

COMMITTEE REPORT

Date: 14 July 2016 **Ward:** Wheldrake
Team: Major and **Parish:** Wheldrake Parish
 Commercial Team Council

Reference: 16/00952/FUL
Application at: Land At Grid Reference 469030 444830 Church Lane Wheldrake
York
For: Erection of four seasonal tents utilising existing access, the
creation and maintaining of a footpath link, and the incorporation of
a habitat enhancement plan (resubmission)
By: Derwent Valley Glamping
Application Type: Full Application
Target Date: 18 July 2016
Recommendation: Refuse

1.0 PROPOSAL

1.1 This is the resubmission of a full application for the change of use of land to allow the siting of four seasonal tents (described in some of the submitted documentation as Yurts) on land at Church Lane Wheldrake. Members may recall that a similar application was considered, and refused, for the development in March 2016.

1.2 The site comprises an area of land located between Church Lane and the Lower Derwent Valley Nature Reserve. To the west of the site is a public footpath and Church Lane. Natural England offices are located on the site's south side. The Lower Derwent Valley Nature Reserve is located on the east side of the site. The Lower Derwent Valley National Nature Reserve (NNR) is a designated Ramsar site, Special Protection Area (SPA), Special Area of Conservation (SAC) as well as the Derwent Ings Site of Special Scientific Interest (SSSI).

1.3 The application site is an area of grass land which is raised above the level of the reserve but slightly below road level. The land area is approximately 2 Ha of which the applicant considers that 0.1 Ha will be covered by the development. The development is for the siting of four tents, termed yurts because the tents are to be placed on the land continuously for a 17 week period each year, will be serviced with bathrooms and kitchens and appropriately furnished to provide ready accommodation for visitors. The timing of the 17 week period has been specified as June to October (originally proposed as May to September). The application includes the provision of car parking facilities. An existing access into the site will be utilised to provide vehicular access to the site. The red line area of the application has been confined to the area of each tent structure and the car parking area although the whole of the 2 Ha site is within the applicant's ownership. The

description of development also refers to the creation of a footpath on the west side of the site. This path is already constructed and is proposed as a public access extending an existing footpath to the south of the site. Habitat enhancement proposals include bat, bird and barn owl boxes within the site.

1.4 Information with the application clarifies that:-

- The season for the tents runs between June and October.
- Construction and removal of the tents will be two days before and after the season.
- Toilets and showers will be in the tents and will discharge to sewers under the site
- Cooking facilities restricted to hob in tent and BBQ on patio
- No lighting required other than small light in tent
- Electricity will be provided as on other camp sites via pole outside tent
- There will be two people per tent
- Dogs camp fires and additional tents are not permitted to comply with Natural England's requirements
- A small chiminea would be used in each tent as a heat source
- Noise would be enforced through strict rules at the time of booking
- The grass around the tents would be maintained by hand mower once a week
- Mitigation of ecology through ecology mitigation and enhancement submission
- The site would work in close collaboration with Natural England

1.5 The images as part of the original submission indicate that the tents are to be 5 metres by 7.5 metres and 3.5 metres in height.

1.6 The applicant confirms that the footpath can be maintained and provided for public use. A condition requiring the footpath's retention would be acceptable.

PLANNING HISTORY

1.7 Permission was refused for the same development in March 2016 (Planning reference 15/02885/FUL). The reasons for refusal were related to the site's location within the Green Belt and concerns about the details of the scheme to meet the requirements of the Habitat Regulations.

2.0 POLICY CONTEXT

Please see section 4 paragraphs 4.2 to 4.16 of this report for the relevant national and local planning policy context.

3.0 CONSULTATIONS

INTERNAL

3.1 HIGHWAY NETWORK MANAGEMENT - Require confirmation that the area between the highway and the sit will be paved and that adequate turning can be provided within the site.

