

North York Moors National Park Authority

Plans list item 7, Planning Committee report 22 July 2021

Application reference number: NYM/2021/0168/CU

Development description: use of land for the siting of 12 no. fixed bell tents for holiday letting purposes

Site address: Abbey Inn, Byland Abbey,

Parish: Byland With Wass

Case officer: Mrs H Saunders

Director of Planning's recommendation

Approval subject to the following:

Condition(s)

Condition number	Condition code	Condition text
1	TIME01	Standard three year commencement date
2	PLAN02	Strict accordance with the plans/specifications or minor variations
3	WPDR12	Site licence required
4	RSU000	The development hereby permitted shall form and remain part of the land associated with the Abbey Inn, Byland Abbey and shall not be sold or leased off from this public house or let off except as holiday accommodation in accordance with the terms of condition 5 below without a further grant of planning permission from the Local Planning Authority.
5	RSU000	The bell tents hereby approved shall not be used for residential purposes other than holiday letting purposes. For the purpose of this condition 'holiday letting' means letting to the same person, group of persons or family for period(s) not exceeding a total of 28 days in any one calendar year.

6	RSU000	The consent hereby granted relates to the use of land for no more than 12 bell tents only between 1st March to 10th November in any one calendar year. The bell tents shall not be pitched on site during the closed season and no other tents or structures shall be on site at any time.
7	GACS07	External lighting - submit details
8	MISC00	If the use of the bell tents hereby approved permanently ceases they shall be removed from the site within 12 months of that cessation and the site shall, as far as practical, be restored to its condition before development took place.

Informative(s)

Informative number	Informative code	Informative text
1	INFO0	The applicant is advised that measures should be in place to discourage campers (and dogs) from accessing the beck itself whilst using the site, to prevent the risk of disturbing sediment and causing pollution of the watercourse.
2	INFO0	The applicant is recommended to agree a flood warning and evacuation plan with the Local Authority's Emergency Planning Team. If not already registered the applicants should phone the Floodline on 0345 9881188 to register for a flood warning, or visit https://www.gov.uk/sign-up-for-flood-warnings

