considered that the 2m flue on the roof of the car port will have minimal impact upon the neighbouring property of 'Chestnut House' in terms of being overbearing in presence or causing significant odour. Furthermore, no formal consultation response has been received from the occupiers to date. A condition will be attached to the decision notice to ensure that the exact external finish of the flue shall be submitted to the Local Planning Authority prior to it being installed.

ii. Impact upon neighbouring amenities

It is considered that due to the positioning and angle of the three raised roof lights, there will be minimal impact upon the neighbouring property of 'Chestnut House' in terms of being overbearing or causing loss of privacy. Again, no formal consultation response has been received from them to date.

The garage doors have been increased from 2.6m in height to 3m and the roof pitch of the car port is now shallower. However, the height to the ridge remains the same as the previous application 4.6m and therefore the impact upon the neighbouring property is minimal.

iii. Impact upon the street scene of Barugh Lane

It is considered that the installation of a personnel door and the brick wall on the eastern elevation of the car port will not detract from the wider street scene of Barugh Lane. Clear views can only be obtained from in front of the access to the site because of existing planting and screening on the front of the property and adjacent to other properties in the street. Other properties and outbuildings within this area are also constructed of brick. The existing and proposed boundary treatments to the property will soften the appearance of the brick car port.

iv. Highway safety

The Highway Authority has raised no objection to the proposal.

In light of the above considerations, the proposal is considered to satisfy the relevant policy criteria outlined within Policies SP16, SP18, SP19 and SP20 of the Ryedale Plan - Local Plan Strategy and the National Planning Policy Framework. The proposal is therefore 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 Before the development hereby permitted is commenced, or such longer period as may be agreed in writing with the Local Planning Authority, the external finish and colour of the flue the subject of this permission shall be submitted to and approved in writing by the Local Planning Authority.

(NB Pursuant to this condition the applicant is asked to complete and return the attached proforma before the development commences so that the fixings can be agreed and the requirements of the condition discharged)

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of SP16 of the Ryedale Local Plan Strategy.

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

Revised Drawing date stamped 06.08.2014.

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

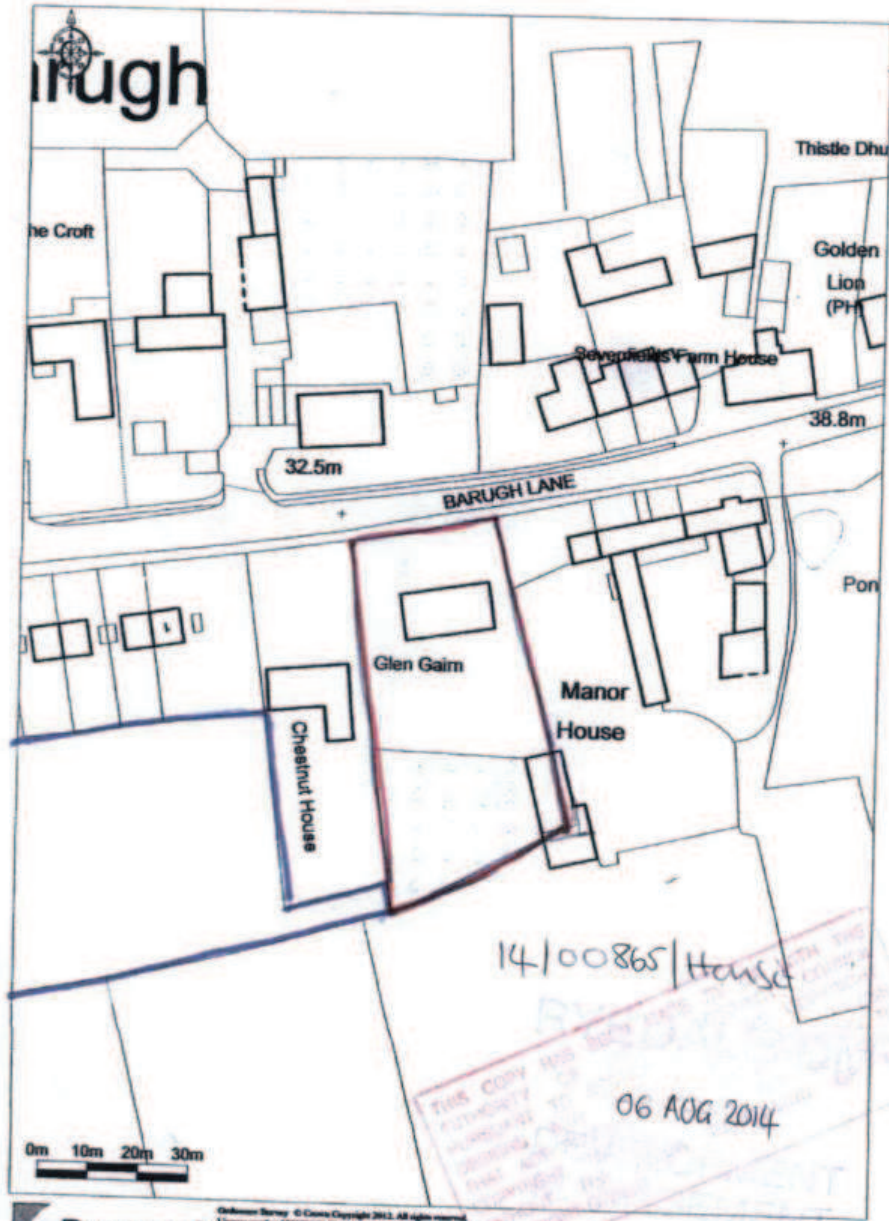
Background Papers:

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

RYEDALE D.M.

Glen Gaim
Great Barugh
Malton YO17 6UZ

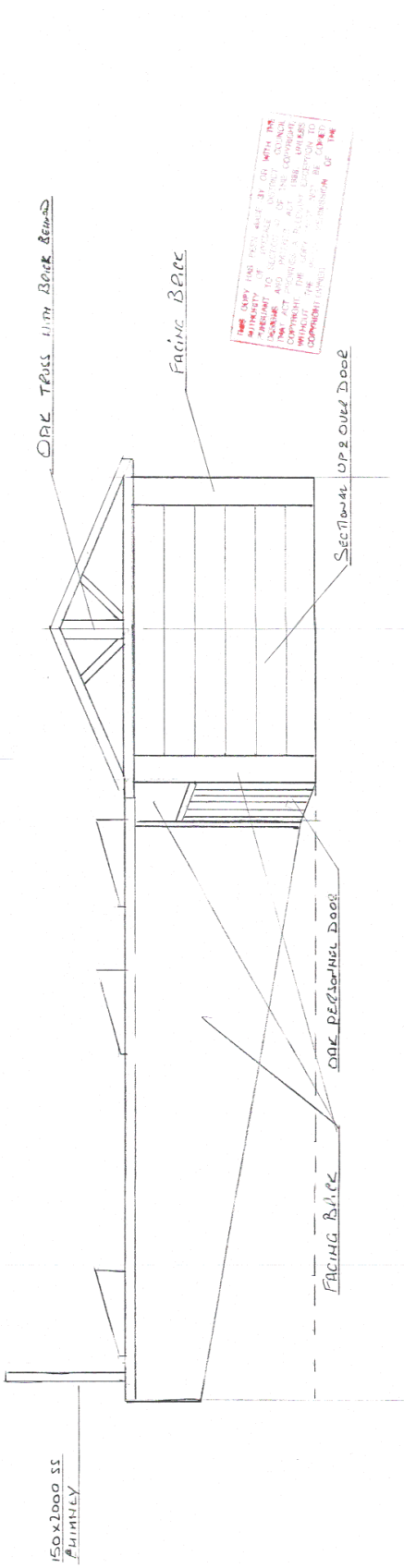
06 AUG 2014
DEVELOPMENT
MANAGEMENT
14/00865/HOUSE



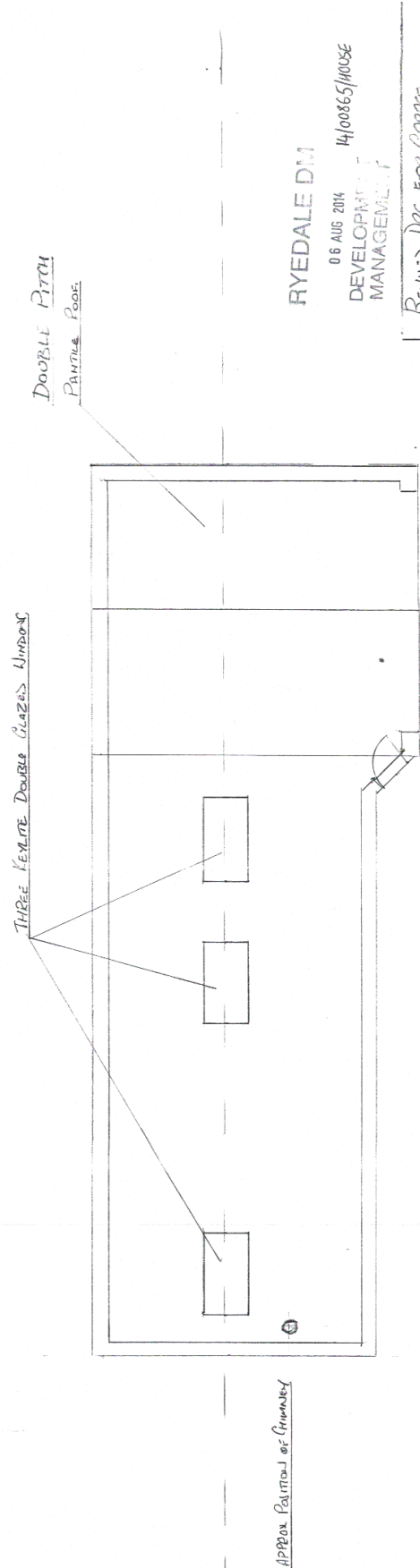
Promap

Outdoor Survey © Crown Copyright 2011. All rights reserved.
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DESIGN 4 architecture



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RYEDALE DM
 06 AUG 2014 14/00865/HOUSE
 DEVELOPMENT MANAGEMENT
 REVISED DEG FOR GARAGE
 TO INCORPORATE BIKINISS BOILER
 SCALE 1:50
 DATE 06-08-2014
 HDC REF. 13/00151/HOUSE

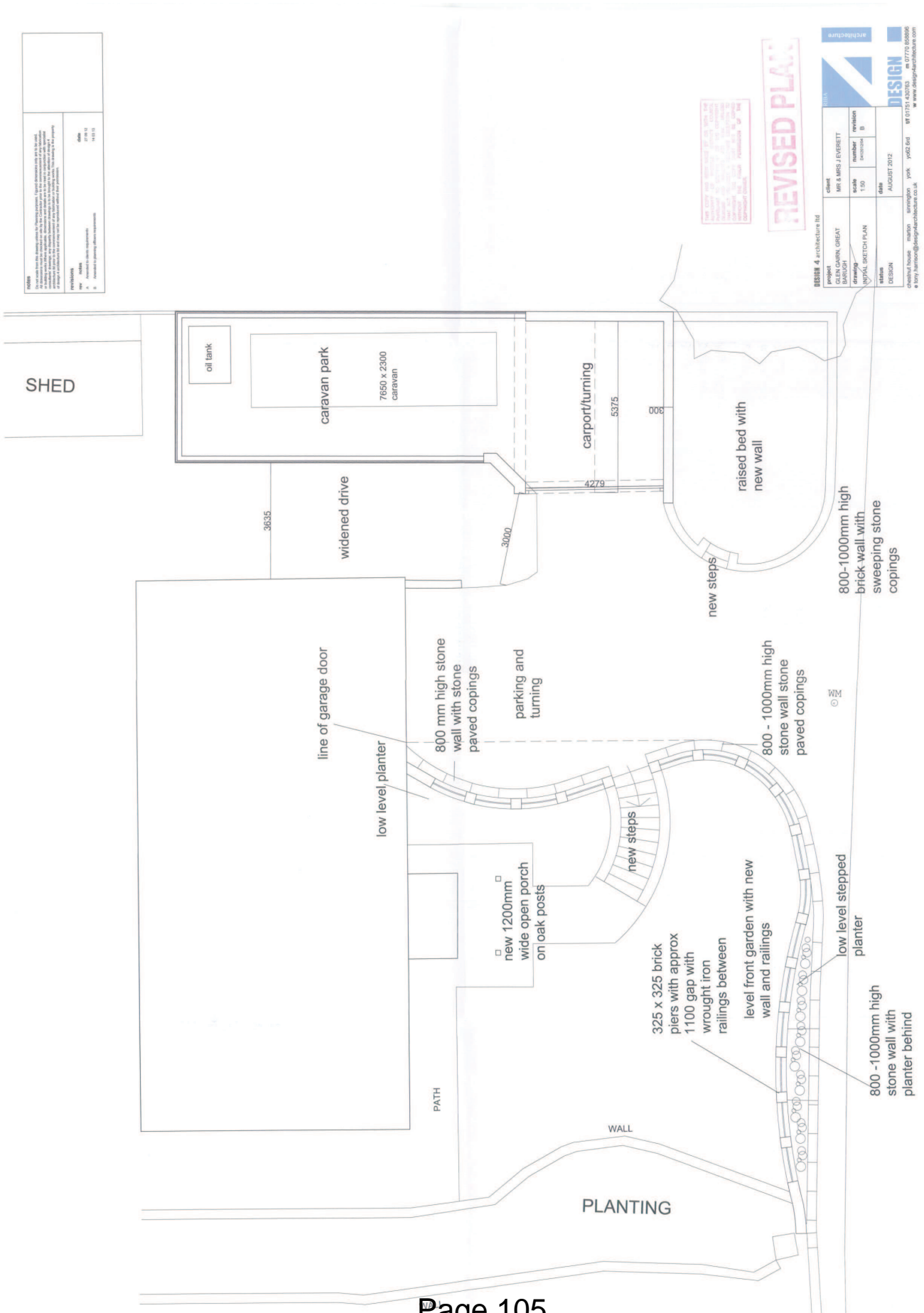






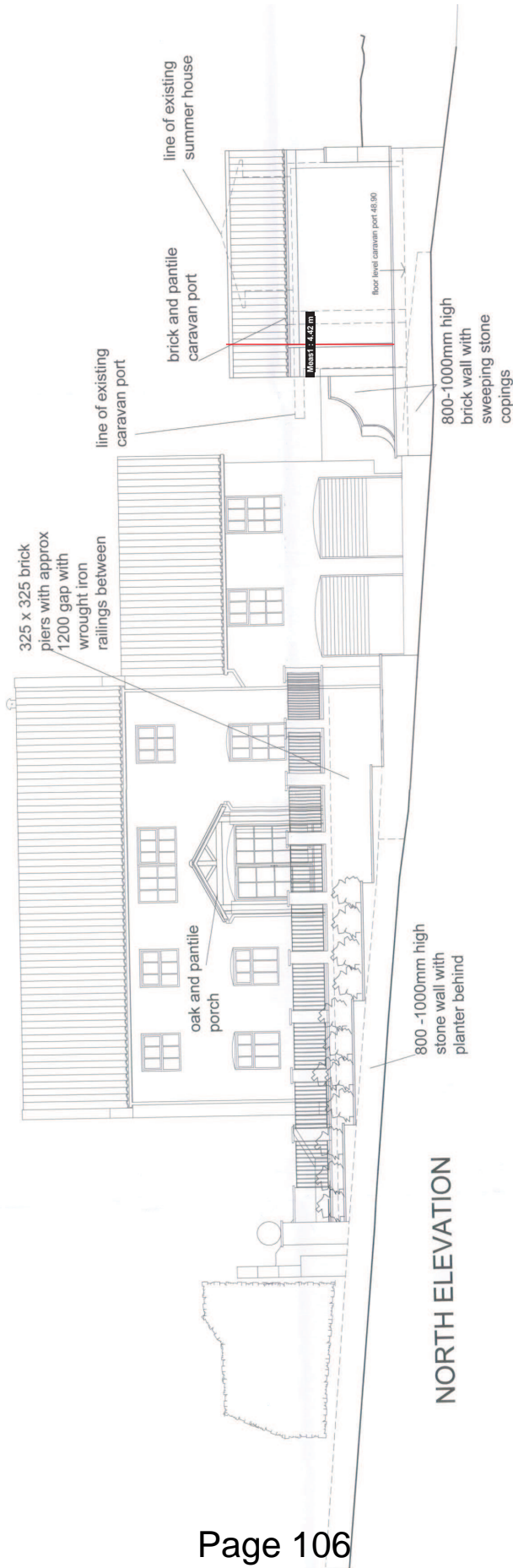


NOTES	
<p>1. The architect has prepared this plan to the satisfaction of the client and the client has agreed to pay the architect's fees for the preparation of this plan. The architect is not responsible for any errors or omissions in this plan or for any consequences arising therefrom. The client is advised to seek professional advice from a qualified surveyor or other professional before proceeding with any works.</p>	
REVISED PLAN	DATE
15/08/12	15/08/12



