

**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: 18/01126/MFUL
Parish: Ampleforth Parish Council
Appn. Type: Full Application Major
Applicant: Mr Edward Fawcett
Proposal: Erection of a 7no. bedroom detached dwelling, adjacent garage, pavilion for domestic use, tractor and machinery garage linked with storage barn, block of four stables with tack room and storage and erection of ground-mounted solar panels, together with formation of access drive and reinforced grass turning circle, planting of an apple orchard, drainage basin, and additional hard and soft landscaping
Location: Land At OS Field 8358 Main Street Ampleforth
Registration Date: 18 April 2019
8/13 Wk Expiry Date: 18 July 2019
Overall Expiry Date: 4 September 2019
Case Officer: Jill Thompson **Ext:** 43327

CONSULTATIONS:

Highways North Yorkshire	Recommend conditions
Paul Jackson AONB Manager	Objects
Sustainable Places Team (Environment-Agency Yorkshire Area)	No response received
NYM National Parks	Concerns
Highways North Yorkshire	Recommends refusal
Public Rights Of Way	No response received
Countryside Officer	No bird survey in the package, I have concerns about ground nesting birds as the existing habitat is grassland and about the use of the site for foraging by barn owl, also potential for loafing areas for golden plover and other waders as it is close to the NYM SAC No bat survey, contrary to the eco report there are linear commuting and foraging features very close to the site of the new development Cert. Concern about destruction /remodelling of the old pond Good opportunity to enhance/create new habitat would suggest incorporation of features to "slow the flow" natural flood management techniques along becks and ditches.
Environmental Health Officer	No response received
Flood Risk	Further information required
Yorkshire Water Land Use Planning	Comments
Ampleforth Parish Council	Comments and concerns
Countryside Officer	On a site such as this there is tremendous scope for significant biodiversity improvements so agree with the report about reducing the orchard area and allowing ground nesting birds the opportunity to nest on parts of the site. With the correct management the site could also provide excellent forage area for barn owl- the Vale of

PLANNING COMMITTEE

10 September 2019

Pickering is renowned for its Barn owl population. Has any further info been received concerning the bat issues on site?

Neighbour responses:

Roger And Lesley Beck, Mr Chris Rodda, Stella Murrell, S.A. Robinson, SER Millward, Phillip Gill & Anton Van Der Horst, Mr Alan Waugh, Ms Penelope De Quincey, Ms Tina Connor,

Site

The application site is situated to the west of Ampleforth and to the south of Carr Lane and Knoll Hill. The site is a linear area of land which slopes, relatively steeply in a southerly direction and covers 4.3 hectares. The site is currently a field with a hedgerow delineating parts of its western boundary. The site is located within the Howardian Hills Area of Outstanding Natural Beauty and to the south of the boundary with the North York Moors National Park. (The boundary of the National Park is the northern side of Carr Lane.) A Public Right of Way lies to the south and east of the site. Part of the northern section of the site is located within the Knoll Hill Visually Important Undeveloped Area.

Planning History

The planning history of the site is limited to a permission for the erection of an agricultural building in 1987, with a later renewal of the permission in 1992.

Proposal

The application proposes the erection of a single dwelling and a series of other buildings, including a garage, pavilion, barn and stables with an access drive and turning circle. The proposal also includes the erection of ground mounted solar panels and landscaping.

The dwelling, the other proposed buildings and solar panels are all proposed to be sited in the south-western part of the site. Access to the site is from Carr Lane, with an access drive proposed to cross Knoll Hill in a westerly direction before running in a southerly direction to the proposed building group. The linear shape of much of the application site reflects the alignment of the driveway.

Within the application site, additional tree planting is proposed along the route of the driveway and immediately to the east of the building complex. A nuttury is also proposed to be planted to the west of the building group.

The application is proposed on the basis that it is of an outstanding design which applies a high standard of architectural design and innovative sustainability credentials.

A contemporary design approach is proposed, with the proposed dwelling and associated buildings designed as curvilinear, organic forms. The buildings are set on and in a sculptured sloping landform created from the sloping site to accommodate the buildings and to provide flatter, useable space between the proposed buildings and to include a proposed lawned area. A stone faced 'ha-ha' is proposed to run along the south of the building complex.

