



Meeting: **CEO URGENT DECISION SESSION - PLANNING**  
Date: **WEDNESDAY, 10 JUNE 2020**  
Time: **9.00 AM**  
Venue: **CHIEF EXECUTIVE'S OFFICE**

## Applications List

1. **Planning Applications Received (Pages 3 - 4)**
  - 1.1. **2019/1318/COU: North House Farm, Oxton Lane, Bolton Percy (Pages 5 - 30)**

*Janet Waggott*

**Janet Waggott, Chief Executive**

Enquiries relating to this list, please contact Victoria Foreman on [vforeman@selby.gov.uk](mailto:vforeman@selby.gov.uk) or 01757 292046.

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## **CEO Urgent Decision Session - Planning**

Planning Committees are cancelled due to the Covid19 Outbreak.

In order to continue to determine planning applications that would otherwise have been determined by the Planning Committee, the Chief Executive Officer (CEO), (or other such officer nominated in writing by her) will determine the applications using delegated urgency power, at a "CEO Urgent Decision Session – Planning". It is proposed that these be held weekly in order to continue to process applications in a timely manner.

The Planning Officer will prepare a written Officer Report (OR), that will be considered by the CEO. The list of applications to be considered at the weekly CEO Session will be published online beforehand.

The CEO will consult with the Chair and Vice of Planning Committee and have regard to their comments when taking the decision. The whole Committee will also have the opportunity to comment on the planning applications.

In the absence of a Committee meeting, it follows there is no right to speak available to the public. In order to maintain the planning process at this time, those wishing to comment on an application should submit their written representations within the statutory time limit applicable to the application in question. Information on planning applications will be available as usual on Public Access.

The CEO will be advised by the Planning Officer at the weekly CEO Urgent Decision Session – Planning of any new issues arising since the publication of the OR. If there are new material planning considerations raised, then the CEO will be advised to defer until the next CEO Urgent Decision Session – Planning, to enable an updated OR to be published if necessary.

Decisions made by the CEO will be published as delegated decisions online (in place of a Planning Committee Minute). The Notice of Decision will be issued in the usual way and published on Public Access.

### **Contact**

Vicky Foreman – Democratic Services Officer

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Telephone: 01757 292046

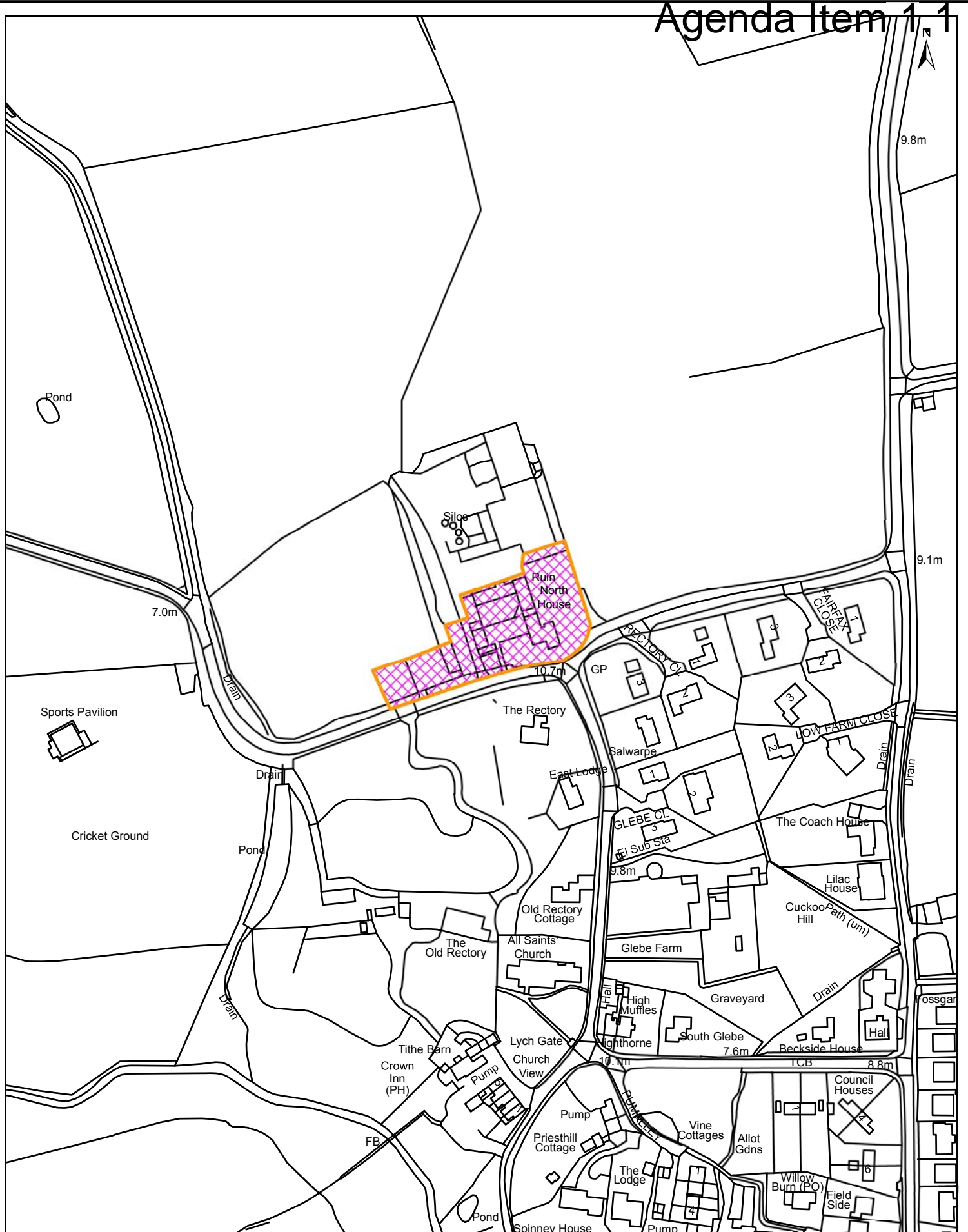
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## Items for CEO Urgent Decision Session – Planning

