



Meeting: **PLANNING COMMITTEE**  
Date: **WEDNESDAY, 8 JULY 2020**  
Time: **2.00 PM**  
Venue: **MICROSOFT TEAMS LIVE EVENT - REMOTE**  
To: **Councillors J Cattanach (Chair), I Chilvers, R Packham, P Welch, M Topping, K Ellis, D Mackay, M Jordan and J Mackman (Vice-Chair)**

## Agenda

**1. Apologies for Absence**

**2. Disclosures of Interest**

A copy of the Register of Interest for each Selby District Councillor is available for inspection at [www.selby.gov.uk](http://www.selby.gov.uk).

Councillors should declare to the meeting any disclosable pecuniary interest in any item of business on this agenda which is not already entered in their Register of Interests.

Councillors should leave the meeting and take no part in the consideration, discussion or vote on any matter in which they have a disclosable pecuniary interest.

Councillors should also declare any other interests. Having made the declaration, provided the other interest is not a disclosable pecuniary interest, the Councillor may stay in the meeting, speak and vote on that item of business.

If in doubt, Councillors are advised to seek advice from the Monitoring Officer.

**3. Chair's Address to the Planning Committee**

**4. Minutes (Pages 1 - 12)**

To confirm as a correct record the minutes of the Planning Committee meeting held on 4 March 2020.

**5. Planning Applications Received (Pages 17 - 18)**

**5.1. 2018/0657/FUL - Honeypot Field, Hillam Common Lane, Hillam (Pages 19 - 36)**

**6. Planning Decisions made under Urgency due to Covid-19 (Pages 37 - 44)**

The Planning Committee are asked to note the details of the planning decisions taken under urgency between 1 April 2020 and 24 June 2020 due to the Coronavirus lockdown.

*Janet Waggott*

**Janet Waggott, Chief Executive**

<p><b>Dates of next meeting (2.00pm)</b> Wednesday, 12 August 2020</p>
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Enquiries relating to this agenda, please contact Victoria Foreman on 01757 292046 or [vforeman@selby.gov.uk](mailto:vforeman@selby.gov.uk).

This meeting will be streamed live online. To watch the meeting when it takes place, [click here](#) and then on the link under the section titled 'Media'.

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## Minutes

### Planning Committee

Venue: Council Chamber, Council Chamber - Civic Centre, Doncaster Road, Selby, YO8 9FT

Date: Wednesday, 4 March 2020

Time: 2.00 pm

Present: Councillor J Cattanach in the Chair

Councillors I Chilvers, R Packham, P Welch, K Ellis, D Mackay, M Jordan, T Grogan and J Mackman (Vice-Chair)

Officers Present: Martin Grainger – Head of Planning, Ruth Hardingham - Planning Development Manager, Kelly Dawson – Senior Solicitor, Frances Maxwell – Solicitor, Fiona Ellwood – Principal Planning Officer, Yvonne Naylor – Principal Planning Officer, Mandy Cooper – Principal Planning Officer, Rebecca Leggott – Senior Planning Officer, Gareth Stent – Principal Planning Officer, Victoria Day, North Yorkshire County Council Highways Officer; and Dawn Drury – Democratic Services Officer

Press: 1

Public: 17

#### 41 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor M Topping. Councillor T Grogan was in attendance as a substitute for Councillor Topping.

#### 42 DISCLOSURES OF INTEREST

Councillor K Ellis declared a personal interest in agenda item 5.8 – Land South of Main Street, Church Fenton and confirmed that he would leave the meeting during consideration of this item.

Councillor K Ellis further declared that he had received additional representations by email in relation to agenda item 5.1 – The Old Barn, Sweeming Lane, Little Fenton; and confirmed that he had not expressed an opinion on the application and remained open minded, and as such would participate in the debate and decision.

All Councillors declared that they had received additional representations by email in relation to two applications on the agenda, agenda item 5.6 – Hilahgarth, Main Street, Church Fenton, Tadcaster, and agenda item 5.8 – Land South of Main Street, Church Fenton; and confirmed that they had not expressed an opinion on the application and remained open minded, and as such would participate in the debate and decision.

#### **43 CHAIR'S ADDRESS TO THE PLANNING COMMITTEE**

The Chair informed the Committee that an officer update note had been circulated, and that the order of the agenda had been adjusted to reflect the number of public speakers registered in relation to each application. In relation to item 5.7 of the officer update note, Members noted that the information was purely for reference.

Members were advised that during consideration of agenda item 5.6 and agenda item 5.8 the meeting would be audio recorded.

The Chair also informed Members that agenda item 5.3 – 2019/0311/FUL – The Byre, Sweeming Lane, Little Fenton had been deferred by agreement with the applicant and as such would not be considered at the meeting.

#### **44 MINUTES**

The Committee considered the minutes of the Planning Committee meeting held on 5 February 2020.

In relation to minute item number 37, Councillor Ellis stated that he had only declared an interest in one of the applications on the agenda, agenda item 5.11 – Land South of Main Street, Church Fenton and not three as stated, and therefore asked that agenda item 5.4 – Hilahgarth, Main Street, Church Fenton, Tadcaster, and agenda item 5.5 – Hall Lane Stables, Church Fenton be removed from the minute. The Democratic Services Officer was asked to make this amendment.

#### **RESOLVED:**

**To approve the minutes of the Planning Committee meeting held on 5 February 2020 for signing by the Chairman, with the above amendment.**

#### **45 PLANNING APPLICATIONS RECEIVED**

The Planning Committee considered the following applications:

**45.1 2019/0513/FUL: HILAHGARTH, MAIN STREET, CHURCH FENTON**

**Application:** 2019/0513/FUL

**Location:** Hilahgarth, Main Street, Church Fenton

**Proposal:** Proposed erection of three detached dwellings following demolition of existing dwelling.

The Principal Planning Officer presented the application which had been brought before Planning Committee as it had received more than 10 letters of objection as a result of consultations which raised material considerations; as such it was considered locally controversial. The application had been brought to Planning Committee on 5 February 2020 where Members had resolved to defer the application so a site visit could be undertaken. The site visit had taken place on Tuesday 3 March 2020.

The Committee noted that the application was for the proposed erection of three detached dwellings following demolition of an existing dwelling.

A number of questions were asked of the North Yorkshire County Council (NYCC) Highways Officer in relation to on-street parking, accident data and traffic speed surveys. It was confirmed that two speed surveys had been undertaken in support of the application, and that all parking areas were outside the visibility splays. It was further confirmed that officers were satisfied with the accident data from 2010 to 2018, and no issues had been raised in this period. Members queried the accident data and whether requests had been received from the Parish Council for any traffic speed signs to be introduced on the sharp bend in the road, the NYCC Highways Officer stated that only recorded accidents could be considered and that no requests had been received for signage. Officers confirmed that all relevant issues had been raised with NYCC Highways based on the speed surveys, and all information provided had advised that they had no objections to the scheme subject to the conditions contained within the report.

In relation to the officer update note Members noted that two further letters of representation had been received which raised further issues with the application, the issues had been considered by officers and there was no change to the position noted in the report on drainage, design or tree matters and thus no change to the recommendation.

Mohammed Farooq, objector, spoke in objection to the application.

Sarah Chester, Parish Councillor, spoke in objection to the application.

Mark Newby, agent, spoke in support of the application.

The Committee expressed grave concern in relation to highway safety issues.

Members outlined their potential reasons for refusal in regard to over-development of the site and the impact of the scale of development on the trees; and highways safety issues.

It was proposed and seconded that Members were minded to REFUSE the application. Officers were requested to consider the indicative reasons for refusal and bring them back to Committee for Members consideration.

**RESOLVED:**

**Minded to REFUSE the application and defer for reasons for refusal to be considered by the Committee.**

**45.2 2017/0736/REMM: LAND SOUTH OF MAIN STREET, CHURCH FENTON, TADCASTER**

*Councillor Keith Ellis left the room during consideration of this item, as per his earlier declaration.*

**Application:** 2017/0736/REMM

**Location:** Land South of Main Street, Church Fenton, Tadcaster

**Proposal:** Reserved matters application relating to appearance, landscaping, layout and scale for erection of 50 dwellings of approval 2015/0615/OUT for outline application to include access for a residential development

The Principal Planning Officer presented the application which had been brought before Planning Committee as more than 10 letters of representation had been received which raised material planning considerations and officers would otherwise determine the application contrary to these recommendations. It had also been requested by Cllr Musgrave.

The application had been brought back before Planning Committee due to deferral of the application at 5 February 2020 Planning Committee. Members had been minded to refuse the application and had resolved to defer the application to allow Officer's to consider the indicative reasons suggested at the meeting, and to bring back to Committee detailed reasons for refusal.

The Committee noted that the application was a reserved matters application relating to appearance, landscaping, layout and scale for erection of 50 dwellings of approval 2015/0615/OUT for outline application to include access for a residential development.

In relation to the officer update note Members noted that two further objections had been received, and minor amendments had been made to the wording in the reasons for refusal.

