

AMOTHERBY PARISH COUNCIL

Clerk to the Council
Miss S Bath

Glenmore,
Amotherby,
MALTON
YO17 6TG

Application 21/01119/FUL - Formation of vehicular access at Reservoir, Amotherby Lane

The Parish Council **OBJECT** to this application for the following reasons.

Prior to 2010 the site was essentially an inoffensive grass mound situated on the west side of Amotherby Lane. There was no vehicular access to the site and Yorkshire Water maintenance vehicles would park on the verge in order to allow staff to visit the site.

The Parish Council first raised concerns over the site in January 2011 and in May 2011 an application (11/00443/FUL) to convert the reservoir into a dwelling was submitted, which was refused by Ryedale District Council and dismissed at Appeal (APP/Y2736/A/11/2166982) in 2012.

Since then the situation at the site has changed significantly. There is a long history of unauthorised development, the applicant having held planning laws in contempt.

Bearing in mind there are no permitted development rights associated with use as a reservoir it should be noted that:-

- A) the site has been enclosed with a 1.8 m mesh fence, including adjacent to the highway
- B) a vehicular access has been constructed, notwithstanding the fact that this was one of the elements of the 2011 application that was refused
- C) hard standing has been put down
- D) excavation of the embankment on the west side has taken place
- E) demolition of part of the concrete wall of the reservoir tank on the west side
- F) patio doors installed within the demolished area
- G) vehicles, a boat, and other incidental items have been/are stored on the hard standing

All of the above development is unauthorised and requires permission.

The Parish Council have been attempting to have the situation rectified since May 2012. Appended is a history of the site from Amotherby Parish Council records which includes a succession of emails since May 2012 whereby the Parish Council were seeking action. Zip files of history documents/emails and photographs are attached to the email sending this letter. As far as the Parish Council is aware no successful action has taken place.

In addition to Policies in the Ryedale Local Plan that seek to protect the rural environment, the site is within the Howardian Hills Area of Outstanding Natural Beauty where there is a duty to “protect or enhance” the scenic qualities and natural beauty of this nationally designated area.

None of the unauthorised development listed above achieves this requirement. On the contrary the works have an adverse impact on the area introducing alien and obtrusive elements into the landscape such as the opening up of the verge to create the access, open storage, industrial fencing, the removal of the grass bank and creating a building-like fenestration on the west side.

All the above is relevant to the current application which should not be judged against the backdrop of the existing unauthorised situation but against the pre-2010 situation when the site was an unobtrusive grass mound with little impact on the scenic qualities of the area.

The site, when used as a reservoir, had no vehicular access but a small pull off/lay-by in the verge whereby Yorkshire Water staff could park in order to access the site. The current unauthorised access formed part of the 2011 application for residential development and its unacceptability was part of the reason for refusal and the refusal of the Appeal. The access should not be there and to use its presence as a lever to justify a “better” access is perverse.

Whilst the proposed access may have some qualities in terms of highway visibility it is not the only consideration. The impact it will have on the scenic qualities of the area should carry great weight. Amotherby Lane is a narrow, largely entrenched road, whereby the embanked verge is a significant visual element. The proposed access requires significant excavation of the verge embankment in order to achieve satisfactory access and egress. This is at a point on a sharp bend on Amotherby Lane where the loss of the embankment will be particularly noticeable, particularly when approached from the north. The National Policy requirement to conserve and enhance the landscape of the AONB is not met. On the contrary the proposed access will have a negative impact on the natural and scenic qualities of the landscape.

In addition to the impact on the landscape there is the question of the intensification of the use of the site and its impact on the AONB and highway safety.

The applicants claim the approved use of the site is B8 storage and distribution. This may or may not be correct. It is assumed the Planning Authority will investigate the legitimacy of the claim given the site was last used as part of a larger infrastructure concern (water supply) and not storage and distribution in its own right.

If the site is not B8 the requirement for an access is nullified and permission would be needed to use the site for such a purpose.

If the Planning Authority accept that the site has an established B8 use this should be viewed in the light of the pre-2010 situation of a grass mound with no vehicular access, hard standing or access to the reservoir “building”, and therefore the level of activity and use is severely limited. These features have all been created without permission since 2011/12 in order to facilitate use of the building.

The provision of the proposed access will potentially intensify the use of the site to an indeterminate level with potentially a large increase in activity by vehicles of an unknown size, accessed via by the single tracked Amotherby Lane. In addition, the increase in the level of activity on site to a commercial level will result in an alien feature at odds with its location in the AONB, with little prospect of the conservation or enhancement of the landscape. The refusal of the access would prevent this intensification.

In conclusion Amotherby Parish Council **strongly object** to the proposed access and consider that the development will have a significant adverse impact on the scenic qualities of this part of the Howardian Hills AONB, resulting from the destructive nature of the development which neither preserves or enhances those qualities.

In addition, the proposed development will lead to an intensification of the use of the site with a consequential adverse impact on the landscape, highway safety and potentially an increase in water runoff down Amotherby Lane which would exacerbate an existing flooding problem at times of heavy rain.

The development is clearly contrary to Policy SP13 of the Ryedale Plan and Para 176 of the National Planning Policy Framework which states:-

“Great weight should be given to conserving and enhancing landscape and scenic beauty inAreas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues”.

Finally the Parish Council would again ask that action be taken against the unauthorised development that has already been carried out, which is a blight on the character and appearance of this part of our Parish and the AONB.

Yours sincerely

Sara Bath

Clerk to Amotherby Parish Council

Appendix

History of Reservoir site (from PC records)

2011 Jan 21 - letter from PC to Planning Enforcement expressing concern over activity at site.

2011 May - application 11/00443/FUL for change of use and alteration to form 3 bed holiday home.

2011 June 14 - PC letter of objection to application 11/00443/FUL.

2011 July 13 - Refusal notice for application 11/00443/FUL

2012 Jan 6 - notification of Appeal

2012 Jan 15 - letter from PC to Planning Inspectorate.

2012 March 6 - Appeal refused.

2012 May 29 - PC letter to RDC re fence after Appeal.

2012 July 11 - emails May 29 2012 to July 11 2012 between PC & RDC.

2013 June 11 - emails Oct 4 2012 to June 2013 between PC & RDC.

2014 Nov 20 - emails Nov 2014 between PC & RDC.

2015 Jan 6 - emails Nov 2014 to Jan 6 2015 between PC & RDC.

2015 Jan 11 - emails Nov 2014 to Jan 11 between PC & RDC.

2015 Jun 21 - emails Nov 2014 to June 2015 between PC & RDC.

2019 Feb 12 - email to RDC with PC letter, complaint form and photographs of work done recently.

2019 March 7 - email from RDC re complaint and enforcement.

2019 May14 - email from AONB to RDC & PC re complaint and further work being carried out.

2020 Feb 28 - email to RDC with photos of further work (hole cut on W face& area dug out).

2020 April 16 - email to RDC with photo of patio windows installed.