3.2 PLANNING AND ENVIRONMENTAL MANAGEMENT (ECOLOGY AND COUNTRYSIDE OFFICER) - If all the mitigation measures suggested in the application were adequately implemented then it is considered that there would not be a likely significant impact on the European site from the proposed development alone, or in combination. No other plans or projects that might act in combination with this project have been identified. It would be preferable for the details of the mitigation measures above to be submitted and agreed prior to determination to remove any uncertainty and the need for an excessive number of planning conditions. Information should be presented in one or two documents and drawings, for example a Landscape and Ecological Management Plan (as per British Standard BS42020:2013) which the delivery of can be secured through a planning condition.

3.3 PUBLIC RIGHTS OF WAY - Public Footpath, Wheldrake No 2 (6/2/10) is not currently available on its definitive line, being obstructed by thick hedging within the verge of the adopted highway (Church Lane). Historically, walkers have used a field entrance further north, where up until 2011/12 there used to be a way-marked stile and Public Footpath finger post giving access to the field in question. Once over this stile, walkers used to walk across the field towards the drain to the east and then to the bridge across it to the Nature Reserve, or link in with the riverside footpath.

3.4 The path provided by the applicant does provide a valuable link between the definitive line of footpath 6/1/10 and 6/2/10, taking walkers off the busy road. Given that the path is bounded by hedging on one side and barbed wire on the other, the footpaths officer does not believe however that the current width of the path is wide enough to allow two people to pass comfortably. Seasonal growth from the hedge would further narrow the available width. Additionally, the applicant would be liable should anyone injure themselves or damage their clothing on the barbed wire; if the path were a public right of way, the barbed wire would be considered to be a statutory nuisance. It is therefore recommend that if the application is granted the path should be made wider (2 metres min.). The sections of the path that are prone to mud would also need to be improved, especially given the adjacent barbed wire and the slipping hazard the surface presents. If the above issues were addressed, the footpath officer would have no objections to the proposed development.

EXTERNAL

3.5 WHELDRAKE PARISH COUNCIL - Object to the development as it is not exceptional development in the Green Belt. Concerned about the proposed site and its close proximity to the International Nature Reserve.

3.6 YORKSHIRE WILDLIFE TRUST - The Habitats Regulations Assessment by Wold Ecology is thorough and the Trust is prepared to remove the holding objection to the application. The development is unlikely to cause a Likely Significant Effect (LSE). However the Trust is concerned that if permission is given it is possible that this could create a precedent and lead to other similar developments and cumulative impacts on the SPA and SAC. The opening dates for the development are not yet clear. If the tents were to be occupied in May as suggested there would be a clear possibility of nesting birds being disturbed. Also the Habitat Enhancement Plan is very limited on detail and the Trust would expect this to be improved.

3.7 NATURAL ENGLAND - Having reviewed the Habitats Regulations Assessment submitted by the applicant, we are satisfied that the proposal, if carried out in accordance with the details submitted, is not likely to have a significant effect on the Lower Derwent Valley SPA / SAC / Ramsar site. We would advise that any planning permission granted should be temporary in the first instance and subject to review.

3.8 Three letters of objection have been received covering the following points:-

- Site is adjacent to the nationally important Lower Derwent Valley National Nature Reserve and is likely to cause considerable noise and other disturbance to this vitally important wildlife resource.
- Objector has regularly seen barn owls hunting over the field proposed for the development and concludes that the field is an important resource for hunting barn owls.
- The field is an important habitat for voles and other small mammals (on which the barn owl depends).
- Yorkshire's barn owl population is vulnerable and the Yorkshire Wildlife Trust has recently run a campaign to highlight its plight.
- The proposed habitat enhancement plan is not realistically going to offset the impact of the noise and disturbance from this site to local wildlife.
- The glamping site will disrupt the conservation work of the adjacent Natural England Offices.
- Glamping will cause disruption, confusion and distress to species in an otherwise quiet area at night.
- The barn owl is protected under Schedule 1 of both the Wildlife and Countryside Act, 1981
- The proposal is a further attack on Green Belt.
- Claimed that the occupants will be high-end people but this does not stop them from getting drunk and making noise.
- The site will only be policed by the applicant who has a vested interest in not reporting issues at the site.
- Light from headlights and torches can be as bad as floodlighting in this location.
- The ecology report author claims to have been at the site at 2:30pm but could not have been because was concluding a visit on another site. The ecology report was

undertaken in December which according to Natural England is not an appropriate time for most reports.

