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Branch Chair
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Authority: Ryedale District Council

Type of consultation: Planning Application

Full details of application/consultation: 20/00695/FUL - Change of use and alteration of farm buildings to form a mixed-use events and venue barn (wedding ceremonies and reception and small conferences etc.) with associated facilities, landscaping and parking

At land at: Sproxton Hall Farm, Main Street, Sproxton, Helmsley, YO62 5EQ

Type of response: Objection

Date of Submission: 1st April 2021

All responses or queries relating to this submission should be directed to the Secretary for the Trustees at the contact details shown above on this frontispiece.

All CPRE North Yorkshire comments are prepared by the charity using professional planners whose research and recommendations form the basis of this response in line with national CPRE policies.

External planning consultant used in this response:



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Comment

CPRE North Yorkshire The Countryside Charity ('CPRENY') welcomes the opportunity to comment on this planning application for change of use and alterations to existing farm buildings to a mixed-use events and venue barn with associated facilities, landscaping, and parking at Sproxton.

CPRENY object to the proposal in its entirety at this elevated rural location which will unequivocally impact detrimentally upon the Howardian Hills Area of Outstanding Natural Beauty and the residents that live in the settlement of Sproxton. It is also considered the proposals will also impact users of the Public Rights of Way and bridleways in the vicinity and is not appropriate for the typically narrow and winding rural lane that serves the site through the settlement and will impact on highway safety.

Planning Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application should be determined in accordance with the development plan unless material planning considerations indicate otherwise. The planning system should contribute to achieving sustainable development. The National Planning Policy Framework (NPPF) (2019) aims to deliver sustainable development through the implementation of its policies. Paragraph 11 states that for decision making this means:

- c) *'approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:*
 - I. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - II. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'*

Paragraph 213 of the NPPF clarifies that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Weight should be given to them according to their consistency with the NPPF. (The closer the policies in the plan to the policies in the Framework, the greater the weight that should be attributed).

The Development Plan relevant to this application consists of:

- Ryedale Local Plan Strategy (adopted 2012); and
- Ryedale Local Plan Sites Document (adopted 2019).

Ryedale District Council (RDC) have recently announced a review of the Local Plan which will update policies for new development and are intending to issue a new 'call for sites' in April/May 2021. Due to this early stage of plan preparation, weight cannot be given to the new Local Plan at this time. Therefore, CPRENY believe that the proposals should be determined against the provisions of the local plan and material considerations as necessary.

A further material consideration to the determination of this proposal is the 'Howardian Hills Area of Outstanding Natural Beauty ('AONB') Management Plan 2019-2024' and also the 'Landscape Management and Priority Sites 2019-2024'. The site is situated in its entirety within the AONB and as such the landscape is awarded the highest protection in planning policy terms.

Paragraph 172 of the NPPF confirms that in any decision '*great weight should be given to conserving and enhancing the landscape and scenic beauty in AONBs*'. It goes on to state that '*the scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest.*' A footnote (number 55) to the paragraph sets out that whether the proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined. CPRENY believe given the quiet, rural nature of the small village of Sproxton (with no services) coupled with the elevated position of the site and the number of vehicular movements associated with the development, the proposal should be considered as major development and as such be refused in line with national planning policy.

The AONB Management Plan explains how the AONB is a very rural area served by a network of minor roads. When traversing the B1257 from Malton to Helmsley, the road user is afforded open views of the escarpment on which the site and village sit and as such the open fields and ancient hedgerows and woodland are plainly visible. The AONB Board has identified this landscape type in this location as 'Eastern Moors Fringe' (Zone 2E).

The landscape management section of the AONB Landscape Management and Priority Sites document sets out its priority to '*promote the retention, restoration and sympathetic management of hedges, particularly those in the most visible locations and those associated with the remnant strip field system near Sproxton*'. As such it is unclear how the parking of a proposed 70 vehicles (plus staff and any external suppliers) will impact on the field system or how it will impact on the landscape and adjacent Ancient Woodland as it is considered this location will be visible from the B1257, especially during clear sunny spells (when most weddings occur) with the sun glinting on metal roofs.

