

North York Moors National Park Authority

Ryedale District Parish: Appleton-Le-Moors	App No. NYM/2018/0791/FL
---	---------------------------------

Proposal: use of part of the former quarry for leisure purposes in the form of 1 no. additional log cabin, 12 no. touring caravan pitches with associated package treatment plant and access road and change of use of quarry building to visitor club/meeting facility

Location: Land at Spaunton Quarry, Kirkbymoorside

Applicant: George Winn Darley, c/o Agent, Rural Solutions, Skipton, BD23 1DR

Agent: Rural Solutions, fao: Mrs Fiona Tiplady, Canalside House, Brewery Lane, Skipton, North Yorkshire, BD23 1DR

Date for Decision: 05 April 2019

Grid Ref: 471979 486557

Director of Planning's Recommendation

REFUSAL for the following reason:

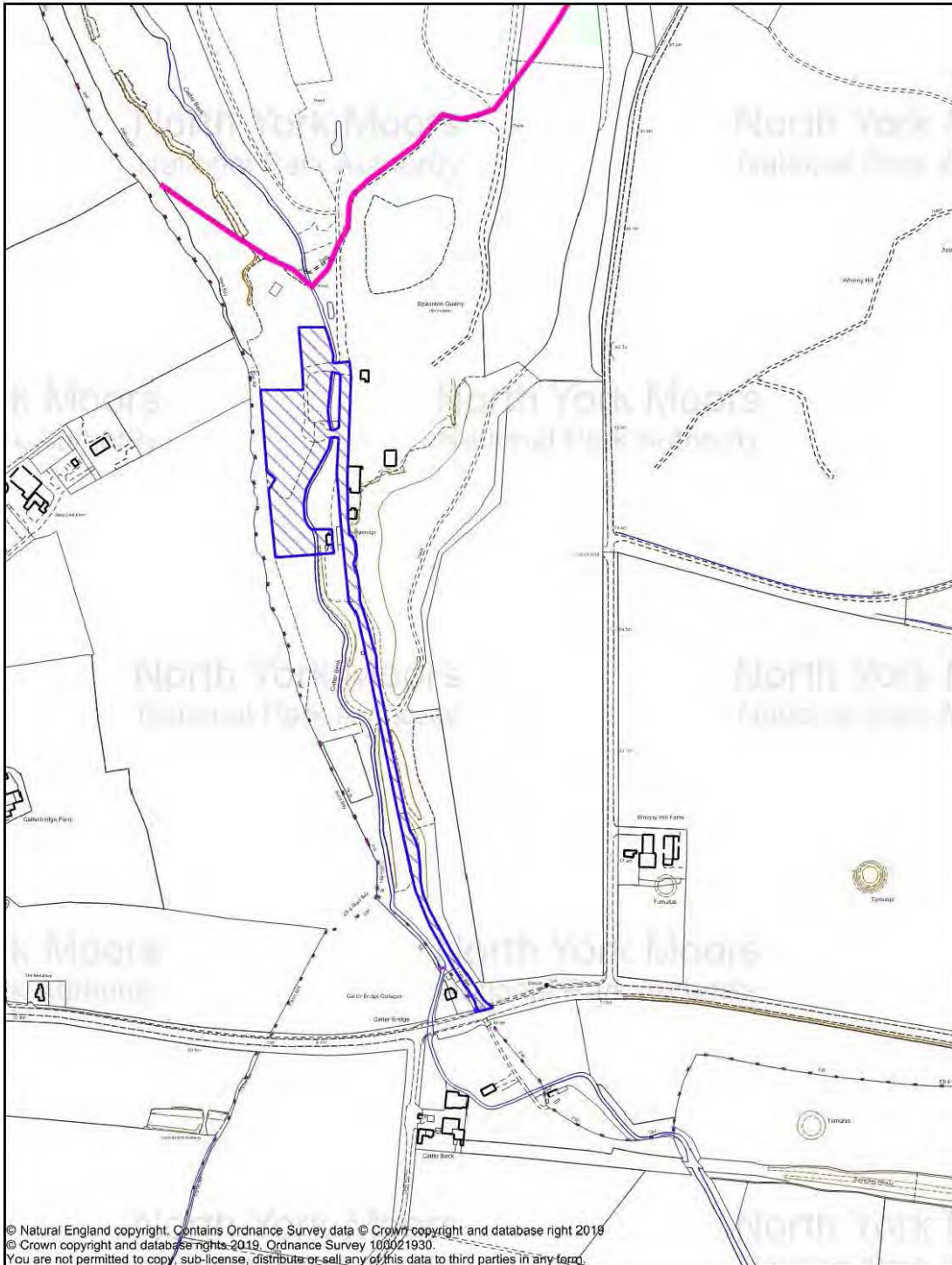
1. The wider chalet and caravan site proposed development by reason of the retention of the prominent unattractive brick quarry building as a meeting room would have an undermining effect and dilute the character and appearance of the ongoing restoration of this former quarry to a more natural form and detract from the Authority's agreed landscape restoration plan which sets a vision for an attractive landform and landscape post quarrying. As such the proposal would be contrary to the provisions of Core Policy A, Development Policy 14 and Development Policy 16 of the NYM Core Strategy taken together which, amongst other things, seek to ensure development conserves and enhances the wider landscape of the Park, special qualities of the Park and avoids damage to the landscape.