DESIGN 4 architecture ltd	
Project	Client
CLEEN GARDN, GREAT	MR & MRS J EVERETT
Drawn	Scale
NOTAL SKETCH PLAN	1:50
Issue	Date
DISCUSS	AUGUST 2012
<p>chestnut house, marbo, surrey, york, y02 6ed 01753 432033 01770 808996 e tony.hammond@design4architecture.co.uk w www.design4architecture.com</p>	

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<p>PROJECT GLEN CARIN, GREAT BRIDGE</p>	<p>DATE 11.12.13</p>
<p>PROPOSER MR & MRS J EVERETT</p>	<p>SCALE 1:50</p>
<p>NO. 1</p>	<p>REVISION A</p>



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REVISED PLAN

<p>DESIGN 4 architecture ltd</p>	<p>client MR & MRS J EVERETT</p>
<p>project GLEN CARIN, GREAT BRIDGE</p>	<p>scale 1:50</p>
<p>PROPOSED ELEVATIONS 1</p>	<p>number 1</p>
<p>DESIGN</p>	<p>revision A</p>
<p>status DESIGN</p>	<p>date OCT 2012</p>
<p>contact house: melton savington york e: lory.hamson@design4architecture.co.uk</p>	<p>tel: 01751 430703 m: 07776 000868 w: www.design4architecture.com</p>

CC
29/08/2014
TSC

objection

York House
Great Barugh
Malton
North Yorkshire
YO17 6UZ
27 August 2014

RYEDALE DM

29 AUG 2014

DEVELOPMENT
MANAGEMENT

Dear Karen Hood,

GREAT & LITTLE BARUGH PARISH COUNCIL

Application No: 14/00865/HOUSE
Applicant: Mr J Everett
Description: Retrospective application to 13/00151/HOUSE
Location: Glen Gairn Great Barugh

The Council has considered this application.

This seeks a substantial change to application 13/00151/House.

These changes have now largely been completed without any approval, in our opinion work should have been stopped until approval had been given or rejected. If they had been incorporated in the original plan we would have objected strongly and would have recommended they were of such a nature that the application should have been taken to a full planning committee and not categorised as a delegatable decision.

What is now proposed is totally unacceptable as a part of the street scene in our rural village.

The timber cladding on the original plans has been replaced by red brickwork as a consequence, because of its size; it now looks more like an industrial building.

This is made worse by inserting 3 windows in the flat roof section and to cap it all placing a 2metre stainless steel chimney on the flat roof.

This makes it all very visible from Barugh Lane and very obtrusive to neighbours and particularly the listed house opposite.

Many of the residents find the visual impact of the present building structure unacceptable in our village.

Turning now to the biomass boiler.

I have already mentioned the chimney eyesore. Another issue is the smoke and other pollutants coming from the chimney. We understand that these can be very unpleasant particularly at start up. With a prevailing south westerly wind these will drift over many of the residential properties at the top of the village including "The Golden Lion" pub.

We have a further concern about the delivery of fuel and the disposal of waste ash. The amount of fuel required is going to be considerable. No mention is made of where this is to be stored. Likewise where is the waste going? This leads to the obvious question; what is the 9 inch underground plastic pipe to be used for? It says services for the biomass boiler, what services? It stops not far short of Barugh Lane, for what purpose?

The applicant states in his letter he is keen to reduce his energy footprint. With trucks delivering fuel and taking away waste there will surely be a lot more energy consumed than by a simple oil delivery tanker.

We are also very concerned about what further minor changes there may be just round the corner!

This retrospective application should be refused.

Yours sincerely,

P N Milner
Chairman

Karen Hood
Managing Development Team Leader
Ryedale District Council
Ryedale House
Malton
North Yorkshire
YO17 7HH

Agenda Item 12

RYEDALE DISTRICT COUNCIL

PLANNING COMMITTEE - 23 SEPTEMBER 2014

Report of the Development Manager

Canadian Fields, Gale Lane, Nawton

Purpose of the Report

To advise Members of an alleged breach of planning control and recommend an appropriate course of action.

1. SITE LOCATION

- 1.1 The site is located approximately 1km to the south of Nawton village within the open countryside and an Area of High Landscape Value.
- 1.2 Planning permission was granted for change of use of agricultural land to form a campsite providing 'glamping' style accommodation for no. 19 safari type tents in 2011 (11/00686/MFUL). The permission also included the formation of a vehicular access, provision of a store for the tents and the erection of a toilet, reception block and a 'canteen' marquee.

2. ALLEGED BREACH OF PLANNING CONTROL

- 2.1 Change of use of 'canteen marquee' ancillary to campsite (Sui Generis Use Class) to restaurant (A3 Use Class) named 'Gi Sukawaka Restaurant'. Details of the restaurant, including an advertisement in the 'Yorkshire Advertiser' and an example menu can be found in the Appendix of this report. In addition, Members are directed to the website for the campsite (<http://canadianfields.co.uk/>).
- 2.2 A number of events have been held on the site, connected to the 'canteen marquee'. These have included weddings and race days.
- 2.3 An additional 'kitchen unit' has been located on the site to provide for the restaurant. Members will note that a further retrospective planning application had been submitted (on 29 August 2014) to regularise this development. The application has not been validated because it was not accompanied by the required fee. The development therefore remains unauthorised.

3. WHEN ALLEGED BREACH FIRST OCCURRED

- 3.1 The Local Planning Authority was first made aware of the 'Gi Sukawaka' Restaurant on the 2 June 2014.

4. HISTORY AND EVIDENCE OF BREACH

- 4.1 On the 3 June 2014, a letter was sent to the site owner identifying the breach of planning control. A response was received on the 11 June 2014, which identified that a Planning Consultant had been instructed to submit a retrospective planning application.
- 4.2 On the 4 July 2014, further correspondence was sent to the property owner as no planning application had been submitted. On the 17 July 2014, Planning Application ref. 14/00777/FUL was validated. The application sought planning permission for:

Change of use from canteen tent ancillary to the campsite for customers staying on the campsite to canteen tent not ancillary to the campsite that is open to customers both from the campsite and customers not staying on the campsite (retrospective application).

A copy of the public consultation responses received to this application can be found in the Appendix of this report.

- 4.3 On the 19 August 2014, planning application reference 14/00777/FUL was withdrawn. The Planning Consultant advised the Council that he had taken legal advice and considered that the development did not require planning permission. A copy of the withdrawal letter received from the Planning Consultant can be found in the Appendix of this report.

5. REQUIRES PLANNING PERMISSION?

- 5.1 The canteen marquee, named the 'Gi Sukawaka' Restaurant, currently provides a range of different meals, drinks and events to both residents of the campsite and customers located from outside of the site. The view of Officers and the Council's Solicitor is that the current operation of the 'ancillary canteen marquee' is more in keeping with those associated with a restaurant use (Class A3).

- 5.2 In considering the need for planning permission, and determining if a material change of use has occurred, it is important to refer to planning application reference 11/00686/MFUL. This application granted planning permission for:

"Change of use of agricultural land to allow the siting of 19 no. tents on decking bases, erection of toilet and reception block and canteen marquee, change of use of agricultural building to winter tent store, formation of vehicular access, gravel site roads and paths, car parking and landscaping."

- 5.3 Members will note that as part of the approval, a 'canteen marquee' was granted permission. However, to determine exactly the extent of what was approved, account should be made of the provisions of the use classes order. This identifies the use of a canteen is not ancillary to another use as an A3 Use Class. Therefore, the question is whether the permitted use of the canteen marquee is ancillary to another use.

- 5.4 Reference is made to the application form for planning application 11/00686/MFUL (see Appendix). Section 18 of the form identifies that the applicant did not apply for any distinct A3 use within the site. It is clear, therefore, that canteen marquee was intended to be ancillary to the wider campsite use only. By virtue of the provisions of the use classes order, the permitted use of the canteen marquee is therefore sui generis, and a material change of use of the canteen marquee into a restaurant has therefore occurred.

- 5.5 With regards to the events held on the site, such as weddings and race days, Members are advised that these do require planning permission as Class B, Part 4 of the GDPO 1995 does not provide permitted development for temporary uses if the land in question is a building, or is within the curtilage of a building.

6. PLANNING POLICY CONTEXT

- 6.1 The relevant planning policy considerations are:

National Planning Policy Framework (NPPF)

Paragraph 14	–	Achieving Sustainable Development
Section 2	–	Ensuring the vitality of town centres
Section 3	–	Supporting a prosperous rural economy
Section 11	–	Conserving and enhancing the natural environment

Ryedale Plan - Local Plan Strategy

Policy SP7	–	Town Centres and Retailing
Policy SP8	–	Tourism
Policy SP13	–	Landscapes
Policy SP16	–	Design
Policy SP19	–	Presumption in Favour of Sustainable Development
Policy SP20	–	Generic Development Management Issues

7. APPRAISAL

- 7.1 The issues surrounding the breach of planning control are:

i) The Principle of the Development

- 7.2 As identified in the Ryedale Local Plan, the application site is situated within the open countryside and outside any of the Town Centre Commercial Limits of the District. To ensure the continued vitality and viability of Ryedale's Market Towns, the introduction of town centre uses outside of town centre locations is discouraged in both National and Local Planning Policy.
- 7.3 In terms of National Planning Policy, Section 2 (Ensuring the vitality of town centres) of the NPPF is relevant. Paragraph 24 seeks to protect the viability and vitality of town centres through the sequential test process. It states that '*Local Planning Authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out centre sites be considered...*'
- 7.4 The aims of the NPPF are reflected in the requirements of Policy SP7 of the Ryedale Plan - Local Plan Strategy which seeks to ensure that the town centres will be the focus for a diverse range of uses in the District.

7.5 In this case, the site owner has not provided a sequential test for the restaurant and as a result it has not been demonstrated that the development would not harm the vitality or viability of Ryedale's town centres. Paragraph 27 of the NPPF states '*Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.*' In light of this, it is officers view that the development has failed to meet the requirements of NPPF and Policy SP7 the Ryedale Local Plan Strategy.

ii) Sustainability

7.6 A fundamental objective of current planning policy is the issue of sustainability. Paragraph 14 of the NPPF and Policy SP19 of the Ryedale Local Plan Strategy, seek to ensure a 'Presumption in Favour of Sustainable Development'. In this case, the introduction of an A3 restaurant use which is clearly in the open countryside would potentially detract and draw trade from the District's town centres. It can also only be accessed through private transport and considered to constitute an unsustainable form of development contrary to the requirements of the NPPF and Policy SP19 of the Ryedale Local Plan Strategy.

7.7 Paragraph 28 of the NPPF does provide support for the sustainable growth and expansion of all types of business and enterprise in rural areas; and support for sustainable rural tourism that benefit businesses in rural areas. In this case, the proposal is not considered to be a sustainable form of development and the development is considered to be contrary to the provisions of Paragraph 28 of the NPPF.

iii) Other Concerns

7.8 Policy SP13 of the Ryedale Local Plan Strategy seeks to protect Ryedale's landscapes. In considering landscape character Policy SP13 states that '*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 ambience of the area, including nocturnal character, level and type activity and tranquillity, sense of enclosure / exposure.*'

7.9 With regard to residential amenity Policy SP20 of the Ryedale Local Plan Strategy is relevant. This states '*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.*' In this case Members will note that this site is located adjacent to 'Wrens Caravan Park'. The impact of the development on the neighbouring caravan park, its visitors, and the adjacent residential property needs to be considered.

7.10 A key concern relating to both the landscape character and residential amenity is that of noise. By virtue of its construction the restaurant / canteen marquee provides little protection to the surrounding environment. When in use, or when events are held, this activity results in a level of noise being omitted. This will have a greater impact on the surrounding environment, and nearby residents, compared to a building of more permanent construction. It is clear from the objections received to planning application (14/00777/FUL) that the issue of noise is of great concern to nearby residents. It is also the view of officers that the levels of activity associated with the use, the comings and goings of customers to the restaurant, result in harm to the nocturnal character of this quiet country and the overall tranquillity of this part of the Area of High Landscape Value. The development is therefore contrary to the requirements of Policy SP13 of the Ryedale Local Plan Strategy.

7.11 Members will note that the Local Planning Authority has also received concerns that a Class A5 takeaway use is operating from the site. The use of the site for these purposes is likely to generate higher and more frequent levels of activity that would impact further on the character of the surrounding area and the amenity of nearby residents. An update will be provided to Members at the Planning Committee Meeting in respect to the take away services currently offered at the site.

8. WHY IS IT CONSIDERED EXPEDIENT TO SERVE A NOTICE?

8.1 The harm created by this development, and the reasons why it is considered expedient to serve an enforcement notice are outline below:

1. The principle of siting the restaurant use in an open countryside location is unsustainable and therefore contrary to the requirements of the Paragraph 14 and 28 of the NPPF and Policy SP19 Ryedale Plan - Local Plan Strategy.
2. The site owner has not provided a sequential test argument or any persuasive evidence for the A3 restaurant use to be located on the site outside of a town centre. As a result, it has not been demonstrated that the development would not be materially harmful to the vitality or viability of Ryedale's town centres. The development is therefore contrary to the requirements of Section 2 of the NPPF and Policy SP7 of the Ryedale Local Plan Strategy.
3. The restaurant use and associate events and activities result in harm to the overall ambience of the area impacting upon the nocturnal character and tranquillity of the open countryside. As a result, the landscape character of the surrounding area, and the amenity levels of nearby residential properties are materially harmed. As such, this proposal would be contrary to the requirements of Policy SP13 and Policy SP20 of the Ryedale Local Plan Strategy.

9. STEPS NECESSARY TO REMEDY THE BREACH

9.1 This report seeks authorisation to serve a formal enforcement notice for the cessation of the use of the canteen marquee as a restaurant and return it to that of campsite (sui generis) use. In order to ensure the use is ceased the following steps shall take place:

1. Discontinue the use of the land for any purpose related to the A3 use of the canteen marquee including temporary uses, including events such as weddings and race days.
2. Remove any operational development associated to the A3 use, including the kitchen unit, from the land.