Of further concern is that the applicant has only proposed car parking for 50 guests with an overspill field for a further 20 vehicles relying on guests to car share or use transportation put on by local providers. In our experience, whilst some guests do take this offer up, it is not a certainty and can not be conditioned as these accommodation providers are outwith the scope of the planning permission. Guests tend to want to use their own transport at private events in rural locations to enable them to leave to suit themselves. The applicant is proposing to convert the barn into an events venue that can cater for 220 guests at capacity. Even supposing that two people were to share 1 car there would be insufficient car parking provision for those 110 vehicles (not including staff or suppliers cars). CPRENY are concerned that vehicles will be forced further into the open countryside or along the no-through road serving Sproxton village – which has only 45 residential dwellings.

The applicant is reliant on guests staying in the adjacent holiday cottage accommodation within the settlement (only 4 cottages) or at other such providers and hotels locally. However, in our experience, many providers do not wish to 'let' cottages for a 1-2 night break over summer periods (when wedding events are at their peak) as it severely curtails the income that can be garnered from week-long lets and wedding guests rarely stay for more than that 1-2 nights. Further, the small country pubs and hotels mentioned by the applicant's planning documents which provide accommodation and transport also host their own events and are likely to have rooms taken up by guests attending those over the same time-period. Other holiday cottages/glamping pods may be available, but guests would need to secure bookings well in advance to coincide with the wedding and as such when competing with tourist demand and other events in the area, spaces cannot be guaranteed. It is acknowledged that an example of a 'preferred accommodation provider' has confirmed their agreement to being added to the list, however, this is no guarantee of dedicated bed-space and as such wedding/event guests, will compete with other visitors to the area at that time.

The applicants also mention that guests will be able to use a taxi service recommended by the applicant who

have a fleet of electric/hybrid cars. There are 2 companies who operate from Helmsley – each has 1 vehicle and advertise airport runs. There is no guarantee that taxis will be available and given the lack of fleet, a number of journeys would be required which would add to the disturbance to the residents. Ryedale District Council has just confirmed that 1 electric charge point will be positioned within the long-stay car park in Helmsley which is the first of its kind in the area. Any other charge point in the market town are located in private houses. As such it is disingenuous of the applicant to suggest that a fleet of such vehicles exist. In essence it is difficult to rely on other transportation options (or even bed spaces) outwith the applicant's control being available for these events and they certainly cannot be conditioned as it would not be enforceable or reasonable so as to meet the tests in paragraph 55 of the NPPF.

The NPPF states clearly that when determining applications, it should be ensured that (para. 108) *'safe and suitable access to the site can be achieved for all users'*; and that *'any significant impacts form the development on the transport network (in terms of capacity and congestion), on highway safety, can be cost effectively mitigated to an acceptable degree'*. It goes on to state at paragraph 109 that *'development should only be refused on highways grounds if there would be an unacceptable impact on highway safety or residual cumulative impacts on the road network would be severe.'* Whilst capacity might not be an issue in this case, CPRENY are very concerned about highway safety in this location. With an increased volume of vehicles using this no-through lane, it is likely that a large number of guests will arrive at once or in close proximity to each other and whilst this is not proposed to be at peak times, the number of vehicles traversing the narrow (ave. 4.6m although some road width measures 3.75) lane will dramatically increase. The applicant quotes the Manual for Street (MfT) in justifying that the road width as sufficient to allow two vehicles to pass safely, however, this was designed for urban areas and is based on a straight alignment of road. The village street curves along its length and the MfT does not take into account large agricultural vehicles so is not relevant in this case. Verge damage is already evident along the village street where vehicles have been forced to pass and mount the verge. CPRENY are hugely concerned that the streetscene and character of the village will dramatically alter should more carriageway widening be proposed and screening be required.

The venue is to be used all year, but with a heavy reliance on weddings which peak in summer periods when traffic along the B1257 will be busiest. If traversing from the A170 Thirsk to Helmsley road and joining the B-road, due to the curvature of the road and proximity of the junction to the Sproxtton village access, it is not impossible to imagine a queue of traffic waiting to turn and potentially backing up to the A170 in either direction, especially if waiting for farm vehicles to access/egress the junction – the busy wedding and tourist season also combines with harvest and an increased use of large agricultural machinery.