Joseph Miller, objector, spoke in objection to the application.

Sarah Chester, Parish Councillor, spoke in objection to the application.

Members thanked officers for considering and condensing the indicative reasons for refusal and confirmed that they were in accordance with the indicative reasons given at the planning meeting on the 5 February 2020.

Members asked questions of the officer in relation to an updated flood risk assessment being undertaken in view of the change in Flood Zones for the site from Flood Zone 1 to Flood Zone 2.

It was proposed and seconded that the application be REFUSED. The decision was unanimously agreed.

**RESOLVED:**

**To REFUSE the application for the reasons set out at paragraph 1.2 of the report and the officer update note.**

*Councillor Keith Ellis re-joined the meeting at this point.*

**45.3 2019/1074/FUL: THE OLD BARN, SWEEMING LANE, LITTLE FENTON**

**Application:** 2019/1074/FUL

**Location:** The Old Barn, Sweeming Lane, Little Fenton.  
**Proposal:** Retrospective application for the subdivision of an existing dwelling into 2 no. units and retention of a two-storey rear domestic extension.

The Principal Planning Officer presented the application which had been brought before Planning Committee as it was a minor application where 10 or more letters of representation had been received which raised material planning considerations and Officers would otherwise determine the application contrary to these representations.

The Committee noted that the application was a retrospective application for the subdivision of an existing dwelling into 2 no. units and retention of a two-storey rear domestic extension.

Members acknowledged that the application was a retrospective application as the existing dwelling had been extended and subdivided to form two dwellings without planning permission. Although Policy SP2A(c) of the Core Strategy allowed for the re-use of existing buildings in the form of a sub-division, officers considered the application would resort in a disproportionate addition over and above the size of the original building by approximately 150%. The officer confirmed that the proposal was considered to be acceptable in terms of its design and impact on the character of the area, and the impact on residential amenity, flood risk and drainage, nature conservation and protected species, land contamination; and affordable housing. It was further confirmed that all immediate neighbours had been informed of the application resulting in forty one letters of representation being received; all of which supported the application.

Members asked questions of the officer in relation to previous planning consent and the lack of neighbour objections to the application.

In relation to the officer update note Members noted that two further letters of support had been submitted which raised issues with the content of the officer report, however the officer's report set out the full assessment of the application and the content of the two letters did not alter that assessment of the application.

Andrew Mason, agent, spoke in support of the application.



Members considered the application and agreed that the basis of the development was acceptable in principle, in line with Policy SP2 A (c), H14 of the Local Plan and paragraphs 78 and 79 of the National Planning Policy Framework (NPPF) in that there was no harm to the character of the countryside and the extension was of an appropriate design and not disproportionate in size.

It was proposed and seconded that the application be GRANTED, subject to conditions delegated to officers. The decision was unanimously agreed.

**RESOLVED:**

**To GRANT the application, for the reasons set out above subject to conditions delegated to officers**

**45.4 2019/0578/FUL: THE COURTYARD, SWEEMING LANE, LITTLE FENTON**

**Application:** 2019/0578/FUL

**Location:** The Courtyard, Sweeming Lane, Little Fenton.

**Proposal:** Proposed conversion of an ancillary building to a single 3-bed residential dwelling.

The Principal Planning Officer presented the application which had been brought before Planning Committee as the proposal was contrary to the requirements of the development plan (namely Criterion 1 of Policy H12 of the Selby District Local Plan) but it was considered there were material considerations which would justify approval of the application.

The Committee noted that the application was for the proposed conversion of an ancillary building to a single 3-bed residential dwelling.

Members discussed the application and agreed with the officer's recommendation; it was therefore proposed and seconded that the application be GRANTED.

**RESOLVED:**

**To GRANT the application subject to the conditions set out at paragraph 7 of the report.**

**45.5 2018/1243/OUTM: BAR FARM, 46 MAIN ROAD, HAMBLETON**

**Application:** 2018/1243/OUTM

**Location:** Bar Farm, 46 Main Road, Hambleton  
**Proposal:** Outline application for the erection of a residential development and associated infrastructure with all matters reserved.

The Principal Planning Officer presented the application which had been brought before Planning Committee as part of the proposal was situated in the open countryside and therefore the proposal represented a Departure from the Development Plan and Officers were recommending the granting of permission contrary to the plan. There were material considerations which would justify approval of the application.

The Committee noted that the application was an outline application for the erection of a residential development and associated infrastructure with all matters reserved.

Members acknowledged that the majority of the site comprised a number of large farm buildings, there would be a limited expansion beyond the development limits of Hambleton but it would form part of the farm curtilage and would not physically encroach beyond the natural farm boundary, into the adjacent open countryside.

Officers considered the proposed development would be a natural small extension to the village and would result in a visual improvement to the existing large agricultural buildings, and would therefore result in an appropriate form of development as highlighted in paragraph 119 of the National Planning Policy Framework (NPPF).

In relation to the officer update note Members noted that the information was purely for clarity.

Steve Jennesson, agent, spoke in support of the application.

The Committee were pleased to note that a condition had been imposed to ensure compliance with policies SP15 and SP16 of the Core Strategy in relation to improved energy efficiency through design of the buildings, Members agreed that it would be appropriate to impose an additional condition relating to the provision of electrical car charging points,

It was proposed and seconded that the application be GRANTED.

**RESOLVED:**

**To GRANT the application subject to completion of a Section 106 relating to Affordable Housing; Recreational Open Space, and Waste and Recycling; along with the conditions set out at paragraph 7 of the report and in the officer update note; and an additional condition relating to the provision of electric charging points.**

**45.6 2020/0012/COU: FORMER NATWEST BANK, THE CRESENT, SELBY**

**Application:** 2019/0012/COU

**Location:** Former NatWest Bank, The Crescent, Selby

**Proposal:** Proposed change of use of a former bank to a dental practice and associated works.

The Senior Planning Officer presented the application which had been brought before Planning Committee as Selby District Council was the landowner.

The Committee noted that the application was for the proposed change of use of a former bank to a dental practice and associated works

Members queried a previous planning permission which had been granted that allowed for the automated teller machine (ATM) to be removed from the building and the aperture infilled with a stainless-steel blanking plate. The officer explained that this application was purely for the proposed change of use of the building, and that the associated internal and external works would be dealt with as part of the next agenda item.

Members discussed the application and agreed with the Officer's recommendation; it was therefore proposed and seconded that the application be GRANTED.

**RESOLVED:**

**To GRANT the application subject to the conditions set out at paragraph 7 of the report.**

*Councillor J Mackman left the meeting at this point.*

**45.7 2019/1222/LBC: FORMER NATWEST BANK, THE CRESENT, SELBY**

**Application:** 2019/1222/LBC

**Location:** Former NatWest Bank, The Crescent, Selby  
**Proposal:** Listed building consent for change of use of former bank (A2) to dental practice (D1) and associated internal and external works.

The Senior Planning Officer presented the application which had been brought before Planning Committee as Selby District Council was the landowner.

The Committee noted that the application was for listed building consent for change of use of former bank (A2) to dental practice (D1) and the associated internal and external works.

Members acknowledged that the building was currently in a state of disrepair, and that the proposed works would sustain and enhance the Grade 11 listed building. Officers considered that the continued use of the building for business use would contribute to enhancing the vitality of Selby Town Centre and outweighed any less than substantial harm identified.

*Councillor J Mackman re-joined the meeting at this point but did not take part in the debate or the vote on this item*

The Committee expressed concern regarding a previous planning permission which had been granted that allowed for the automated teller machine (ATM) to be removed from the building and the aperture infilled with a stainless-steel blanking plate. Members queried, as this was a new planning application, if there was the potential to negotiate a more suitable material being used to infill the aperture with the applicants. Officers confirmed that this would be a practical way forward.

The Committee felt that it would be appropriate for officers to instigate negotiations with the applicants to agree a suitable material to replace the stainless-steel blanking plate, in order to protect the character and appearance of the Grade II listed building, set within the Selby Town Conservation Area.

It was proposed and seconded that Members were minded to GRANT the application.

**RESOLVED:**

**To be minded to GRANT the application subject to the conditions set out at paragraph 7 of the report; and delegation given to officers to negotiate**

**with the applicants: and to agree a suitable material to infill the ATM aperture, in order to protect the character and appearance of the Grade II listed building, set within the Selby Town Conservation Area.**

**45.8 2018/1075/FUL: YEW TREE FARM, MAIN STREET, THORGANBY**

**Application:** 2018/1075/FUL

**Location:** Yew Tree Farm, Main Street, Thorganby

**Proposal:** Proposed demolition of existing farm buildings (as previously approved), the erection of 3 no. dwellings and associated works and the conversion and extension of an outbuilding to form garaging.