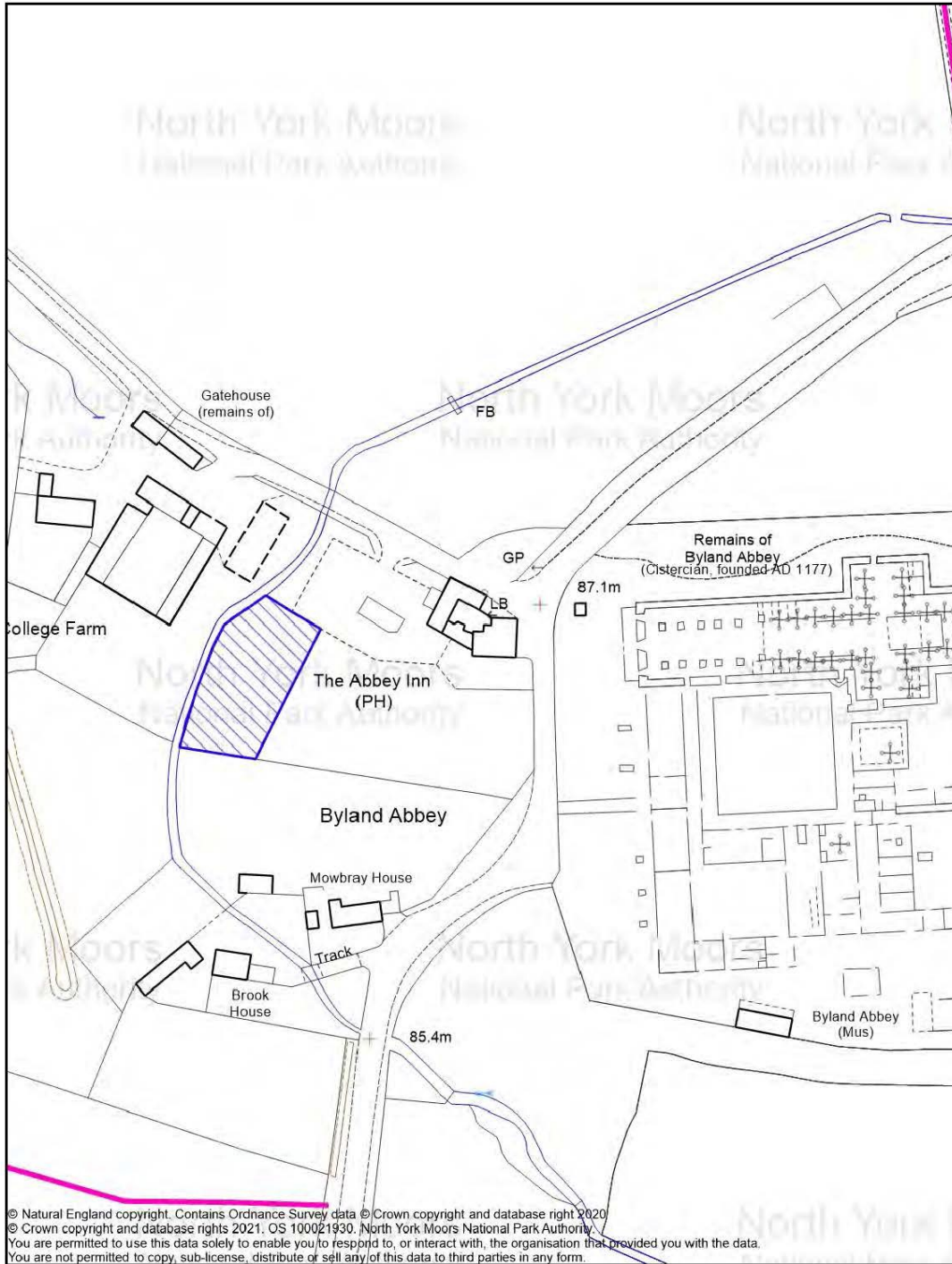
Map showing application site



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Scale: 1:1500



Abbey Inn from roadside



Abbey Inn viewed from grounds of Byland Abbey (courtesy of agent)



Consultation responses

Parish

Highways: 16 April – No objections – The visibility, construction and size of the existing access and the parking provision are adequate to support the expected increase in vehicular activity.

Environment Agency

6 April 2021 – No objection

Historic England

April 2021 - The application site is located within the Scheduled Monument of 'Byland Abbey Cistercian monastery: monastic precinct, water management earthworks, enclosures, ancillary buildings and quarries' (NHLE 1013403). The Abbey Inn is listed grade II (NHLE 1149575).

Unfortunately the submitted documents do not provide an assessment of the significance of the heritage aspects of the site, or those heritage sites in close proximity to the Abbey Inn. There is no acknowledgement that the site is within the Scheduled Area, and therefore that Scheduled Monument Consent will be required in addition to planning permission.

Although the proposed works are likely to be of little or minimal physical impact on the known archaeological deposits, greater assessment should be presented of the visual impact of the scheme, when seen from the surrounding landscape, including any views down onto the site from Abbey Bank Wood.

Historic England has concerns on heritage grounds with regard to this proposal. The application should be supported by a more thorough assessment of the significance of the application site and the potential visual impact of the scheme, including views and visualisations from a number of locations around the application site.

June 2021 - Previously provided advice on 13th April, 2021. At that time we had concerns on heritage grounds owing to the lack of assessment of heritage sites and their significance. We have now been provided with a combined Heritage Statement and Views Assessment (Purcell, May 2021).

Historic England can confirm that the new information addresses our concerns, and therefore we now have no objection to the application on heritage grounds.

We consider that the application meets the requirements of the NPPF, in particular paragraph number 189.