The application is proposed as a 'Paragraph 79' dwelling. Paragraph 79 of national policy (NPPF) provides policy support to new country houses of exceptional design quality in specific circumstances. The proposed dwelling is proposed to be sited on the western side of the sculptured landform. It is comprised of 5 elliptical forms with a lower and upper level and shallow elliptical living roof. Elevations comprise glazed sections and a blackened timber façade. The southern elevation of the proposed dwelling is predominantly glazed with trombe walling and structural 'roots' in oxidised steel and copper and oxidised steel rods. The latter are proposed to support climbing vegetation. A metal

mesh balustrade is proposed along this elevation.

The four bay garage is proposed to the north of the dwelling set entirely within the sculptured landform. Vertical roller shutter doors are proposed behind a protruding entrance wall. To the west of the dwelling the proposed pavilion building is set within profiled contours of the site, with its roof and window sections visible above ground level. To the north west of the pavilion, two barns buildings are proposed and the crescent shaped stable building forms the eastern edge of the building group. These ancillary buildings are proposed to have blackened timber facades, shallow living roofs and feature ventilation louvres. The two rows of solar panels are proposed to be sited between the stable building and the proposed pavilion.

Information supporting the application indicates that the proposed dwelling will have an internal floor area of 709 square metres and the floor space of the other proposed buildings is 605 square metres. Whilst the application is supported by much information to support the design concept, it is not immediately apparent from the written documentation supporting the application what the proposed dimensions of the individual buildings are. The proposed buildings are set within a re-profiled area of the site and will sit within re-profiled contours (for which detailed levels information is not provided). In this respect, the height of proposed elevations above ground level vary. Notwithstanding this, the plans indicate that to eaves height, the height of the south facing façade of the dwelling will be c. 7metres. The height of the stable building to the highest point of the roof is c. 4.9metres.

The supporting information makes it clear that the proposal is designed to qualify as zero carbon, employing a range of measures to achieve high thermal efficiency (solar gain, mechanical ventilation, energy recovery, thermal fabric and mass) and on-site renewable generation (solar panels and water source heat pump). In addition, the scheme also proposes rainwater harvesting, grey water recycling and foul water filtration process. The measures to be employed as part of the sustainability credentials of the scheme are documented in the supporting Sustainability and Innovation Statement.

The design approach is documented at length in material supporting the application. As well as the Sustainability and Innovation statement the approach to the design of the scheme is also covered in the following documents in particular:

- Planning Statement (incorporating a Building for Life Assessment)
- Architectural Design and Access Statement
- Landscape and Visual Impact Assessment
- Design Review Reports
- Landscape Appraisal and Landscape Management Plan

Members should be aware that in much of the supporting information, the proposal is described and justified in the context of wider landscaping proposals beyond but adjoining the application site and on land which is also within the applicant's ownership. Members are reminded that permission is sought for the development of land which forms the application site and proposals for the landscaping of the wider area is not something for which permission is sought (or required). It is considered that the wider landscaping proposals have been submitted to provide further context to support the application. If members are minded to approve the application, it is considered that the planning authority would need to secure these wider landscaping proposals through a section 106 agreement. The wider landscaping proposals include the creation of an orchard, a paddock, lakeside garden, enhanced wetland habitat, additional woodland planting and species rich grassland.

Consultations

Comments from 7 members of the public raising concerns or objections to the proposal were received in response to an initial consultation. A summary of the issues raised is as follows:

- The field is quintessentially Ryedale and the erection of the house would destroy this
- Views across the field are breath taking

- Would contravene the AONB
- Would destroy the thing that tourists come to see
- RDC would be failing in its duty if it allowed this landscape to be despoiled
- Does not conform with the local plan
- Will not enhance the landscape
- No compelling need
- Knoll Hill should remain unscathed
- The landscape is so exceptional it makes its own case not to develop it
- B&B Business may be compromised
- Supporting material is misleading – the abbey or the applicant know nothing about apples being sold to the abbey/ the applicants current home is closer to his businesses in the village
- Would lead to pressure to infill/ expand Ampleforth in the future between the village and Knoll Hill
- Access is hazardous
- Outside Development Limits
- Integrity of the landscape will be compromised during construction
- Wildlife will be disturbed
- Will not comply with paragraph 79

8 members of the public have responded to a re-consultation. A summary of the issues raised include:

- Supporting material is misleading – illustrations in sepia misrepresent the reality/ two of the applicants businesses are for sale yet the material uses the proximity of these as justification
- Design is actively insensitive to the defining characteristics of the local area
- Does not enhance the setting
- Will disturb curlews on the site
- Orchard will appear too artificial and orderly in the natural landscape
- No amount of burying it in the hill will disguise it
- Proposals seek to limit damage rather than protect the AONB
- Noisy disturbance to a tranquil rural location
- Overbearing and out of scale and out of architectural character of the area
- Public enjoyment of the public footpath will be reduced
- Pollution of the night sky
- Altered topography, buildings, hardstanding , lighting, solar panels and orchard would all be clearly visible from 2 miles away
- Deny the application and allow residents and visitors to continue enjoying the benefits of this beautiful and unspoilt asset
- Reiteration of points listed above

Ampleforth Parish Council responded to the Council's consultation on 12th December 2018 and expressed concern over the development of a green field site, loss of agricultural land, pressure for further development and concern over the position of the access point at Knoll Hill. The PC thought that the design is innovative and fits with the landscape and if permission is granted was keen to see the use of local tradespersons.

Following the re-consultation exercise the Parish Council reiterated its previous objection and added further concerns relating to the detail of the access point at Knoll Hill in full view of the main street adding that ...'almost 100% of local residents are opposed to the scheme as they see no benefit to the village and a loss of another green field site'.

Full copies of the Parish Council responses are appended to this report for Members' information.

Policy Context and Decision Making Principles

Section 38(6) of the Planning and Compulsory Purchase Act 2004 confirms that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan

The Development Plan for the area of Ryedale (not within the North York Moors National Park) consists of:

- The Ryedale Plan – Local Plan Strategy (Adopted 2013)
- The Ryedale Plan – Local Plan Sites Document (Adopted 2019)
- The Yorkshire and Humber Plan (Regional Spatial Strategy):- York Green Belt Policies (YH9 and Y1)

The following policies of the Ryedale Plan - Local Plan Strategy are relevant to the assessment of the application:

- Policy SP1- General Location of Development and Settlement Hierarchy
- Policy SP2 - Delivery and Distribution of New Housing
- Policy SP12 - Heritage
- Policy SP13 - Landscapes
- Policy SP14 - Biodiversity
- Policy SP16 - Design
- Policy SP18 - Renewable and Low Carbon Energy
- 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

The following policies of the Ryedale Plan – Local Plan Sites Document are relevant to the assessment of the application:

- Policy SD16 - Visually Important Undeveloped Areas

Wider Legislation

Wider legislation places specific statutory duties on planning authorities. Specifically in respect of this application this includes:

Section 40(1) of the Natural Environment and Rural Communities Act 2006 (the 'NERC' Act), imposes a duty on public authorities in exercising their functions, to have regard to the purpose of conserving biodiversity.

The Wildlife and Countryside Act 1981; The Conservation (Natural Habitats) Regulations 1994 and The Conservation of Habitats and Species Regulations 2010 provide protection for wild animals and European protected species of animals.

Section 85 of the Countryside and Rights of Way Act 2000, places a general duty on public authorities in exercising or performing any functions in relation to, or so as to affect land in an Area of Outstanding Natural Beauty to have regard to the purpose of conserving and enhancing the natural beauty of the area

of outstanding natural beauty.

Additional Policy Documents

- Ryedale Plan Policies Map (2019)
- National Planning Policy Framework (NPPF)

The framework makes it clear that it should be read as a whole. The policies which are predominantly (but not exclusively) relevant to the application include:

- Rural Housing and in particular, paragraph 79
- Conserving and Enhancing the Natural Environment, paragraph 172

National Planning Practice Guidance

Howardian Hills Area of Outstanding Natural Beauty Management Plan (2019-2024)

Appraisal

The key issues in the assessment of the application are addressed below.

Principle of the Development

The proposed development is located outside of the Development Limits of Ampleforth in an open countryside location. Policy SP1 (General Location of Development and Settlement Hierarchy) of the Local Plan Strategy makes it clear that in such locations, development will be restricted to that which is necessary to support a sustainable, vibrant and healthy rural economy and communities; which can be justified to secure significant improvements to the environment or conservation of significant heritage assets or, to that which is justified through the neighbourhood planning process.

