

Jill Thompson

From: Development Management
Sent: 21 October 2019 09:06
To: Planning Scanning; Jill Thompson
Subject: FW: Response to Planning Notice for proposed development at Land at OS Field 8358 Main Street Ampleforth

Parish comments

From: sue [mailto:sue@ampleforthparishcouncil.co.uk]
Sent: 19 October 2019 09:47
To: Development Management <development@north-aire.gov.uk>
Subject: Response to Planning Notice for proposed development at Land at OS Field 8358 Main Street Ampleforth

Please see the comments from Ampleforth Parish Council regarding the notice that was pinned to a gate by the property on 2nd October.

Response to Planning Notice regarding proposed development at Land at OS Field 8358 Main Street Ampleforth and the Committee decision of the September Planning Committee

I am responding on behalf of Ampleforth Parish Council following our meeting on Thursday 3rd October. As, according to your notice, the proposed development does not accord with the provisions of the development plan for the area, we questioned why the plans were approved by your Planning Committee. Since then we have obtained a copy of the decision, based on paragraph 79, thus ignoring all other considerations and local opposition.

From our perspective, although the Committee feels that the proposal satisfies the requirements of Paragraph 79, there are other areas which need further consideration regarding the siting of the proposed property in an ANOB. We hope you will consider these carefully and set conditions on the development as appropriate.

The Entrance

Knoll Hill, the area of the site adjacent to the Main Street of Ampleforth and bordering the National Park, is a local landmark and it should be preserved.

The current proposal runs the driveway to the property over the top of the hill and this will completely spoil the area. The Parish Council has already suggested that the drive should run round the side of the hill and would like this to be included as a condition on the decision.

On the current plan the drive will add another entrance on the roadside going up the hill, which has the makings of looking very unsightly and will probably result in the felling of some trees. There are access rights to the site from an entrance below that currently proposed, from the field adjacent to the development area. It would be helpful if the applicant could pursue using this entrance and avoid any disruption. This would be the most acceptable outcome for the village.

As this is an eco development we feel that the entrance should be sympathetic to this, so propose that it should be in keeping with the rural nature of the area. We suggest no imposing gates, no lights to preserve the dark sky and no tarmac.

Public Footpath

There are also concerns about the public footpath which runs to the south of the site and this needs to be preserved.

Use of the Property in the Future

Regarding paragraph 79, our assumption is that the approval is for the proposed development only and not a blanket approval for development which could be altered at a later date.

We would also ask that a condition is that the property is for a domestic residence only. The applicant's family are in the leisure services business and this development could be viewed as having great potential in this area.

I hope that you will find these comments constructive. Please inform me of further developments.

Sue Shepherd
Chair
Ampleforth Parish Council

Jill Thompson

From: Development Management
Sent: 22 October 2019 09:11
To: Jill Thompson; Gary Housden
Subject: FW: Planning application 18/1126/MFUL

Importance: High

From: Roger Beck
Sent: 21 October 2019 17:52
To: Development Management <
Subject: Planning application 18/1126/MFUL

I write to express my concern that this planning application (18/1126/MFUL) was approved by the Planning Committee on September 10 2019.

- From a scrutiny of the recording of the meeting, it is clear that the decision was taken based more on personal opinion than upon planning issues.
- The committee seek to disagree with professional opinion regarding enhancement of surroundings without giving any reasons. They are required by the code of practice to do this.
- The code of practise also makes it clear that reasons must be given for making decisions contrary to professional advice.
- The committee appears to suggest that only paragraph 79 of NPPF is relevant. This is clearly not the case.
- In reference to para. 79, the committee fails to apply the necessary rules in terms of isolation, the nature of the design **and** the need to significantly enhance its local setting. A road across the face of Knoll Hill does not significantly enhance the landscape.
- The committee fails to engage with para 172 of NPPF and it fails to recognise the limitations imposed by the fact that this is a major development.
- The committee does not mention the AONB during debate, the only references are by the officer and by the chair. Clearly then, the decision was taken without any regard for protected landscapes.
- The committee accepted the suggestion from one member that the amount of money spent by the applicant was in some way relevant. This despite the fact that there was criticism of speakers for presenting irrelevant facts.
- The committee were given no legal guidance.
- The committee entirely fails to apply the Authorities own plan, which is also relevant to this application. There is a failure to apply SP1, SP2, SP13, SP14 and SP16 in your Local Plan Strategy.
- The proposed development is outside the development limits for Ampleforth. One significant concern is the failure to apply Ryedale's own Policy which states clearly

that such developments will only be allowed if they are necessary and significantly improve the environment. There is no evidence that this development is necessary.