North York Moors National Park
Authority
The Old Vicarage
Bondgate
Helmsley YO62 5BP
01439 772700

Application Number: NYM/2018/0791/FL

Scale: 1:5000



© Natural England copyright. Contains Ordnance Survey data © Crown copyright and database right 2019
© Crown copyright and database rights 2019, Ordnance Survey 100021930.
You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form.



Application No: NYM/2018/0791/FL

Consultations

Appleton le Moors Parish – No objections

Highways – No objections, note proximity to bus service and PROW. Visibility splays of 122/150m (west) & 190m (East) exist, whilst the west is not ideal (160m) having regard to the low accident record of this section of road and existing nature of road with previous quarry wagon movements then the shift to traffic movements associated with the chalet and caravans would not be considered to represent a significant impact on the highway network. As such there is no justification for a refusal on highway grounds.

Environment Agency – No objections, recommend informatives

Common Land 162 Group – It is notable that the application makes no mention of the Common Land status of the site which is a material planning consideration. Reference is made to 'land swop' of Common Land and private land but this has not been agreed. The legality of the implementation of the five log cabins should be questioned as the land swop associated with that permission has not been granted by the Secretary of State. In 2007 Planning Officers underplayed the significance of the Common Land status. We do not intend to let the distinguished heritage, cultural or social value of the Common be fractured as a result of lack of due consideration in the planning process. The 2003 restoration master plan was a very good scheme and would significantly enhance this area and should be completed. The Committee should not underestimate the social and community importance of our common land heritage which has been set for special consideration since William the 1st in 1085. Its unique value is as a historical land largely undisturbed through the centuries. Commoner's rights attach to certain properties, and can include grazing animals, fishing, collect wood & bracken, take soil or stone or dig peat, these still exist and enhance the traditional character of the area not unlike listed buildings do for built conservation. There is also a right to walk on all commons under the CROW Act 2000, some commons have rights to ride horses.

EHO –

Water –

Police – Traffic –

North Yorkshire Moors Association –

Yorkshire Wildlife Trust – The Trust would like to see the restoration of the quarry in accordance with the approved restoration plan and the removal of the buildings, this approach would be the most valuable for wildlife found on the common. More clarity should be sought on the legal validity of the earlier permission given no PINS Enclosure consent has been granted and the works to keep the permission alive may not be covered by any small scale works exceptions to the need for consent.

Site Notice Expiry Date – 28 March 2019

Others – Ron & Andy Dale, Nr Spaunton Quarry – No objections applicant has answered our queries regarding access and traffic movements during a meeting with him.

Application No: NYM/2018/0791/FL

Background

Spaunton Quarry is a former limestone quarry, now closed and approximately 90+% restored back to agriculture/woodland. It is located some 2.5 km east of Kirkbymoorside with good road access off the A170. The area that has not been fully restored essentially relates to the non-demolition of a series of semi-derelict former quarry buildings. The layout of the quarry can be described as comprising three distinct areas, a northern basin section and associated tree planted slopes was the first area to be restored, a middle basin area and a southern basin section in two parts which was the last to be levelled and is now being naturally vegetated. All the buildings awaiting demolition lie in the southern section which is closest to the quarry link road which leads onto the A170. The application site lies in one of the two southern parts, and comprises a mid-slope platform with some perimeter tree belt screening, it was previously used for the storage of quarried building products ready for sale.