The Senior Planning Officer presented the application which had been brought before Planning Committee as the application did not strictly accord with Policy SP2(C) of the Selby District Core Strategy, in that part of the proposed gardens to the new dwellings lie outside the development limits of the settlement. The site did, however, already benefit from an extant permission (2016/1233/FUL) which was for a similar development and represented a fall-back position. Since the proposal would comply with all other relevant criteria it was considered that there were material considerations which support the application therefore the recommendation was for approval.

The Committee noted that the application was for the proposed demolition of existing farm buildings (as previously approved), the erection of 3 no. dwellings and associated works and the conversion and extension of an outbuilding to form garaging.

In relation to the officer update note Members noted that a minor typo had been amended, at page 211 paragraph 5.55 of the report to mention further advised conditions in terms of investigation of land contamination, submission of a remediation scheme; and verification of remedial works, however officers considered that this did not alter the assessment made.

Members complemented the officer on the quality of the presentation before the Committee.

Members discussed the application and agreed with the Officer's recommendation; it was therefore proposed and

seconded that the application be GRANTED.

**RESOLVED:**

**To GRANT the application subject to the conditions set out at paragraph 7 of the report and in the officer update note.**

The meeting closed at 4.24 pm.

## **Planning Committee – Remote Meetings**

### **Guidance on the conduct of business for planning applications and other planning proposals**

1. The reports are taken in the order of business on the agenda, unless varied by the Chairman. If the order of business is going to be amended, the Chairman will announce this at the beginning of the meeting.
2. There is usually an officer update note which updates the Committee on any developments relating to an application on the agenda between the publication of the agenda and the committee meeting. Copies of this update will be published on the Council's website alongside the agenda.
3. You can contact the Planning Committee members directly. All contact details of the committee members are available on the relevant pages of the Council's website:

<https://democracy.selby.gov.uk/mgCommitteeMailingList.aspx?ID=135>

4. Each application will begin with the respective Planning Officer presenting the report including details about the location of the application, outlining the officer recommendations, giving an update on any additional representations that have been received and answering any queries raised by members of the committee on the content of the report.
5. The members of the committee will then debate the application, consider the recommendations and then make a decision on the application.
6. The role of members of the planning committee is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons in accordance with the statutory planning framework and the Council's planning code of conduct.
7. For the committee to make a decision, the members of the committee must propose and second a proposal (e.g. approve, refuse etc.) with valid planning reasons and this will then be voted upon by the Committee. Sometimes the Committee may vote on two proposals if they have both been proposed and seconded (e.g. one to approve and one to refuse). The Chairman will ensure voting takes place on one proposal at a time.
8. This is a council committee meeting which is viewable online as a remote meeting to the public.

9. Selby District Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform Democratic Services of their intentions prior to the meeting on [democraticservices@selby.gov.uk](mailto:democraticservices@selby.gov.uk)
10. The arrangements at the meeting may be varied at the discretion of the Chairman.
11. For the time being, the Code of Practice for Dealing with Planning Matters is modified so that the public speaking scheme will not apply to Remote Meetings. This is due to the need to manage the duration and security of the meetings. Instead, written representations on planning applications can be made in advance of the meeting and submitted to [planningcomments@selby.gov.uk](mailto:planningcomments@selby.gov.uk). All such representations will be made available for public inspection on the Council's Planning Public Access System and/or be reported in summary to the Planning Committee prior to a decision being made.
12. The Remote Meetings Regulations provide flexibility in light of the Covid-19 pandemic, and allow meetings to be moved, called or cancelled without further notice. For this reason, the public are encouraged to check the Council's website in case changes have had to be made at short notice. If in doubt, please contact either the Planning Department on [planningcomments@selby.gov.uk](mailto:planningcomments@selby.gov.uk) or Democratic Services on [democraticservices@selby.gov.uk](mailto:democraticservices@selby.gov.uk) for clarification.
13. A provisional Calendar of Meetings is operating, with Planning Committees usually sitting on a Wednesday every 4 weeks. However, this may change depending upon the volume of business as we emerge from lockdown. Please check the meetings calendar using this link for the most up to date meeting details:  
<https://democracy.selby.gov.uk/mgCalendarMonthView.aspx?GL=1&bcr=1>
14. To view the meeting online, find the relevant meeting from the list of forthcoming Remote Planning Committee meetings. The list of forthcoming meetings is here:  
<https://democracy.selby.gov.uk/ieListMeetings.aspx?Committeeld=135>  
  
Find the meeting date you want and click on it. This will take you to the specific meeting page. Under the section on the page called 'Media' is the link to view the online meeting – click on this link.
15. Please note that the Meetings are streamed live to meet with the legal requirement to be "public" but are not being recorded as a matter of course for future viewing. In the event a meeting is being recorded the Chair will inform viewers.
16. These procedures are being regularly reviewed as we start to operate in this way and will include reviewing the feasibility of introducing public speaking at the Remote Meetings in the future.

**Contact:**



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Email: [democraticservices@selby.gov.uk](mailto:democraticservices@selby.gov.uk)

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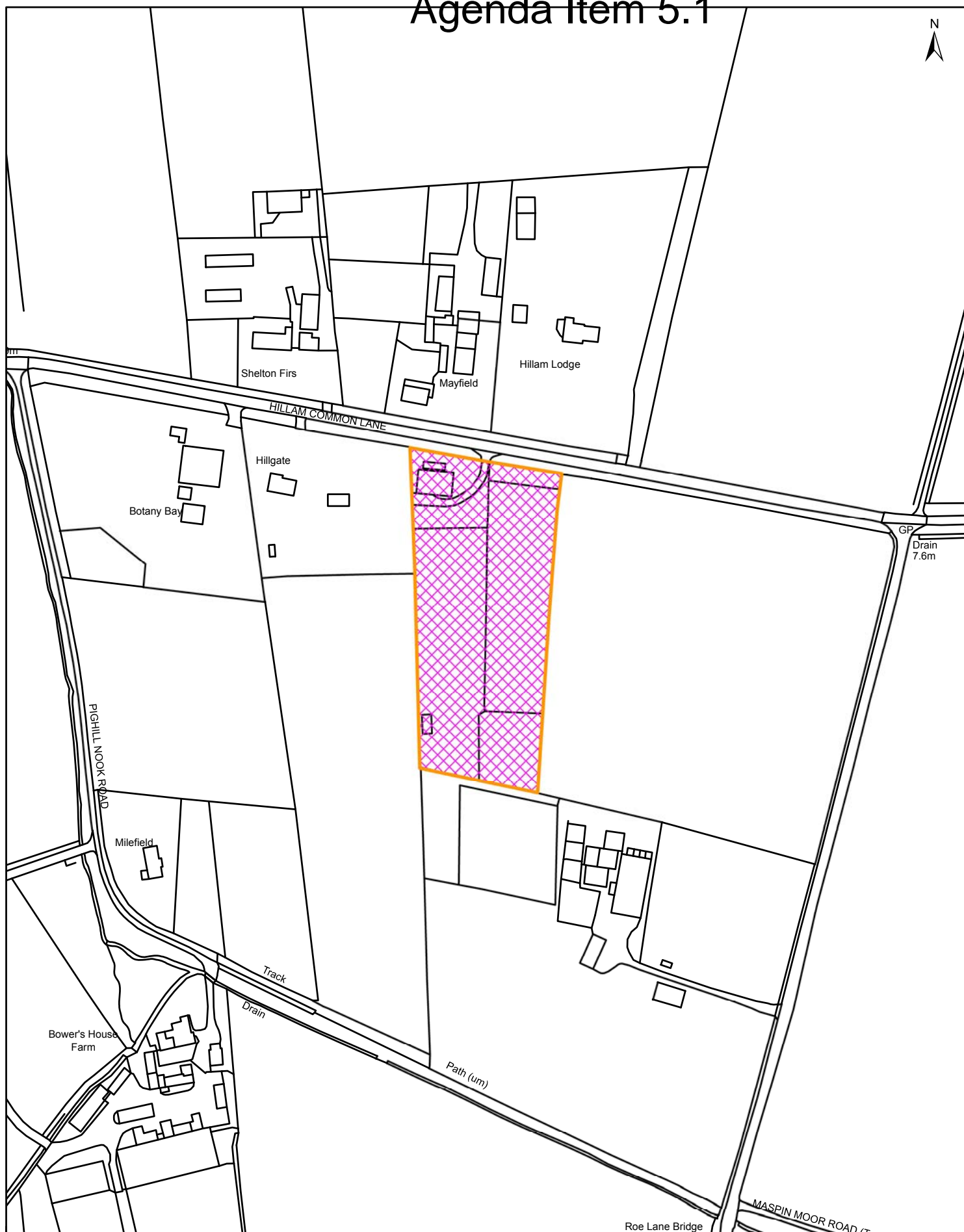
# Agenda Item 5

Items for Planning Committee

8 July 2020

<b>Item No.</b>	<b>Ref</b>	<b>Site Address</b>	<b>Description</b>	<b>Officer</b>	<b>Pages</b>
5.1	2018/0657/FUL	Honeypot Field Hillam Common Lane Hillam	Proposed erection of an agricultural storage barn	GAST	19 - 36