On this basis. I believe that NPPF and The Ryedale Plan, together with the Crow act and the recent Glover report have not been applied in making this decision and that the decision is perverse. The decision is in danger of setting precedents that create a significant danger to protected landscapes throughout the nation. The decision should be "called In" by the Secretary of State.

Roger Beck,
Nettle Meadow,
West End,
Ampleforth.

Jill Thompson

From: Development Management
Sent: 23 October 2019 09:27
To: Jill Thompson; Gary Housden
Subject: FW: Planning Application 18/01126/MFUL
Attachments: Knoll Hill taken from Yearsley Bank.jpg; 1. Major Development definition.docx

From: S R Robinson
Sent: 22 October 2019 22:40
To: Development Management <
Subject: Planning Application 18/01126/MFUL

To:

The Planning Department,
Ryedale District Council,
Cottage,
Ryedale House,
Old Malton Road,
Malton,
North Yorkshire
YO17 7HH

From:

S.A. Robinson,
West End

West End,
Ampleforth,
North Yorkshire.
YO62 4DY

22nd October 2019

Dear Mr. Housden,

Re: Departure Notice for Planning Application 18/01126/MFUL

It is clear from attending the Planning Committee Meeting on 10th September 2019 and transcribing the Officer's Report and the Members' Debate that the decision to grant this Application is perverse.

During the Members' Debate:

Most of the statements were about the exciting and modern design of the house. There were no comments about the other buildings in the development. There were no questions about the amount of landscape remodelling required. The only question was concerned with the applicant's financial outlay. The costs incurred by the applicant appeared to influence some of the Members. There were no references to National Planning Regulations apart from Paragraph 79 of the NPPF*. There were no references to the Ryedale Plan and the Local Plan Strategy. There was no mention of the development being outside Ampleforth Permitted Development. There was no mention of the development's location in an AONB and VIUA. There were no reasons given for ignoring all the relevant paragraphs of the NPPF. There were no reasons given for ignoring Expert Reports.

There were no reasons given for going against the recommendations of the Officer's Report.

There was no Legal Advice given.

The Local Plan Strategy sections which the Committee ignored are:

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

The NPPF sections which the Committee ignored are:

Paragraph 172 - All of which this major development fails.

Paragraph 170 - Which urges the protection of the natural landscape, not remodelling.

Paragraph 83 - Which supports local economy and community services, rather than damaging them.

It is particularly concerning that the application was not tested against Paragraph 172, in spite of the fact that the North York Moors National Park advised the Local Planning Authority to "Assess the proposal against Paragraph 172 of the National Planning Policy Framework".

The Committee Members appear to think that remodelling the landscape in order for the construction of a private house, adjacent garage, pavilion for domestic use, tractor and machinery garage linked with storage barn, block of four stables with tack room and storage is acceptable in an AONB.

Finally, they have not referred to the CROW Act:

"Local authority responsibilities

Under the CROW Act, you, the relevant local authority, must make sure that all decisions have regard for the purpose of conserving and enhancing the **natural** beauty of the AONB. Your decisions and activities must consider the potential effect it will have within the AONB and land outside its boundary."

In conclusion, this Planning Committee decision goes against the NPPF, the Ryedale Plan and also the CROW Act without giving any justification.

This is a perverse decision, which shows a concerning disregard for Planning Regulations and the obligation of Planning Authorities to guard protected landscapes.

The decision should be called in.

Yours,
S.A. Robinson

* Except for the Chair, who refers to the AONB and Chapter 15 after the application has been supported. The Committee Members do not react to her statement.

Please find attached a photograph taken from Yearsley Moor Bank over 3 miles away. All the pale green/yellow grassy fields in the centre distance make up the development site and will always be clearly seen from the South.

Planning Application 18/01126/MFUL

This application is a Major Development.

As per Article 8(7) of the Town and Country Planning (General Development Procedure Order) 1995;

“major development” means development involving any one or more of the following—

(e) the development is carried out on a site having an area of 1 hectare or more.

Knoll Hill is 3.59 Hectares

The field below the first boundary where the buildings and other development are planned is 11.48 Hectares

As the access road crosses Knoll Hill, it becomes part of the area for development.

The total area to be developed is therefore in excess of 14 hectares.

The North York Moors National Park assess it as such, otherwise they would not have referred to Paragraph 172 of the NPPF which specifically concerns Major Development.