4.0 APPRAISAL

4.1 Key Issues:-

- Principle of the development in the Green Belt
- Character and appearance of the area
- Habitat Regulation Assessment
- Access and parking Arrangements
- Drainage
- Other considerations - very special circumstances

PLANNING POLICY

4.2 The site is located within the general extent of the Green Belt on the south side of York.

National Planning Policy Framework

4.3 Paragraph 14 of the National Planning Policy Framework (NPPF) says that at the heart of the NPPF is a presumption in favour of sustainable development for decision taking this means that where the development plan is absent, silent or relevant policies are out-of-date granting planning permission unless specific policies in the framework indicate development should be restricted. (Foot note 9 indicates restrictions include Green Belt locations site protected under the Birds and Habitats directive and Sites of special scientific interest).

4.4 The core planning principles in paragraph 17 of the NPPF says planning should support economic growth; among other things protect the Green Belt around urban areas, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities and contribute to conserving and enhancing the natural environment.

4.5 Section 3 of the NPPF says that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.

4.6 Section 9 of the NPPF says that the essential characteristics of Green Belts are their openness and their permanence (para.79). One of the five purposes of including land within the Green Belt is to assist in safeguarding the countryside from encroachment (Paragraph 80). Once defined Local Planning Authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and

recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land (para.81).

4.7 Paragraph 109 says that the planning system should contribute to and enhance the natural and local environment and soils by protecting and enhancing valued landscapes, recognising the wider benefits of ecosystem services and minimising impacts on biodiversity. Paragraph 118 seeks to conserve and enhance biodiversity; it says that development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect should not normally be permitted. Paragraph 119 confirms that the presumption in favour of development at Paragraph 14 of the NPPF does not apply to sites requiring assessment under the Birds or Habitats directives.

4.8 The NPPF says at Annex 1, paragraph 216, that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. Weight may also be given to relevant policies in emerging plans according to the stage of preparation

Development Plan

4.9 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York comprises the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt. These are policies YH9(C) and Y1 (C1 and C2) which relate to York's Green Belt and the key diagram insofar as it illustrates general extent of the Green Belt. The policies state that the detailed inner and the rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

Local Plan

4.10 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF.

4.11 The relevant policies applicable to this application include: GP1: 'Design' which requires that development among other things respects or enhances the local environment; policy V1 'visitor related development' encourages appropriate visitor

related development, V5 'caravan and camping sites', GB1 'Development in the Green Belt' and policy NE4a 'International and National Nature Conservation Sites'.

4.12 Policy GB1 says that planning permission for development will only be granted where development would not detract from the open character of the Green Belt, it would not conflict with the purposes of including land within the Green Belt and development would not prejudice the setting and special character of York. Policy V5 says that planning permission for new caravan/camping sites outside settlement limits will only be granted provided:

- a) The number of pitches does not exceed 20; and
- b) There will be no pitches for static caravans; and
- c) The proposal does not involve the erection of permanently-sited ancillary buildings other than toilets/washrooms and a site office; and
- d) The site is associated with an existing settlement and of a compatible scale to the settlement; and
- e) The site is readily accessible by public transport; and
- f) There is no adverse effect on the openness of the Green Belt; and
- g) It provides a direct benefit to the local residential workforce; and
- h) The approach roads are suitable for caravans; and
- i) There is no adverse effect on the provision of local services; and
- j) The proposal is complimentary to recreational opportunities in the vicinity; and
- k) It provides a direct benefit to the local residential rural community.