Specifically in relation to new housing development, Policy SP2 (Delivery and Distribution of New Housing) sets out the specific circumstances under which new housing can be justified in open countryside locations. In summary these include, new build dwellings necessary to support the land-based economy; the conversion of redundant or disused traditional rural buildings; replacement dwellings or the change of use of specific types of tourist accommodation.

The proposal is contrary to Policies SP1 and SP2 on the basis that it does not meet any of the circumstances under which dwellings in the open countryside are supported in principle by the development plan. The proposal is in clear conflict with the development plan and this is a factor which significantly weighs against the proposal.

The application does not seek to justify the proposal against Policies SP1 and SP2 of the Development Plan. The supporting material makes it clear that the development is proposed under Paragraph 79 (formerly Paragraph 55) of the National Planning Policy Framework (NPPF). Paragraph 79 of the framework makes it clear that planning “*decisions should avoid the development of isolated homes in the countryside unless one or more of five circumstances apply, including where:*

the design is of exceptional quality, in that it:

- *Is truly outstanding or innovative, reflecting the highest standards in architecture and would help to raise standards of design more generally in rural areas; and*
- *Would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area”*

This element of national policy is designed to provide policy support to ensure a continuation of the

UK's historic tradition of building fine large rural country houses, often set within a large landscaped setting. The National Planning Practice Guidance does not expand upon this element of national policy in either the rural housing or design section of the document. It is considered that this may be reflective of the fact that national policy support is limited to truly outstanding or innovative cases.

Clearly, in order to meet Paragraph 79, the proposed development, in the first instance must be considered to be in an isolated location. The proposal is outside of Ampleforth. It is considered that that within the context or spatial scale of the village and its immediate setting, the proposed development does not occupy an isolated location. The proximity of the site to the village is particularly apparent when approaching the village from the west, where the proposed access is readily recognisable within the context of the village and the approach to it.

In seeking to justify the application against the criteria, the supporting planning statement does not specifically engage in the policy test relating to 'isolation'. Indeed, rather conversely, the planning statement in seeking to justify the sustainability credentials of the proposed scheme makes a point of emphasising accessibility to the village and the fact that the two public houses at the village are in walking distance of the proposal.

Notwithstanding these points, the dwelling itself is proposed to be sited at a distance from other buildings and is physically separate from other buildings. The proposed position of the dwelling in the landform (if not its access) also contributes to a sense of isolation from the main area of the village. It is considered that the proposal to which the application area relates can narrowly and on balance, be considered to be an 'isolated' location as required by Paragraph 79.

To this end, the extent to which the proposed development is acceptable in principle is dependent on the extent to which the design can be considered to be of exceptional quality as defined under Paragraph 79- that it is truly outstanding or innovative and would help to raise the standard of design in rural areas and, that it would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.

Design

The application is supported by a range of information, referred to above, that explain and seek to justify the design credentials of the proposed scheme.

The Architectural Design and Access statement summarises the proposal as "a union between architecture and landscape observed in a modern contemporary approach to the development of the English country house". The design concept to achieve this is of a dwelling 'germinating from the landscape' and based on a 'seed's growth'. The proposed use of organic curved forms, low profile buildings set within contours, living roofs, proposed planting on prominent vertical elements of the building, together with the proposed use of timber panelling are key elements employed to achieve this and to maximise solar advantage.

It is also clear for the supporting material that it is the intention that the house will be built to the highest environmental standards, employing a range of passive and active technologies and design solutions to maximise thermal efficiency and to qualify as zero carbon. A range of other measures will also be employed as part of the sustainability credentials of the scheme, including waste water recycling, biodiversity enhancements and the responsible sourcing of materials. These are documented in both the Planning Statement, a Sustainability and Innovation Statement and in the Architectural Design and Access Statement.

The landscaping proposals, including those outside of the application sites are promoted as being integral to the design approach.

The proposed scheme and earlier iterations have been referred for a Design review and the scheme has been considered against the Building For Life 12 assessment. Both of these tools are recognised as being beneficial in the design process and national policy (NPPF) makes it clear that Local Planning

Authorities should have regard to the outcome of these processes, including any recommendations made by design review panels.

In commenting on the proposal (May 2018), the design panel of the Design Review Service for Yorkshire and the Humber have said that:

“This is showing signs of developing into one of the best and most interesting Paragraph 55 schemes that the panel has seen...”