Ryedale Planning Department told me it was a major development when speaking to them both over the phone and in person.

Jill Thompson

From: Development Management
Sent: 22 October 2019 10:43
To: Jill Thompson; Gary Housden
Subject: FW: Departure Notice: Objection and comments: 18/01126/MFUL

From: Phillip Gill
Sent: 22 October 2019 10:39
To: Development Management
Subject: Departure Notice: Objection and comments: 18/01126/MFUL

Dear Gary Housden

18/01126/MFUL | 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 and additional hard and soft landscaping | Land At OS Field 8358 Main Street Ampleforth

In response to the departure notice recently issued, we would like to reiterate our previous objections in our emails of 2 January 2019 and 7 May 2019 and hope that these will receive further serious consideration.

We are privileged to live an Area of Outstanding Natural Beauty, and it deserves the utmost care to preserve its qualities for future generations.

However, at this time, we would also like to take the opportunity to express our dismay at the manner in which the decision was taken on 10 September 2019.

1. We felt that the officer's report was perfunctory, and the photographic evidence provided was grossly inadequate to back up the officer's recommendation for refusal. A site of exceptional beauty was made to look very unexceptional, through a combination of poor camera angles and bad weather conditions. This presentation seemed to have the effect of corraling the subsequent discussion solely on to the point of whether the application met the requirements of paragraph 79 of the NPPF, and hingeing the decision accordingly.
2. Given the sensitivity of the site, it was surprising that a site visit for the whole committee was not mandatory to view the site from all external vantage points as well as internally, to fully appreciate the impact that this major development would have.
3. Ms Anna Lupton who spoke in favour of the application did not declare an interest, despite having been remunerated to perform PR work for the applicant's businesses
4. The committee members failed to acknowledge fully and implement the existing planning constraints and policies for a site of this nature. They appeared to attach undue importance to the amount of money the applicant had already spent on the application, and the kudos which would attach to Ryedale District Council if it approved the application. Both of these factors should not have entered into objective decision making. Indeed, more than one councillor referred to their own decision as subjective. As constituents of Ryedale District Council, we believe that our elected members have a duty to perform objectively and diligently, and acknowledge the local plan, other legal planning constraints, and the advice of qualified consultees.
5. Before the vote was taken, it was surprising that this was not pointed out by the officer or the chairman.

6. It was disappointing how little regard was given to the objectors' views, both oral and written, as considerable time had spent preparing these, and it felt as if they had no validity in comparison to the applicant's well-funded case.
7. The subsequent minutes of this section of the meeting did not appear to be a truly accurate record, and may have been compiled to paper over the shortcomings.
8. The departure notice posted at the site was placed behind hedging and was virtually invisible until a local resident saw fit to move it.

We strongly hold the view that no development, however innovative, can ever enhance this site of exceptional beauty within an Area of Outstanding Natural Beauty, and we sincerely hope that the decision may be referred on to the Secretary of State for Housing, Communities and Local Government for more objective and balanced consideration, which would take into account the many factors, legal and otherwise, which were ignored at the planning meeting.

Yours faithfully

Phillip Gill and Anton van der Horst
Shallowdale House
West End
Ampleforth
York
YO62 4DY.

Jill Thompson

From: Development Management
Sent: 24 October 2019 11:47
To: Jill Thompson
Subject: FW: Representation regarding Departure Notice for approval of Planning Application 18/01126/MFUL

From: Alan Waugh
Sent: 23 October 2019 21:07
To: Development Management
Subject: Representation regarding Departure Notice for approval of Planning Application 18/01126/MFUL

Dear Sir or Madam,

I am astonished and deeply concerned about the conduct of the 8 members of the Planning Committee who approved this application against all the evidence, professional recommendations and the comments from local people advocating rejection of the application (not to mention the fact that those councillors' decision contradicts so many of RDC's own policies - see below). The decision to accept this planning application is truly one of the worst misuses (if not abuses) of process and power in local government I have come across, and the decision needs to be rectified at the earliest opportunity.

[For the avoidance of doubt, the words "ignorant" or "ignorance" used in the following representation have the specific meaning of "not knowing, lack of understanding, ignoring" as opposed to any more pejorative meaning or usage].