10. SUGGESTED PERIOD FOR COMPLIANCE WITH THE NOTICE

10.1 The suggested period for compliance is two months.

Recommendation

The Council Solicitor be authorised in consultation with the Head of Planning and Housing Services to issue an enforcement notice pursuant to section 172 of the Town and Country Planning Act 1990 (as amended) requiring the conformation with the requirements of the enforcement notices.

APPENDIX A
RESTAURANT INFORMATION

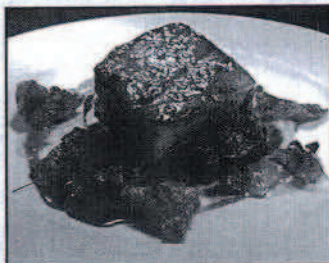


CANADIAN FIELDS

RYEDALE'S PREMIER GLAMPING EXPERIENCE

Open to Everyone!

'Gi Sukawaka' Restaurant



Is open for business "dining with a difference"

The restaurant is fully licensed selling a selection of fine wines bottled lagers and ales

Opening times

Breakfast served 7 days a week 8.30am-10 am (Booking would be helpful)

Dinner served 7 days a week 5.30pm – 9 pm

Lunch served Friday and Saturday 12pm – 2.30pm

Traditional Sunday lunch served 12pm – 3pm

Special Event Nights

Tuesdays Pie Night - A selection of pies with chips and peas £5

Wednesdays Steak Night 8-10 oz Sirloin steak £10

Friday Lunch Market Day Special - Soup and sandwich £3.50

Friday Night Eat in or take away fish and chips £5.50

Small shop on site selling homemade jams, chutneys, dressings, chocolates and biscuits. And of course the glamping for more details please visit the website for offers or for more details please phone 01439 772409

The perfect place for that special occasion

Bookings please call Jenny 01439 772409

Canadian Fields | Gale Lane | Nawton | Helmsley | YO62 7SD

www.canadianfields.co.uk info@canadianfields.co.uk



CANADIAN FIELDS

RYEDALE'S PREMIER GLAMPING EXPERIENCE

Evening Menu

Freshly Made Soup with Warm Crusty Bread £5.25

Chicken Liver Pate served with Apple Chutney £5.95

*Seafood Cocktail - Smoked Salmon, Crayfish & Prawns
with Marie Rose Dressing £6.50*

Hot & Sour Belly pork with an Apple & Balsamic Dressing £5.95

Gruyere Twice Baked Cheese Soufflé £5.25

*12oz Sirloin Steak grilled to your liking served with Mushrooms, Tomato,
Onion Rings £18.50 (Peppercorn Sauce £1.50)*

*Deep Fried Haddock served with Mushy Peas & Chips
Small £8.95 Large £11.95*

Traditional Steak & Ale Pie with a Short-crust Pastry Lid £10.50

*Mushroom, Parmesan & Spinach Risotto with a Light Drizzle
of Truffle Oil £8.95 V*

Breast of Chicken on a Thyme & Leek Dauphinoise Potato £11.50

*Sausages & Mash with Wholegrain Mustard & Cabbage Mash
with Onion Gravy £10.50*

*Fillets of Sea Bass on a Bed of Buttered Samphire with a Lemon
Cream Sauce £11.95*

All Dishes are served with a Portion of Chips & Vegetables

Additional Portions are £2 each

APPENDIX B
PLANNING APPLICATION 14/00777/FUL
DOCUMENTS

Planning and Landscape Associates Ltd

Town Planning Consultants
Landscape Architects

87 Cop Lane, Penwortham, Preston, Lancashire PR1 9AH
Tel: 01772 743047 or 07913 840979
Email david.toff@homecall.co.uk

Our Ref: DT/AT/J14A

15th August 2014

Development Control
Ryedale District Council
Rydale House
Malton
YO17 7HH

For the attention of Mr. Matthew Mortonson

Dear Sirs

CANADIAN FIELDS CAMPING GROUND, GALE LANE, NAWTON YO62 7SD

CHANGE OF USE FROM CANTEEN TENT ANCILLARY TO CAMP SITE TO CANTEEN TENT NOT ANCILLARY TO CAMP SITE

WITHDRAWL OF PLANNING APPLICATION No 14/00777/FUL

Having taken advice from John Barrett of Kings Chambers I am writing to advise you that I wish to **withdraw** Application No. 2014/00777/FUL at Canadian Fields, Gale Lane, Nawton.

The advice is that the general public can be served in the restaurant on site under approval 13/01122/73AM.

The advice concludes:

- (a) The planning permissions in this case do not incorporate any of the applications that were made to the LPA and therefore the general rule is that it is impermissible to interpret the planning permission by reference to extraneous documents including the planning application.
- (b) There is no ambiguity in the planning permissions granted that would otherwise allow reference to the planning application and any supporting documents as an aid to interpret the meaning of the planning permission and its conditions.
- (c) In any event, the planning permission that governs the operation of this site is that granted on 16th December 2013. The application that supported that the grant of planning permission, even if was to be regarded as incorporated, would not have included the Supporting Statement of the original 2011 application/permission.
- (d) In any event, the wording of Paragraph 4.15 of the Supporting Statement is unclear and ambiguous itself. It is not sufficiently clear to "imply" a restriction on users of the canteen marquee to those occupying the tents.

Directors: David Toff Dip TP(Dist) Dip LD MRTP(MU) and Audrey Toff

Company No. 6188596

I will shortly submit a Material Minor Amendment Application for the kitchen element and I trust that, along with the remaining application 14/0779/FUL, this will resolve all the outstanding issues.

Yours faithfully

David Toft

DAVID TOFT

Copy to: Miss J. Bulmer

MMO
27/08/2014
TSC

objection

RYEDALE DC

27 AUG 2014
DEVELOPMENT
MANAGEMENT

Mr J Thompson
Nawton Green Fisheries
Nawton
York
YO62 7SW

24 August 2014

Application No: 14/0777/FUL

Dear Mr Mortonson,

Thank you for your letter of 19 August 2014.

It is my understanding that Miss Bulmer, after taking legal advice, has decided that she does not need planning permission for her restaurant and takeaway business because Ryedale District Council did not properly condition her first planning consent. Is my interpretation of her "withdrawal letter" (by Planning and Landscape Associates Ltd) correct?

My business is still suffering because of Canadian Fields restaurant and takeaway. I am sure that you can appreciate how it feels to be undercut by a business trading illegally. I cannot understand why the applicant has been allowed to build a catering kitchen without any planning permission and with no enforcement action being taken. I am a small business really struggling to make ends meet in these economically challenging times. I have worked hard, paid my taxes and complied with all the regulations placed upon me. It is not right that my business is suffering because Ryedale District Council is allowing Miss Bulmer to flout the law.

Your letter of 19 August 2014 stated "no further action" will be taken by the council. Is this just in relation to the planning application? What about Highways issues in relation to parking? What about enforcement in relation to the kitchen? If permission for a takeaway food service has never been granted, why has no enforcement action been taken?

I have asked only 5 questions in my letter to you and would appreciate answers to those questions.

Yours sincerely,

MMO

OBJECT.

Glenys Yates

From: WADE DAVID
Sent: 10 August 2014 12:38
To: Development Management
Subject: planning application 14/00777/FUL

Dear sir or madam Objection to planning application 14/00777/FUL I have just recieved an email sent to development management@ryedale.gov.uk from Mrs Pinder. I am also a owner of a static caravan on wrens and i would like to object to planning permission for canadian fields for all the same reasons as Mrs Pinder. The noise on saturday the 26 july was unacceptable. I spoke to the environment office on monday the 28 july about the noise level. Thank you Mrs sandra Wade

RYEDALE DM

11 AUG 2014
DEVELOPMENT
MANAGEMENT

10 BIRCH
AVENUE
LEPTON
HUDDERSFIELD
HD8 0HP.

MMO

RYEDALE :

13 AUG 2014

DEVELOPMENT
MANAGEMENT

FAO. MR M. Mortenson.

PLANNING APPLICATION No 14/00777/FOL.

RE CANADIAN FIELDS, SAULAWI NATION. Y062 75D.

Holiday Patch
Holder @

Wrens of Ryedale
SAULAWI
NATION
HILMSLEY
Y062 75D

Home

N.L. HEIGHTON
ANTLER LODGE
49 MUSEUMS
RYTON
NE404XL
11/8/2014.

Dear Sir,

Further to my letter of 2 weeks ago, the applicant's wanting permission to serve customers, in her existing facilities, not staying on the site. The applicant has not applied to have additional facilities to cater for 'Functions'

on the weekend of 8/8 to the 11/8/2014 a huge Marquee was erected and removed with the associated noise of erecting, bringing tables chairs etc and other items. The Music was much reduced from 2 weeks ago but, as it is a Tent, one can hear tracks played, or sections of tracks before they decide it is not what they want, and singing.

This is not what they are applying for, but regardless of having 19 camping units in operation, at the weekend, the site is becoming a diner, with the camping often a secondary feature, especially during the week. This affects those of us that camp regularly on the adjoining field - Wrens - as my wife and I do, and with my grand child over the above weekend 7/8 to 11/8/2014.

The Public use, of the dunes, if the site facilities will also reduce the desire of the "glampers" to book as they no longer have exclusive use of the toilets and other items pertinent to campers.

Yours sincerely

MMO
15/08/2014
TJC

Mel Warters

From: dm@ryedale.gov.uk
Sent: 14 August 2014 22:03
To: Development Management
Subject: Comments for Planning Application 14/00777/FUL

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 10:01 PM on 14 Aug 2014 from Mrs Linda Green.

Application Summary

Address: Canadian Fields Gale Lane Nawton York YO62 7SD

Proposal: Change of use from canteen tent ancillary to the campsite for customers staying on the campsite to canteen tent not ancillary to the campsite that is open to customers both from the campsite and customers not staying on the campsite (retrospective application).

Case Officer: Matthew Mortonson

[Click for further information](#)

RYEDALE DM

15 AUG 2014

DEVELOPMENT
MANAGEMENT

Customer Details

Name: Mrs Linda Green

Email:

Address: 38 Cleveland Way, Shelley, Huddersfield HD8 8NQ

Comments Details

Committer Type: Neighbour

Stance: Customer objects to the Planning Application

Reasons for comment:

Comments: OBJECTION TO PLANNING APPLICATION NO. 14/00777/FUL This is an objection to the above retrospective planning application, for change of use from canteen tent ancillary to the [Canadian Fields] campsite to canteen tent not ancillary to the campsite that is open to customers both from the campsite and customers not staying on the campsite. and the holding of functions within the canteen tent/restaurant particularly. I write as the owner of a caravan holiday home sited on the Wrens of Ryedale Caravan Park, which is immediately adjacent to Canadian Fields. I would like to make some objections to and observations about this planning application, which I trust will be taken into account when a decision is made by the Planning Committee. I note that in paragraph 1.5 of the supporting document for this application that "This application is submitted retrospectively following a visit from the Council's Enforcement Officer. The officer's view was that"the Local Planning Authority would not be able to support this development should a planning application be submitted". I am therefore not alone in

believing that there are strong grounds for refusing this application, and I lay out my objections below. By far the strongest objection I have to this planning application is the additional noise and disturbance that will almost certainly be generated by the restaurant, in particular when functions are held. Paragraph 2.6 of the supporting document for this planning application states that "There has been no demonstrable harm to the environment or local amenity by the use of the canteen tent by non-paying customers". This is simply untrue, as there have already been several incidences of noise and disturbance which the owner has failed to control, despite being resident on site (in another contravention of the original planning application (Retrospective application 14/00779/FUL). The worse and totally unacceptable incident occurred on Saturday 26th July 2014 when additional tepees were erected for a wedding reception, although several more less intrusive incidents had taken place prior to this. A live band and disco played extremely loud music until the early hours of Sunday morning, (1.45am), disturbing my family and my own peace, sleep and well-being to such a point I felt it necessary to contact the emergency local environmental health team, who were unable to help out of office hours. Unfortunately, the music and disturbance continued causing further upset and distress. With every window closed (even though it was an extremely hot night), I could hear every word that was spoken by the DJ/host and could feel the music vibrating. On contacting the environment health team for a second time, I was advised to ring the police, (which I did at 21.46pm) and report the situation to Ryedale council on the Monday morning. After enduring more hours of the disturbance and loud music I called the police once again at 12.12am. Finally peace was restored at 1.45am. I know others have already reported this incident to the Council's Environmental Health Officer Paul Hunt, who therefore has the full details. In his response to Christine Pinder's (another resident of Wrens) email, Mr Hunt stated "Please be assured that appropriate steps will be taken to avoid any future occurrences of this nature". I do hope so. This is a retrospective application, because the Canadian Fields restaurant/canteen tent has been open to both campsite users and the general public for several months, advertising widely in the local area, tourist press and on social media. Indeed their 'first function/wedding reception' of 26.7.14 was hailed a great success and I feel very strongly that no thought, consideration or attention to anyone else's welfare or well-being was taken into consideration. Finally, I would like to quote the Ryedale Local Plan, which states that "it is essential that the District's tourism industry can continue to develop but that this is achieved in a sustainable way which does not undermine some of the very special qualities...[including the] sense of tranquillity that visitors come to enjoy and experienceit is important that a balance be struck and that new tourist accommodation, attractions and facilities are located in places where the scale, nature of activity and visual intrusion can be accommodated". I feel strongly that if the retrospective planning application is granted

the councils very own vision for this wonderful, tranquil part of the district will be lost and many people will have no purpose to visit.

MMO
14/08/2014
TJC

Glenys Yates

OBJECT

From: Maria Taylor
Sent: 13 August 2014 19:31
To: Development Management; Matthew Mortonson
Subject: Canadian Fields - 14/00777/FUL

RYEDALE DM

OBJECTION – Re. Planning Application 14/00777/FUL

14 AUG 2014

Dear Sir/Madam,

DEVELOPMENT
MANAGEMENT

I write to object to the above retrospective planning application.

My wife and I own Wrens of Ryedale Caravan Park, Gale Lane, Nawton. My business and residential address are immediate neighbours of Canadian Fields.

My reasons for objecting are;

1. The applicants Supporting Statement is misleading and untrue e.g. Para 2.4 – The maximum number of diners the canteen tent can cope with in an evening is 60” yet the applicant states on Facebook that “.....ye old pie night we did a record 86 covers!!!”

2. The Canteen Tent/ Wigwam offers no sound proofing and therefore the noise from this establishment is having a detrimental impact on the amenity area for my business, my residence and the holiday homes of my customers. This is contrary to;

The Ryedale Plan – Local Plan Strategy SP20 which states;

Proposed uses and activity will be compatible with the existing ambience of the immediate locality and the surrounding area and with neighbouring land uses and would not prejudice the continued operation of existing neighbouring land uses.

National Planning Policy Framework para.123 which states planning policies and decisions should aim to: Identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

3. The planting scheme conditioned in the original application has not been completed. There is inadequate screening to the northern boundary.

4. There are neither footpaths nor street lights on the unclassified road serving this development. The national speed limit of 60mph applies to this stretch of road. This is dangerous for the extra pedestrian traffic that is generated through takeaway and restaurant visitors.

5. Allowing a restaurant to operate in a tent in a Greenfield site clearly disadvantages those neighbouring restaurants and takeaways who have invested in conventional buildings and trade legitimately.

In conclusion I ask;

Should the application be approved, the council consider attaching the following conditions;

1. Restrict the hours of opening to 11pm except on Christmas Eve and New Year's Eve.

2. Restrict the playing of amplified music to pre-recorded back ground music only at all times except Christmas Eve and New Year's Eve.
3. Ensure sound proofing is installed within the wigwam and along the northern boundary to reduce impact on neighbouring residents.

