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Branch Chair
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Authority: Ryedale District Council

Type of consultation: Planning Application

Full details of application/consultation: 22/00791/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 including new access from A170 (revised scheme to refusal 20/00695/FUL dated 07.07.2021)

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

Type of response: Objection

Date of Submission: 25th September 2022

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 and East 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 and East Yorkshire ('CPRENEY') welcomes the opportunity to comment on this revised 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 including new access from the A170 at Sproxton Hall Farm.

In April 2021, CPRENEY objected to the proposal in its entirety at the elevated rural location which they considered would unequivocally impact detrimentally upon the Howardian Hills Area of Outstanding Natural Beauty ('AONB') and the residents in the settlement of Sproxton. It was also considered the proposals would also impact users of the Public Rights of Way and bridleways in the vicinity and was not appropriate for the narrow and winding rural lane that serves the site through the settlement and thus impacting on highway safety. Since then, CPRENEY merged with CPRE East Yorkshire to form CPRENEY and it is acknowledged that the applicant has sought to address some of the reasons for refusal set out on the previous Decision Notice (20/00695/FUL). The National Planning Policy Framework has also been updated.

Having had the opportunity to consider the revised documents, CPRENEY remain of the opinion that the proposal, despite the changes, will still impact detrimentally upon the AONB and residents of the village, therefore, the objection is maintained.

The remainder of this report reiterates our areas of concern, however, has been updated to reflect changes in the proposal and policies where necessary.

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) (2021) 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 219 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, however, due to the early stage of plan preparation, weight cannot be given to the new Local Plan at this time. Therefore, CPRENEY 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 176 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 all these designated areas should be limited...*' A new paragraph 177 sets out that '*when considering applications for development within National Parks, the Boards and Areas of Outstanding Natural Beauty, 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 60) 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.

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;*

As such, this provides a tremendous guide to the Council and as such CPRENEY consider that this COU should constitute major development in a nationally designated landscape, the proximity to residential receptors (100m), 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. Consequently, the applicant needs to demonstrate the proposals comply with the Major Development Test as set out in the NPPF (para. 177) and justify 'Exceptional Circumstances' to allow the proposal.

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).

It is acknowledged that the applicant has proposed a new access road with the hope of diverting event and farm traffic away from the small village of Sproxton, which in itself is welcomed. However, this cannot be guaranteed – should visitors 'miss' the proposed access with a new postcode, it is likely they will try and use the Sproxton village no-through road as sat-nav tries to update itself. Even with the proposed signage, the applicant cannot guarantee this will not occur. Furthermore, should the applicant succeed in gaining permission and having full capacity events throughout the summer harvest period, it is unlikely that farm traffic will utilise the same track as guests so as to avoid hold ups or congestion on the proposed tract, meaning traffic – of one sort, if not mixed is likely to still use the no-through road.

In support of the application is a technical note from Sandersons on behalf of the applicant dealing with Highways Matters, however, no updated or new Transport Assessment has been submitted with the application. The Technical Note addresses areas of concern of the Highways Authority and some reasons for refusal however, given there is no mention of vehicular movements or numbers of/type of vehicular movements associated with 'farm traffic' within the document, it is difficult to understand how the applicant has determined that the new access will be safe or suitable in terms of meeting the required tests in the NPPF. The note does not set out that it should be read in conjunction with the previous applications Traffic Assessment, if that was the case then the previous document should have been submitted with this application.

Subsequently, the applicant has not mentioned an alteration to the number of vehicles to be 'parked' at the site. Therefore, CPRENEY are considering the application in light of those previously proposed. It, therefore, remains unclear how the parking of a proposed 70 vehicles (plus staff and any external suppliers) will impact on the wider AONB landscape at this elevated position visible from the B1257, especially during clear sunny spells (when most weddings occur) with the sun glinting on metal rooves.

If relying on previous figures, and with no information to state otherwise in the application documents, it is assumed that the applicant is reliant on guest's car sharing or using 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). CPRENEY are concerned that vehicles will be forced further into the open countryside or will use the no-through road serving Sproxton village – which has only 45 residential dwellings, to avoid congestion on the proposed new access to be able to come and go from the site as they wish.

CPRENEY are concerned that without the provision of specific numbers of vehicular movements associated with the proposed development in combination with farm traffic, especially during peak periods, the Highways Authority or Council cannot adequately assess the viability and appropriateness of the newly proposed access track associated with the development proposal.

The NPPF states clearly that when determining applications, it should be ensured that (para. 110) '*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 111 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*.' CPRENEY consider that the Council should require this information from the applicant prior to any determination of the proposals to ensure that both themselves and the Highways Authority can be satisfied that capacity and road safety are not a concern for this location prior to determination.

CPRENEY remain very concerned that the increased volume of vehicles using the track will not be viable or enforceable and as such guests or farm traffic will utilise the existing no-through lane. It is highly likely that a large number of guests will arrive at once or in close proximity to each other and whilst this is not necessarily proposed to be at peak times, the number of vehicles traversing the narrow lane will significantly increase.