Natural England

6 April 2021 - No objection

Environmental Health

Third party responses

David and Sandra Lee, Mowbray House, Byland Abbey

6 April 2021 – Strongly object for the following reasons:-

- The proposed development is entirely out of keeping with the environment at Byland Abbey, being visible from the Abbey grounds, adjoining roads and adjoining property
- The proposed development is within 10 metres of a working farm and housed livestock with no fencing or security preventing unwanted access. The proximity carries potential welfare issues for cattle and calves and risk to people entering the farm.
- The proposed development adjoins Long Beck which carries a risk to children, being unfenced and with a deeply silted base.
- The provision of secure fencing would require consent under the Ancient Monuments and Archaeological Areas Act 1979.
- The proposed development is on a Scheduled Monument.
- The proposed development is on land which is subject to waterlogging after heavy rain throughout the year. Tents could not be safely erected on this land without substantial ground anchors.
- Ground conditions after rain would require 'hard landscaping' or paths.
- External facilities at the Abbey Inn are insufficient for the proposed development. There are no washing/shower facilities, a requirement under Campsite Toilet Regulations.
- The proposed development comprises basic 'bell tents with mattresses' and does not fulfil any criteria of 'upmarket' glamping as stated within the application.
- The proposed density of development (12 camping pitches) would require siting of tents immediately adjoining both Long Beck and the post and rail fence of Mowbray House, resulting in a substantial loss of privacy.
- The proposed density of the development is over twice the maximum limit allowed by a Camping Club site (10 units per half acre)
- Current permissions for the use of the Abbey Inn garden as a wedding venue are limited to a 12pm music license and vacation of the site. The proposed development, for 24hr occupation, carries significant risk of noise nuisance.
- Car parking facilities are wholly inadequate. Under the previous management, the car park was frequently full with day guests and visitors to Byland Abbey. This has resulted in parking on the road adjoining the Abbey which carries a substantial risk to pedestrians and motorists and has resulted in police action to move vehicles.

- The stated benefit within the application of additional employment of three full time and two part time employees, as a result of 12 tents is neither plausible nor realistic. We note that at no time in the history of the Abbey Inn, as an established pub or tearoom has this been achieved. The development can be seen directly from Byland Abbey grounds, from the Byland Abbey-Wass Road and from the Byland Abbey-Oldstead Road.
- The development is immediately adjoining College Farm and can be seen directly from both Mowbray House and its garden.

24 April 2021 - We have previously submitted an objection. We were surprised that no objection was raised by the Highways Agency and indeed forwarded a copy of our objection to them for comment and suggestions as to where overflow parking can safely occur. It is clear that the police consider the parking to be unsafe given previous action to move vehicles. To date we have had no response.

There has been one instance today involving a tractor and four wheel trailer narrowly avoiding a car pulling off the verge. It is perhaps a question of when an accident will occur rather than if, without the added parking required by the proposed campsite.

Mr T Porritt, Abbey House, Byland Abbey

8 April, 2021 - The proposed site is not suitable for a campsite mainly due to a lack of sufficient parking, road safety, potential damage to bats habitat, the visual impact and the proximity to a working farm. We would like to raise the following objections/comments –

- There is a provision for a maximum of 20 cars in the site car park. If there are three rooms in the abbey inn, 12 tents and six full-time members of staff and four part-time members of staff this means all the parking spaces will be full leaving no space for abbey visitors or those wanting to visit the pub for a meal or drink.
- There is no overflow parking available on verges.
- The lack of parking will inevitably lead to illegal parking which in turn creates a road safety issue. We suggest a traffic survey is completed to assess the capacity of the road to Oldstead and to review if the turnout onto the Coxwold/Wass road is suitable for the increased traffic volumes arising from the new Virezone activities at the Abbey, the Abbey inn visitors and the additional traffic created from the proposed campsite.
- There is a critical land drain running directly below the proposed site for the tents. The mains water supply to the Byland houses also runs under the proposed site for the tents. Therefore, it is essential that no ground penetration is made and access is available should these services require any maintenance.
- An increase from the existing three full-time and two part-time employees would seem to be a very high staffing level for the site.