Yours faithfully,

David Taylor

MMO
13/01/2014
TS

Obiect

RYEDALE D

13 AUG 2014

DEVELOPMENT
MANAGEMENT

C Sleightholme
Walnut Cottage
East Ness
York
YO62 5YE

13/08/2014

Dear Sir,

Planning Application: 14/00777/FUL retrospective

Please note my objection to the above. The site has traded illegally to date. During that time, the noise pollution from the wigwam restaurant and the distress caused to neighbours (that has already generated Police involvement) evidence why this application should not be approved.

Yours faithfully,

MMO
13/08/2014
TSC

object

RYED

13 AUG 2014
DEVELOPMENT
MANAGEMENT

Mr J Thompson
Nawton Green Fisheries
Nawton
York
YO62 7SW

10 August 2014

Objection – Planning Ref: 14/0777/FUL

Dear Sir/Madam,

I am the owner of Nawton Green Fisheries. My fish and chip shop is located on the side of the A170 at the junction with Gale Lane, Nawton. This is also my home.

I have read the applicant's supporting statement and can only describe it as untruthful. The applicant has been running a restaurant and takeaway food business from her wigwam restaurant for several months.

The marketing of the restaurant and takeaway service has been extensive. Para.2.6 of the supporting statement reads "*the applicant has not deliberately set out to flout planning laws or actively marketed the canteen tent.*" The applicant has, in fact, built a catering kitchen without planning permission, operated a restaurant without planning permission and operated a take away service without planning permission. The applicant has attracted custom by advertising in local magazines, on local notice boards, in shops, fly posting and by personal visits to local campsites to promote the restaurant and takeaway.

Para.6.4 of the supporting statement claims there is a "*need and a demand for additional dining facilities*". My fish and chip shop and the Indian restaurant (in the village) are mentioned in this paragraph. The reality is that the applicant's restaurant and takeaway service is run from a tent without planning permission. Because the applicant is trading illegally, she has reduced her overheads and can thereby undercut other businesses that are trading legitimately. Two mobile fish and chip vans frequent the area, there is a burger van in lay-by just outside the village and the farm shop, just outside Beadlam, all selling food. The applicant must be kidding when she says "*there is a need and demand*". We do not need any more food outlets. My takings are down since Canadian Fields started trading illegally. I expect the local Council to protect businesses like mine. After all, I suspect the Council will not want to reimburse my loss of earnings caused by a business operating unlawfully.

The level of noise pollution recently experienced from the development (more than 500 yards from my house and still audible at midnight) and the detrimental impact the illegally operating restaurant and takeaway has had on my business are two points I urge you to consider when making your decision.

Yours faithfully

MMO
13/08/2014
TJC

Object

RYEDALE L
13 AUG 2014
DEVELOPMENT
MANAGEMENT

Mr Kalam Shah
Desi Spice Club
Main Road
Beadlam, Newton
York
YO62 7SU

11/08/2014

Dear Mr Mortonson,

OBJECTION

I object to retrospective planning application ref. 14/777/FUL. The applicant has not considered the effect on the local area and businesses despite her claim in the supporting statement, paragraph 6.5;

".....the local pub does not offer food leaving only the fish and chip shop and Indian restaurant in the village offering a takeaway and dining facility. Currently there is a need and demand for additional dining facilities in the local area so other rural businesses are not being harmed by this proposal."

This is not true. I own the Indian Restaurant and Takeaway in the village of Beadlam and I am being harmed by this illegal operation of a restaurant and takeaway. I have worked hard to pay for my business and find it wrong that consideration can be given to an application whose reason for breaking the law is lack of bank funding. By flouting planning law the applicant has saved herself a lot of expense however only at the cost of others.

In addition to the obvious breach of planning law this development is in the totally wrong location. The noise I have experienced late at night emanating from that development is something I would not expect to hear in a city let alone in rural Ryedale. I am governed by strict regulations regarding noise and have the ability to close windows and doors to reduce the impact on my neighbours and the surrounding area. This is impossible when the restaurant is built of canvas and so we all have to suffer.

Yours sincerely,

MMO
13/08/2014
DK

OBJECTION

Mr M Grylak
15 Fairfax Close
Ampleforth
York
YO62 4DW

RYEDALE

13 AUG 2014

DEVELOPMENT
MANAGEMENT

13 August 2014

Dear Sir/ Madam,

Objection – Planning application 14/00777/FUL retrospective

Please note my objection to the above planning application. I do not believe that a field, outside the village planning limits, is an appropriate location for a restaurant. I do not believe that a tent is an appropriate structure for a restaurant when one considers the potential for noise pollution.

Yours faithfully,

M Grylak

MM10
13/08/2014
DC

Objection

Mr B Hall
Hallsview
Wapping Lane
Gt. Edstone
York
YO62 6PD

RYEDALE

13 AUG 2014

DEVELOPMENT
MANAGEMENT

13 August 2014

Dear Sir/ Madam,

Objection – Planning application 14/00777/FUL retrospective

I wish to object to the above retrospective planning application to allow Canadian Fields Restaurant to continue to trade on Gale Lane, Nawton.

There are no footpaths from the village to the proposed site. There are no street lights from the village to the proposed site. There is, however, a blind bend at a point where the road narrows. I believe there is the potential for a serious road traffic collision should this permission be granted.

Yours faithfully,

MMO
13/08/2014
TSC

Object

Mrs Maria Taylor
Birchfield House
Gale Lane
Nawton
York
YO62 7SD

RYEDALE DA

13 AUG 2014

DEVELOPMENT
MANAGEMENT

13 August 2014

Dear Sir/Madam,

I live next door to Canadian Fields and the Gisukawaka Restaurant (canteen tent/wigwam). The canteen tent is approximately 100m from my home. It is constructed of canvas. Attached to it is a wooden constructed entrance vestibule. Adjacent to the canteen tent is a catering kitchen constructed of wood on a concrete base. As the immediate neighbour to this site and my experience of living alongside it for the last six months I have found myself with no option other than to object.

I have read through the applicants Supporting statement and have found it to be misleading.

Paragraph 2.4 of the Supporting statement states "the maximum number of diners the canteen tent can cope with in an evening is 60." Yet the applicant states on Facebook at having 500 covers in one week (posted 2 June 2014), 86 covers in one evening (posted 24 July 2014) and their "very first wedding reception" (posted July 31 2014).

It states in the Supporting statement, paragraph 2.6, "The applicant has not set out to flout planning laws or actively marketed the canteen tent." The applicant has undertaken an aggressive marketing campaign in order to promote this new venture. Posters have been attached to bus stops, shop windows and village notice boards. Adverts have been placed in a local publication and on various internet sites, signs have been displayed at the entrance to the site and visits to other local campsites with promotional material have all been undertaken to name but a few.

Paragraph 3.1 claims "The site is bounded by hedgerows and recent tree planting to fulfil the landscape condition". The Landscape condition has not been fully implemented.

This is just a sample of contradictions found within the first two pages of the Supporting Statement. Individually they may appear to be immaterial, insignificant or possibly a simple mistake however collectively it does undermine the sincerity of the application and does not give a true reflection of the effect this establishment has had on the amenity area nor the drain on public funding which it will have if allowed to continue.

The applicant has failed to consider the impact of the development on the surrounding landscape and has not designed the site to reduce adverse effects. Whilst the applicants' initial application described this facility as "similar to the catering tents seen at country shows" it has in fact grown to a 7 meter high wigwam with attached wooden entrance vestibule and a wooden built kitchen alongside. The site is located in an Area of High Landscape Value and whilst the design of the wigwam may appear novel or highly attractive due to its unusual design the sheer sprawl of buildings within this development site is highly visible from the A170 and does not respect the character of the area in which they sit. This restaurant has been built on a Greenfield site and has

operated for approximately 4 months without the appropriate consent. NPPF 3 however states such developments should be supported “where identified needs are not met by existing facilities in rural service centres” and that planning policy should “promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.” The villages of Nawton and Beadlam currently have a Fish and Chip Shop, Indian Restaurant and a Public House. Food establishments in these service villages are very much available and in desperate need of custom. The applicant claims “...currently there is a need and a demand for additional dining facilities in the local area so other rural businesses are not being harmed by this proposal.” Yet all three establishments are available for sale due to lack of custom and fear closure. The applicant goes on to say “if the enabling funding were to be lost this would delay completion of the development and would lead to a loss of employment and tourist income.” Funding in today’s climate has had an effect on everyone and whilst NPPF 3 supports economic growth it does not support the granting of planning permission due to a lack of funding. We need to protect the services the village has to offer and the employment these establishments already provide.

Due to the fact that this restaurant is constructed of canvas there is no sound proofing on offer. The applicant states in para 2.6 “there has been no demonstrable harm to the environment or local amenity by use of the canteen tent by non-staying customers.” Unfortunately no consideration has been made to the effect on the amenity area. The noise generated by large groups under canvas cannot be disguised or contained in a canvas structure. There have been several recorded incidents of noise disturbance in last 4 months not only from the users of the canteen tent but from customers pitching tents on the remaining area of land. The applicant does not abide by the conditions of Ryedale District Council Site Licence. A condition of this licence, amongst many other conditions, states that “the licensee by himself or a person employed by him for the purpose shall maintain adequate supervision of the site so as to ensure strict observance of the conditions and good conduct of the site”. Yet despite the applicant living on site no efforts have been made to control the noise coming from this establishment in fact quite the opposite. Unfortunately this has resulted in Police and Ryedale District Council Pollution Control Officer involvement after the applicant closed the campsite in favour of hosting a wedding reception. This involved the erection of two further wigwams, a live band and a disco. Whilst the applicant did apply to Ryedale District Council for a Temporary Event Notice it failed to take in to consideration the massive impact it would have on such a peaceful area. The music did eventually stop at 1.40am after the Police attended however this was followed by the fallout from such an event. The undeveloped area of the “glamping site” usually used for standard tents was utilised as a car park.

NPPF para.123 states planning policies and decisions should aim to:

- Avoid noise from giving rise to adverse impacts on health and quality of life as a result of new development;
- Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- Recognise that development will create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land use since they were established; and
- Identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

I believe that the use of this canteen tent as a restaurant, with an alcohol and music licence, open to the public is a direct contravention of this policy. A canvas tent does not offer any protection to me in the adjacent residential property. I believe the proposed development has a dominating impact on me and my right to the quiet enjoyment of my property. I would urge the council to consider its responsibilities under the Human Rights Act in particular Protocol 1, Article 1. This states that a person has the right to peaceful enjoyment of all their possessions which includes the home and other land. Additionally, Article 8 of the Human Rights Act states that a person has the substantive right to respect for their private and family life. In the case of *Britton vs SOS* the courts reappraised the purpose of the law and concluded that the protection of the countryside falls within the interests of Article 8. Private and family life therefore encompasses not only the home but also the surroundings.

I believe that the visual impact and noise generated by this development to date has evidenced why this application should be refused. The application does not comply with National and Local Policies.

The Ryedale Plan – Local Plan Strategy SP20 states;

“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 land uses and would not prejudice the continued operation of existing neighbouring land uses.

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.”

In conclusion I ask, should the application be approved, the council consider attaching the following conditions;

1. Restrict the hours of opening to 11pm except on Christmas Eve and New Year's Eve.
2. Restrict the playing of music to pre-recorded back ground music only at all times except Christmas Eve and New Year's Eve.
3. Ensure sound proofing is installed within the wigwam and along the northern boundary to reduce impact on neighbouring residents.

I would be grateful if the council would take my objections into consideration when deciding this application.

Yours faithfully

MMO
12/08/2014
TSC

MANAGEMENT
DEVELOPMENT
12 AUG 2014

Support.

High Farm
Beadlam Rigg
Pockley
North Yorkshire
YO62 7TG

Dear Mr Mortonson

RYEDALE DM

RE: 2014/00774FUL – Canadian Fields, Restaurant Application

We write in support of this application.

The NPPF strongly supports the rural economy and diversification away from agriculture, especially where it is creating jobs and spending within the area and also increasing community facilities and meeting points for communities to get together. Canadian Fields has very quickly become a pleasant and attractive meeting and eating place which is something that is limited supply in the locality.

The Council should support a young individual who's determination to succeed has meant that she was undeterred when the banks would not lend her the necessary money to complete this project. Jenny has developed the business in a manner which means that there are:

- **no changes to the appearance of the site;**
the restaurant would be there whether it served only those on site or not
- **no increase in the intensity of its use above that which has already been approved;**
the restaurant caters for 60 covers. The approved scheme accommodates 133 bed spaces. Once fully developed the catering will be self-limiting as residents will fill the restaurant and therefore there will not be space for non-residents.
- **There is no detrimental impact on the neighbours**
Non-resident diners do not generate any more noise than resident ones.
- **Therefore we can see no increase in the impact that the current proposal has on the surrounding locality, above that which has been approved already.**

The original permission did not preclude the catering for non-residents, which was an option open to the Council at the point of determination and therefore the applicant did not consider that this would be an issue when trying to generate more funds to develop the rest of the site in line with her approval. The 50+ bookings that she has most nights speak for themselves as to how popular this venture is and how successful it is in bring revenue into the area, especially when food has not been served at the village pub for a number of years now.

As competition is not a planning consideration, and as stated above, there is no increase in the level of activity above that already approved and no change in appearance, it is hard to see what the issue is with where the diners choose to sleep once they have eaten in this exceptional quality restaurant with a very unique dining experience.

Please support this local business lady as Ryedale could do with more like her with such determination to be successful.

I would therefore encourage Officers and Members to approve this application as there is no demonstrable harm above that which has already been approved.

Yours sincerely

Mr & Mrs I Teasdale

MMO
11/08/2014
TJC

OBJECTION

Glenys Yates

From:
Sent: 10 August 2014 11:41
To: Development Management
Subject: Planning application 14/00777/FUL

RYEDALE DM

11 AUG 2014
DEVELOPMENT
MANAGEMENT

Dear Sir or Madam

OBJECTION TO PLANNING APPLICATION NO. 14/00777/FUL

This is an objection to the above retrospective planning application, for change of use from canteen tent ancillary to the [Canadian Fields] campsite to canteen tent not ancillary to the campsite that is open to customers both from the campsite and customers not staying on the campsite.

I write as the owner of a static caravan holiday home sited on the Wrens of Ryedale Caravan Park, which is immediately adjacent to Canadian Fields. This is my seventh seventh year on this site.

I would like to make some objections to and observations about this planning application, which I trust will be taken into account when a decision is made by the Planning Committee. I note that in paragraph 1.5 of the supporting document for this application that "This application is submitted retrospectively following a visit from the Council's Enforcement Officer. The officer's view was that the Local Planning Authority would not be able to support this development should a planning application be submitted". I am therefore not alone in believing that there are strong grounds for refusing this application, and I lay out my objections below.

By far the strongest objection I have to this planning application is the additional noise and disturbance that will almost certainly be generated by the restaurant. Paragraph 2.6 of the supporting document for this planning application states that "There has been no demonstrable harm to the environment or local amenity by the use of the canteen tent by non-paying customers". This is simply untrue, as there have already been several incidences of noise and disturbance which the owner has failed to control, despite being resident on site (in another contravention of the original planning application). By far the most intrusive incident occurred on Saturday 26th July this year, when two additional tepees were erected for a wedding reception, one of which was less than 100 yards from the Wrens of Ryedale Caravan Park boundary. Not all the attendees at this reception would be paying customers of Canadian Fields, so this is a clear example of non-paying customers causing harm to local amenity by using the canteen tent (and the two additional tepees), therefore refuting the above statement from the supporting document.