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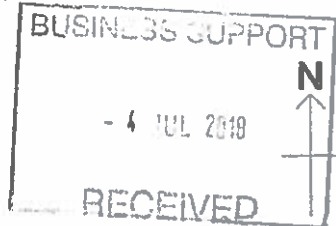
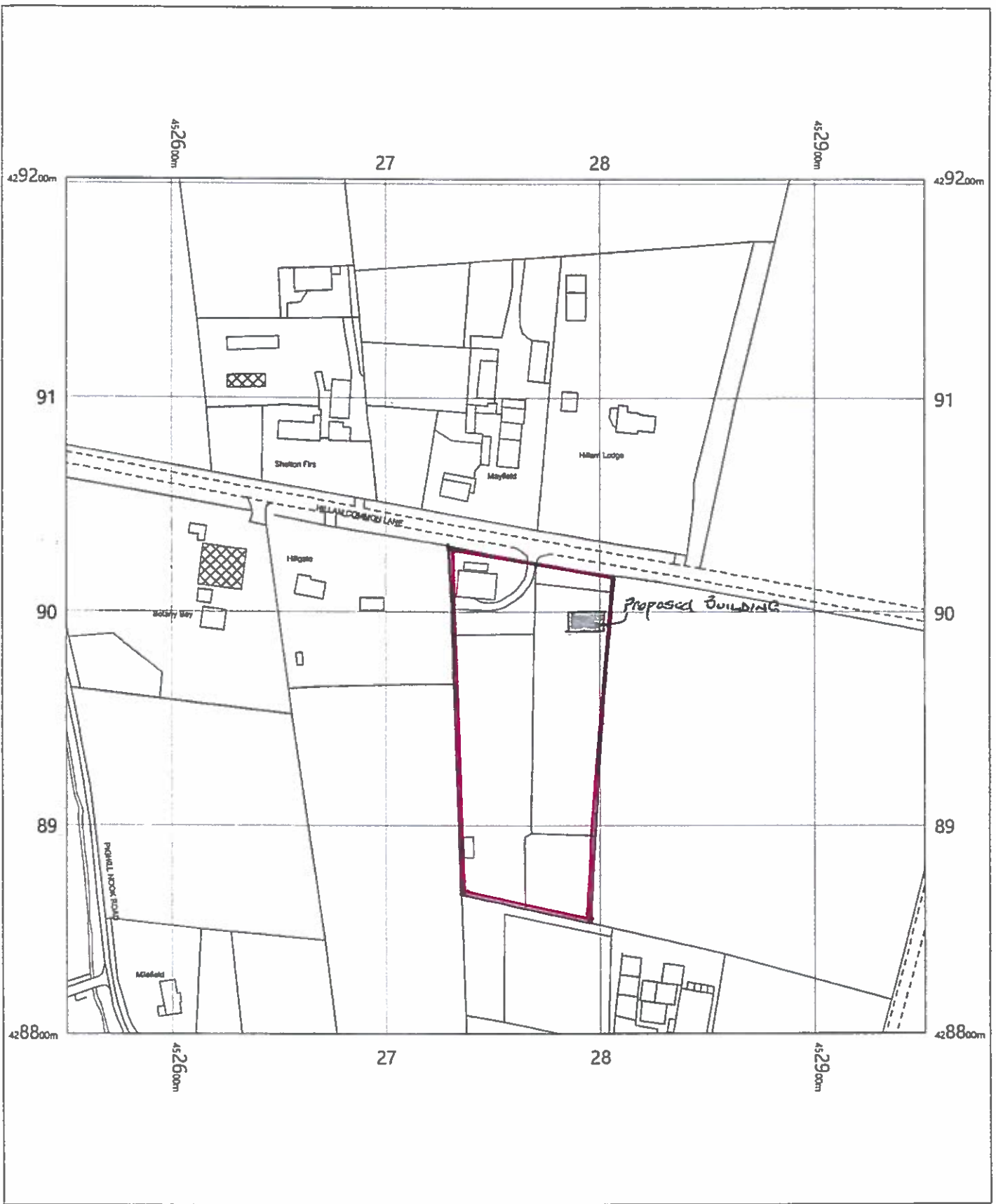
## APPLICATION SITE

Honeypot Field, Hillam Common Lane, Hillam  
2018/0657/FUL

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OS MasterMap 1250/2500/10000 scale  
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**Report Reference Number:** 2018/0657/FUL

**To:** Planning Committee  
**Date:** 8 July 2020  
**Author:** Gareth Stent (Principal Planning Officer)  
**Lead Officer:** Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2018/0657/FUL	PARISH:	Hillam Parish Council
APPLICANT:	Mr Anthony Thompson	VALID DATE: EXPIRY DATE:	4th July 2018 29th August 2018
PROPOSAL:	Proposed erection of an agricultural storage barn		
LOCATION:	Honeypot Field Hillam Common Lane Hillam Leeds West Yorkshire		
RECOMMENDATION:	Grant		

This application has been brought before Planning Committee as 11 letters of representation have been received which raise material planning considerations and officers would otherwise determine the application contrary to these representations.

## 1. INTRODUCTION AND BACKGROUND

### Site and Context

- 1.1 The application is for a free-standing portal framed general purpose agricultural building, at Honeypot Field, Hillam Common Lane, Hillam, Leeds, West Yorkshire.
- 1.2 The application site lies to the south of Hillam Common Lane, on a small holding owned by the applicant. The small holding already has an agricultural building on the western roadside corner of the site and a series of other structures on the site, some of which are unauthorised. The small holding is divided into smaller parcels of land that are fenced.
- 1.3 A large twin unit mobile home is positioned on the eastern part of the site and this is currently being investigated by enforcement over alleged unauthorised living

accommodation. The applicant claims this is permitted as an agricultural chattel to shelter from inclement weather and service the small holding. This is however a separate matter and should be discounted for the purposes of assessing this application.

- 1.4 The site is screened from the roadside and adjacent land by a combination of a close boarded fence, mature hedge and the access is walled and gated to prevent views into the site.
- 1.5 In terms of the wider context, the site lies amongst a small group of dwellings/small holdings and farmsteads to the north and west of the application site. These are predominantly screened from the road and set back. To the east is an arable field and open countryside beyond.

### **The Proposal**

- 1.6 The proposed general purpose agricultural building is positioned to the east of the site access on a grassed paddock area. The building is portal framed, with a floor area of 166.5 sq m (9m x18.5m). The eaves extend to 5.4m and ridge to 7m in height. The exterior of the building is concrete panels to 3.3m and then UPVC coated aluminium sheeting from the upper part of the walls and cement based panels for the roof.
- 1.7 The proposed barn is to be used for general purpose agricultural storage and would mainly accommodate hay and straw for the applicant's current agricultural activities on the land.

### **Relevant Planning History**

- 1.8 The following historical application is considered to be relevant to the determination of this application.
  - 2004/1282/OUT – Outline application for the erection of 1 No.3 bed and 1 4 bed detached dwellings, to include means of access and landscaping. Refused.
  - 2005/01342/FUL –Reposition of field entrance
  - 2010/00577/FUL –Creation of hard core access. Refused 29.7.2010. This was for a 3m access running through almost the entire length of the site north to south.
  - AP/2010/0045/REF Creation of a hardcore access – Dismissed at appeal.
  - 2011/0737/FUL - Agricultural store and livestock housing. Granted 25.01.2012. This is constructed and positioned to the west of the access alongside the road. This had a ridge height of 5.8m and 4.2 to eaves.

## **2. CONSULTATION AND PUBLICITY**

- 2.1 Parish Council - No response received.
- 2.2 NYCC Highways Canal Rd - There are no local highway authority objections to the proposed development.

- 2.3 Yorkshire Water - As surface water is proposed to soakaway, no observation comments are required from Yorkshire Water.
- 2.4 Selby Area Internal Drainage Board - The application will increase the impermeable area to the site and the applicant will therefore need to ensure that any surface water systems installed have the capacity to accommodate any increase in surface water discharge from the site. This can be controlled by condition.

### **Neighbour and 3rd Party representations**

- 2.5 The proposal was publicised by a site notice and direct neighbour notification of residents. 11 letters of objection were received mainly from local residents.

### Visual Impact

The Honeypot Field has over the years become an eye sore - old large static caravan, large shipping container, piles of rubble, unused farm machinery and other general rubbish.

Another store on this small green field site would make the area look more like an industrial estate and be detrimental to the Green Belt. If granted the new build would compromise the openness of what used to be a beautiful part of Hillam.

### Existing Barn and need

There is already a large agricultural live stock barn which has been built on site and hasn't had any live stock in it for years just a dog which barks most of the night. This barn should be adequate for whatever agriculture is carried out on a site of this size it would not warrant two large barns for the size of the plot of land.

We feel another agricultural barn store could only be used for other purposes creating more activity and noise on site example large wagons coming and going. There is no demonstrable need for yet another barn.