Byland has a very healthy bat population so steps should be taken to prevent any damage to their habitat.

- In addition it should be noted that the proposed camp site is to be positioned on a Scheduled Monument.
- Given the tranquil location we want to reiterate the importance of maintaining the existing noise levels and ensure that if these are breached planning will be withdrawn immediately resulting in cancelled bookings etc.
- The site is surrounded by working farms so it is imperative that visitors are made aware of this fact.
- The preference would be to make the application subject to not accepting pets. It should also be clear to visitors (perhaps with signage) that there is no permitted access to the surrounding farmland unless on a public footpath.
- The proximity to a working farm creates a serious potential health & safety issue to children being tempted to climb bales, watch farm machinery in operation and get close to cows with calves which can be very dangerous.
- It is important to maintain the stream flow to prevent flooding in the village of Wass and the highway.
- The application should have a defined condition that no fires are permitted at any time and there should be a clear action plan to deal with any occurrence.
- What reasonable adjustments is the applicant making to the facilities and site to allow disabled users to access it?

Mr F Peckitt, College Farm, Byland Abbey

12 April 2021 – The site is opposite an underground culvert which drains a large area of land which adds to flood risk after heavy rain. The site is also downstream of the septic tank discharge of the Abbey Inn. My farmyard is just 10 yards across the stream and is occupied by cows with calves and bulls which are a danger to unauthorised entrants. The barn next to the stream is used for storage of hay and straw which is a fire risk and can cause serious injury if climbed onto. The barn is also next to a Grade 1 Listed farm building.

The road entrance is gated but access from the campsite across Long Beck would not prevent unauthorised access.

To secure the farm would require solid fencing, clearly seen from the abbey and floodlighting which would contravene dark skies policy, impact on welfare of cattle, bats and the campsite.

Car parking is limited with cars parking on verges and blocking access to the farm, resulting in danger to road users.

The site is not visible from any windows in the Abbey Inn and do not think the site can be adequately managed.

Sir and Lady Forbes Adam, Brook House, Byland Abbey

15 April 2021 – Concern at the increased noise generated by the number of cars. The traffic is increasing year by year and the whole idea is compromising one of the most beautiful Abbeys in the British Isles and turning it into a noisy totally inappropriate environment.

13 May 2021 – Also object to loss of privacy because people can see into our garden, this is a National Park and a campsite would totally change the character of the area, it is out of keeping adjacent Byland Abbey, traffic would increase on these already busy roads and access is unsuitable.

Consultation expiry

5 May 2021

Background

The Byland Abbey Inn is a grade II Listed Building lying on the opposite side of the road to the ancient monument of Byland Abbey. It is located on the west side of the Coxwold to Wass road at the junction of the road to Oldstead and Kilburn.

The existing business at Byland Abbey Inn comprise tea rooms, bar and restaurant and three letting rooms for B&B.

The application site is situated within the south western part of the rear gardens of the Abbey Inn adjacent to the stream known as Long Beck and adjacent working farm (College Farm) to the west and bounding the gardens of Mowbray House to the south.

This application seeks permission to change the use of part of the garden of the Inn to a campsite to comprise the siting of 12 fixed bell tents for short stays. The tents would remain in place for a season, but that would be for no more than seven months in a 12 month period. Parking would be provided within the existing car park and campers would utilise existing toilet and shower facilities at the Inn.

In support of the application, the applicant states that a duty manager will be on site and on call 24hrs a day. Tents would be placed on wooden platforms, purpose built to be heavy enough not to require any ground penetration and no fires would be allowed and any lighting would be Dark Sky compliant.

Main issues

Local Plan

Strategic Policy I - The Historic Environment - seeks to ensure that developments affecting the historic environment should make a positive contribution to the cultural heritage and local distinctiveness of the National Park and that development should conserve heritage assets and their setting in a manner appropriate to their significance, especially those assets which contribute most to the distinctive character of the area.