The village road is not sufficiently wide enough to allow a large farm vehicle to safely pass a private car. The village itself only has 45 residential dwellings who are used to sharing the road with farm vehicles. The potential for 110 vehicles or more to be waiting to arrive and traverse the road is likely to cause congestion and impact on highway safety. When considering queuing cars on either the A170 or the B1257, the number of motorcyclists who traverse this route should also be considered and whilst the applicant is not responsible for driver education not associated with his proposal, there are a number of unfortunate motorcyclist accidents on an annual basis on this stretch of road. The applicant's Transport Statement does not appear to have considered this or looked beyond the access of Sproxtton village road with the B1257 when accessing the Crashmap data. CPRENY are, therefore, concerned that this could impact highway safety.

Notwithstanding, the above it is understood that the bridleway and a public right of way run alongside the venue and shares the same narrow part of the road. CPRENY are concerned that the number of vehicles and noise associated with the development will impact on this part of the route which is locally valued and a means of easy access to the countryside for local residents. This access has become even more valued as a result of the COVID-19 pandemic and the need to access the countryside locally for exercise and mental health benefits.

A number of villagers and riders in the vicinity use the bridleway regularly. Horses could easily be spooked by the large number of vehicles, car doors opening and closing and a substantial number of guests talking and mingling outdoors with potential 'ambient' music playing. Whilst the Noise Management Plan submitted initially by the applicant's planning agent relies on closed doors and non-amplification of outdoor music, this does not account sufficiently for those occasions where doors and windows to the barn would be required to be opened on hot days/evenings, potentially 180-220 guests mingling outdoors whom may get louder as the event goes on, and music being played by cars and road sounds associated with traversing the village into the car parking area etc. Given that the site is elevated in its position, there is a strong likelihood that noise will travel, and users of both the PROW and bridleway will be impacted, potentially dangerously if on a horse. As such it is not clear how this will provide safe and suitable access to the site for all road users.

Further to this, CPRENY understand that there are two additional farmsteads whose only access is down the bridleway. As such the number of vehicles, in likely succession, traversing the track during the events will be highly problematic for those occupants, workers and any visitors to those farms. The applicant's Transport Statement has assumed a number of journeys at specific time periods to coincide with a wedding, however, there is no reason for those times to be presumed given that weddings or events can occur at any time of the day or evening so it will be very difficult for residents of the farm to predict when the most suitable time to access/egress their property would be or to plan work around a potential 110 plus vehicles arriving together with multiple coming and goings throughout the day. The applicant has proposed two passing places, but this will not fully mitigate the problem, especially given the blind bend on the road between spaces.

The AONB is noted for its tranquillity (which is not limited to noise but also includes motion) and as such care should be taken to prevent harm being inflicted upon particularly quiet locations. One of the special qualities of the Howardian Hills AONB is tranquillity. According to CPRE and Natural England (2006) the AONB is not especially tranquil in national terms which means it is particularly important to protect those parts of the AONB that still have relatively high levels of tranquillity.

Ryedale Local Plan Strategy Policy SP13 sets out that *'the quality, character and value of Ryedale's diverse landscapes will be protected and enhanced by:*

- *Encouraging new development and land management practises which reinforce the distinctive elements of landscape character within the District's broad landscape character areas of [...] Howardian Hills;*
- *Protecting the special qualities, scenic and natural beauty of the Howardian Hills Area of Outstanding Natural Beauty, the setting of the Area of Outstanding Natural Beauty and the setting of the North York Moors National Park.'*

The policy goes on to discuss landscape character setting out 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'* – providing criteria to be applied to a development proposal which any application should be determined against.

The policy goes on to set out its priorities towards national landscape designations which is potentially the most important section to the determination of this proposal: *'The natural beauty and special qualities of the Howardian Hills Area of Outstanding Natural Beauty (AONB) will be conserved and enhanced and the impact of proposals on the AONB, its setting or the setting of the North York Moors National Park will be carefully considered.'*

Proposals will be supported where they:

- *Do not detract from the natural beauty and special qualities of these nationally protected landscapes or*

their settings.