### Hardstanding

The hard standing area on the field stretches a long way into the field and it's use to has been steadily extended and is used to park large vehicles but they are not farm equipment.

### Access

The site entrance has just been widened and large brick pillars built, without planning approval. The entrance is now wide enough for a very large hgv to be reversed in. The entrance is domestic in its appearance and not that of a farm entrance.

### Unauthorised uses

The site is used to store heavy machinery and some old vehicles with minimal if any farming activity.

### 3 SITE CONSTRAINTS

#### Constraints

- 3.1 The site lies within Green Belt which runs east to west along Hillam Common Lane to Roe Lane to the east. To the north of the site is open countryside.
- 3.2 The site lies within Flood Zone 2.

### 4 POLICY CONSIDERATIONS

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.
- 4.2 The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.
- 4.3 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options would take place early in 2020. There are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.
- 4.4 The National Planning Policy Framework (February 2019) (NPPF) replaced the July 2018 NPPF, first published in March 2012. The NPPF does not change the status of an up to date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2019 NPPF.
- 4.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

*"213. ....existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."*

#### **Selby District Core Strategy Local Plan**

- 4.6 The relevant Core Strategy Policies are:
  - SP1 - Presumption in Favour of Sustainable Development
  - SP2 - Spatial Development Strategy
  - SP3 - Green Belt
  - SP15 - Sustainable Development and Climate Change
  - SP18 - Protecting and Enhancing the Environment

## **Selby District Local Plan**

4.7 The relevant Selby District Local Plan Policies are:

ENV1 - Control of Development  
EMP13 - Control of Agricultural Development  
T1 - Development in Relation to Highway

## **5 APPRAISAL**

5.1 The main issues to be taken into account when assessing this application are:

- Principle of development within the Green Belt
- Agricultural need
- Impact on the character and appearance of rural environment (including Green Belt)
- Impact on Residential Amenity
- Highway Safety
- Nature Conservation interests
- Flooding and drainage.
- Other matters

### **Principle of development within the Green Belt**

5.1 The site lies beyond any settlement limit and within the designated Green Belt. The Selby and District Core Strategy in Policy SP1 promotes a presumption in favour of sustainable development which accords with the NPPF and is a material consideration. Policy SP2 entitled 'Spatial Development Strategy' establishes the locational principles for guiding development within Selby District, with the focus on Selby as the Principal Town, Sherburn in Elmet and Tadcaster as Local Service Centres, and identified Designated Service Villages. As the application site is positioned outside these locations Policy SP2(d) is of relevance, which requires conformity with Policy SP 3 of the Core Strategy.

5.2 Policy SP3 guides the development principles for proposals within the Green Belt in line with Paragraph 133 of the NPPF which states 'the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Core Strategy Policy SP3(B) states: "In accordance with the NPPF, within the defined Green Belt, planning permission will not be granted for inappropriate development unless the applicant has demonstrated that very special circumstances exist to justify why permission should be granted."

5.3 Policy SP13 'Scale and Distribution of Economic Growth' supports continued economic diversification within the extensive rural areas of the District. Policy SP13(C) Rural Economy supports sustainable development in rural areas which brings sustainable economic growth through local employment opportunities or expansion of businesses and enterprise. Policy SP13 (D) further states that "In all cases, development should be sustainable and be appropriate in scale and type to its location, not harm the character of the area, and seek a good standard of amenity."

- 5.4 Likewise the Selby and District Local Plan has an overarching policy for agricultural buildings EMP 13 which states “Agricultural development will be permitted provided the proposal:
- 1) *Is necessary for agricultural purposes;*
  - 2) *Is well related to existing farm buildings or situated on a site which minimises its visual impact;*
  - 3) *Would not create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity;*
  - 4) *Is of a scale and design appropriate to its setting;*
  - 5) *Is adequately screened and landscaped; and*
  - 6) *Would not harm acknowledged nature conservation interests or a historic park or garden.*
- 5.5 Section 13 of the NPPF details the decision making process when considering proposals for development in the Green Belt and this is in three stages:
- a. It must be determined whether the development is appropriate development in the Green Belt. The NPPF and Local Plan set out the categories of appropriate development.
  - b. If the development is appropriate, the application should be determined on its own merits unless there is demonstrable harm to interests of acknowledged importance, other than the preservation of the Green Belt itself.
  - c. If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies and the development should not be permitted unless there are very special circumstances which outweigh the presumption against it.
- 5.6 NPPF Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 states when considering planning applications, Local Planning Authorities should ensure substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 5.7 Paragraphs 145 and 146 of the NPPF states the construction of new buildings as inappropriate development in the Green Belt. One of the exceptions to this are;
- a) buildings for agriculture and forestry;
- 5.8 This building is being applied for is to be used for agricultural purposes and thus falls within the exception to new development within the Green belt in paragraph 145 a). The portal framed design is commensurate to the stated intended use. As such the proposal would constitute appropriate development within the Green Belt and is therefore in accordance with SP 3 of the Core Strategy and Section 13 paragraph 145(a) exception of the NPPF.

### **Agricultural need**

- 5.9 The building will only be appropriate development in the Green Belt and compliant with Local Plan Policy EMP 13 and NPPF paragraph 145(a) if it is necessary for

agricultural purposes. There has been significant representation within the consultee responses in respect of need and comments have been made about the type of operations the applicant is undertaking at the site. Comments from the objectors indicate the existing building on the site has over recent years been allegedly sporadically used for agricultural purposes. Objectors have stated that another building would only compound the issue and a genuine need does not exist.

- 5.10 The applicant states that the reason for the building is the same as originally stated i.e. “the storage barn is required for agricultural purposes, this being the storage of hay grown on Honeyplot field and straw for livestock kept on Honeyplot field as well as up to 8 tonne a year of fruit produced from the yielding orchard and vegetables also grown on Honeyplot field, which are used for human consumption.” The applicant also states his straw and bedding for the animals was constantly being ruined by the wet weather if not undercover.
- 5.11 The applicant in 2018 had thirty head of cattle at another location within the borough. These were on land at Newthorpe and the agent supplied details of this land holding. The applicant has also recently explained that he has 20 cattle on another site he rents on a ‘bed and breakfast’ basis due to not having appropriate facilities on Honeyplot field. Animals (pigs) were present on the site when officers visited in January 2020 and a variety of unauthorised buildings were being used to store straw on the site.
- 5.12 The applicant explains that he tends to keep a selection of animals and buys and trades them as he see fit. The operation is small scale, however he plans to develop the enterprise. The applicant also explains that since the January 2020 planning officers visit;

*“some of the pigs being kept in the existing building which had been raised from summer have now gone and been replaced with cattle. This is how stock farmers work. I gave notice on one of the buildings I have been renting to keep cattle in and brought 15 cows back to my own holding to reduce my outgoings and save on rent. Nothing seems to be moving forward and I am yet again, in a situation whereby the cattle will need to be moved due to insufficient facilities and health and safety concerns.”*

- 5.13 Whilst it is also difficult to monitor activities on the site due to the screened roadside gates (which are unauthorised), officers have no reason to doubt the information provided and it is accepted that some undercover storage would be required for the bedding if animals are kept on the site. Given the size of the site it is not thought that animal operations could significantly increase, as there isn’t sufficient land for this. More land would have to be purchased by the applicant for the agricultural operation to increase. Also, no details of the acreage or type of animals is detailed by the applicant, as the applicant indicates this is a fluid activity where stock numbers constantly change. The existing building on the site is used mainly for animal rearing and the other grass paddocks host a small number of other animals on the land. A small orchard exists at the rear of the rear where the fruit is grown. Also, during officers January 2020 site visit an unauthorised small shed like building near the gate was being used for storage of straw as was the mobile home on the site. Concerns have been raised in the objections over the future use for the proposed building. This is noted, however the legitimacy of the future use of the building would also be a matter for the enforcement team to control. On this basis ‘on balance’ officers are satisfied that the applicant has shown that the building is necessary for the purposes of agriculture and is therefore compliant with EMP 13 1).