In terms of the architecture the panel has concluded that:

“ There is real poetry with the house and the way it is borne out of the land. The architectural proposal for the house represents an impressive and fascinating manifestation of the initial concept”.

“This is a very exciting proposal that just needs a little more refinement and detailing. It is already innovative in its design approach with the potential to be considered outstanding once the detailing is executed to the same standard”.

In terms of the landscaping proposals, the panel has noted that:

“..the proposals represent genuine and subtle enhancements to the landscape.”

Whilst the landscaping proposals are proposed as being integral to the design approach, the implications of the landscaping are considered in detail later in this report.

The applicant has also asked the Carbon Free Group to appraise the sustainability credentials of the scheme. The group is a movement for change focussed on accelerating decarbonisation of the build environment. The group has made observations which include :

“ to demonstrate innovation in both its design and deployment of technologies. The innovative design brings resilience through the integration of ‘no’ and ‘low’ technologies of trombe walls and solar slabs with the high tech use of the earth energy bank. Collectively they represent a showcase of best practice in sustainable construction.”

“the principle innovation being demonstrated is the connection of the Trombe Wall and solar slab with the hybrid solar PV-T, heat pump and earth energy bank intersessional storage.

“We are of the view that the combination of these technologies has the potential for being deployed in rural housing more widely and in modern housing more generally”.

The applicants have assessed the scheme against the Building for Life 12 – the government endorsed industry standard for well- designed homes and neighbourhoods. Whilst it could be argued that this is an assessment tool which lends itself particularly well to the assessment of larger housing schemes, it contains some principles that could be applied to a single dwelling scheme. Under the applicant’s assessment, the scheme scores well against the BFL criteria.

In view of the credentials of the design review panel and the carbon free group and taking into account their views and the information supporting the proposal, it is considered that the proposed buildings can be considered to be outstanding and innovative in terms of architectural design and sustainability credentials. In this respect, the proposal is considered to meet part of the first test/criteria of paragraph 79 of the NPPF and this weighs in favour of the scheme.

It is a further requirement of this part of paragraph 79 that a design would help to raise the standards of design more generally in rural areas. In this respect, it is unclear as to how this could be achieved in Ryedale. Within Ryedale development opportunities are limited largely as a result of landscape and heritage constraints. The innovative package of sustainable technologies would appear, in this instance to very much relate to site specific opportunities – the size of the site, its orientation and sloping nature.

It is considered that the contribution that the design could make to raising design standards across the rural area would be very limited. It should also be noted that the site is within the nationally protected landscapes of the AONB and close to the national park which cover a significant proportion of Ryedale, a high standard of design is always sought. In this respect, it is difficult to see how the scheme would raise the standard of design as anything other than a high standard of design is unlikely to be acceptable. In considering the proposal against this this element of paragraph 79, the weight in favour of the design of the scheme is tempered.

It is also clear in the supporting material that the design of the proposal has been informed by the sites context, including topography and surrounding landscape character. In this respect, the proposal is considered to comply with some of the policy requirements of Policy SP16 (Design) and Policy SP18.

Landscape and Visual Impact

The site is located within the Howardian Hills Area of Outstanding Natural Beauty (AONB) along the Coxwold-Gilling gap, one of the vales which runs through the Howardian Hills Area of Outstanding Natural Beauty and national landscape character area. The site is part of a largely rectangular field bounded by trees and hedges which are typical features of the farmed landscape character of this part of the AONB. The site is visible from public rights of way to the south and east and in views across the valley.

A Landscape and Visual Impact assessment prepared to support the scheme concludes that:

“there is no over-riding landscape or visual reasons... to suggest that the proposed development would cause significant harm to landscape or visual amenity”

The Design Review panel have commented that:

“The overall strategy including the sub-division of field and habitat introduction is generous and beneficial to the landscape and immediate setting. Whilst the site is not obviously and seriously degraded...., it is worth reiterating that the historic loss of hedgerows and monoculture management of the resulting large field has detracted significantly from the landscape character of the area. The apple production and equestrian uses returning under this scheme, with the attendant infrastructure and management will restore a character and personality to the site with genuine relevance to Ampleforth”.