This area already has planning permission for five log cabins granted in 2007 with some foundation work undertaken to keep the permission 'alive'. This area, along with much of the quarry is also classified as 'Common Land' as part of the larger Spaunton Common, although that designation for the quarry part of the Common is currently 'suspended' whilst the quarry was working/being restored and will revert when restoration is complete. The whole quarry is approximately 93 ha with a valley/gorge type topography and is surrounded by woodland belts. A stream, Catter Beck runs through the site north-south. A public footpath crosses the site east-west.

The application site extends to 1 hectare and the applicant is seeking consent to erect another log cabin (close by the previous permission for five cabins) together with establishing a 12 pitch caravan site on the other half of the mid slope plateau together with associated access ways and additional landscaping and septic tank/mini-treatment plant. A further part of the application as submitted is the retention of a semi derelict brick built former office/weighing station building as a meeting room for the caravans/cabins with potential for installation of amenity features such as toilets/showers.

The log cabin would be of timber construction with stained timber log walls and slate pantile roofing with parking in a communal car park. The cabin is approximately 70 square metres in footprint and would have three bedrooms, single storey with a ridge height is approximately 3.7 metres.

No reception or manager's accommodation is proposed, in 2007 the applicant had advised that the cabins will be managed as part of the wider estate with CCTV cameras and security alarm systems linking to existing estate accommodation will also be used. A S106 Agreement was signed by the applicant to prevent the log cabin development being sold off separately from Spaunton Estate. The agent has recently confirmed that the applicant has now purchased one of the two dwellings at the entrance to the quarry with a view to this dwelling being used by the site manager.

The applicant's agent has submitted lengthy supporting information with the application, in brief it states:

- A Planning Statement that considers there is scope for low key re-use of the former quarry hence this leisure application and a second application for agricultural development associated with sheep farming on Spaunton Estate.
- A detailed 'Landscape and Visual Assessment' (LVA) has been submitted with the application which demonstrates that although the site has a high sensitivity to change the development would not have an unacceptable effect on landscape character or visual amenity.

Application No: NYM/2018/0791/FL

Background continued

- A preliminary Ecological Assessment has been submitted which demonstrates that the land and buildings have low potential for ecology and bats and subject to land clearance taking place outside of the bird nesting season (March to August inclusive) and a further Bat Survey there would not be significant impact on protected species.
- A Contaminated Land Survey is submitted with the application (the site previously operated a bitumen coating plant to create road surfacing materials) , which demonstrates that whilst there had been some historical hydrocarbon contamination in 2012, naturally occurring ground bacteria has had the effect of rendering the levels to acceptable levels by 2017.
- A Flood Risk Assessment which concludes there is no flood risk issue.
- The development would result in economic benefits to the local and wider area throughout the year by also tapping into the shooting market.
- Request a site visit so as to allow members to assess how the building could be improved to render it appropriate and to also appreciate the associated issues of the : adjacent agricultural application, common land swop, likely future CEMEX request for an amendment to the approved restoration scheme and submissions to be made to the ongoing local plan process on this site.
- Whilst the chalet policy requires non-permanent buildings, consider that as a quarry building already exists, it could be re-used and consider this would be more sustainable and have less visual damage than the use of a removable timber utility block. Would welcome a discussion on this issue as it our preference to keep it. The damage to the landscape has already been done, this building has been in situ for many years and consider that with suitable rustic cladding of the building, it would conserve and enhance the landscape and scenic beauty of the Park.
- Whilst the site is not within established woodland the site is within an area of woodland which will provide a woodland setting, many of which are over 25 years old. Many trees have been planted elsewhere in the wider quarry as part of the restoration. The site can be managed from existing estate property, one of which lies within Spaunton village. The Estate now owns 1 Catterbridge Cottages at the entrance to the site, managing staff would occupy it. Site has good road access.
- In response to Ecology matters raised by the Authority's Ecologist is being prepared by our Ecologist although considered there is no evidence that visitor pressure will have any impact on conservation assets. There is no fundamental objection to extending the existing s106 tying the development to the Estate although feel this development could be approved in its own right without tying to the Estate.
- Refute the Case Officers description of the building as 'ugly' and does not explain how the building can be improved by timber cladding, pantiles and new windows/doors and the ability of the Authority to require its total demolition in future if the use ceases.