## **Impact on the character and appearance of rural environment (including Green Belt)**

- 5.14 In order to assess whether the proposal would result in 'any other harm' it is important to undertake the 'normal tests' applied to any planning submission in considering the impacts of the proposal. The visual impacts of the building are therefore important as is the overarching aim of Green Belt policy to preserve openness.
- 5.15 Policy EMP13 (2) requires that buildings are - well related to existing farm buildings or situated on a site which minimises its visual impact; criteria 4) states that Agricultural development will be permitted provided the proposal is of a scale and design appropriate to its setting. Policy EMP13 (5) of the Local Plan which states that *Agricultural development will be permitted provided the proposal is adequately screened and landscaped.*
- 5.16 Policy ENV1 (4) of the Selby District Local Plan requires the Council to take account of " the standard of layout, design and materials in relation to the site and its surroundings". Policy ENV1 (1) of the Selby District Local Plan ENV1 of the Local Plan requires the Council to take account of " the effect [of the proposed development] on the character of the area .....".
- 5.17 The application site is well screened by hedges on all four boundaries. The hedging is approximately 3-4m in height and therefore the proposed building being 7m to the ridge will be visible from the roadside and across long distance view from the east where it is flat and open. The building isn't particularly large (166 sqm) and the materials proposed are typical of a building of this nature and match to some extent those used in the other agricultural building on site, albeit this has some elements of Yorkshire Boarding on the upper parts of the building as opposed to UPVC corrugated sheeting.
- 5.18 In terms of the building's position, this is somewhat isolated from the building approved in 2011 as shown on the site plan. Officers did suggest that the applicant reposition the building towards the western boundary and alongside the existing building, however the applicant did not want to do this for the following reasons:
- 1. The fruit and vegetables for human consumption and hay and straw for livestock need to be stored in a suitable hygienic area a safe distance away from the livestock to prevent the potential cause and spread of any disease. Advice from a trading standards officer during a site visit recommended siting a structure for storage in the location detailed in the original planning request as this would be a segregated area a safe distance from livestock excretion.*
  - 2. Cattle require somewhere that has good air circulation because they are prone to pneumonia. I have previously experienced losing cattle to pneumonia and removed a lot of panels in the existing building to improve air circulation and prevent further losses. In addition to the surrounding trees, siting a structure alongside the existing building where cattle and other livestock are kept will prevent the required circulation of air and significantly increase the risk of cattle contracting pneumonia.*
- 5.19 In terms of wider countryside views, the main view is as you approach the site from the road to the east. The building's gable will be visible above the hedgerow, however this is the narrowest part of the building. The current 2011 building on site will also



be viewed in the backdrop giving some locational advantages. Therefore given the above and due to the building being still within the confines of the existing site, a refusal on poor siting alone and openness is not considered to be justified. Also due to the existing boundary screening it is considered that no further landscaping is capable of mitigating any inward views.

- 5.20 Therefore whilst some conflict does exist with EMP 13 (2) due to its siting, on balance having regard to scale of the building, the materials and the site being relatively well screened it is considered that the proposed agricultural building proposal is considered not to adversely affect the openness of the Green Belt and therefore accords with Policies EMP13 (4), (5), ENV1 (1) and (4) of the Selby District Local Plan of the Selby District Local Plan and NPPF Section 13.

### **Residential amenity**

- 5.21 Policy ENV1 (1) of the Selby District Local Plan also requires the Council to take account of "the effect [of the proposed development] on the amenity of adjoining residents". EMP13 (3) of the Selby District Local Plan also requires the Council to take account of whether the proposal "would not have a significant adverse effect on local amenity."
- 5.22 The building is to be used for general purpose agricultural storage. The building is not intended to be used for housing livestock and no consideration has been given to this, or its potential impact on the amenities of nearby landowners. A condition is added to the recommendation to exclude the use of the building for the keeping of animals. The proposed use of the building if adhered to will function alongside the current farming operations at the site. The third party comments are noted about the historical use of the site, in particular the lack of farming activities, however the applicant has demonstrated a need for the building and any unauthorised usage would have to be investigated. The proposed agricultural building is also a significant distance away from the neighbouring properties to have direct impact with regards to overshadowing, oppression and loss of light. The proposal therefore accords with Policies ENV1 (1) and EMP13 (3) of the Selby District Local Plan

### **Highway safety**

- 5.23 Policy ENV1 (2) of the Selby District Local Plan also requires the Council to take account of "the effect [of the proposed development] on the highway network." EMP13 (3) of the Selby District Local Plan also requires the Council to take account of whether the proposal "would not create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity." Policy 109 of the NPPF states "development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety".
- 5.24 Policy ENV1 (2) of the Selby District Local Plan states that "the relationship of the proposal to the highway network, the proposed means of access, the need for road/junction improvements in the vicinity of the site, and the arrangements to be made for car parking". The Highways Officer has no objection regarding the proposed scheme as no changes to the access are proposed. Sufficient space exists within the site to service the barn however it is expected some hard surfacing will be necessary. A condition is added to cover this. As such it is considered that the proposal would comply with Policy ENV1 (2) of the Selby District Local Plan in terms of impact to highway safety and paragraph 109 of the NPPF.

## **Nature conservation interests**

- 5.25 Protected Species include those protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. The presence of protected species is a material planning consideration. Relevant policies relating to nature conservation include Policy ENV1 (5) of the Selby District Local Plan and Policy SP18 of the Core Strategy.
- 5.26 The site is not a protected site for nature conservation or is known to support, or be in close proximity to any site supporting protected species or any other species of conservation interest. The area where the building is to be sited is a grassed paddock and no trees or hedgerows will need to be removed to erect the building. On this basis, it is considered that the proposal would not harm any known nature conservation interests or protected species and would therefore meet the relevant requirements of Policy SP18 of the Core Strategy, Policy ENV1 of the Local Plan and Section 11 of the NPPF in this regard.

## **Flooding and Drainage**

- 5.27 The site lies within Flood Zone 2 and the use is regarded as being less vulnerable in the Environment Agency's Table 2 on the vulnerability classification of different land uses. Table 3 indicates less vulnerable development in Flood Zone 2 is appropriate development. In terms of the sequential test this aims at steering new development away from flood areas. No sequential test was submitted, however officers regard the proposal as being operationally linked to the current activities on the site and therefore the sequential test is satisfied. No exception test is needed. The application was accompanied by a Flood Risk Assessment. This confirms the site has never flooded and explains that the floor levels are 200mm above the existing road level and the internal floor level will be 250mm above that, so 450mm in total. This is consistent with 'standing advice' which requires buildings to be 300 millimetres (mm) above the general ground level of the site or 600mm above the estimated river or sea flood level.
- 5.28 In terms of surface water, the development will naturally create surface water run off from the building. This is to be disposed of via a soakaway however no details were given. The IDB raised no objection to this as but would advise that the ground conditions in this area may not be suitable for soakaway drainage. It is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year. If surface water is to be directed to a mains sewer system the IDB would again have no objection in principle, providing that the Water Authority are satisfied that the existing system will accept this additional flow. If the surface water is to be discharged to any watercourse within the Drainage District, Consent from the IDB would be required in addition to Planning Permission, and would be restricted to 1.4 litres per second per hectare or greenfield runoff. A condition is added to cover the need for drainage details as the ground conditions haven't been assessed within this submission.

## **Other matters i.e. the unauthorised uses on site**

- 5.29 Significant representation has been made over the alleged unauthorised uses and structures within the site, for instance the domestic gates and wall adjacent to the highway, storage of vehicles and more recently the erection of additional buildings near the gate and the siting of a twin unit mobile home on the land. The Council's enforcement team are aware of these and will be progressing these matters

separately if no application is made to retain the unauthorised works by the applicant. This is of course a separate matter and should not influence the determination of this current application.

## **6 CONCLUSION**

- 6.1 Having had regard to the development plan, all other relevant local and national policy, consultation responses and all other material planning considerations, it is considered that the proposed development is appropriate development within the Green Belt and compliant with Core Strategy Policy SP 3 and Section 13 of the NPPF.
- 6.2 The proposed agricultural building is somewhat isolated from the existing building on the site, however given the applicant's justification for its siting, combined with the size, choice of materials and screening, it is not considered to have a detrimental effect on the Green Belt, or wider landscape setting. The proposal will have no detrimental impact on residential amenity of the occupants of neighbouring properties, highway safety, flooding or nature conservation. Nor would the development have a materially greater impact than the present use on the openness of the Green Belt. The application is considered accord with contents of Policy T1, T2, ENV1 and EMP13 of the Selby District Local Plan, Policies SP1, SP2, SP15, SP18 and SP19 of the Core Strategy and the advice contained within the NPPF.

## **7 RECOMMENDATION**

This application is recommended to be Granted subject to the conditions listed below:

01. The development for which permission is hereby granted shall be begun within a period of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

02. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below

Flood Risk Assessment dated 2.7.18 containing appendix 1 and 2.  
Location plan LOC01  
Layout and Proposed Plan 02

Reason:  
For the avoidance in doubt

03. The building hereby permitted shall only be used for general purpose agricultural storage and not for the accommodation of livestock.

Reason  
To ensure that the building is only used for general storage as this is how it has been assessed in accordance EMP13 - Control of Agricultural Development of the Selby District Local Plan.

04. The materials to be used in the construction of the external surfaces of the building hereby permitted shall be those stated below:

- Concrete wall panels - grey finish

- Composite wall sheets – UPVC coated Olive Green (RAL 6003) or Yorkshire Boarding, brown natural or green stained.
- Composite roof sheets – cement-based roof panels

Reason: In the interests of visual amenity and in order to comply with Policy ENV1 of the Selby District Local Plan.

05. No development shall commence until a scheme for the drainage of surface water has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall be undertaken as approved in accordance with the timescales indicated within the approved scheme.