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Strategic Policy J - Tourism and Recreation - seeks to support such development where it is consistent with the principles of sustainable tourism, does not lead to unacceptable harm to the local landscape character or an ecological or archaeological asset; provides opportunities for people to increase their awareness, understanding and enjoyment of the special qualities of the National Park; is of a quality, scale and design that takes into account and reflects the sensitivity of the local landscape; any accommodation is used only for short term holiday stays; it does not compromise the enjoyment of existing tourism and recreational facilities or Public Rights of Way.

Strategic Policy K - The Rural Economy - seeks to support development that fosters the economic and social well-being of local communities where it promotes and protects existing businesses by providing flexibility for established rural businesses to diversify and expand; it helps maintain or increase job opportunities in the agricultural, forestry and tourism sectors.

Policy CO2 – Highways - only permits new development where it is of a scale which the adjacent road network has the capacity to serve without detriment to highway safety.

Policy ENV2 - Tranquillity - seeks to ensure tranquillity will be maintained and enhanced through only permitting development proposals where there is no unacceptable impact on the tranquillity of the surrounding area in relation to visual intrusion; noise; activity levels; and traffic generation.

Policy ENV4 - Dark Night Skies - seeks to ensure that the darkness of the night skies above the National Park are maintained and enhanced and requires that all development will be expected to minimise light spillage through good design and lighting management.

Policy ENV10 - Archaeological Heritage – sets out that development that would result in harm to the significance of a Scheduled Monument or other nationally important archaeological site will not be permitted. The Authority will require applicants to provide sufficient information to allow an informed assessment of the significance of the archaeological heritage asset and its setting, and the impact of the proposed development on that significance.

Policy ENV11 – Historic Settlements and Built Heritage - This policy seeks to resist development that results in loss of or harm to the significance of designated and other heritage assets of national importance..

Policy UE2 - Camping, Glamping, Caravans and Cabins – seeks to permit small scale holiday accommodation (such as tents, pods, yurts, teepees, shepherd huts, cabins, chalets, caravans and motorhomes etc.) where it is not isolated from an existing business or residential unit which will be used to manage the accommodation. It goes on to state that sites must be screened by existing topography, buildings or adequate well established vegetation which is within the applicant's control. The accommodation should avoid extensive alteration to ground levels, has a low environmental impact, does not lead to unacceptable harm in terms of noise and activity on the immediate area; does not detract from the character, tranquillity or visual attractiveness of the area; and is of a high quality design which complements its surroundings.

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The intention of the policy is to allow for small scale holiday accommodation to support local businesses and allow people to enjoy the special qualities of the National Park.

Small scale is intended to mean development that conserves the natural beauty, wildlife and cultural heritage of the National Park. As a guide, sites comprising no more than 12 units (including any existing units) are likely to be considered small in scale.

Material considerations

Tourism facility

The development would serve an existing tourism business and community facility and would be likely to enhance its long term viability. The development proposed is considered to be of an appropriate scale to be ancillary to the existing tea room, pub and restaurant business, and there is sufficient space within the rear garden to accommodate the bell tents proposed, which would be sited in only part of the garden. The site is located within an area which is a significant tourism attraction, being located opposite Byland Abbey and in an area with numerous public footpaths and walking routes, and is approximately 7 miles to the south west of Helmsley.

The part of the garden to be utilised is furthest away from roadside boundaries and is well screened by boundary planting and where glimpses can be seen, this would be against the backdrop of modern agricultural buildings on the adjacent farm.

Groundworks would not be required and the development would have a low environmental impact.

In terms of activity levels, the development proposed is located within the grounds of a public house and restaurant and its associated car park, where activity levels, both during the day and night already exists. It is acknowledged that the Abbey and its surroundings are in a particularly tranquil part of the National Park and form part of its special qualities though it is not considered that the activity levels generated by this small scale development which is not all year round would be out of keeping with or detract from the character of the area.