4.13 Policy NE4a says that where development could have an adverse effect, directly or indirectly, on an international or national nature conservation site it will only be permitted where the reasons for the development clearly outweigh the special nature conservation value of the site.

Emerging Local Plan

4.14 The planned consultation on the Publication Draft of the City of York Local Plan, which was approved by the Cabinet of the Council on the 25 September 2014, has been halted pending further analysis of housing projections. Since then officers have initiated a work programme culminating in a "Local Plan – Preferred Sites 2016" document and other supporting technical documents. Members have approved this document for consultation to commence in July 2016. The emerging Local Plan policies can only be afforded weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF and at the present early stage in the statutory process such weight is limited. The most relevant of the document's policies is policy EC6 which says that York's rural economy will be sustained and diversified through, among other things, permitting camping and caravan sites for holiday and recreational use where proposals can be satisfactorily integrated into the landscape without detriment to its character, are in a location accessible to local facilities and would not generate significant volumes of traffic. Seasonal occupancy should be conditioned on visitor accommodation.

Wheldrake Village Design Statement

4.15 The Wheldrake Village design statement sets out characteristics of the setting of the village. In noting the key characteristics of the village setting it says (page 11) that the village is approached from open countryside on all routes and that grass verges and hedgerows beautify the approach roads. Key issues include the need for connections between public footpaths and the lack of circular walks. Guidelines say that the open character of the Green Belt should not be affected and for the design of development seek to protect verges and the International and national nature conservation designations should be strictly enforced.

4.16 In the absence of a formally adopted local plan the most up-to date representation of key relevant policy issues is the National Planning Policy Framework (NPPF). It is against this Framework that the application proposal should principally be addressed.

ASSESSMENT

4.17 The site is located within the general extent of the Green Belt as described in the RSS; is shown as being within Green Belt on the proposals map in the DCLP and retained within the Green Belt in the emerging Local Plan.

4.18 Although paragraph 14 of the NPPF sets out a presumption in favour of sustainable development, in accordance with the footnote referenced within paragraph 14 the presumption in favour of sustainable development does not apply in Green Belt locations.

4.19 Paragraph 89 and 90 of the NPPF set out those developments that may be considered exceptions to inappropriate development in the Green Belt. Paragraph 89 refers to exceptions for new buildings; as the proposal does not relate to new buildings this paragraph is not relevant. Paragraph 90 lists other development that may be considered as not inappropriate. This does not include the change of use of land. It is Officers opinion that the change of use of the land to seasonal camp site does not fall within any of the exceptions to inappropriate development in paragraphs 89 and 90. It therefore constitutes inappropriate development within Green Belt. Paragraph 87 says that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 says that substantial weight should be given to any harm to the Green Belt and that 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

Openness

4.20 Paragraph 79 establishes that openness is an essential characteristic of Green Belt. The proposal will necessitate the improvement of the vehicular access into the site, will necessitate the provision of some hard standing, which would be there permanently and would introduce canvas tents and decked areas which would be there for a portion of each year. Additionally during the time that the site is unoccupied the infrastructure associated with the provision of electricity and drainage turning areas for vehicle and the formalisation of the access entrance with new hardsurfacing would remain. Although the site has established boundaries to the road frontage, the land is very open to its eastern and southern side and the footpath along the western side of the site. It is Officers' opinion that the combination of the visibility of the site, the necessary parking areas and access improvements (likely to be permanent) and the additional traffic movements means that the development would reduce the openness of the Green Belt as more of the site would appear developed.

Purposes of Green Belt

4.21 The purposes of Green Belt set out in paragraph 80 of the NPPF are to check unrestricted sprawl of large built up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns and to assist in urban regeneration by encouraging the use of derelict or other urban land. Officers consider that in this relatively isolated location the addition of tents and ancillary works would appear intrusive and so would conflict with the purpose of safeguarding the countryside from encroachment.