Reason: To ensure viability of infiltration and to inform the detailed drainage design having regard to Part 10 of the NPPF.

06. No development shall commence until details of any necessary hard surfacing around the proposed building leading to the access have been submitted to and agreed in writing by the Local Planning Authority. Once agreed the works shall be carried out in accordance with the approved details and retained for the lifetime of the development thereafter.

Reason: No details of any hard surfacing were given within the submission and to retain control over hard-surfacing in the interests of visual amenity and in order to comply with Policy ENV1 of the Selby District Local Plan.

Informative:

Removal of any features with potential to support nesting birds is undertaken outside of the bird breeding season, generally taken to be 1st March to 31st August inclusive. This is to ensure compliance with the Wildlife and Countryside Act 1981 (as amended). If any works need to take place during this time then the habitats must first be checked by a suitably qualified ecologist and if birds are found to be nesting then works will have to be delayed until chicks have fledged.

## **8 Legal Issues**

### **8.1 Planning Acts**

This application has been determined in accordance with the relevant planning acts.

### **8.2 Human Rights Act 1998**

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

### **8.3 Equality Act 2010**

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

**9 Financial Issues**

Financial issues are not material to the determination of this application.

**10 Background Documents**

Planning Application file reference 2018/0657/FUL and associated documents.

**Contact Officer:** Gareth Stent, Principal Planning Officer  
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**Appendices:** None

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**Details of planning decisions taken under urgency between 1 April 2020 and 24 June 2020 due to the Coronavirus lockdown**

Application Details	Date Decision Taken	Decision	Decision Maker
<b>2019/0311/FUL - The Byre, Sweeming Lane, Little Fenton</b>	01-Apr-20	<p>RESOLVED:</p> <p>MINDED TO GRANT, following the expiry of the consultation period on 8 April 2020 and subject to:</p> <p>i. no new issues being raised;</p> <p>ii. the conditions set out in the Officer Report; and</p> <p>iii. the additional condition as set out in the Officer Update Note.</p>	Chief Executive
<b>2019/0513/FUL - Hilagarth, Main Street, Church Fenton</b> <small>Page 37</small>	01-Apr-20	<p>RESOLVED:</p> <p>To REFUSE the application for the following reasons, as set out in the report and as amended in the Officer Update Note:</p> <p>01. The proposed development of the site for 3 (no.) dwellings is not considered to be acceptable on highways grounds on the basis that the proposed introduction of three access points onto Main Street Church Fenton from the site would result in highway safety issues given the character of the road, surrounding uses, on road parking, and the speed of traffic using the road. As such the development is considered to be contrary to Policy ENV1 of the Selby District Local Plan (2005), Policy T1 and T2 of the Selby District Local Plan (2005) and the NPPF.</p> <p>02. The proposed development of the site for 3 (no.) dwellings represents overdevelopment of the site and will result in unacceptable long terms impacts on the trees subject of TPO 08/2019. Therefore, the development is considered to be to be contrary to Policy ENV1 of the Selby District Local Plan (2005), Policy SP4 of the Core Strategy and the NPPF.</p>	Chief Executive

<p><b>2019/0883/FUL - Cranton, Church Crescent, Stutton</b></p>	<p>01-Apr-20</p>	<p>RESOLVED: That the application be REFUSED for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The proposed redevelopment for 3 dwellings would not provide a sustainable site for further housing in terms of its access to everyday facilities and a reliance on the private car. The proposal is therefore contrary to Policies SP 1 and SP 2 of the Core Strategy and would conflict with paragraphs 11 and 102 of the NPPF.</li> <li>2. The proposal to demolish an existing dwelling and replace it with 3 dwellings does not fall within any of the listed acceptable in principle forms of development in secondary villages, which are identified in Policy SP4 a) and therefore the proposal fails to accord with Policy SP4 of the Core Strategy.</li> <li>3. The proposed development fails to preserve and enhance the character of the local area on account of the increased built form and increased density. The proposal is regarded as an over development of the site and contrary to Policy ENV1 (1) and (4), of the Selby District Local Plan, Policy SP 4 c) and d) and SP19 of Core Strategy, national policy contained within the NPPF and the Stutton Village Design Statement (Feb 2012).</li> </ol>	<p>Chief Executive</p>
<p><b>2019/1214/Ful - Cemetery, Long Mann Hills Road, Selby</b></p>	<p>01-Apr-20</p>	<p>RESOLVED:</p> <p>To GRANT the application, subject to the conditions at paragraph 7 of the report and to the additional condition as set out below:</p> <p>The development hereby approved shall be carried out in accordance with the measures described in the Flood Risk Assessment received by the Local Planning Authority on 26 March 2020.</p> <p>Reason: In the interests of flood risk and flood risk reduction and in order to comply with the advice contained within the NPPF and NPPG.</p>	<p>Chief Executive</p>
<p><b>2019/0663/FUL – Fields Garden Centre, Tadcaster Road, Sherburn in Elmet</b></p>	<p>08-Apr-20</p>	<p>RESOLVED:</p> <p>To GRANT the application, subject to the conditions at paragraph 7 of the report.</p>	<p>Chief Executive</p>



<b>2019/1340/FULM – Brocklesby Building Products Ltd., Unit 1, Long Lane, Great Heck</b>	08-Apr-20	RESOLVED:  To GRANT the application subject to the conditions set out at paragraph 7 of the report.	Chief Executive
<b>2019/1172/FUL – Divisional Police Headquarters, Station Road, Tadcaster</b>	08-Apr-20	RESOLVED:  To GRANT the application subject to the conditions set out at paragraph 7 of the report.	Chief Executive
<b>2019/1310/FUL – Hall Farm, Butts Lane, Lumby</b>	08-Apr-20	RESOLVED:  To GRANT the application subject to the conditions set out in paragraph 6 of the report.	Chief Executive
<b>2019/0941/FULM – Selby District Council – Old Civic Centre, Portholme Road, Selby</b>	08-Apr-20	RESOLVED:  To DEFER consideration of the application in order for Officers to gather further information on the following matters:  <ul style="list-style-type: none"> <li>• Clarity of position from the Urban Design Team;</li> <li>• More detail on the provision of outside space, i.e. the pocket park;</li> <li>• The loss of trees and related landscaping matters;</li> <li>• Further comments from the Council’s Strategic Housing Team on the tenure being offered;</li> <li>• Ensuring that the roads in the scheme are as close to an adoptable standard as possible; and</li> <li>• Additional details relating to a potential Section 106 agreement and planning obligations.</li> </ul>	Head of Planning

<p><b>2018/1116/DOV – Warehousing Depot, Station Road, Hambleton</b></p>	<p>16-Apr-20</p>	<p>RESOLVED:</p> <p>To APPROVE the request for a Deed of Variation, with delegation being given to Officers to complete a Deed of Variation to the original Section 106 agreement to allow the payment of a commuted sum to be used towards: (1) the provision of a children's play area and play equipment elsewhere in Hambleton; and/or (2) the enhancement of existing areas of recreational open space in Hambleton; in lieu of the provision of a children's play area and play equipment on the land in respect of planning approval 2005/0876/FUL for residential development comprising of 89 (2 storey and 2 1/2 storey) dwellings and associated works on 2.3 ha of land, following demolition of existing buildings on land off Station Road.</p>	<p>Chief Executive</p>
<p><b>2019/1018/PROW – Low Street, Carlton</b></p>	<p>16-Apr-20</p>	<p>RESOLVED:</p> <p>i) To GRANT the making of the Public Path Diversion Order, which will be subject to the required consultation.</p> <p>ii) That consultation be delayed for a period of three weeks due to the Covid-19 lockdown across the United Kingdom; this delay would be subject to review in light of any decisions on the lockdown taken by Central Government on or after 7 May, following which Officers would assess if the consultation could take place.</p> <p>iii) To APPROVE the delegation to Officers to confirm the Public Path Diversion Order following the expiry of a 28 day consultation period, subject to no objections being received or objections that are received through the consultation period being subsequently withdrawn within two months after the expiration of the objection period. Where objections are received within the specified time limit and not subsequently withdrawn within two months after the expiration of the objection period, that delegation be given to Officers to refer the Public Path Diversion Order to the Secretary of State.</p> <p>iv) To APPROVE delegation to Officers to certify the Public Path Diversion Order following the completion of the diversion works in accordance with the Order (where the Public Path Diversion Order has been confirmed in ii. above).</p>	<p>Chief Executive</p>