During the wedding reception, in the tepee nearest to the Wrens boundary, a live band played, followed by a disco. The extremely loud level of noise from both the music and the people attending the reception were only controlled when a user of Wrens called the police out, who ordered the music to be switched down. This was at approximately 1.40am on the Sunday 27th. I and others have already reported this incident to the Council's Environmental Health Officer Paul Hunt, who therefore has the full details. In his response to my email, Mr Hunt stated "Please be assured that appropriate steps will be taken to avoid any future occurrences of this nature". I would strongly recommend that the first step be to refuse this application.

1

I understand that the owner of Canadian Fields was granted a Temporary Event Notice (TENS) for this event, so I would suggest that if this planning application were by any chance to be granted (and I sincerely hope it is not), the owner would be very likely to apply for further TENS in the future. If this happens, any TENS granted should have strict conditions attached, such as music to stop at 11pm. I note that the general guidance on TENS states that doors and windows should be closed if music is to continue later than this, but this is impossible in a tent, which has absolutely no sound proofing in the first place. In addition, the original planning permission for the Canadian Fields site laid down the screening/planting that must take place, which might help to disguise noise from the canteen tent. The owner has planted the screening along the Wrens boundary, but has not planted all the screening within her own site in the area which is nearest to Wrens, despite the supporting document for this planning application stating otherwise.

Finally on this point, I note on your website that Environmental Health Officer Serena Williams had no objection to this planning application, and she made no further observations. However, her response is dated 23rd July 2014, three days before the above incident took place.

Still on the issue of noise, some reviews by Canadian Fields users on the website www.pitchup.com need to be highlighted, as several mention noise on the site. For example, one review states that users "were kept awake by noisy campers". The same applies to the users of Wrens, and if the restaurant is to remain open to non-campers, further noise and disturbance will be generated, in addition to that already endured.

The impact of the above incidences of noise, disturbance and harm to local amenity is heightened by the fact that the immediately adjacent Wrens of Ryedale is advertised as a "quiet, family run caravan holiday park, ideally located for a peaceful stay in the country". On the above occasions, this was far from the case, due to factors completely out of the control of the park owners. In addition, one of the park rules is "No noise after 10.30pm. The strict enforcement of this rule by the owners is welcomed by the residents, as peace and quiet is what they come to Wrens for.

Moving on to another observation, this is a retrospective application, because the owner of Canadian Fields has in fact been opening her canteen tent to both campsite users and the general public for several months, in clear contravention of the original planning permission for the campsite. Furthermore, this contravention has not been "hidden" in that the owner has conducted a fairly wide ranging advertising campaign, despite the statement in the supporting document (paragraph 2.6) that "The owner has not deliberately set out to flout planning laws or actively marketed the canteen tent. One advert was placed in the Yorkshire Advertiser and a sign was displayed at the gate". I would like to point out that as well as using these marketing tools, the owner has also posted advertisements on local lamp posts and trees, given out menus to those enquiring about the restaurant, and posted numerous advertisement-like posts onto the Canadian Fields Facebook page, some advertising things as pie and curry nights at the restaurant. Facebook is a very strong marketing tool in the digital age, so it can hardly be said that the owner has not "actively marketed the canteen tent". If this planning application is approved, the owner will step up her marketing, generating more people in the restaurant and therefore even more noise and disturbance.

In another open contravention of the original planning application, the owner of Canadian Fields has been taking touring caravans, camping tents, mobile homes and camper vans on the site ever since it opened. This would presumably have generated some income, which would in turn appear to refute at least in part, the statement in paragraph 1.7 of the supporting document that "The development should be viewed as enabling development that is required to fund the completion of the approved glamping enterprise".

Finally, I would like to mention the Ryedale Local Plan, which states that "it is essential that the District's tourism industry can continue to develop but that this is achieved in a sustainable way which does not undermine some of the very special qualities...[including the] sense of tranquillity that visitors come to enjoy and experience". As described above, this sense of tranquillity has already been intruded upon by the presence of the canteen tent and by its users, and the noise and disturbance will continue and most likely get worse if this planning application is granted.

The Ryedale Local Plan goes on to say that "it is important that a balance be struck and that new tourist accommodation, attractions and facilities are located in places where the scale, nature of activity and visual intrusion can be accommodated, for example in terms of the character and sensitivity of the locality". In fact, the canteen tent does intrude visually on the local landscape, in that it is clearly visible not only from Wrens (where the static and touring caravans and most of the buildings are lower in height), but also from the main A170 road. In addition, it is on a greenfield site, and I would suggest that a restaurant would be better situated in a village, rather than in the middle of a quiet rural area.

I trust that my objections and observations will be taken into account by the Planning Committee when making a decision on this application, and I strongly recommend that it be refused on the grounds laid out above.

Christine Pinder

Christine Pinder
27 Welbourn Walk
Norland Avenue
Hull HU4 7ST

MMO
04/07/2014
TSC

NL HEIGHTON
season pitch where 2-4 2 night
WHERE OF RYSDALE
SAGE LANE
NANTON
HELMSEY
YO62 7SD

Home Object
ANTLER LODGE
49 Moss Crescent
Ryton
NE60 4SL

~~RYSDALE~~ DVA 2014

04-2016 2014

DEVELOPMENT
MANAGEMENT

PLANNING APPLICATION NO 14/00777/FUL.
RE CANADIAN FIELDS, SAGE LANE, NANTON YO627SD.
CASE OFFICER MR. MATTHEW MORTONSON.

Dear Sir, As an annual pitch hire, I am a regular user of the adjacent site to Canadian Fields, at Wrens, and both sites share a common boundary, I am 100mtrs from the caravan tent, and the whole of wrens is within 220mtrs of it. My wife and I, along with the other regular "residents" like to visit the area because of the tranquility and the wild life we see in the field next to both sites - Foxes, Deer, hares, Woodpeckers and much more besides.

- ① Canadian Fields claim that with only 3 glamping units on site means that they have to open to the public to "make ends meet" to finance the whole project. There is no mention that they have in fact been taking in touring caravans, camper vans and lots of tents which use their facilities and caravans.
- ② Section 6.3 of the support statement says that they have 1 full time and 14 parttime staff equating to 6 Full time jobs. I suspect that these figures are on the basis of large catering functions, as 3 glamping units and people providing their own camping does not require this number of staff.
- ③ On the 26th July they may have had 15 stall on site as they in fact closed their site to campers to cater for a wedding, with 2 additional "wigwams" being erected. This allowed for 100+ people on Wrens adjacent site (aged from 3 to 85, but most over 55) to experience what they envisage
 - a) by using tents, all noise, parking, speeches or music has no "deafening attenuation" by the canvas.
 - b) Microphones and amplifiers were in use.
 - c) Music played from 9pm at such volume that my caravan vibrated like like mains buzz. Such that you could feel it on the walls, the bed head fabric and the bed itself.

- d) If the warden was on site, why at 12-45 am, after 3 3/4 hours, could I only get hold of an answer machine to ask them to turn the music down, as it was hurting my wife's ears. (I had removed my hearing aids).
- e) Others had tried to contact the council re the noise but obviously the offices were closed till Monday.
- f) I believe that the Police called to Canadian fields site and the sound reduced at 1 AM.
- g) I believe that Canadian fields will use the Temporary Event Notice (TEN) to cater for events that will be noisy and disturb the peace and quiet of the area.

The repeated use of retrospective applications after they have contravened their original agreed plans and conditions shows that they are prepared to push the law as far as they can, in the hope you will be more sympathetic as it's already in use, as planning consultants are well aware of. When this is voted on by the council there are members with a conflict of interest. Can measures be put in place to ensure that a fair vote is held?

If you allow Canadian fields to finance their development in this way, it will be to the detriment of others that have had to develop their business the conventional way, and would in fact lose them money and the possibly the viability of their site if the disturbance caused the ^(several) pitch renters to move to other areas.

Please do not recommend approval of this application.

Yours sincerely

P.S. Sorry this letter is not typed but I am still on holiday.

APPENDIX C
PLANNING APPLICATION 11/00686/MFUL
DOCUMENTS

RYEDALE DISTRICT COUNCIL

TOWN & COUNTRY PLANNING ACT 1990 FULL APPLICATION FOR PERMISSION TO CARRY OUT DEVELOPMENT

RYEDALE DISTRICT COUNCIL, THE LOCAL PLANNING AUTHORITY, HAS CONSIDERED THIS APPLICATION AND HAS DECIDED IT SHOULD BE APPROVED SUBJECT TO THE CONDITIONS STATED BELOW:

Application No: 11/00686/MFUL

Proposal: Change of use of agricultural land to allow the siting of 19 no. tents on decking bases, erection of toilet and reception block and canteen marquee, change of use of agricultural building to winter tent store, formation of vehicular access, gravel site roads and paths, car parking and landscaping

at: Land At OS Field 5166 Gale Lane Nawton Heimsley

for: Miss Jennifer Bulmer

Decision Date: 28 September 2011

REASON FOR APPROVAL

The proposed development is in accord with the following development plan policies and there are no other material considerations that outweigh those listed development plan policies:

National Policy Guidance - PPS1 - 'Delivering Sustainable Development' 2005
National Policy Guidance - PPS7 - 'Sustainable Development in Rural Areas' 2004
Ryedale Local Plan - Policy ENV3 - Development in the Areas of High Landscape Value
Ryedale Local Plan - Policy TM3 - Chalet, cabin and static caravan development
Ryedale Local Plan - Policy TM4 - Touring caravan and camping sites
Ryedale Local Plan - Policy ENV7 - Landscaping
Ryedale Local Plan - Policy T3 - Access to the local highway network

CONDITIONS AND ASSOCIATED REASONS

- 01 The development hereby permitted shall be begun on or before 27 September 2014.
- Reason:- To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004
- 02 Unless otherwise agreed in writing with the Local Planning Authority there shall be no more than 19 safari type tents on this site at any one time.
- Reason:- In the interest of certainty and to protect the character and appearance of the area and satisfy Policy ENV3 of the Ryedale Local Plan.

Miss Jennifer Bulmer
C/O Planning & Landscape Associates Ltd (Mr D Toft)
87 Cop Lane
Penwortham
Preston
Lancashire
PR1 9AH

- 03 The units hereby approved shall be used for holiday accommodation only, and not for permanent residential accommodation.

Reason:- It is not considered that the application site is suitable for permanent residential site is suitable for permanent residential use because it lies within an area where Policy Preclude the development of permanent residential development except for agricultural or forestry purposes.

- 04 The owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual holiday units on the site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

Reason:- In the interests of residential amenity and to protect visitors and residents of the nearby 'Wrens Caravan Park'.

- 05 Before the development hereby permitted becomes fully operational a method statement for the operation and supervision of the campsite, including for out of office hours, shall be submitted to and approved in writing by the Local Planning Authority.

Reason:- To ensure a well managed facility that would not have an adverse impact on the character of the area or the amenity of nearby residents and visitors.

- 06 The holiday units on the site shall only be occupied between 1 March and 31 October in any one calendar year. During the time that the units are not occupied they shall be dismantled and the timber deckings protected.

Reason:- The site lies in an area where the provision of permanent residential accommodation is contrary to Policy and to satisfy the requirements of Policy TM3 of the Ryedale Local Plan.

- 07 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) submitted by P LA, Project Ref JO14, dated 14 June 2011 and the following mitigation measures detailed within the FRA:

1. The site access road is constructed of permeable materials.
2. Surface water runoff should be managed by infiltration methods as per section 6.2 of the FRA.
3. Before works commence soakaways should be shown to be effective for the disposal of surface water from this site and, if not, the applicant should be requested to resubmit amended proposals should how they propose to drain the site. It is therefore recommended that an appropriate assessment is carried out in accordance with BRE Digest 365.

Reason: To prevent flooding by ensuring the satisfactory disposal of surface water from the site.

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PR1 9AH

- 08 Unless otherwise agreed in writing with the Local Planning Authority the landscaping shown on Drw.No.06 shall be fully implemented within the next planting season following commencement of development. In the event of any plant material dying or become seriously diseased or damaged within a 5-year period of planting, it shall be replaced with similar species to a specification that shall first be agreed in writing with the Local Planning Authority, unless the Local Planning Authority give written consent to any variation.

Reason:- To enhance the appearance of the development hereby approved and to comply with the requirements of Policy ENV7 of the Ryedale Local Plan.

- 09 There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme of their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.

Reason:- In accordance with Policy T3 of the Ryedale District Local Plan and in the interests of highway safety.

- 10 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(es) 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 access shall be formed with 6 metre radius kerbs, to give a minimum carriageway width of 5 metres, and that part of the access road extending 10 metres into the site shall be constructed in accordance with Standard Detail number E7-E.

(iii) Any gates or barriers shall be erected a minimum distance of 10 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.

(iv) The final surfacing of any private access within 10 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.

Reason:- In accordance with Policy T3 of the Ryedale District Local Plan 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.

Miss Jennifer Bulmer
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Penwortham
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Lancashire
PR1 9AH

- 11 The development hereby permitted shall be carried out in accordance with the approved plans.

Reason:- For the avoidance of doubt and to ensure the satisfactory development of the site in accordance with the approved plans.

- 12 Notwithstanding the submitted details, at least 10% of the energy consumption of the development shall be derived from on-site renewable resources, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to commencement on site.

Reason:- In the interests of energy efficiency, and to satisfy the requirements of Policy ENV5 of the Regional Spatial Strategy.

INFORMATIVE(S)

- 01 In relation to Condition 10. You are advised that a separate license will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

NO CONSENT OR APPROVAL HEREBY GIVEN REMOVES ANY REQUIREMENT TO SERVE NOTICES OR SEEK APPROVAL FROM THE DISTRICT COUNCIL WHERE SUCH ACTION IS REQUIRED BY THE BUILDING ACT 1984 OR OF ANY OTHER STATUTORY PROVISION. NO PART OF THE PROPOSED DEVELOPMENT SHOULD BE STARTED WITHOUT COMPLYING WITH SUCH REQUIREMENT.



HEAD OF PLANNING

Miss Jennifer Bulmer
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87 Cop Lane
Penwortham
Preston
Lancashire
PR1 9AH

Development Control
 Ryedale House
 Malton
 YO17 7HH
 Tel: 01653 600666
 Fax: 01653 690834
 E-mail dc@ryedale.gov.uk



For office use only
 App No: 11/00686/MTNL
 Fee:
 Date Received: 06-07-11

Application for Planning Permission,
 Town and Country Planning Act 1990

Publication of applications on planning authority websites.

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

1. Applicant Name, Address and Contact Details

Title: Miss First name: Jennifer Surname: Bulmer

Company name: _____

Street address: Tariq _____
 Main Street _____
 Harome _____

Town/City: York

County: North Yorkshire

Country: United Kingdom

Postcode: YO62 5JF

Telephone number: _____
 Mobile number: _____
 Fax number: _____

Country Code: _____ National Number: _____ Extension Number: _____

Email address: _____

Are you an agent acting on behalf of the applicant? Yes No

2. Agent Name, Address and Contact Details

Title: _____ First Name: David Surname: Toft

Company name: P+LA

Street address: 87 _____
 Cop Lane _____
 Penwortham _____

Town/City: Preston

County: Lancashire

Country: England

Postcode: PR1 9AH

Telephone number: _____
 Mobile number: _____
 Fax number: _____

Country Code: _____ National Number: 01772 743047 Extension Number: _____

Email address: david.toft@homecall.co.uk

3. Description of the Proposal

Please describe the proposed development including any change of use:
 Change of use of agricultural land to allow siting of 19no. tents on decking bases and a canteen marquee. Erection of sectional building to provide toilet, office and reception facilities, change of use of agricultural building to winter tent storage formation of vehicular access, gravel site roads and paths and car park.