- *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 or are desirable to support the understanding and enjoyment of the area.*

The District Council and Howardian Hills AONB Joint Advisory Committee will resist development proposals or land management practises that would have an adverse impact on the natural beauty and special qualities of the AONB unless it can be demonstrated that the benefits of the proposal clearly outweigh any adverse impact and the proposal cannot be located elsewhere in a less damaging location.

Major development proposals within the AONB that would result in a significant adverse impact on the natural beauty and special qualities of the AONB will be considered within the context provided by national policy and only allowed in exceptional circumstances.'

CPRENY consider that a number of key documents are missing to inform the determination of this application, most notably a landscape and visual impact assessment (LVIA) including any photomontages taken from a variety of surrounding viewpoints which would significantly aid the determination of this proposal and its degree of impact on the AONB. Furthermore, no landscape mitigation is proposed, therefore, without such assessment it is not known as to what extent this might be required given the long reaching views towards the elevated site in the surrounding landscape. Nor has the applicant's planning agent assessed the proposals against policy SP13 or any of the AONBs management plan (which is a material consideration and noted in SP13) in her planning assessment.

The AONB Management Plan notes objective DRE3 as '*encourage the mitigation of intrusive features, to enhance the local landscape character and tranquillity of the AONB*'. It goes on in the Action Programme to provide an action point to this objective as DRE3.4 '*resist developments that increase the impact of light or noise pollution on the AONB or its setting*'. CPRENY thus assert that this proposal is entirely contrary to this objective and should be refused.

According to the submitted application form, the proposed site area is 6669.70m². The Town and Country Planning (Development Management Procedure) (England) Order 2015 sets out that '*major development means development involving any one or more of the following—*

(d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or

(e) development carried out on a site having an area of 1 hectare or more;'

Whilst footnote 55 of the NPPF sets out that whether something is major development in an AONB is up to the decision maker, this provides a tremendous guide and as such should constitute major development in a nationally designated landscape. CPRENY, therefore, believe that the applicant needs to demonstrate the proposals comply with the Major Development Test which has not been attempted or in any event achieved. 'Exceptional Circumstances' as required by the NPPF tests do not exist and the proposal should be refused.

CPRENY are aware that the applicant has submitted a noise management plan in support of the development proposals, however, following significant concern to this document, a further noise assessment was commissioned and submitted to the Council. CPRENY are aware that the surrounding environment of the site is a rural environment with typically low background noise levels, particularly at night. Having considered the documents submitted by the applicant and the report submitted by Apex Acoustics on behalf of the residents of Sproxtun – there appear to be many reported discrepancies and differences between the two assessments. CPRENY would urge the Council to seek independent advice from a suitably qualified noise expert to ensure

that any noise from the events does not impact detrimentally upon the residents and wider environment of the AONB with a noted special quality of tranquillity. It is thought that from its elevated position it would be highly feasible for noise to travel some distance on a still evening. Not only is amplified music emitting from open doors and windows a concern (it is not realistic to think at no point a door or window would not be opened during the course of an event), but CPRENY are concerned that for a small settlement of 45 residential dwellings, to experience the departure of some 220 guests and staff (presumably most weekends – which is what the applicant will hope for) at approximately midnight along the narrow country road where there would currently be extremely limited vehicular movements, would be most disturbing and a severe nuisance which could impact on the quality of sleep which in turn affects health as documented by the World Health Organisation. At present CPRENY believe that there is insufficient information to categorically state that the natural and local environment will be prevented from an undesirable risk from unacceptable levels of noise pollution in line with paragraph 170e or paragraph 180 of the NPPF.

The applicant has submitted an ecological appraisal in relation to breeding birds, bats and barn owls by MAB consulting. CPRENY have no significant concerns relating to this element of the application providing the recommendations of replacing roosting boxes and suitable bird boxes are conditioned to any planning permission.

However, as noted above, the applicant has failed to conduct a thorough LVIA or wider ecological appraisal to consider green corridors including existing mature hedgerows within the immediate vicinity of the site – the retention of which is an objective of the AONB. Chapter 11 of the Planning Statement sets out at 11.2 that *‘a brief site evaluation has been carried out to understand the landscape setting and assist in forming the overall development plan concept’*. No evidence of this assessment has been submitted, nor the details of a suitably qualified professional who undertook the assessment.