I was not actually present at the meeting when this ignorant, unreasonable and therefore perverse decision was made by the planning committee, but I have had the benefit of reading transcripts of the recording from that meeting - and I note that the Planning Officer tried to tell the committee members that the site in its **undeveloped** state is reflective of the defining characteristics of the AONB; that the development proposed by the application and its associated landscaping scheme does not significantly enhance its immediate landscape character, and that the site's current landscape quality and scenic value is already very, very high. The Planning Officer goes on to state that the application does not, therefore, meet Paragraph 79 in full (which means - to any reasonable person - that the application has failed the test that the proposal was written to pass; let me repeat that: in the professional opinion of the Planning Officer and RDC's own Planning Department, the application failed the test that the proposal had supposedly been specifically written to conform to; and the 8 councillors who voted to approve the application simply ignored these professional opinions and allowed their unjustified personal preferences to outweigh the professional advice they had been given, without citing any evidence or material considerations at all to support their ignorant opinions).

So, in the professional opinion of the planning experts the application fails the test set in the NPPF paragraph the proposal was designed to conform with [Paragraph 79 (e)]. That - any reasonable member of the public in receipt of the facts would think - should be enough to ensure that the application would be rejected. But no, there is more:

Not at any stage (not when the application was introduced, nor when it was discussed at the meeting) was Paragraph 172 of the NPPF even mentioned; this paragraph specifically refers to AONBs, and the great weight which should be given to *conserving and enhancing landscape and scenic beauty in AONBs*, and para 172 was referred to in this context by the AONB Manager in his written submissions about the application! But the councillors who voted to approve the application obviously had not read his submissions, or had chosen to ignore that professional opinion as well.

The extent of the ignorance displayed by some of the councillors in the 'debate' after the speakers have finished is both breathtaking and deeply worrying.

1. At least two of the councillors appear to have been more worried about the amount of money so obviously spent by the applicant (of which more later...) to try and get his application passed (using paragraph 79) than they were concerned about contravening the statutory provisions within the National Planning Policy Framework (including both Paragraph 79 - with the councillors refusing to accept the fact that the proposal had failed the para 79 test, despite professional advice that it had - as well as the contravention of Paragraph 172, a paragraph which they completely ignored.) This gives any reasonable member of the public in receipt of all the facts the message that "if you spend enough money on a planning application, then RDC will find a way around the planning regulations for you." Is that really the sort of message that RDC wants to send out?

2. In the 'debate' one of the councillors says "We have to look at the area and see, not a natural area, but an entirely man-made area." I think not; in law, the area has been designated as an Area of Outstanding *Natural* Beauty; unless that councillor wants to unilaterally change the law, the clue is in the name - it has been designated as an AONB and has been given the "highest status of protection in relation to these issues" (of conserving and enhancing landscape and scenic beauty) according to Paragraph 172 of the NPPF (which arguably has more relevance to the proposal than Paragraph 79 - which the proposal fails in any case, as noted above). Now it could (just conceivably) be possible for a councillor to argue that s/he has a personal preference that tells him or her that this proposed development could enhance the landscape and scenic beauty of the VIUA of Knoll Hill (despite all the evidence in the Landscape and Visual Impact Assessment to the contrary - although personally I cannot see how the proposed development would enhance Knoll Hill in any way, significantly or not); but there is absolutely no way that any reasonable member of the public (in receipt of all the facts) could possibly imagine that this proposed Major Development might actually *conserve* that landscape (as required by Paragraph 172) - if the development goes ahead, it will involve digging up, paving over and planting up huge swathes of the landscape that is meant (by law) to be conserved! The decision to approve this application is indefensible, unreasonable and therefore perverse.

3. The councillor who attempted to justify her opinion by referring to a "very, very new modern building at Ampleforth College" makes yet another fundamental error; the character of the immediate setting of Ampleforth College is so built up as to be almost urban in character; virtually any development there would never be as incongruous and monstrously out of character as this proposed development would be in the location that has been planned for it. It looks like a space-ship has landed at the bottom of Knoll Hill (from the no doubt highly expensive, beige-coloured 'nice model in front of us.') The house - no matter how 'eco-friendly' it might be - should and must not be in that location.

4. The councillor who said that "We've heard about the strength of local concern. We can listen to that, but it's nothing to do with policy" could usefully spend a bit more time considering the number of adopted RDC policies that his decision has contradicted, upended or ignored (which, if he had actually read the Planning Officer's report, he would know were SP1, SP2, SP13, SP14 and SP16). These are RDC's adopted policies that this decision to approve the application has contravened, and I am a local expressing the strongest possible concern that the Councillor's council's own policies are being contravened because of his (and others') personal and unsupported preferences. I 'humbly' suggest - in my 'humble' opinion - that the strength of local opinion does have *very much* to do with policy and conforming to planning law; rather more, in fact, than his own unsubstantiated opinion does.