Has the building, work or change of use already started? Yes No

RYEDALE DISTRICT COUNCIL

06 JUL 2011

4. Site Address Details

Full postal address of the site (including full postcode where available)

House:	<input type="text"/>	Suffix:	<input type="text"/>
House name:	<input type="text"/>		
Street address:	GALE LANE		
	BEADLAM		
Town/City:	<input type="text"/>		
County:	<input type="text"/>		
Postcode:	YO62 7SD		

Description:

Description of location or a grid reference
(must be completed if postcode is not known):

Easting:	465624
Northing:	483871

5. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

Yes No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title: Mr First name: Dominic Surname: Smith

Reference:

N/A

Date (DD/MM/YYYY):

24/09/2010

(Must be pre-application submission)

Details of the pre-application advice received:

Concern at lack of existing screening. Development would not accord with Policies TM4 and ENV3 however the proposed site is next to an existing caravan park and this could assist.

6. Pedestrian and Vehicle Access, Roads and Rights of Way

Is a new or altered vehicle access proposed to or from the public highway?

Yes No

Is a new or altered pedestrian access proposed to or from the public highway?

Yes No

Are there any new public roads to be provided within the site?

Yes No

Are there any new public rights of way to be provided within or adjacent to the site?

Yes No

Do the proposals require any diversions/extinguishments and/or creation of rights of way?

Yes No

If you answered Yes to any of the above questions, please show details on your plans/drawings and state the reference of the plans/drawings(s)

Dwg. No J14/06 - Site Layout and Landscape Structure

7. Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste?

Yes No

If Yes, please provide details:

Compound

Have arrangements been made for the separate storage and collection of recyclable waste?

Yes No

If Yes, please provide details:

Separate bins in compound

8. Authority Employee/Member

With respect to the Authority, I am:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

Do any of these statements apply to you?

Yes No

9. Materials

Please state what materials (including type, colour and name) are to be used externally (if applicable):

9. (Materials continued)

Walls - description:

Description of existing materials and finishes:

N/A

Description of proposed materials and finishes:

Western Red Cedar boarding

Roof - description:

Description of existing materials and finishes:

N/A

Description of proposed materials and finishes:

Pantile profile steel sheets

Windows - description:

Description of existing materials and finishes:

N/A

Description of proposed materials and finishes:

Stained softwood

Doors - description:

Description of existing materials and finishes:

N/A

Description of proposed materials and finishes:

Stained softwood

Boundary treatments - description:

Description of existing materials and finishes:

Hedgerows

Description of proposed materials and finishes:

Native planting

Vehicle access and hard standing - description:

Description of existing materials and finishes:

N/A

Description of proposed materials and finishes:

Access from Gale Lane - Dense Bitumen Macadam
Internal site roads and parking areas - permeable gravel

Lighting - add description

Description of existing materials and finishes:

N/A

Description of proposed materials and finishes:

Low level bollard lighting

Others - description:

Type of other material:

Guttering

Description of existing materials and finishes:

N/A

Description of proposed materials and finishes:

Black uPVC

Are you supplying additional information on submitted plan(s)/drawing(s)/design and access statement?

Yes No

10. Vehicle Parking

Please provide information on the existing and proposed number of on-site parking spaces:

Type of vehicle	Existing number of spaces	Total proposed (including spaces retained)	Difference in spaces
Cars	0	37	37
Light goods vehicles/public carrier vehicles	0	0	0
Motorcycles	0	0	0
Disability spaces	0	24	24
Cycle spaces	0	0	0
Other (e.g. Bus)	0	0	0
Short description of Other			

11. Foul Sewage

Please state how foul sewage is to be disposed of:

Mains sewer Package treatment plant Unknown
Septic tank Cess pit

Other

Are you proposing to connect to the existing drainage system? Yes No Unknown

12. Assessment of Flood Risk

Is the site within an area at risk of flooding? (Refer to the Environment Agency's Flood Map showing flood zones 2 and 3 and consult Environment Agency standing advice and your local planning authority requirements for information as necessary.) Yes No

If Yes, you will need to submit an appropriate flood risk assessment to consider the risk to the proposed site.

Is your proposal within 20 metres of a watercourse (e.g. river, stream or beck)? Yes No

Will the proposal increase the flood risk elsewhere? Yes No

How will surface water be disposed of?

Sustainable drainage system Main sewer Pond/lake
 Soakaway Existing watercourse

13. Biodiversity and Geological Conservation

To assist in answering the following questions refer to the guidance notes for further information on when there is a reasonable likelihood that any important biodiversity or geological conservation features may be present or nearby and whether they are likely to be affected by your proposals.

Having referred to the guidance notes, is there a reasonable likelihood of the following being affected adversely or conserved and enhanced within the application site, OR on land adjacent to or near the application site:

a) Protected and priority species

Yes, on the development site Yes, on land adjacent to or near the proposed development No

b) Designated sites, important habitats or other biodiversity features

Yes, on the development site Yes, on land adjacent to or near the proposed development No

c) Features of geological conservation importance

Yes, on the development site Yes, on land adjacent to or near the proposed development No

14. Existing Use

Please describe the current use of the site:

Agriculture

Is the site currently vacant? Yes No

Does the proposal involve any of the following?

If yes, you will need to submit an appropriate contamination assessment with your application.

Land which is known to be contaminated? Yes No

Land where contamination is suspected for all or part of the site? Yes No

A proposed use that would be particularly vulnerable to the presence of contamination? Yes No

15. Trees and Hedges

Are there trees or hedges on the proposed development site? Yes No

And/or: Are there trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character? Yes No

If Yes to either or both of the above, you may need to provide a full Tree Survey, at the discretion of your local planning authority. If a Tree Survey is required, this and the accompanying plan should be submitted alongside your application. Your local planning authority should make clear on its website what the survey should contain, in accordance with the current 'BS5837: Trees in relation to construction - Recommendations'.

16. Trade Effluent

Does the proposal involve the need to dispose of trade effluents or waste? Yes No

17. Residential Units

Does your proposal include the gain or loss of residential units?

Yes No

18. All Types of Development: Non-residential Floorspace

Does your proposal involve the loss, gain or change of use of non-residential floorspace?

Yes No

Use class/type of use	Existing gross internal floorspace (square metres)	Gross internal floorspace to be lost by change of use or demolition (square metres)	Total gross new internal floorspace proposed (including changes of use) (square metres)	Net additional gross internal floorspace following development (square metres)
A1	Shops Net Tradable Area	0.0	0.0	0.0
A2	Financial and professional services	0.0	0.0	0.0
A3	Restaurants and cafes	0.0	0.0	0.0
A4	Drinking establishments	0.0	0.0	0.0
A5	Hot food takeaways	0.0	0.0	0.0
B1 (a)	Office (other than A2)	0.0	0.0	0.0
B1 (b)	Research and development	0.0	0.0	0.0
B1 (c)	Light industrial	0.0	0.0	0.0
B2	General industrial	0.0	0.0	0.0
B8	Storage or distribution	0.0	0.0	0.0
C1	Hotels and halls of residence	0.0	0.0	0.0
C2	Residential institutions	0.0	0.0	0.0
D1	Non-residential institutions	0.0	0.0	0.0
D2	Assembly and leisure	0.0	0.0	0.0
Other	Please Specify	330.0	0.0	386.0
	Total	330.0	0.0	386.0

For hotels, residential institutions and hostels, please additionally indicate the loss or gain of rooms:

Use Class	Types of use	Existing rooms to be lost by change of use or demolition	Total rooms proposed (including changes of use)	Net additional rooms

19. Employment

If known, please complete the following information regarding employees:

	Full-time	Part-time	Equivalent number of full-time
Existing employees	0	0	0
Proposed employees	1	6	3

20. Hours of Opening

If known, please state the hours of opening for each non-residential use proposed:

Use	Monday to Friday		Saturday		Sunday and Bank Holidays		Not Known
	Start Time	End Time	Start Time	End Time	Start Time	End Time	
Other							<input checked="" type="checkbox"/>

21. Site Area

What is the site area?

01.82 hectares

22. Industrial or Commercial Processes and Machinery

Please describe the activities and processes which would be carried out on the site and the end products including plant, ventilation or air conditioning. Please include the type of machinery which may be installed on site:

Not Applicable

Is the proposal for a waste management development?

Yes No

23. Hazardous Substances

Is any hazardous waste involved in the proposal?

Yes No

24. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land? Yes No
If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one)
 The agent The applicant Other person

25. Certificates (Certificate A)

Certificate of Ownership - Certificate A

Town and Country Planning (Development Management Procedure) (England) Order 2010 Certificate under Article 12

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/ the applicant was the owner (owner is a person with a freehold interest or leasehold interest with at least 7 years left to run) of any part of the land or building to which the application relates.

Title: Mr [] First name: David Surname: Toft
Person role: Agent Declaration date: 15/06/2011 Declaration made

25. Certificates (Agricultural Land Declaration)

Agricultural Land Declaration

Town and Country Planning (Development Management Procedure) (England) Order 2010 Certificate under Article 12

Agricultural Land Declaration - You Must Complete Either A or B

(A) None of the land to which the application relates is, or is part of an agricultural holding.

(B) I have/The applicant has given the requisite notice to every person other than myself/the applicant who, on the day 21 days before the date of this application, was a tenant of an agricultural holding on all or part of the land to which this application relates, as listed below:

If any part of the land is an agricultural holding, of which the applicant is the sole tenant, the applicant should complete part (B) of the form by writing 'sole tenant - not applicable' in the first column of the table below

Notice recipient		Date notice served
Name:	[]	[]
Number:	[] Suffix: []	
Street:	[]	
Locality:	[]	
Town:	[]	
Postcode:	[]	
Title: Mr [] First Name: David Surname: Toft		
Person role: Agent Declaration date: 15/06/2011	<input checked="" type="checkbox"/> Declaration Made	

26. Declaration

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information.

Date 06/07/2011

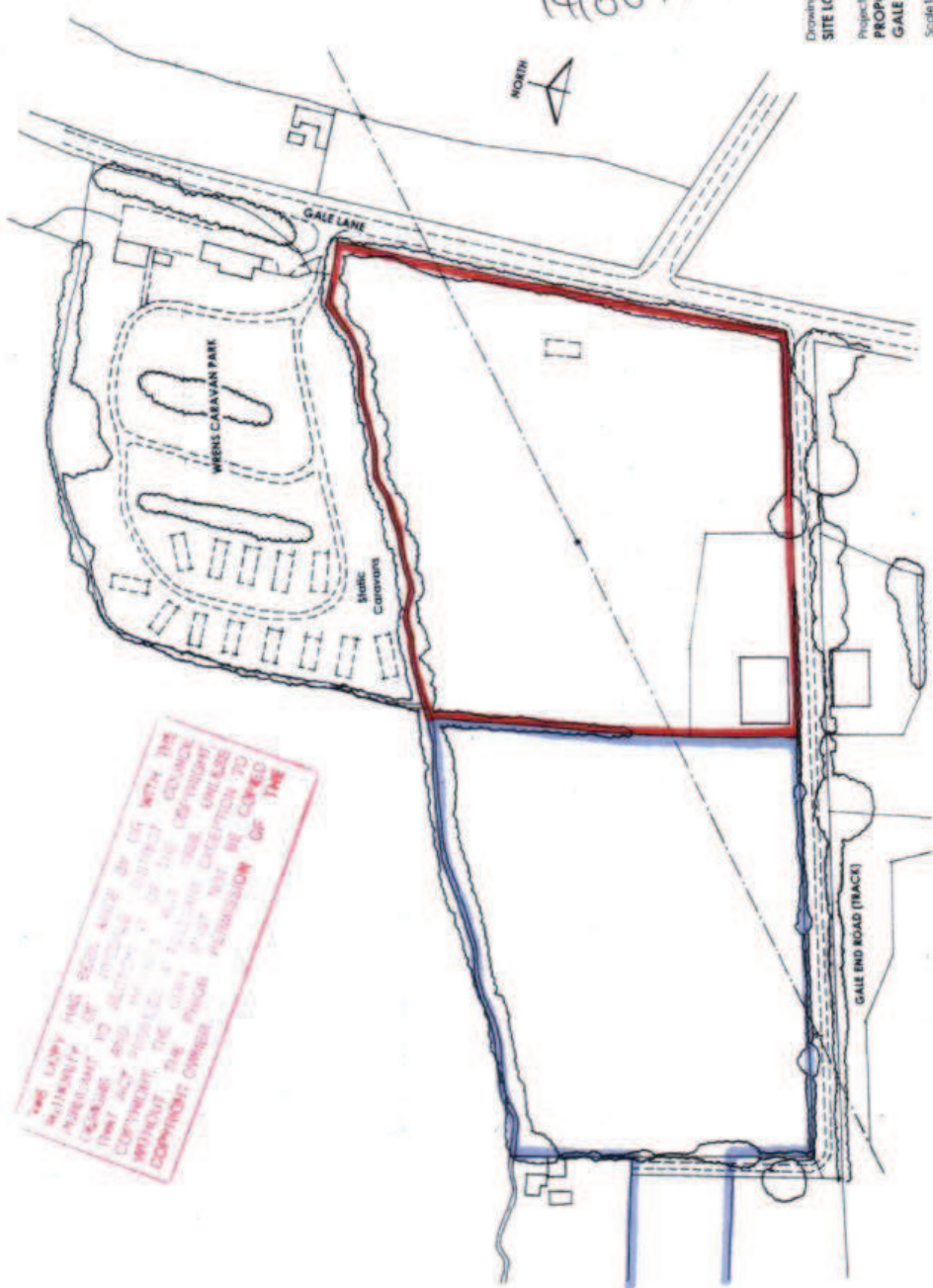
RYEDALE DM
 17 JUL 2014
 DEVELOPMENT
 MANAGEMENT
 14(00777) /ML

Drawing Title
SITE LOCATION PLAN

Project
**PROPOSED CAMPING GROUND
 GALE LANE BEADLAM YO62 7SD**

Scale 1:1250 Date: 02/2011
 Job Ref: J14 Dwg. No: 01

Planning and Landscape Associates Ltd
 Town Planning Consultants and Landscape Architects
 87, Cop Lane, Ripon, North Yorkshire, YO62 7SD
 Tel: 01773 743447 Email: info@plala.co.uk