It goes on to suggest that *‘the application will promote and encourage good landscape design as an integral part of the development’*; *‘existing boundary features such as fences, trees and hedges are considered to significantly contribute to the character of the site and the wider landscape and will be maintained’*; *‘notwithstanding this, the application includes safeguarding measures to protect the local landscape and the applicant’s commitment to ensure that the development responds positively to the landscape character and the AONB landscape to conserve the highly valued landscape.’* No evidence of any of this or landscape plan has been presented with the application. Given that the application description refers to landscaping, CPRENY are at a loss to determine what has been proposed.

CPRENY are aware that a mature hedge has recently been severely coppiced and that it has been proposed to remove a mature hedge and replant a new hedge 2m further back to widen part of the access track. However, it remains unclear where the assertion at paragraph 12.7 comes from that *‘the proposal will not result in a net loss of biodiversity. Rather it will provide an enhancement and promote opportunities for wider biodiversity enhancement’*. No evidence of a measurable net gain of biodiversity has been demonstrated nor has use of a metric to determine any gain been provided by the applicant, therefore this does not seem like an accurate description. The mature hedgerow is likely to provide a valuable habitat for a variety of species as well as providing a link to the green network, a replacement hedge will take some twenty plus years to reach maturity and match the biodiversity value currently found in the mature hedge. National Planning Policy is very clear that proposals should demonstrate a measurable net gain in biodiversity (paragraph 175d) and the emerging Environment Bill is expected to set out a requirement for all proposals to achieve a net gain of 10% in biodiversity, which is already being rolled out as good practice across the country. CPRE campaign for the retention of valuable hedgerows both nationally and locally, recognising their intrinsic roles providing both amenity value for local residents and visitors to the countryside alongside facilitating wildlife habitats.

The NPPF provides, at paragraph 10, a presumption in favour of sustainable development which is at the heart

of the Framework. It goes on to set out how that is to be applied at paragraph 11. However, the applicant's planning statement has not considered the fact that the great weight to be given to the areas landscape (as set above and in NPPF paragraph 172) can be used as a reason to refuse the permission under paragraph 11d(i) which states *'the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.'*

This was proved in February 2021 by the Court of Appeal who confirmed that the NPPF allows a council to reject a planning application because of an adverse impact on an AONB in Monkhill Ltd v Secretary of State for Housing, Communities and Local Government & Anor (Rev 1) [2021] EWCA Civ 74. Sir Keith Lindblom, rejected a case brought by developer Monkhill against the Secretary of State for Housing, Communities and Local Government and Waverley Borough Council. He said the court had to decide the meaning of the policy relating to development in an AONB and the relationship of that policy to the presumption in favour of sustainable development. When the case reached the High Court, Justice Holgate concluded paragraph 172 *'is also capable of sustaining a freestanding reason for refusal in general development control in AONBs, National Parks and the [Norfolk] Broads'*. J Lindblom stated in his conclusions that the developer's opinion and challenge *'do not, in my view, reflect an accurate understanding of the policies we are considering and the way in which those policies are intended to operate. I think Holgate J was right to reject them, for the reasons he gave. I agree with him that the inspector's decision is not flawed by a mistaken interpretation, or unlawful application, of relevant policy.'*

In conclusion, CPRENY do not wish to object to viable farm diversification projects and support many that are situated in appropriate locations and of a suitable scale and nature to their surroundings. However, given the major concerns set out above, CPRENY consider the proposal should be refused due to its detrimental impact on the nationally protected landscape of the AONB and on nearby residents, particularly in terms of loss of tranquillity and impact from noise associated with the development. Furthermore, CPRENY believe that the proposal should also be refused on grounds of highway safety on a particularly narrow rural lane incorporating a bridleway for all road users, lack of proposed parking on site and reliance on non-conditional transport providers. The application is significantly lacking in detail in relation to its specific impact on the immediate and wider landscape setting and biodiversity value found at the site.

CPRENY reserve the right to comment further should additional information be submitted in support of the proposals.