<b>2017/1381/FULM - Land At Viner Station Roe Lane</b>	29-Apr-20	<p>RESOLVED:</p> <p>To DEFER consideration of the application in order for further legal advice to be sought.</p>	Chief Executive
<b>2019/0030/COU - Milford Caravan Park, Great North Road, South Milford</b>	29-Apr-20	<p>RESOLVED:</p> <p>That:</p> <p>a) the Chief Executive Officer be MINDED TO APPROVE the application subject to the schedule of conditions as set out at paragraph 7 of the report;</p> <p>b) that the authority of Officers be confirmed to refer the application to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2009 with the Chief Executive Officer's resolution to support it;</p> <p>c) that in the event that the application was not called in by the Secretary of State, authority be delegated to the Planning Development Manager to approve the application subject to the imposition of the attached schedule of conditions, and that delegation to include the alteration, addition or removal of conditions from that schedule if amendment becomes necessary as a result of continuing negotiations and advice and provided such condition(s) meets the six tests for the imposition of conditions, and satisfactorily reflects the wishes of the Chief Executive Officer; and</p> <p>d) that in the event that the application is called in for the Secretary of State's own determination, a further report be presented to the Chief Executive Officer.</p>	Chief Executive
<b>2019/0941/FULM - Selby District Council - Old Civic Centre, Portholme Road</b>	29-Apr-20	<p>RESOLVED:</p> <p>To APPROVE the application subject to the prior completion of a Section 106 Agreement relating to affordable housing, maintenance and management of open space, maintenance and management of highways and highway improvement works, and subject to the conditions and informatives set out at paragraph 7 of the report.</p>	Head of Planning
<b>2020/0016/S73 - Quarry Drop, Westfield Lane, South Milford</b>	06-May-20	<p>RESOLVED:</p> <p>That the application be GRANTED subject to the conditions set out at paragraph 7 of the report.</p>	Chief Executive

<b>2020/0155/S73 - Former Kellingley Colliery, Turvers Lane, Kellingley</b>	06-May-20	RESOLVED: That the application be MINDED TO GRANT subject to:  (i) the expiration of the consultation period with no new material considerations being raised; (ii) referral of the application to the Secretary of State and their confirmation that the application is not to be called in for their consideration; (iii) the completion of a Deed of Variation to the original Section 106 agreement, and (iv) the conditions set out at paragraph 7 of the report.	Chief Executive
<b>2018/1299/FUL – Smallholding, Beach Lane, Kellingley</b>	13-May-20	RESOLVED:  That the application be MINDED TO GRANT subject to the expiration of the consultation period with no new material considerations being raised, and the conditions set out in the report.	Chief Executive
<b>2019/1269/FUL - The Stables, Main Street, Great Heck, Goole</b>	20-May-20	RESOLVED:  That permission be GRANTED subject to the conditions set out at paragraph 7 of the report.	Chief Executive
<b>2020/0366/FUL – Birchwood Lodge, Market Weighton Road, Barlby</b>	27-May-20	RESOLVED: That consideration of the application be DEFERRED until after the expiration of the consultation period on Friday 29 May 2020, in order for any additional representations to be considered by the Chief Executive when making her final decision.	Chief Executive
<b>2020/0366/FUL – Birchwood Lodge, Market Weighton Road, Barlby</b>	03-Jun-20	RESOLVED:  That the application be GRANTED subject to the conditions set out in the report.	Chief Executive

<b>2019/1318/COU – North House Farm, Oxton Lane, Bolton Percy</b>	10-Jun-20	<p>RESOLVED:</p> <p>That the application be GRANTED subject to the conditions and informatives set out in the report and the Officer Update Note.</p>	Chief Executive
<b>2020/0191/FUL – Jubilee Cottage, 13 Main Street, Thorganby</b>	17-Jun-20	<p>RESOLVED:</p> <p>i. To DEFER consideration of the application.</p> <p>ii. That if the proposed extension to the deadline for determination to August 2020 was refused by the applicant and their agent, the application be brought back to the CEO Urgent Decision Session scheduled for 24 June 2020 for a decision.</p>	Chief Executive
<b>2017/1381/FULM - Land At Viner Station, Roe Lane, Birkin</b>	24-Jun-20	<p>RESOLVED:</p> <p>To DEFER consideration of the application in order for a debate on technical questions and aspects to be undertaken to be undertaken at a meeting of the Planning Committee.</p>	Chief Executive

<p><b>2019/0901/FUL - Field View, Wistow Road, Selby</b></p>	<p>24-Jun-20</p>	<p>RESOLVED:</p> <p>That the application be REFUSED for the following reasons:</p> <p>1. The proposed development significantly encroaches into open countryside, where in accordance with the overall Spatial Development Strategy for the District, development will be restricted to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and communities, in accordance with Policy SP13; or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances. The proposal does not comprise any of the types of development that are acceptable in principle under Policy SP2A (c) of the Core Strategy and therefore the proposal is unacceptable in principle and contrary to Policy SP2A (c) of the Selby District Core Strategy and hence the overall Spatial Development Strategy for the District.</p> <p>2. The application site provides the entrance to the settlement where the countryside meets the residential urban form. The proposed change of use to domestic garden land and the siting of a static caravan in this location, would be harmful to this character, particularly due to the open nature of the site and views from Wistow Road. The caravan would create an incongruous feature in the landscape by virtue of its sitting, scale and appearance and the proposal would visibly encroach the residential character into the countryside and relate poorly to the remainder of the residential character along Wistow Road. The proposal would have a significant detrimental impact on the character and appearance of the area and fails to comply with Policies ENV1 (1), (4) and (5) of the Selby District Local Plan, and Policies SP18 and SP19 of the Core Strategy and paragraph 127 - 130 of the NPPF as the proposal would not add to the overall quality of the area or be sympathetic to local character.</p>	<p>Chief Executive</p>
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# Annex

## Glossary of Planning Terms

### **Community Infrastructure Levy (CIL):**

The Community Infrastructure Levy is a planning charge, introduced by the Planning Act 2008 as a tool for local authorities in England and Wales to help deliver infrastructure to support the development of their area. It came into force on 6 April 2010 through the Community Infrastructure Levy Regulations 2010.

### **Curtilage:**

The curtilage is defined as the area of land attached to a building.

### **Environmental Impact Assessment (EIA):**

Environmental impact assessment is the formal process used to predict the environmental consequences (positive or negative) of a plan, policy, program, or project prior to the decision to move forward with the proposed action. The requirements for, contents of and how a local planning should process an EIA is set out in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

### **National Planning Policy Framework (NPPF):**

The National Planning Policy Framework was published on 27 March 2012 and sets out Government planning policies for England and how these are expected to be applied.

### **Permitted Development (PD) Rights**

Permitted development rights allow householders and a wide range of other parties to improve and extend their homes/ businesses and land without the need to seek a specific planning permission where that would be out of proportion with the impact of works carried out. Many garages, conservatories and extensions to dwellings constitute permitted development. This depends on their size and relationship to the boundaries of the property.

### **Previously Developed Land (PDL)**

Previously developed land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings), and associated fixed surface infrastructure. The definition covers the curtilage of the development. Previously developed land may occur in both built-up and rural settings.

### **Planning Practice Guidance (PPG)**

The Planning Practice Guidance sets out Government planning guidance on a range of topics. It is available on line and is frequently updated.

### **Recreational Open Space (ROS)**

Open space, which includes all open space of public value, can take many forms, from formal sports pitches to open areas within a development, linear corridors and country parks. It can provide health and recreation benefits to people living and working nearby; have an ecological value and contribute to green infrastructure.

## **Section 106 Agreement**

Planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended), commonly known as s106 agreements, are a mechanism which make a development proposal acceptable in planning terms, that would not otherwise be acceptable. They can be used to secure on-site and off-site affordable housing provision, recreational open space, health, highway improvements and community facilities.

## **Site of Importance for Nature Conservation**

Site of Nature Conservation Interest (SNCI), Site of Importance for Nature Conservation (SINC) and regionally important geological sites (RIGS) are designations used by local authorities in England for sites of substantive local nature conservation and geological value.

## **Site of Special Scientific Interest (SSI)**

Sites of special scientific interest (SSSIs) are protected by law to conserve their wildlife or geology. Natural England can identify and designate land as an SSSI. They are of national importance.

## **Scheduled Ancient Monument (SAM):**

Ancient monuments are structures of special historic interest or significance, and range from earthworks to ruins to buried remains. Many of them are scheduled as nationally important archaeological sites. Applications for Scheduled Monument Consent (SMC) may be required by the Department for Culture, Media and Sport. It is an offence to damage a scheduled monument.

## **Supplementary Planning Document (SPD)**

Supplementary Planning Documents are non-statutory planning documents prepared by the Council in consultation with the local community, for example the Affordable Housing SPD, Developer Contributions SPD.

## **Tree Preservation Order (TPO):**

A Tree Preservation Order is an order made by a local planning authority in England to protect specific trees, groups of trees or woodlands in the interests of amenity. An Order prohibits the cutting down, topping, lopping, uprooting, wilful damage, wilful destruction of trees without the local planning authority's written consent. If consent is given, it can be subject to conditions which have to be followed.

## **Village Design Statements (VDS)**

A VDS is a document that describes the distinctive characteristics of the locality, and provides design guidance to influence future development and improve the physical qualities of the area.





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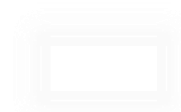


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