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14/00777/FUL

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17 JUL 2014

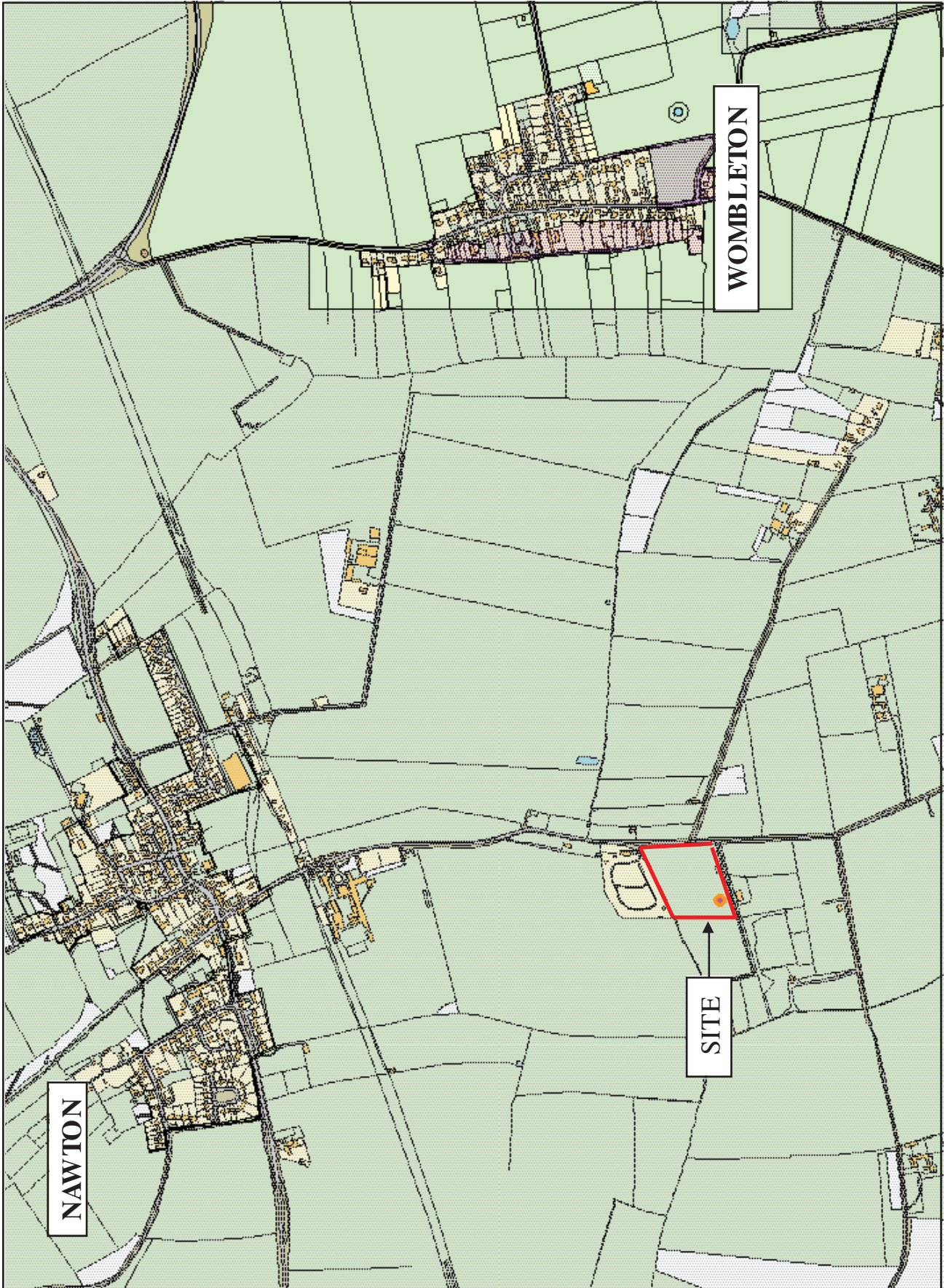
DEVELOPMENT MANAGEMENT



PROJECTED CLIMATE RECORD FOR 15 YEARS (1998-2012) AT GALE LAKE, EYEDALE
 Prepared and Published by: **Arup**
 Arup Ltd, 15, Abchurch Lane, London EC4A 3DF, UK
 Tel: +44 (0)20 7841 7000
 Fax: +44 (0)20 7841 7001
 www.arup.com



- KEY**
- EXISTING TREES AND HEDGEROWS
 - PROPOSED WOODLAND
 - PROPOSED NATIVE TREES
 - PROPOSED NATIVE HEDGE
 - PROPOSED ROSE HEDGE
 - PROPOSED GRASS AREAS
 - GRAVEL ROADS AND PATHS
 - PARKING SPACES / MOBILITY
 - SAFARI TENTS - 10x20 (10x10) (10x10)



Agenda Item 14

RYEDALE DISTRICT COUNCIL

APPLICATIONS DETERMINED BY THE DEVELOPMENT CONTROL MANAGER IN ACCORDANCE WITH THE SCHEME OF DELEGATED DECISIONS

PERIOD 18 AUGUST - 12 SEPTEMBER 2014

- 1.**
Application No: 13/01134/CLEUD **Decision: Approval**
Parish: Habton Parish Council
Applicant: Mr Andrew Raines
Location: Bridge Farm House Ryton Malton YO17 6SA
Proposal: Certificate of Lawfulness in respect of works including partial rebuilding to agricultural barn at Bridge Farm House being substantially completed more than four years before the date of this application

- 2.**
Application No: 13/01173/HOUSE **Decision: Approval**
Parish: Settrington Parish Council
Applicant: Mr & Mrs J Browne
Location: Low Field Farm Scarborough Road Norton Malton YO17 8EE
Proposal: Erection of single storey extension to form additional domestic accommodation following demolition of existing outbuildings.

- 3.**
Application No: 13/01279/LBC **Decision: Approval**
Parish: Pickering Town Council
Applicant: Mr Richard Grayson
Location: Scallamoor Farm Whitby Road Pickering North Yorkshire YO18 7NF
Proposal: Part replacement/ part repair of barn roof

- 4.**
Application No: 13/01323/HOUSE **Decision: Approval**
Parish: Sheriff Hutton Parish Council
Applicant: Beaufort Farms Ltd
Location: Sheriff Hutton Park Coach Road Sheriff Hutton Malton YO60 6RH
Proposal: External alterations to include installation of lift and associated lift shaft, erection of replacement conservatory, east courtyard metal and glass canopy, garage block, re-roofing including glazed lanterns and solar panels, provision within courtyard of external condensers, oil and LPG tanks.

- 5.**
Application No: 13/01324/LBC **Decision: Approval**
Parish: Sheriff Hutton Parish Council
Applicant: Beaufort Farms Ltd
Location: Sheriff Hutton Park Coach Road Sheriff Hutton Malton YO60 6RH
Proposal: External and internal alterations to include installation of lift and associated lift shaft, erection of replacement conservatory, east courtyard metal and glass canopy, garage block, re-roofing including glazed lanterns and solar panels, removal of stone access steps with repositioning of entrance door including new stone steps and railings, together with internal works primarily associated with provision of new bathrooms, ancillary accommodation and replacement of C20 internal staircase.

6.
Application No: 14/00163/LBC **Decision: Approval**
Parish: Malton Town Council
Applicant: Miss Jane Wingrove
Location: 44 Old Maltongate Malton North Yorkshire YO17 7EG
Proposal: Replacement of 4 no. single glazed timber windows to include front dormer window and side and rear windows with timber single glazed windows.

7.
Application No: 14/00399/HOUSE **Decision: Approval**
Parish: Scagglethorpe Parish Council
Applicant: Mr Chris Robertshaw
Location: Manor Cottage Village Street Scagglethorpe Malton North Yorkshire YO17 8DU
Proposal: Installation of 1no. first floor escape window to north elevation and 1no. first floor window to south elevation.

8.
Application No: 14/00527/ADV **Decision: Approval**
Parish: Malton Town Council
Applicant: Fitzwilliam (Malton) Estate (Mr Keith Davies)
Location: 14 Saville Street Malton North Yorkshire YO17 7LL
Proposal: Display of 1no. non-illuminated timber hanging sign on iron bracket.

9.
Application No: 14/00533/FUL **Decision: Approval**
Parish: Beadlam Parish Council
Applicant: Mr R Howell
Location: Southfields Main Road Nawton York YO62 7ST
Proposal: Change of use and alteration of detached out building to form a one bedroom holiday let

10.
Application No: 14/00640/HOUSE **Decision: Approval**
Parish: Allerston Parish Council
Applicant: Mr Scott Wilkin
Location: Village Farm Main Street Allerston Pickering YO18 7PG
Proposal: Erection of detached carport and log store for domestic use (part retrospective application)

11.
Application No: 14/00708/73A **Decision: Refusal**
Parish: Norton Town Council
Applicant: Lidl UK GmbH (Mr Chris Blyth)
Location: Lidl Foodstore Welham Road Norton Malton North Yorkshire YO17 9DP
Proposal: Variation of Condition 18 of approval 10/00025/MFUL dated 16.06.2010 to state "No deliveries to the food store shall be taken or dispatched from application site other than during the hours of 06.00-22.00 on any day" - addition of one hour to the delivery period.

12.

Application No: 14/00716/73A **Decision: Approval**
Parish: Normanby Parish Meeting
Applicant: Mr And Mrs A Knowles
Location: Spring Health At Granary Barn Westfield Lane Normanby Kirkbymoorside YO62 6RJ
Proposal: Removal of condition 11 of approval 02/00125/FUL dated 09.04.2002 to allow demolition of the timber building as red lined on the submitted site location plan and site layout plan.

13.

Application No: 14/00718/FUL **Decision: Approval**
Parish: Malton Town Council
Applicant: Mr & Mrs W Craven
Location: The Falcon Industrial Unit Showfield Lane Malton North Yorkshire YO17 6BT
Proposal: Change of use from Storage and Distribution (Use Class B8) to General Industrial (Use Class B2) to enable the repair and servicing of motor vehicles, automotive upholstery and supply of automotive parts, with ancillary accounting and office facilities.

14.

Application No: 14/00735/FUL **Decision: Approval**
Parish: Pickering Town Council
Applicant: R V Roger Ltd
Location: Rogers Garden Centre Malton Road Pickering North Yorkshire YO18 8EA
Proposal: Erection of a general purpose agricultural / horticultural storage building

15.

Application No: 14/00739/73A **Decision: Approval**
Parish: Malton Town Council
Applicant: Mr & Mrs M Bramhall
Location: 5 York Road Malton North Yorkshire YO17 6AU
Proposal: Variation of Condition 07 of approval 12/00702/73A dated 17.10.2012 to replace drawing M17_AR174_01 by drawing M17_AR174_01 Rev G Proposed Plans and Elevations - revision to the extension.

16.

Application No: 14/00740/REM **Decision: Approval**
Parish: Aislaby, Middleton & Wreton Parish
Applicant: R E & A Dowson & Son
Location: Land East Of Bungalow Farm Main Street Middleton Pickering North Yorkshire
Proposal: Erection of a three bedroom agricultural workers dwelling (outline application 13/00963/OUT refers)

17.

Application No: 14/00743/HOUSE **Decision: Refusal**
Parish: Foston Parish Council
Applicant: Mr & Mrs Pickard
Location: The Croft Foston York YO60 7QG
Proposal: Erection of two storey side and rear extension to incorporate integral double garage following demolition of existing detached garage and rear extension and installation of pitched roofed to existing front flat roofs dormer windows (revised details to refusal 14/00410/HOUSE dated 06.06.2014).

18.
Application No: 14/00745/FUL **Decision: Approval**
Parish: Normanby Parish Meeting
Applicant: Mr & Mrs A Knowles
Location: Granary Barn Westfield Lane Normanby Kirkbymoorside YO62 6RJ
Proposal: Change of use of attached workshop to form extension to existing dwelling and change of use of holiday cottage to a mixed use of holiday cottage and self contained residential annex

19.
Application No: 14/00748/FUL **Decision: Approval**
Parish: Pickering Town Council
Applicant: RS & WA Howarth
Location: Leas Farm Cabin Leas Lane Pickering North Yorkshire YO18 8EE
Proposal: Erection of an extension to existing livestock building and alteration of access

20.
Application No: 14/00753/FUL **Decision: Approval**
Parish: Malton Town Council
Applicant: Captain Barneys
Location: 14 Railway Street Malton North Yorkshire YO17 7NR
Proposal: External alterations to include the erection of 1.8m high close boarded fence and installation of French doors to the rear elevation.

21.
Application No: 14/00757/HOUSE **Decision: Approval**
Parish: Swinton Parish Council
Applicant: Miss Rebecca Slaughter
Location: 8 Highfield Terrace High Street Swinton Malton North Yorkshire YO17 6SW
Proposal: Erection of detached double garage following demolition of existing garage and garden shed

22.
Application No: 14/00760/HOUSE **Decision: Approval**
Parish: Norton Town Council
Applicant: Mr & Mrs G Robinson
Location: Cheese Cake Farm Beverley Road Norton Malton YO17 9PJ
Proposal: Erection of two storey extension to south-east elevation, single storey extension to north-west elevation and alterations to attached garage to form additional domestic living space.

23.
Application No: 14/00766/HOUSE **Decision: Approval**
Parish: Marishes Parish Meeting
Applicant: Mr D Wilderspin
Location: Ashcroft Thornton Lane High Marishes Malton North Yorkshire YO17 6UQ
Proposal: Formation of vehicular access to include widening of redundant former access

24.
Application No: 14/00767/ADV **Decision: Approval**
Parish: Pickering Town Council
Applicant: Punch Partnerships Ltd
Location: Black Bull Inn Malton Road Pickering North Yorkshire YO18 8EA
Proposal: Display of 1no. externally illuminated hanging sign and set of sign written lettering to east elevation, 1no. non-illuminated panel sign to north elevation, 2no. non-illuminated free standing panel signs to car park entrance, 2no. non-illuminated pictorial and amenity boards fixed to a single post adjacent to the highway, 1no. externally illuminated double sided totem sign adjacent to the highway and refurbishment of existing panel to existing panel to east elevation with addition of internally illuminated brass menu unit.

25.
Application No: 14/00768/HOUSE **Decision: Approval**
Parish: Kirkbymoorside Town Council
Applicant: Mr David Bumby
Location: Lettermore Ings Lane Kirkbymoorside YO62 6DN
Proposal: Erection of extension to front elevation dormer window

26.
Application No: 14/00771/HOUSE **Decision: Approval**
Parish: Malton Town Council
Applicant: Mr And Mrs Frost
Location: 12 Bramble Walk Malton North Yorkshire YO17 7YU
Proposal: Erection of single storey extension to east elevation of dwelling.

27.
Application No: 14/00772/FUL **Decision: Approval**
Parish: Ganton Parish Council
Applicant: Ganton Village Hall
Location: Village Hall Woodside Road Ganton Scarborough North Yorkshire YO12 4NS
Proposal: Erection of 2no. single storey extensions to enlarge kitchen and storage areas.

28.
Application No: 14/00787/HOUSE **Decision: Approval**
Parish: Pickering Town Council
Applicant: Mr And Mrs Elliot
Location: Eastgarth Eastgate Pickering North Yorkshire YO18 7DY
Proposal: Erection of single storey rear extension

29.
Application No: 14/00779/FUL **Decision: Approval**
Parish: Nawton Parish Council
Applicant: Miss Jennifer Bulmer
Location: Canadian Fields Gale Lane Nawton York YO62 7SD
Proposal: Change of use of reception, toilet, office and laundry store building to reception, toilet, office, laundry store and first floor wardens accommodation for use solely in connection with the operation of Canadian Fields campsite (retrospective application).