CHARACTER AND APPEARANCE OF THE AREA

Visual Amenity

4.22 The site is located next to Church Lane; adjacent to the lane is a substantial tree belt which shields much of the site from the road although the existing access point from the road has been cleared and opened up somewhat since officers visited the site as part of a pre-application submission and for the previous application. The site's eastern and southern sides are open to the nature reserve and to the Natural England Offices. There is a public right of way on the southern side and a raised platform on the Natural England site from which you can view the nature reserve. In addition the footpath that runs next to the tree belt on the west side is open to the land and the reserve beyond. From all these vantage points the site is very visible and in fact provides an integral part of the overall experience of the views to and from the nature reserve. In Officers opinion the introduction of development on to the field would seriously diminish the setting of the nature reserve as experienced by visitors.

Noise and Disturbance

4.23 The applicant has clarified a number of points since submitting the application. In the main the protection of the site from noisy visitors is to be controlled by a set of rules the details of which will be provided to visitors when booking the accommodation. In addition to this it is indicated that the tents will be limited to two occupants, each tent will be lit by a single light, heating will be provided via a chiminea and cooking will be by barbecue on patio areas and in the tent on a hob.

4.24 The additional tent elevations provided as part of the original submission do not reflect these submitted details. The images show a bedroom with four beds and significantly more than one light, the cooking facilities and level of comfort within the tents suggest that the appearance of the units will be much more imposing than the description suggests this has not been clarified as part of the new submission. In any case in Officers opinion the use of chimneys and barbeques and the provision of facilities to make the best use of outside space does not lend itself to the maintenance of a tranquil atmosphere as one would currently experience late in the evening at this site.

4.25 Overall it is considered that the proposal would not be compatible with the prevailing character of the area, would detracting from the open rural setting of the nature reserve and would cause significant harm to the character and appearance of the area. This is contrary to the core planning principle of the NPPF of recognising the intrinsic character and beauty of the countryside and GP1 of the DCLP which similarly expects proposals to respect or enhance the local environment.

Sustainability

4.26 It is an accepted principle that visitors to caravan and camping sites are more likely to arrive by car. The site is close to the village of Wheldrake and although there is a public footpath along part of the site towards the village there is limited footpath access to the village along the road and no dedicated cycle routes. Access to the city is via an infrequent bus service. The site has a moderate level of sustainability but overall it is considered that visitors to this site are likely to access services within the village and within York using their cars.

HABITAT REGULATIONS ASSESSMENT

4.27 The Lower Derwent Valley National Nature Reserve as a European protected site is afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). Under the Habitat Regulations the Council as the competent authority must make a judgement under Regulation 61 and 62 as to the 'likely significant effect', if any, of the scheme on the European designated sites before permission is granted The project is not directly

connected with or necessary to the management of any European site and therefore a Habitat Regulation Screening opinion will need to be made by the Local Planning Authority. The Extended Phase 1 Habitat Survey report states that the proposed development has the potential to cause disturbance and displace wintering birds and breeding birds (including Schedule 1 listed species). Further to this report (and the previous planning application) a screening assessment to examine the potential impacts of the proposed development has been undertaken by the applicant's appointed ecologists. Only mitigation measures and not compensatory measures should be taken into account when considering the likelihood of a significant effect on a European site. Without mitigation there would be a likely significant impact on the Lower Derwent Valley from habitat/species disturbance.

Mitigation and Compensation

4.28 Summary of mitigation proposed (avoidance and reduction measures):

- Infill hedgerow planting on all four boundaries, as shown on DPA Site Layout Plan. This would need to be implemented prior to commencement of development and allowed to grow and be managed as a tall hedgerow.
- Restriction on timing of activities. Commencement in May would make the development unacceptable as the bird species which are qualifying species of the SPA would be most vulnerable to disturbance in winter, and April to late May when they are breeding.
- Restrictions on activities at the site e.g. no dogs, no campfires, noise levels, lighting level.
- Signage and educational information for customers.