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 proposed new access junction, CPRENEY's concerns regarding queuing traffic waiting to access/egress the site and potentially backing up to the A170 in either direction remain extant. The busy wedding and tourist season also combines with harvest and an increased use of large agricultural machinery.

Notwithstanding, the above it is understood that the proposed new track is immediately adjacent to a bridleway and a public right of way which runs alongside the venue and shares the same narrow part of the road. CPRENEY 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 a succession of a large number of vehicles, car doors opening and closing and a substantial number of guests (up to 220) talking and mingling outdoors with potential 'ambient' music playing alongside farm traffic which has not traditionally utilised the full extent of this track to access the road network. 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 during the day, which could be dangerous 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. The NPPF places great weight on the safety of other road users and whilst the track does not share the road space with these vulnerable users and there is a hedge in between, realistically the presence of such a high volume of road users is likely to have a detrimental impact on the PROW users and cause intimidation.

Paragraph 14.11 of the submitted planning statement which supports the application sets out: *'Another special quality of the area is the strong feeling of remoteness something the applicant wishes to share with visitors to come to the site in the form of: Stillness, Peacefulness, Rustling of the trees in the breeze, Quietness except for wildlife, A sense of calm from busy day to day lives, Flow of a nearby stream, Serenity, Restfulness'* All of which are undoubtedly some of the special qualities attributed to the designation of the AONB. The proposed use of the venue is perhaps at odds with these special qualities which suggest more of an 'off-the-beaten-track' type of accommodation, spa or meditation retreat rather than an events venue with regular loud and live music, lots of vehicular movements and lighting.

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.’

CPRENEY consider 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 is missing from the submitted application. Section 11 of the Planning Statement is entitled Landscape Impact Assessment (LIA), this is not an LVIA and should not be confused as one for the purposes of determination of this proposal. An LIA would be suitable for an area of landscape value – a locally significant landscape. However, given that the proposal is firmly within the AONB which, in landscape terms, is awarded the highest degree of protection in planning policy terms as a designated landscape, the same as National Parks, this remains a serious omission. The Council should request a full and thorough LVIA undertaken by a suitably qualified landscape assessor who would undertake the assessment in line with the best practise guidance as set out in Guidelines for Landscape and Visual Impact Assessment v3 (GLVIA3).

The proposal is for a change of use with potentially significant impacts on several facets which impact landscape and visual amenity, including tranquillity. An LVIA was also missing from the previous application. 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.

Furthermore, no evidence of a landscape plan has been presented with the application. Given that the application description refers to ‘landscaping’, CPRENEY are at a loss to determine what has been proposed.

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'*. CPRENEY thus assert that this proposal is entirely contrary to this objective and should be refused.

CPRENEY are aware that the applicant has submitted an updated noise management plan and acoustic report in support of the development proposals. Whilst most of the Management Plan is welcomed in theory, it is not known how most of this can be conditioned or enforced. For example, should a wedding reception run out of beer by 9pm and the wedding party have another in reserve that they have paid for, they are going to want the caterers to provide this, therefore the likelihood of beer kegs being moved around is probable. In the same way, empty bottles are more than likely going to be emptied into recycling or collecting containers after 9pm. Equally a venue is not going to be able to prevent guests from 'going outside' after 10pm.

However, that being said, the introduction of a Zone Array System to mitigate the noise from recorded music is welcomed and is known as affective tool in this regard. However, a lot of events have live music and such systems do not work in these circumstances. Should a bride wish to have a ceilidh where music and shouting ('calling') is required for guests to follow the instructions for the dance, is the applicant really to be expected to turn away business in order to prevent noise escaping into the surrounding environment?

CPRENEY remains aware that the surrounding environment of the site is a rural environment with typically low background noise levels, particularly at night. CPRENEY 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 - it is not realistic to state that at no point a door or window will not be opened during the course of an event, especially in summer evenings. Equally, CPRENEY 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 from the venue to the car park and beyond is unsuitable. Whilst guests are reminded to be 'quiet' this is not always achieved with the best will in the world, we all know some guests can be loud having enjoyed a wedding party! At present CPRENEY 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 174e or paragraph 185 of the NPPF.

Finally, CPRENEY consider that there will be a detrimental impact on the character of the AONB in relation to dark skies but also to the Listed Building from light pollution omitting from all elements of the proposal (the buildings and the vehicular movements). It is considered that a lighting impact assessment should be undertaken prior to the determination of the application to ensure that the lighting at the location is kept to a minimum, meets dark sky specifications, and will not detrimentally impact the heritage asset.

In conclusion, 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.'

CPRENEY does 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, including some within nationally designated landscapes. However, given the major concerns set out above, CPRENEY 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, impact from noise associated with the development and the impact of potential light pollution. Furthermore, CPRENEY believe that the proposal should also be refused on grounds of highway safety given that very little information has been presented in support of the application to assert that the proposed access is both safe and suitable for vehicular movements for up to 220 guests in combination with other road users (i.e. farm traffic), at peak times and cumulatively with movements on the wider local highway network.

Whilst it is acknowledged the applicant has gone some way to address previous reasons for refusal 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.

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