It is considered that the impact of the scheme on the landscape character of the AONB is seriously underestimated in the supporting material and that the development of the site will be detrimental to the landscape character of the site and this part of the AONB. The siting of the dwelling and the associated buildings would not be in keeping with the undeveloped character the site or its immediate surroundings. The proposed development in its totality, including the buildings, sculptured landform, lawned garden, ha-ha and equestrian paddock area would not conserve or enhance the character or appearance of the site which, in its current state is typically representative of the character and appearance of this part of the nationally protected landscape.

The natural landscaping proposals associated with the scheme (including those outside of the application area which are relied upon to mitigate the development, ground it in the landscape and to justify the development on the basis of significant enhancement to its setting) are not, in themselves out of character with natural landscape features in this part of the AONB. This includes the proposed woodland planting, hedging and apple orchard. However, as noted above, given that the site and surrounding land is already typically representative of the character and appearance of the landscape, the wider landscape proposals are not considered to represent a significant enhancement to the setting of the proposed development in the landscape.

The assertion of the Design Review panel that the field in its current state significantly detracts from the landscape character of the area is considered to be inaccurate, ill observed and inconsistent with the Landscape and Visual Impact Assessment.

The proposed development will be clearly visible from the public right of way which runs around the site as well as from distanced views. Whilst it is acknowledged that landscaping and design features help to mitigate the visual impact of the scheme, the change in the character of the site resulting from its development and proposed use will be visually apparent in the landscape. In addition, it is considered that by virtue of the very contemporary design used to justify the proposal, the new dwelling will appear unexpected, incongruous and a somewhat alien feature in the landscape which would detract from its current scenic quality.

The AONB manager has confirmed that he believes the development to be contrary to national policy in terms of the effect on the AONB and that the application does not satisfy the requirements of paragraph 79 of the NPPF and that it should be refused.

The most recent comments from the AONB manager state:

'1) the LVIA identifies a number of viewpoints from which the visual impact of the proposed development would be substantial, most notably from the Public Right of Way that crosses the southern part of the site. This corroborates my previous assessment, that the proposed dwelling would have an adverse visual impact on both the AONB directly and the setting of both the AONB and the National Park.

2) Although some 2.7km from the application site, the receptor site at the crest of Yearsley Moor Bank is particularly important because it looks directly onto the northern side of the valley of the Coxwold-Gilling Gap. In this 'surprise view' the development will be seen as an extension of built development out from the village of Ampleforth into high quality countryside, with both the AONB and the setting of the National Park adversely impacted.

3) In my view the revised access road layout would now create a significant adverse visual impact at the top of Knoll Hill, given that it cuts across the view outwards over the AONB and introduces a significant built element into an otherwise natural panorama.

4) I would also re-iterate point 3 from my response of 5th December 2018. Paragraph 79 of the 2018 Framework provides an exemption for new dwellings within the open countryside. One of the exemption criteria is for where the design is truly outstanding and innovative AND the development would significantly enhance its immediate setting. Both strands of the criteria need to be met and the stipulation of "significantly enhance" is a high bar. The onus is on the developer to prove that the development "significantly enhances its immediate surrounding". I.e. not simply that its adverse impact has been mitigated to an acceptable level. In chapter 6 the LVIA analyses the impacts of the development as assessed from a variety of receptor sites. The significance of Effect ranges from Slight to Very Substantial but (leaving aside the transient effects that would be experienced during the construction phase), 20 of the Effects are assessed as being Adverse whilst only 6 are assessed as Beneficial. When combined with the restriction on development in AONBs and National Parks contained in Paragraph 11/Footnote 6, it seems clear that the development is not only contrary to Paragraph 11 but also fails the substantial test set in Paragraph 79. In my view it must therefore be refused.'

It is considered that the development would not conserve or enhance the landscape and scenic beauty of the AONB and that it would be detrimental to the landscape character and appearance of this part of the AONB. In this respect the proposal conflicts with Policy SP13 of the development plan and national policy which requires great weight to be afforded to the protection of the AONB. The impact of the proposal on the character and appearance of the protected landscape weighs significantly against the application.

Furthermore, it is considered that the proposal fails to meet the second test of paragraph 79, which requires that in order for a design to be considered of exceptional quality, 'it would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area'.

The NPPF also states in Para 172 that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and AONB's which have the highest status of protection in relation to these issues. It is also of note that the North York Moors National Park

Authority have objected on these grounds expressing concerns about the sporadic residential development and increasing domestic activity in open countryside both within and adjoining landscapes that are nationally protected.