To get back to the sheer quantity of money that has been expended on this proposal up to now by the applicant - he does have a great deal of sympathy from me: there is no doubt that the design of the 'house' is innovative and laudable in both its concept and its objectives - it's just that it simply must not be allowed to be sited where it is proposed to be sited, in a VIUA of an AONB. If I may be allowed to put forward my own unsubstantiated opinion at this juncture (since such unsubstantiated opinion - from councillors at any rate - appears to have been valued so highly in this process) I would suggest that both the planning

consultant/s employed by the applicant and the 8 councillors beguiled by those consultants' propaganda into approving the application should have known better; the consultants should have pointed out at a much earlier stage that - in planning law - the development should not take place where proposed, and the councillors - who showed their ignorance of the planning regulations by the way they voted to approve the application - simply should not have voted in the way they did. If national planning regulations are properly applied and the approval for this development is overturned (as it should be) then all the money that the applicant has spent on the application has been spent for nothing. In such circumstances he would have my full support in seeking monetary compensation (probably from the planning consultant/s he engaged) for being misled into believing that his application had any chance of being approved at all.

This entire sorry episode has been an object lesson in how not to apply for and approve a totally inappropriately-sited development; it risks bringing the entire planning permission system into disrepute, and the sooner this whole issue has gone away, and the VIUA of Knoll Hill has been left in the AONB as it is now, then the better pleased I will be.

Yours faithfully,

Alan Waugh, Ampleforth resident and objector

Oak Cottage
West End
Ampleforth
North Yorkshire
YO62 4DU.

22nd October 2019.

Planning Department
Ryedale District Council
Reference

Planning Application No 18/01126/MFUL
- Applicant: Mr Edward Fawcett

In response to the departure notice recently issued we would like to reiterate our previous objections in the email of 1.2.19. However, at this time we would like to express our dismay at the manner in which the decision was taken on 10th Sept 2019.

1. We felt that the officer's report was perfunctory, and the photographic evidence provided was grossly inadequate to back up the officer's recommendation for refusal. A site of exceptional beauty was

made to look unexceptional, through a combination of poor camera angles and bad weather conditions.

2. Given the sensitivity of the site it was surprising that the whole committee had not viewed the site from all the external vantage points as well as internally, to fully appreciate the impact that this major development would have.

3. The committee members failed to acknowledge fully and implement the existing planning constraints and policies for a site of this nature. They appeared to attach undue importance to the amount of money the applicant had already spent on the application and the kudos which would attach to Ryedale District Council if it approved the application. Both of these factors should not have entered into the objective decision making. As constituents of Ryedale District Council

we believe that our elected members have a duty to perform objectively, diligently and acknowledge the local plan, other legal planning constraints and the advice of qualified consultees. Before the vote was taken it was surprising that this was not pointed out by the officer or the chairman.

4. The proposed large, considerable agricultural development and roadworks lies in an Area of Outstanding Natural Beauty. The considerable road works to the proposed development would significantly deface the existing topography by creating a permanent scar across Knoll Hill. The whole visual impact of the AONB and the gateway into Ampleforth would be permanently destroyed.

5. The extra noise and from the agricultural machinery and work from the extensive outbuildings to the development will have a negative impact on tourism and the neighbouring community. The increased traffic from the large road works will create a serious hazard during the tourist season and when Sutton Bank is closed. (annually)

6. The large agricultural development is a change of use of the land — no mention has been made that this has been agreed? An orchard is an artificial structure and orderly in its planting at a loss to the natural wild landscape, green areas and ancient deciduous trees. The development would radically change the view across the

the valley from Yearsley Wood and the frequently used footpath up and down Westwood Lane as well as a public footpath across the area. This would negatively effect tourism to the local businesses and area.

We strongly hold the view that no development, however innovative, can ever enhance this site of exceptional beauty and we sincerely hope that the decision may be referred on to the Secretary of State for Planning for more rational, balanced and fair consideration which would take into account the many factors which were ignored at the planning meeting.

In addition, a large group of Ampleforth residents and small businesses who will suffer considerable losses, as tourism is affected would welcome a change of decision. Thank you for your help

in this matter I trust you will
give it fair consideration and we
would welcome a reply in the next
10 days on which we can then
seek legal counsel as necessary.

Yours sincerely,