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Branch Chair
Jan Arger

Authority: Ryedale District Council

Type of consultation: Planning Application

Full details of application/consultation: 20/01252/MFUL - Change of use of agricultural land for a temporary period of 5 years between the months of July and September of each year, for the use as visitor attraction with maze, children's funfair, fairground and refreshment stands with associated parking.

At land at: East of White Gate, Sherburn, Malton, North Yorkshire

Type of response: Objection

Date of Submission: 29th March 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 of land from agricultural use for a visitor's attraction at land to the east of White Gate, Sherburn. It is understood that this is an application for temporary permission (up to five years) and that a further planning application would be required after this time to make this usage permanent, otherwise the land would be returned to its former (agricultural) use. It is also understood that the applicant operated the proposed development 'as an experiment' (according to the agent submitting information on behalf of the applicant) for 7 weeks during the summer of 2020.

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.

CPRENY consider that the information submitted on behalf of the applicant is insufficient to accurately assess this application. No assessment against planning policy has been submitted to the Council to justify these proposals.

The site is located within The Wolds Area of High Landscape Value and in accordance with Ryedale Plan Policy SP13 '*the Council will carefully consider the impact of development proposals.*' The applicant has not provided any information relating to how this development will sit within this landscape to support the proposal. It is

not sufficient to state that on visiting the site last year, the head of planning was ‘pleasantly surprised by the lack of any significant visual or other impact’ as set out within the agent’s email to the Council of 29th January 2021. This is purely speculative and not based on anything submitted in support of the proposals. The applicant has submitted a single pdf document showing images of fairground rides at the attraction last year. However, this does not show the site in context or from any viewpoints looking into or across the site from the surrounding area, particularly from the Wolds Way public right of way (PROW) which crosses the centre of the site. The policy goes on to state:

‘The Yorkshire Wolds [and Fringe of the Moors] are valued locally for their natural beauty and scenic qualities. As well as protecting the distinctive elements of landscape character in each of these areas, there are particular visual sensitivities given their topography and resulting long distance skyline views within Ryedale and further afield.

The Vale of Pickering, the Wolds and the Fringe of the Moors are of significant historic landscape value and loss or degradation of the elements that are integral to their historic landscape character make these landscapes particularly sensitive to change.’

CPRENY are not aware that the applicant has submitted any information in relation to how the development (albeit transitory) will impact upon the historic landscape and scenic qualities. It is understood from the limited information submitted in support of the proposals that no mitigation has been proposed to the boundaries of the site or particularly adjacent to the Wolds Way PROW, therefore, how is the Council, or statutory consultees expected to understand if this is indeed sufficient or if further is required? CPRENY, therefore, consider that the application should not be determined until this information has been duly considered and submitted to RDC by the applicant or refused in its current guise.

Whilst it is pleasing that the applicant has no intention to divert or block off the pathway, CPRENY believe that the attract will significantly alter the impact of users of the route on approach to the site and obviously when passing through it. Further, no information has been submitted in relation to ensuring site safety and how the operator intends to keep users of the site off the PROW and vice versa? The proposal is due to be operational during the summer months which coincide with the most popular time for users of the PROW in the vicinity, or will users be permitted to enter the site to purchase refreshments, for example.

No information has been submitted in relation to the sale of refreshments and how/what form this might take.

The applicant has stated that the fairgrounds will be operated by generators, with music playing on the rides and that there will be lighting on the rides (although no other external lighting will be required). CPRENY are aware that generators can be noisy alongside that of a show and fairground rides. Whilst it is understood (and welcomed) that there will be no night-time activities on the site and that the application seeks temporary permission for a number of weeks to coincide with the school summer holiday period, this is a time when people typically enjoy being able to be outside in their gardens. CPRENY are particularly concerned that the noise generating from the activities on the site, alongside additional traffic numbers and approximately 3,184 visitors per day (based on car numbers of week 3 and the assumption of generally 4 people per group as set out in the agent’s letter dated 16th December 2020) - as on the narrow country road will detrimentally impact the residential amenity of the nearby residents of Sherburn. CPRENY do not understand why the applicant did not install noise monitoring equipment to monitor potential sound emissions from the site on potentially vulnerable and residential neighbours at the time of operation in 2020 in the same way that the applicant thought to undertake a traffic count. Whilst the site is not operational now, CPRENY are of the opinion that noise monitoring could indeed be undertaken at this time period, contrary to the agent’s suggestion in her email of 29th January, which would enable the Council to determine the ambient background noise levels at a time when the development is not operational. This would aid the effective conditioning of noise limits should

the Council be so minded as to approve the application. This is a particularly rural part of Ryedale, and CPRENY would expect background noise levels to be relatively quiet, interspersed perhaps by noise associated with traffic on the A64.

Given 2020 was an ‘experimental year’ it would be expected that the site would attract more visitor numbers in subsequent years as the operation gets established and marketing becomes effective. CPRENY are concerned that the potential for visitor numbers would be to grow exponentially, a consideration presumably shared by the applicant who has reportedly provided double the amount of parking space than was required during 2020 and has an area earmarked for a potential overflow area – although this is not reflected on plans, which CPRENY believe it should be as it is unclear as to whether this is beyond the red line area. The impact for noise disturbance is likely to increase therefore over the 5-year period applied for. CPRENY have no wish to prevent farm diversification projects, especially during such periods of uncertainty on the back of BREXIT and the COVID pandemic, however, do believe that without such information to prove otherwise, this is simply the wrong location for such development.

CPRENY are concerned that the width of road associated with ‘exiting traffic’ as proposed by the applicant is not sufficient to allow two vehicles to pass safely in opposing directions. As such it is unclear how the volume of vehicles leaving the site will be managed safely alongside those heavy vehicles associated with agricultural practises (which are typically wide loads) which at the proposed time of operation will be required to support existing farm businesses in the area to pass the tests set out in the NPPF in relation to highway safety.

In summary, CPRENY consider the proposal should be refused in its current guise or a significant amount of further information be submitted to allow accurate determination of the proposals.

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