The access and access road also cross Knoll Hill. Whilst a farm track crosses the site at present, the application indicates a more formal entrance to the site and driveway of more formal construction. The development would be detrimental to the rural character and scenic quality of Knoll Hill and the contribution that this landscape feature makes to the defining character of the area. Furthermore the recently adopted Sites Document identifies this area as being a Visually Important Undeveloped Area. In this respect the proposal would conflict with Policies SP16 and SP13 of the Local Plan Strategy and this also weighs against the proposal.

Highways Safety/Access Considerations

NYCC Highways had raised an initial objection to the original access position proposed because of inadequate/substandard visibility achievable in a westerly direction. Following this an amended plan showing a revised access point further east was submitted.

The revised access position is located within a 30mph limit where unobstructed vision splays of at least 2.4 metres x 43 metres are achievable. Subject to conditions relating to the control of surface water, closure of the existing access point, provision of vision splays, provision and retention of on-site parking and a construction management plan no objections are raised on highway safety grounds.

Ecology

Initially the application was submitted without detailed information in relation birds and bats. A further report identified opportunities for biodiversity improvements for ground nesting birds and there is also potential for improved foraging areas for barn owls.

However no additional information has been provided in relation to bats. The Countryside officer considers that there are linear commuting and foraging features close to the site of the proposed development and currently insufficient information has been submitted to fully assess the impact of the development on protected species.

Conclusion

In conclusion the application is considered to be contrary to the adopted development plan with particular regard to Policies SP1, SP2, SP13 and SP16. In addition insufficient information has been submitted to fully assess the impact of the development on protected species and the application is also therefore contrary to the requirements of Policy SP14 of the adopted plan. The application does not fully meet the tests set out in paragraph 79 of the NPPF and there are considered to be no other material considerations put forward to justify a decision that is clearly contrary to the adopted development plan in relation to housing in the open countryside and within a designated naturally protected landscape.

RECOMMENDATION: Refusal

- 1 The proposed development by virtue of its location in the open countryside and lack of specific locational requirements in the open countryside is contrary to Policies SP1 and SP2 of the adopted Ryedale Plan Local Plan Strategy. The proposal does not satisfy the requirements of Paragraph 79 of the National Planning Policy Framework and as such there is no reason which would justify the proposed development in the open countryside which is contrary to the development plan.
- 2 The proposed development by virtue of its incongruous appearance in the landscape resulting from built form, landscaping proposals and alterations to landform, would result in significant harm to the natural beauty of this part of the Howardian Hills Area of Outstanding Natural Beauty and would fail to conserve and enhance the scenic and natural beauty of this protected

landscape, contrary to Policy SP13 of the adopted Ryedale Plan Local Plan Strategy. The proposed development would not significantly enhance its immediate setting which is within the Howardian Hills Area of Outstanding Natural Beauty and within the setting of the North York Moors National Park. As such, the proposed development fails to meet the criteria of Paragraph 79 of the NPPF and cannot be considered to be of the exceptional quality which is required by national policy to justify the development in this location.

- 3 The access, road and associated engineering works will result in harmful intrusion into the Knoll Hill Visually Important Undeveloped Area (VIUA) identified in the Ryedale Plan-Local Plan Sites Document and Policies Map (adopted 2019), which would be detrimental to the character and appearance of the VIUA. The benefits of the development proposed are not considered to outweigh the harm to the character and appearance of the VIUA and its contribution in its undeveloped state, to the character and setting of Ampleforth, contrary to Policy SP16 of the Local Plan Strategy.
- 4 Notwithstanding the above three reasons for refusal, insufficient information relating to finished site levels has been provided in order to be able to fully assess the impact of the proposal and associated earthworks on the landform and landscape of this part of the Area of Outstanding Natural Beauty, contrary to Policy SP13 of the Local Plan Strategy.
- 5 Notwithstanding reasons for refusal 1-3 above, the proposed development has the potential to result in an unacceptable impact on protected species. The site contains suitable habitat for protected birds and there are linear commuting and foraging features for bats close to the site. Insufficient information has been provided to demonstrate the impact of the proposed development on protected species, contrary to Policy SP14 of the Local Plan Strategy.