- 30.**
Application No: 14/00791/HOUSE **Decision: Approval**
Parish: Beadlam Parish Council
Applicant: Ms Barbara Barnes
Location: Manderley 9 The Orchards Beadlam Helmsley YO62 7SH
Proposal: Erection of single storey rear extension following removal of existing conservatory.
-
- 31.**
Application No: 14/00808/HOUSE **Decision: Approval**
Parish: Pickering Town Council
Applicant: Mr C Pearson
Location: 1 Bursary Court Pickering North Yorkshire YO18 8BF
Proposal: Erection of conservatory to the rear.
-
- 32.**
Application No: 14/00819/HOUSE **Decision: Approval**
Parish: Swinton Parish Council
Applicant: Miss Anna Weaver
Location: Laundry Bungalow Laundry Lane Swinton Malton North Yorkshire YO17 6QP
Proposal: Erection of single-storey extension to front elevation
-
- 33.**
Application No: 14/00825/HOUSE **Decision: Approval**
Parish: Scagglethorpe Parish Council
Applicant: Ann Teesdale
Location: Rose Villa Scagglethorpe Malton YO17 8DU
Proposal: Installation of air source heat pump to front elevation.
-
- 34.**
Application No: 14/00831/HOUSE **Decision: Approval**
Parish: Luttons Parish Council
Applicant: Mr & Mrs Philip Bottomley
Location: Field Cottage West Lutton Malton YO17 8TA
Proposal: Erection of single storey extension to front elevation and formation of front entrance, following demolition of existing garden room.
-
- 35.**
Application No: 14/00842/HOUSE **Decision: Approval**
Parish: Pickering Town Council
Applicant: Mr David Mackley
Location: 7 Field Drive Pickering North Yorkshire YO18 8BE
Proposal: Erection of detached double garage to include demolition of existing detached garage
-
- 36.**
Application No: 14/00855/HOUSE **Decision: Approval**
Parish: Pickering Town Council
Applicant: Mr Paul Ibbotson
Location: Cornerstones Malton Road Pickering North Yorkshire YO18 7JL
Proposal: Erection of single storey extension to north elevation.
-

37.

Application No:

14/00860/HOUSE

Decision: Approval

Parish:

Norton Town Council

Applicant:

Miss Deborah Bottomley

Location:

4 Park Road Norton Malton North Yorkshire YO17 9EA

Proposal:

Installation of staircase to garage to allow external access to existing room above.



Appeal Decision

Site visit made on 15 August 2014

by **Ian McHugh Dip TP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8 September 2014

Appeal Ref: APP/Y2736/A/14/2219259

Land Adjacent to No. 103 Main Street, Eberston, Scarborough, YO13 9ND

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Peter Schofield against the decision of Ryedale District Council.
 - The application Ref 13/01051/FUL, dated 1 September 2013, was approved on 21 November 2013 and planning permission was granted subject to conditions.
 - The development permitted is the erection of a four bedroom detached dwelling with detached double garage and alteration to widen existing vehicular access.
 - The condition in dispute is No 06 which states that: The dwelling hereby approved shall be occupied by a person(s) who: have permanently resided in the Parish, or adjoining Parish, for at least three years and are now in need of new accommodation, which cannot be met from the existing housing stock; or do not live in the Parish but have a long-standing connection to the local community, including a previous period of residence over three years but have moved away in the past three years; or service men or women returning to the Parish after leaving military service; or are taking up permanent employment in an already established business which has been located within the Parish, or adjoining Parish, for at least the previous three years; or have an essential need arising from age or infirmity to move to be near relatives who have been permanently resident within the District for at least the previous three years.
 - The reason given for the condition is: to meet the requirements of Policies SP2 and SP21 of the Ryedale Plan – Local Plan Strategy.
-

Decision

1. The appeal is allowed and the planning permission Ref 13/01051/FUL for the erection of a four bedroom detached dwelling with detached double garage and alteration to widen existing vehicular access on land adjoining no. 103 Main Street, Eberstone, Scarborough, YO13 9ND, granted on 21 November 2013 by Ryedale District Council is varied by deleting condition 06 and substituting it with the following condition:

Condition 06: The dwelling hereby approved shall only be occupied by a person(s) together with his/her spouse and dependents, or a widow/widower of such a person, who: have permanently resided in the Parish, or adjoining Parish, for at least three years and are now in need of new accommodation, which cannot be met from the existing housing stock; or do not live in the Parish but have a long standing connection to the local community, including a previous period of residence over three years but have moved away in the past three years; or service men or women returning to the Parish after leaving military service; or are taking up permanent employment in an already

established business which has been located within the Parish, or adjoining Parish, for at least the previous three years; or have an essential need arising from age or infirmity to move to be near relatives who have been permanently resident within the District for at least the previous three years.

Main Issue

2. The main issue is whether the disputed condition is reasonable and necessary having regard to the provisions of the development plan and the location of new housing development in the District.

Reasons

3. The appeal site is the side garden area of number 103 High Street. It is situated within the built up area of the village, which comprises mainly residential properties. I noted on my site visit that there are few local services or community facilities in the village. In that regard, I agree with the Council that the village is not a sustainable location for new residential development.
4. It is a statutory requirement that applications for planning permission must be determined in accordance with the development plan, unless material considerations dictate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990). The Council states that the disputed condition accords with the provisions of the Ryedale Plan – Local Plan Strategy (LPS), which was adopted in 2013.
5. The LPS contains policies to locate new housing development in sustainable locations. These are defined in the LPS as being 4 market towns and 10 'service villages'. Ebberstone does not fall within these categories and therefore the Council only supports new housing development in the village under limited circumstances i.e. infill development within a continually built up frontage; and when required to meet Local Needs Occupancy, as defined in Policy SP21 of the LPS. The wording of the disputed condition follows the wording of Policy SP21, which the Council states was the subject of "extensive consultation and examination" by the Inspector prior to the adoption of the LPS. The Council asserts that the policy was found to be sound and compliant with national planning policy.
6. Planning permission has been granted for the dwelling on the site. The Council considers that the proposal is in accordance with the provisions of the development plan and the appellant meets the requirements of Policy SP21. Having regard to the evidence before me, I have no reason to disagree with this conclusion.
7. The appellant argues that the disputed condition is "unfair and unjust" and will impact on his ability to fund the construction of the dwelling. He states that lenders will be concerned about the effect of the condition on the value of the property, due to the fact that it could only be sold in the future to a limited market. I accept that the value of the property will be affected by the condition, however, in my opinion this is not a material planning consideration. I am therefore unable to attribute any weight to it in my decision.

8. It is also argued by the appellant that the condition does not allow for dependents to live in the property in the longer term. He also questions as to whether the condition can be adequately monitored and enforced. In addition, he considers that the Council's requirement is "too late" as many local people have been gone from the village for more than three years and they are therefore precluded from returning.
9. Whilst, the disputed condition is restrictive, and relates to the dwelling in perpetuity, I am guided by the fact that the principle and precise wording of the policy/condition has been the subject of recent detailed examination by the Inspector during the LPS process. The location of new housing and the residential strategy for the District is a key component of the LPS, and the need to restrict new development in locations such as Ebberstone accords with the sustainable principles of both the development plan and the National Planning Policy Framework (the Framework). In that regard, the removal of the condition would undermine the strategic objectives of the Council and, in my opinion, would create a precedent for other proposals in similar locations in the District.
10. However, as originally drafted, the condition would prevent the appellant's dependents from continuing to live in the property, if the appellant himself no longer lives there. I accept that this is unduly onerous and therefore, I shall vary the wording of the condition accordingly, in line with the Council's suggestion. I have also varied it to allow occupation by the person(s) widow/widower. In my view, this would be comparable with the standard wording of other restrictive occupancy conditions e.g. agricultural workers dwellings. Overall, I consider the condition to be necessary, reasonable, precise, and capable of being enforced. In that regard, it meets the tests contained in paragraph 206 of the Framework.

Conclusion

11. For the reasons given above, I conclude that the appeal should succeed. Consequently, I shall vary the planning permission in the manner I have indicated above.

Ian McHugh

INSPECTOR

Appeal Decision

Site visit made on 8 September 2014

by Graham M Garnham BA BPhil MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 September 2014

Appeal Ref: APP/Y2736/D/14/2222026

4 Maiden Greve, Malton, North Yorkshire, YO17 7BE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs N Bowskill against the decision of Ryedale District Council.
 - The application Ref 14/00462/HOUSE was refused by notice dated 16 June 2014.
 - The development proposed is erection of extensions to the existing 3 bedroom dormer bungalow to form a 5 bedroom, 2 storey dwellinghouse with an integral garage & formation of a new vehicular access (revised details to refused application 14/00133/HOUSE).
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of extensions to the existing 3 bedroom dormer bungalow to form a 5 bedroom, 2 storey dwellinghouse with an integral garage and formation of a new vehicular access at 4 Maiden Greve, Malton, North Yorkshire, YO17 7BE in accordance with the terms of the application Ref 14/00462/HOUSE, dated 23 April 2014, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: drawings no. 14-1014-1 & 14-1014-3.
 - 3) No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Main Issues

2. I consider that these are the effects of the proposal on firstly, the character and appearance of the building and the street scene; and secondly, the living conditions of the occupiers of Barugh House and Stone Gables.
-

Reasons

3. The appeal dwelling is set with its ridge at roughly 90 degrees to the outside of a bend in the road. There are no highways objections to the new vehicular access to replace that currently serving a single garage.

First main issue – effect on character and appearance

4. The proposal would completely transform the character and appearance of the existing dwelling into quite a large detached house with an attached single storey garage and lounge extension to one side. When changes of this scale and nature are proposed, it seems to me that the considerations typically applied to an extension have limited relevance. The issue becomes one of whether the dwelling as transformed would be intrinsically acceptable, as if it were a new building.
5. I consider that the finished building, while perhaps a little fussy with the gable feature to one side at the front, would nonetheless be of a quality and type of design that would be in keeping with the houses and bungalows on Maiden Greve. The re-orientation of the ridge, to become roughly parallel with the road, reflects most development in the locality. The enlarged dwelling would be more in keeping with the two storey development either side and behind than the present building. I consider that the latter, with its unusual orientation and two large and prominent dormer windows, makes an awkward and somewhat negative contribution to the street scene.
6. What would externally appear as more or less a new building in a mature residential area requires the careful selection of materials to ensure an appearance in keeping with the local estate. This would need to consider such matters as the predominant use of light coloured brickwork in the vicinity.
7. Subject to a planning condition to control the use of materials, I conclude that the proposal would create a building of an acceptable character and appearance, that would reflect and contribute positively to the distinctive qualities of the street scene. There would be no material conflict with the purposes of Policies SP16 & SP20 in the Ryedale Plan – Local Plan Strategy (2013). Among other things, these policies require the design of new development to respect and reinforce local character and distinctiveness. There would also be consistency with the approach to good design set out in Section 7 of the National Planning Policy Framework.

Second main issue – effect on living conditions

8. This issue concerns the impact of the proposal on the occupiers of two large detached houses that lie obliquely to the rear of the appeal site.
9. The nearest of these is Barugh House, the main rear wall of which would be quite close to the corner of the proposed two storey side enlargement of the appeal property. This would intentionally have a relatively low eaves line (below a bathroom rooflight), and rise upwards and away from Barugh House to a ridge line set below that of the main part of the house. The corner nearest Barugh House would lie near the midpoint between 2 first floor windows (one of which appears to be a bathroom) and also between 2 windows on a ground floor extension which is closer the common boundary. There would be some

effect on outlook, which however would reduce to either side with the angle at which the walls would recede from the viewer. The appeal works would be due north of the rear of Barugh House. As such, I consider that there would be little impact on the level of daylight received in the neighbouring property, and no material effect on direct sunlight.

10. Bearing these matters in mind, and the very spacious garden to the front and sides of Barugh House, I consider that on balance there would be no materially adverse impact on outlook or day light to the extent that planning permission should be withheld for this reason.
11. Stone Gables adjoins Barugh House to the east. Its rear elevation would be at angle to the appeal proposal. I consider that the appellant's estimate of a 27 metre separation is the right order of magnitude. This would be for the corner of the house nearest the proposed first floor windows at no.4, while its windows would be further away. At this distance, I consider that no material loss of privacy would arise.
12. I conclude on balance that the proposal would not have a materially harmful effect on the living conditions of the occupiers of Barugh House and Stone Gables. The standard of amenity required by Policy SP20 would be achieved.

Overall conclusion

13. I have found in favour of the proposal with respect to both main issues.
14. A planning condition is necessary in the interests of a satisfactory appearance for the dwellinghouse (paragraphs 6 & 7 above). In addition, for the avoidance of doubt and in the interests of proper planning, and otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans.
15. Subject to these conditions there is therefore no reason to withhold planning permission, and I allow the appeal.

G Garnham

INSPECTOR

Appeal Decision

Site visit made on 8 September 2014

by Graham M Garnham BA BPhil MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 September 2014

Appeal Ref: APP/Y2736/D/14/2223337

Rowan Cottage, Great Habton, Malton, North Yorkshire, YO17 6TU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Iain Rookes against the decision of Ryedale District Council.
 - The application Ref 14/00630/HOUSE was refused by notice dated 8 July 2014.
 - The development proposed is erection of two storey side extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. I consider that this is the effect of the proposal on the character and appearance of the building and the street scene.

Reasons

3. The appeal property is a small semi-detached bungalow. There is a bedroom and bathroom upstairs, lit by rooflights at the front and a dormer window at the rear. There is what appears to be a later extension against the outer side wall, with a garage at the front and a small bedroom at the rear. The other half of the pair, Holly Cottage, has a conservatory at the rear, but appears to be largely unchanged at the front.
 4. The proposed extension would retain the garage and have a study at the rear. There would be two bedrooms and a shower room above. Added headroom would be achieved with a dormer window at the front and a gable form at the rear. The extension would be a little wider and further forward than the existing footprint. I consider that it would nonetheless be a significant enlargement in terms of volume and internal floorspace.
 5. The original design of the building has a distinct layout, focused on a central protruding gable feature. This has a pitched roof, the ridge of which is on the boundary line between the two dwellings. Front doors into the respective halls are on the side walls of this feature, which has matching windows in an unusual
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inverted 'L' shape on the front face. This strongly symmetrical form, and the small size of the building as a whole, gives an initial impression that it may be just one detached bungalow, rather than a pair. As a consequence, I consider that particular care is needed with the scale and form of any lateral extension, if it is positively to reflect its context. This is required by policies SP16 & SP20 in the Ryedale Plan – Local Plan Strategy (2013).

6. I estimate from the drawings that the extension would add about 50% to the width of the original dwelling. I consider that it would be set back from the main front face by an insufficient amount to create an adequate perception of subservience. This effect would be compounded by the ridge being only slightly lower than the main roof. The front dormer would have a catslide form, and occupy around two thirds of the width and depth of the roof slope. This is a type of dormer I did not observe elsewhere in the village. I consider that its size in relation to the roof slope and its unusual form would be likely to draw the eye further to what would appear to be a large scale addition to the host property, that would unbalance the unified design and appearance of the pair significantly more than the existing smaller scale, flat-roofed addition.
7. The resultant end gable wall would contain the largest expanse of flat brickwork on the entire building. It would be the first built form to be seen on this side of the road when entering the village from the west, and would be clearly evident from in front of the building. I consider that this would reinforce the prominence of the extension in, and its negative effect upon, the local street scene. However, views of the rear would be limited to nearby private gardens and adjoining fields, where I consider that it would have an acceptable impact on local character and appearance.
8. The existing building is quite unusual within the main part of the village that I observed from the through roads. The dwellings I saw generally had plain front faces, and were of simple gable-ended forms without significant extensions. Dormer windows were small with pitched roofs, some set below the eaves line to reduce their visual impact. Variety is not necessarily to be discouraged, but I consider that the scale and form of the proposal would have a negative effect on the quality of the building of which the appeal property is part. It would thus detract from rather than enrich the local street scene.
9. I conclude that the proposal would materially harm the character and appearance of the building and the street scene, and thereby fall short with respect to the local plan policies referred to above. I consider that these shortcomings could not be overcome by the use of additional planting in the front garden, or be offset by the larger width of the plot compared to that of Holly Cottage. The design would not meet the standards now set out in the National Planning Policy Framework.

10. Planning permission should therefore be withheld and I dismiss the appeal.

G Garnham

INSPECTOR