4.29 A Construction Environmental Management Plan (CEMP) implemented throughout the preliminary construction period e.g. construction of car parking area, connection of sewage and mains water points, would avoid and reduce impacts on the Lower Derwent Valley.

4.30 Compensation proposed (outlined on the draft Habitat Enhancement Plan):

- Bat and bird boxes in boundary vegetation;
- Barn owl box;
- Wildflower meadow; and
- Rough grassland/native vegetation.

4.31 If all of the mitigation measures above were adequately implemented then it is considered that there would not be a likely significant impact on the European site from the proposed development alone, or in combination. No other plans or projects that might act in combination with this project have been identified.

4.32 Natural England has requested that temporary planning permission is given in order that in the event of unanticipated disturbance issues the scheme can be re-visited.

4.33 Paragraph 119 says that the presumption in favour of development does not apply where development requiring an appropriate assessment under the Birds or Habitat Directives is being considered, planned or determined. The advice of the Ecology Officer is that with the mitigation proposed in place there would not be an impact on the reserve; the application is therefore considered to comply with the requirements of paragraph 118 which seek to conserve and enhance biodiversity. A temporary permission is suggested and conditions to secure the mitigation and compensation proposed would be required.

ACCESS AND PARKING ARRANGEMENTS

4.34 Highway Network Management require additional information about how vehicles will turn in the site and about the construction of the vehicular entrance. Were the application to be supported in principle appropriate conditions could secure the required detail.

FLOODING/DRAINAGE

4.35 The site is bounded by flood zone 3 to the east and is partly located within flood zone 2 along the eastern side of the site. The location of the tents as shown on the submitted site location plan indicates that the tents will be placed in areas of the site that are in Flood Zone 1, low risk. Although Camp sites are classed as more vulnerable uses in the Flood Risk Vulnerability Classification set out in the National Planning Policy Guidance (NPPG) as the tents are located in areas of the site in flood zone 1 the development should not suffer from river flooding.

4.36 The comments of the Flood Risk Management Team on the drainage proposals for the site are awaited.

OTHER CONSIDERATIONS - VERY SPECIAL CIRCUMSTANCES

4.37 It is the Applicant's view that the proposed development is appropriate development in the Green Belt. For the reasons set out in Paragraph 4.17 to 4.21 above Officers do not agree.

4.38 The applicant has set out a number of issues within his statement that he considers weigh in favour of the development these are:

- A positive impact on tourism in the area
- Benefits to the rural economy through the provision of new jobs

- Opportunity to bring revenue to the adjacent Natural England who own and maintain the adjacent Ings
- Provision of a footpath link along the western side of the site
- Habitat enhancements

TOURISM

4.39 On a general level it is accepted that tourism facilities benefit the rural economy. Local shops and pubs can benefit and there may be increase spend associated with visitors to York. The amount of benefit to the rural economy is limited because the number of tents proposed is small and is not quantified within the submitted information. However a small amount of benefit to the rural economy through the additional provision of facilities is considered to be associated with the use.

NEW JOBS

4.40 The agent suggests that the siting of the tents for the 17 week period will provide two full time and two part time jobs. When asked to provide further evidence of the number of jobs required none has been forthcoming. Officers consider that a use that operates for 17 weeks of the year with a week of preparation either side of opening is unlikely to generate the quantity of jobs suggested. A small amount of weight is however attached to job creation at a general level as it is accepted that new employment could be created.

NATURAL ENGLAND

4.41 Natural England has provided advice on the detail of the scheme requesting that the application be granted on a temporary basis only. Their response does not detail any benefits to their own operation on the adjacent site. The applicant says that the use will bring additional visitors to Natural England's site but does not say how this will equate to additional revenue. It is noted that objectors say that the siting of the development will impact on barn owls and on their enjoyment of the site. Thus there may be a balance between lost and gained visitors. It is not clear that there would be any benefits to Natural England associated with the development.