The proposal is therefore considered to be in accordance with Strategic Policy J and Policy UE2 of the NYM Local Plan.

Historic environment

The application is for planning permission for the erection of 12 bell tents in the corner of the garden attached to the Abbey Inn. This area contributes not only to the setting of the Grade II listed Abbey Inn, but also the Grade I listed Abbey remains. The proposal also has the potential to impact a Scheduled Monument and buried features identified on the Historic Environment Record.

Consequently Historic England requested the submission of a combined Heritage Statement and Views Assessment which were subsequently submitted.

It is not considered that the proposal would have a detrimental impact on the setting of the Abbey Inn, due to the footprint which is limited, and the fact that there will still be a rather substantial garden associated with the Inn.

The primary concern for the development is its relationship to the Grade 1 listed and scheduled remains of Byland Abbey and the impact on setting of any development.

Both Historic England and the Authority's Building Conservation officer are satisfied, following the submission of the Heritage Statement that the development would not have a detrimental visual impact or impact on the setting of the Abbey when seen from the surrounding landscape, including any views down onto the site from Abbey Bank Wood.

In view of this it is considered that the proposal meets the requirements of the NPPF, in particular paragraph number 189, and also Strategic Policy I and Policies ENV10 and ENV11.

Ecology

Existing toilet and washing facilities at the Inn will be utilised and neither Natural England nor the Environment Agency have raised any objections to the proposals.

However, the Authority's Ecologist has recommended an Informative is attached to any approval to discourage campers (and dogs) from accessing the beck itself whilst using the site to prevent the risk of disturbing sediment and causing pollution of the watercourse.

In terms of lighting, the surrounding area is of very high quality to nocturnal wildlife including bats and owls amongst others. Ideally no artificial lighting will be introduced to the site at all.

Impact on neighbouring amenity and safety

The occupiers of neighbouring properties are concerned that the proposal will have a detrimental impact on their amenities with regards to noise disturbance, loss of privacy and issues of fire safety and welfare of farm animals.

However, at present the application site forms the pub garden of a long established pub which in previous years has hosted weddings which would utilise the pub garden. The garden can be used all day and into the evening to provide outside seating and is an expected 'disturbance' adjacent to a pub.

In view of this it is not considered that the use of part of the gardens for the siting of small Bell tents for overnight accommodation for a small number of people who have been visiting the area and likely to be eating in the pub would be likely to generate unacceptable levels of activity and noise.

Members will be aware that there is 'statutory nuisance' legislation which would allow the EHO to serve abatement notices and for the police to serve 'Premise Licensing' restrictions if the predicted low levels of impact on residential amenity are eventually proven to be unfounded.

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However, no objections have been received from Environmental Health.

In terms of concerns that guests will trespass onto the adjacent farm, this is considered to be a private civil matter between the two businesses and not a material planning consideration.

Access and parking

The existing business has a large car park and the Highway Authority is satisfied that this is large enough to accommodate the additional use by campers and that the access to the car park is safe.

It is appreciated that there may sometimes be issues with cars parking on the Highway, but it is not considered that the camping use would exacerbate this, which is primarily caused by large numbers of visitors to the Abbey.

In the absence of a Highways Authority objection it is not considered that a refusal could be upheld on this basis.

Conclusion

It is considered that the proposed development would provide an additional form of tourist accommodation in this location which is already popular with visitors and would also provide an additional income source to secure the financial viability of the business. Furthermore, the facility itself is to serve and support an existing and locally important tourist facility, without resulting in an unacceptable activity levels.

With the decline of many public houses in current times, it is considered that ensuring the long term viability of such a business is extremely important.

Having given consideration to all the issues above, it is considered that approval should be recommended.

Pre-commencement conditions

Not applicable

Contribution to Management Plan objectives

Approval is considered likely to help meet Policies B1 and B4 which seek to increase visitor spend and improve the quality and variety of tourism accommodation on offer. Contribution to Management Plan objectives.

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 the development is likely to improve the economic, social and environmental conditions of the area.