In terms of other relevant site history, the applicant advises that quarrying has been taking place in the vicinity for over 170 years. In 1992 the owner signed a S106 Agreement to commit to progressive restoration and landscaping of a replacement restoration scheme. In

Application No: NYM/2018/0791/FL

Background continued

1997 following a decision by the Planning Committee to allow further extraction at the quarry and retain jobs, the decision was called in and considered before a Planning Inspector at a Public Inquiry. In brief the Inspector concluded that continued limestone extraction in the context of other limestone supplies was not exceptional and in the public interest and refused permission to keep the quarry open. In 2003, a Review of Mineral Permission (ROMP) of the extant planning conditions, resulted in issuing of new planning conditions for the quarry, the most notable being a requirement to cease winning and working of minerals by December 2007 and implementation of a restoration masterplan.

Pre-application discussions for an alternative restoration (with additional modest leisure & renewables as well as agriculture & woodland) have been going on for many years alongside progressive restoration. In 2015, the applicant undertook a public consultation in preparation for the submission of an application to the Planning Inspectorate (PINS) to swap areas of Common Land with private land. In terms of land area affected, the swap was intended to provide for more than the 0.7ha for the 2007 permission and 0.94ha for this permission if it was to be granted, indeed the actual consultation proposal envisages a swap of 19.2ha private land for Common Land which is 0.05ha greater than that which the Inclosure application seeks to inclose. Officers are not aware of the status/result of that process. In 2017, when progress stalled, a 'breach of condition' type Enforcement Notice was issued by the Authority to require the final restoration works. In 2018, Members may recall a proposal for a substantial leisure scheme at the quarry for: a time-share dwellings/ hotel/ club/ leisure/sports facility village was presented at a Members Pre-application Presentation notwithstanding Officers earlier advice that the scheme represented "major development" and was contrary to policy and unlikely to be supported. That scheme appears to have been dropped. Later in 2018, Officers commenced legal proceedings for a prosecution for failure to comply with the 'breach of condition notice'. The submission of this application and another for agricultural development has resulted in Officers pausing with the prosecution arrangements until these applications have been determined.

The Authority's Ecologist would prefer the use of a mini treatment plant over a septic treatment plant to avoid potential pollution of Catter Beck and asks that any ground clearance takes place outside the bird nesting season together with asking that consideration be given to additional mitigation in respect of grassland enhancement given the relative proximity to a rare habitat for Pearl Bordered Fritillary butterflies. A bat informative should be attached in respect of the building. The Authority's Woodland Officer notes that the some of the caravan pitches would result in tree loss and recommends that compensatory tree planting is provided. Members will be updated on Officer's request for extra tree planting at the Meeting. The Area Ranger has no objections.

Main Issues

Core Policy A of the NYM Development Plan (2008) seeks to further Park purposes in part by ensuring the scale of new development is commensurate with existing activity levels in an area, conserves the landscape and strengthens the rural economy with tourism opportunities which are based on enjoyment of the National Park's special qualities.

Development Policy 14, amongst other things, supports the expansion of existing businesses provided that proposals preserve or enhance special qualities, can be satisfactorily accessed from the public road network, are of a scale which would not detract from the amenities of visitors or residents and use existing buildings rather than new.

Development Policy 16 supports small scale chalet and camping sites subject to proposals meeting a range of criteria, these are: location in an area of substantial existing woodland, physical and functional link to an existing business and would not lead to pressure for a

Application No: NYM/2018/0791/FL

Main Issues continued

mangers dwelling, appropriate small scale (accompanying text suggest no more than six units), the design minimises the level of permanent buildings to permit removal of the development if the business fails.

In terms of national guidance the NPPF promotes small scale rural developments which would not harm their countryside setting.

The key issue is considered to be whether this 'intensification' of a business that was begun but not established would harm the character or appearance of the area, which will revert to Common Land in the near future, or whether the relatively contained nature of the site could represent an appropriate rural economy activity in what will always appear as previously quarried landform albeit restored to agriculture and woodland.