PROVISION OF A FOOTPATH LINK

4.42 The footpath link on the western side of the site is provided and is welcomed as an addition to the network of footpaths in the area. The link is already in place. Members will note that the footpath officer considers that the provided footpath is substandard in width and requires some maintenance but acknowledges its benefits as a link between two existing footpaths. Natural England as part of their response has not indicated that the link is of particular importance to their operation. This is

not to take away from the efforts of the land owner in providing a length of dedicated footpath along the side of his land more that its benefits have not been supported by Natural England; it does not meet width and design standards and increases the visibility of the site and the proposed scheme. On balance therefore the provision of the link is not considered to be a benefit of the proposed scheme.

HABITAT ENHANCEMENTS

4.43 The site already provides an open undisturbed setting for the adjacent reserve, the provision of habitat enhancement is to offset harm associated with the development on existing wildlife it is not considered a benefit of the scheme.

4.44 In officers opinion the very special circumstances put forward by the applicant are not individually or cumulatively sufficient other considerations to clearly outweigh the definitional harm to the Green Belt arising from inappropriate development and other harm (that is harm to the purposes of Green Belt and to openness and harm to the character and appearance of the area through visual impact and noise and disturbance) identified in this report. As advised by paragraph 87 and 88 of the NPPF development that is harmful to the Green Belt for which there are no very special circumstances should not be approved.

5.0 CONCLUSION

5.1 The application site, undeveloped land to the east of Church Lane Wheldrake, is considered to be within the general extent of the Green belt as defined in the RSS. The erection of tents on a seasonal basis with associated car parking on the site is considered to be inappropriate development in the context of section 9, paragraph 89 and 90 of the NPPF.

5.2 The NPPF confirms at paragraph 87 that inappropriate development is by definition harmful to the Green Belt. Paragraph 88 says substantial weight would need to be given to harm by reason of inappropriateness and any other harm. Very special circumstances will not exist unless the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

5.3 In officers opinion the other considerations put forward by the applicant as very special circumstances ; a positive impact on tourism in the area, benefits to the rural economy through the provision of new jobs, opportunity to bring revenue to the adjacent Natural England who own and maintain the adjacent Ings, provision of a footpath link along the western side of the site and habitat enhancements, are not sufficient other considerations to clearly outweigh the definitional harm and other harm (that is harm to the purposes of Green Belt and openness, harm to the character and appearance of the area through visual impact and noise and disturbance) identified in this report. As advised by paragraph 87 and 88 of the

NPPF development that is harmful to the Green Belt for which there are no very special circumstance should not be approved.

5.4 The details provided are sufficient to make an assessment under the Habitat regulations and it is concluded that if all of the mitigation measures proposed were adequately implemented then there would not be a likely significant impact on the European site from the proposed development alone, or in combination. The assessment is on the basis that no tents will be on site during the nesting season (May).

6.0 RECOMMENDATION: Refuse

1 Policy YH9 and Y1 of the Yorkshire and Humber Plan - Regional Spatial Strategy to 2026 defines the general extent of the Green Belt around York with an outer boundary about 6 miles from the city centre. The site is identified as Green Belt in the City of York Development Control Local Plan (Approved April 2005). It is considered that the proposed development constitutes inappropriate development in the Green Belt as set out in section 9 of the National Planning Policy Framework which is by definition harmful to the Green Belt. No 'very special circumstances' have been demonstrated that would clearly outweigh harm to the Green Belt by reason of inappropriateness and any other harm, including harm to the purposes of Green Belt and openness and harm to the character and appearance of the area through visual impact and noise and disturbance). The proposal is therefore considered contrary to advice within the National Planning Policy Framework, in particular section 9 'Protecting Green Belt land', guidance within National Planning Practice Guidance (March 2014) and Policy GB1 of the City of York Development Control Local Plan (April 2005).

7.0 INFORMATIVES:

Contact details:

Author: Diane Cragg Development Management Officer (Mon-Thur)

Tel No: 01904 551351