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FAO G Housden, Head of Service – Planning Services.  
Ryedale District Council,  
Ryedale House,  
Malton,  
North Yorkshire. YO17 7HH.

11<sup>th</sup> February 2013.

Dear Sirs,

**RE 12/00884/MFUL Ryedale Potatoes Ltd at Teasdale Potato Store, Hungerhill Lane, Wombledon Change of use and alteration of existing potato store to wood fuel handling/storage and distribution within Area 1 and a mixed use of potato storage / touring caravan storage within Areas 2 and 3 to include installation of a 5m high sliding door to south elevation to serve Area 1.**

I write on behalf of my Council in response to the Planning Officer's Report recently received on the above application. **I have been asked to request that a copy of this letter be given to each member of the Planning Committee individually.** I should be grateful if you would acknowledge safe receipt of this letter and also that it has been circulated to members of the Committee.

My Council is **extremely concerned about many of the issues raised in the Planning Officer's report.** In particular it refers to numerous inconsistencies, the apparent disregard of relevant objections and the recommendation itself together with the suggested conditions. I would urge the Planning Committee to **read the full versions of the numerous objections raised by my Council, the Highways Department NYCC, the Environmental Health Officer RDC and the Economic Development Officer RDC.** It is my Council's opinion that these objections together with previous objections relating to the site itself raised by RDC Planning Officers and a Planning Inspector are **very valid and relevant objections which should be considered by the Committee and can only lead to one decision – the rejection of this application.**

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# WOMBLETON

The points I wish to draw Members' attention to are as follows:-

1. My letter dated 17<sup>th</sup> October 2012 sets out in detail the objections raised by my Council to this application.

2. The Planning Officer states in his report that Highways North Yorkshire recommend conditions and goes on to state that whilst issues raised "present a genuine concern" the County Highway Officer has not objected. In his email to Rachel Smith, Development Management Officer RDC dated 6<sup>th</sup> November 2012 09.52 James Kennedy (NYCC Highways Inspector) states "if demand for the wood pellets is greater ...or even just increases over time..... is there anything to prevent the applicant selling 20 tonnes per day for example and then we would have well over 100 HGV movements per week. With that level of traffic I would argue that the roads leading to the site are unsuitable." As Members will be aware it would be impossible to restrict the growth of this proposed business once the permission has been given as the refusal would be subject to a successful Appeal for attempting to restrict the growth of the business.

3. In addition my Council is of the opinion that any proposed s106 agreement would be unenforceable. One of the points it relies on in this belief is the RDC Planning Officer's opinion in the report to the Planning Committee dated 27<sup>th</sup> August 2008 in relation to the previous application no 08/00303/MFUL which was

"Officers remain concerned that the mechanisms being promoted for the identification of a single approach route to the site would not be legally enforceable through the planning system through either condition of Section 106 Agreement."

In addition to this the applicant has already been unable to prevent large lorries accessing the site via the village in relation to deliveries already witnessed by a number of residents. One particular delivery driver actually asked a resident where the site was to enable him to deliver his load.

My Council has evidence of this already. In October 2012 I was asked to pass on residents' concerns to RDC Enforcement Department that the applicant had already commenced his wood fuel handling/storage business at the premises, I did so on 30<sup>th</sup> October 2012 at 13.57. Due to insufficient resources within this department the complaint was not investigated for some months. The response dated 3<sup>rd</sup> January 2013 stated no "strong evidence" had been found and that the case had been closed. Further new evidence was given on 7<sup>th</sup> January. A response on 18<sup>th</sup> January stated I needed to supply photographic evidence and times in addition to the dates supplied to enable further action to be taken. It is obvious to residents and my Council that business has already commenced with large 40' curtain sided vehicles delivering the fuel – using the village as a preferred route, outwards delivery has also been witnessed again using the village as a route.

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4. The previous application no 08/00303/MFUL for the change of use to manufacture of wood fuel pellets was refused by RDC Planning Committee on 29<sup>th</sup> August 2008 for nine reasons. The first four relate to the site, its position and the surrounding roads which would be used to access the site. These are as relevant now as they were in 2008. There is nothing to suggest that these do not continue to apply today and they are:-

01 The Planning Authority considers that the public highway from both the A170 and B1257 leading to the site is of insufficient width to accommodate the increase in heavy traffic without serious damage to the carriageway and verges of the highway and loss in amenity value.

02 The Planning Authority considers that the public highway from both the A170 and B1257 leading to the site is not of sufficient width, suitable gradient or suitable construction to cater for the traffic which would be likely to be generated by this proposal.

03 The Planning Authority considers that the proposed development would give rise to additional vehicles waiting on the A170 and leaving and rejoining the traffic stream on an open stretch of road where vehicles speeds are high and would this cause interference with the free flow of traffic and consequent danger to highway users.

In addition to this reasons numbered 04 to 06 relate to visibility distances which could not be achieved and therefore would be likely to create conditions prejudicial to highway safety”.

Nothing has changed and it is my Council’s opinion that each of these reasons are equally relevant to this application. These reasons were upheld on appeal by the Planning Inspector.

5. The Planning Officer states that the proposal is supported by the NPPF citing para 28, section 3 However in doing so he fails to mention that there are requirements that such sites should be readily accessible to main road networks and also that choices of transport should be available to users ie those who work there and customers.

The site as already stated is not easily or safely accessible. There is no regular bus service through the village and the bus stops are not close to this site. All routes to the site are unlit and lack pavements, they are therefore unsuitable for walking or cycling.

6. The routes to the site are often very hazardous in winter as they are not gritted.

7. The current use of the building is agricultural. The applicant still uses it as such and therefore there is no reason to look to re-use the building for industrial or commercial use. In addition to which my Council has sought to show that the new use would have a material adverse effect on the amenities of the occupants of nearby properties and give rise to unacceptable highway conditions.

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8. The Planning Officer has chosen to ignore the concerns of the Environmental Health Officer in relation to the impact on the timber chalet/camping pod development approved for the adjacent site. It is obvious to all that the uses are not compatible and it is stated that this Officer "has concerns regarding noise, dust and general disturbance to the occupants of the adjacent site". The Planning Officer has stated the opinion that this could be dealt with by a condition. My Council is of the opinion that there is a large potential for light pollution especially in Winter. In addition to this there is no mains electricity or indeed any other mains services to the site. The electricity would therefore have to be supplied by a generator which would be noisy.

9. There would be a serious impact on tourism in the surrounding area. This would impact on the adjoining site, Wombleton Caravan and Camping Park and other local tourist businesses. The concerns of the Visitor Economy Officer have been given "very little weight" by the Planning Officer. My Council is of the opinion that this is totally wrong. The Officer states

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

10. The application would be in breach of the principles of the new Ryedale Local Plan in relation to landscape impact, highway safety and noise (SP1,6,13, and 19 refer). The Plan's Statements offered my Council confidence that RDC were offering protection against inappropriate development with direct reference to the unsuitability of B2 and B8 (Storage and Distribution – this application) in open countryside.

In conclusion for these reasons my Council considers this proposed development would have an adverse impact on the roads and local tourist businesses. It would be severely detrimental to the surrounding area. Previous and current objections together with current planning policies confirm this view. **On behalf of my Council I urge Members to reject this application.**

Yours faithfully,

*Louise Slater*

**Louise Slater, Clerk to Wombleton Parish Council.**

Tel 01751 432272.

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