In terms of policy compliance, whilst the site is not located in established woodland the valley/gorge topography and woodland tree belts serve a similar visual screening effect as established woodland. Although the intention when the quarry was permitted was for the site to be fully restored (and conditions and a legal agreement were applied to this effect) the Authority nevertheless granted permission for a small scale chalet development (five units) on this site which is still extant. The existence of this permission has established the principle of a small scale tourism accommodation facility at this location and it is not considered that the principle of this further application is unacceptable as the proposal would not conflict with the landscape objectives of Development Plan Policies CPA, DP14 & DP16 taken together.

The site is accessible and has excellent connection to the public road network. The scale and mitigation measures should ensure that ecological resources are not adversely affected. The applicant has previously agreed to retain the leisure park within the operation of the wider Estate and the purchase of a dwelling at the quarry entrance indicates that there is unlikely to be pressure for a managers dwelling and details have been request to ensure the cabins could be removed if the business fails. Whilst the applicants have indicated a desire to retain a semi-derelict quarry office building as a meeting room or potentially an amenity block, this element conflicts with the aims of the policy and would harm the full restoration of the quarry and compromise the objective of retaining the openness of Common Land. If the proposal included a new building of this nature, it would clearly fail the Authority's required high standard of design and materials and would not be supported. The applicant has been requested to omit this aspect of the application with a view to considering a timber removable structure if an amenity block is critical for operational reasons and in a much less visible location.

The reverting status and loss of Common Land which would result from the development is a material consideration and the nature of its consideration in decision making on planning applications is considered to be its status as a designated heritage asset wherein the landscape is valued for its intrinsic scenic beauty together with recognising the value of its openness and public access as well as being of historical, social and cultural value and being of agricultural value. These issues of long standing cultural heritage of such areas of common land and the benefits to society are important material considerations as are the loss of commoner 'land management' rights and open access associated with loss or development of Common Land. In this case having regard to the mitigating factors of the extant permission, the quarried landform, the relatively contained nature of the site, the extent of the wider restoration work already completed and the PINS/SoS regime for protecting Common Land from inclosure, it is not considered that the returning Common Land designation would be unacceptably compromised by the small fragmentation that would

Application No: NYM/2018/0791/FL

Main Issues continued

occur if planning permission and enclosure consent were granted including an appropriate land swop.

YWT & CLG162 have queried whether the digging of foundations of the earlier planning permission 'to keep it alive' was a lawful material commencement given there was no associated Inclosure Consent granted for the development or foundation. Officers consider that the level of development involved in digging the foundations would be lawful for planning purposes although albeit a full Enclosure Consent would be needed for any further progress on that earlier permission and the decision on that loss or swop of Common Land lies with the SoS outside the planning regime. There is advice on the PINS website to advise applicants that to avoid abortive Inclosure Consent work, applicants should resolve their planning permission first.

Having regard to the small scale nature of the proposal together with the contained site within what will be a restored quarry setting and the existing and proposed landform and tree screening the economic & social benefits were considered to outweigh the relatively small environment harm and as such approval was recommended at the April Meeting subject to omitting the retention of the poor quality brick quarry building as a caravaners amenity building.

However, when the applicants declined negotiations to omit the retention of the former brick quarry building for re-use as an amenity/meeting centre for people staying at the site at a late stage, Officers reconsidered the recommendation in favour of refusal. The thrust of Development Policies 14 & 16 is that new chalet and caravan site developments should be very well screened and leave as little a permanent imprint on the landscape as possible. As such the policies seek to minimise the degree of permanency of any associated structures and preference is for re-use of buildings. In respect of re-use of buildings it is envisaged this applies to traditional buildings, and those that make a positive contribution to the landscape of the National Park not every and any building. The brick building in question is an undistinguished utilitarian former quarry office/weigh-station building in a relatively prominent entrance location which is scheduled for demolition under the approved quarry restoration scheme. If retained, (even with new pantiles, timber cladding and new windows & doors) the building would undermine and dilute the appearance and character of the eventual restoration of this former quarry site back to a more natural landscape appearance thus conflicting with the objectives of policies Core Policy A, Development Policy 14 & 16 and creating harm.

Contribution to Management Plan Objectives

Refusal is considered likely to help meet Policy E1 which seeks to maintain and enhance landscape character.

Explanation of how the Authority has Worked Positively with the Applicant/Agent

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and confirmed to the applicant/agent that part of the development is likely to undermine the economic, social and environmental conditions of the area and as such the balance lies in refusal of the project.