3 June 2020

Item No.	Ref	Site Address	Description	Officer	Ward	Pages
1.1	2019/1318/COU	North House Farm Oxton Lane Bolton Percy	Change of use of barn to tearoom (excluding associated extension/alterations), change of use of former tea room back to domestic use and proposed change of use of land to form an extension to the existing car park (Retrospective)	CHFA	Appleton Roebuck and Church Fenton	5-30

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### APPLICATION SITE

North House Farm, Oxton Lane, Bolton Percy  
2019/1318/COU

1:2,500



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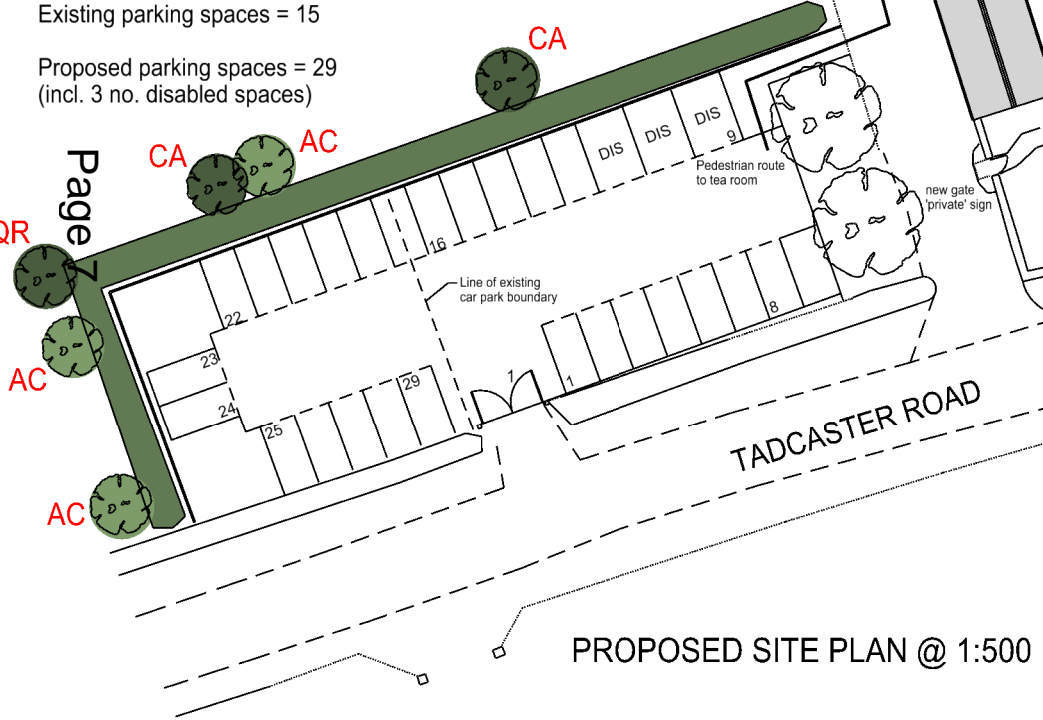
- TREE PLANTING TO BS 3936**
- CA 3 x Corylus avellana (Common Hazel)
  - AC 2 x Acer campestre (Field Maple)
  - QR 1 x Quercus robur (English Oak)
- HEDGE PLANTING**
- 70% Hawthorne
  - 10% Blackthorne
  - 10% Hazel
  - 10% Rowan
- Planting to be staggered and to comprise 2 rows, approx 30cm apart, with approx 40cm between each plant. Proposed height of 450 - 600mm

**SITE PREPARATION**

The planting areas shall be cleared of weeds, particularly large perennial weeds that could be in competition with the establishment of new stock. Planting areas to be treated with herbicide prior to the planting preparations. The planting areas should be cultivated to provide sufficient depth of free draining soil to ensure adequate early establishment of stock.

Existing parking spaces = 15

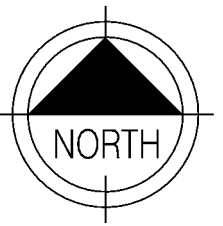
Proposed parking spaces = 29 (incl. 3 no. disabled spaces)



AMENDED DRAWING

**LISTINGS**

The farmyard complex of North House Farm was first recognised in August 1980 when it was designated as part of the Bolton Percy Conservation Area. The main farmhouse, North House is one of ten listed buildings in the village of Bolton Percy and was Grade II listed on the 9th April 1987, with the English Heritage Building ID of 326408, Bolton Percy, Tadcaster Road, SE 54 SW (north side) 4 / 24 North House.



JB : Architectural to be notified of any discrepancies. Contractors must check all dimensions on site. This drawing is copyright and is for use on this project only. This drawing is to be used solely for the information as titled. For other information refer to the latest revision of any cross referenced drawings.

rev	date	description
A	29.01.2020	Landscape details added

amendments

**STATUS** PLANNING

**CLIENT** MR & MRS H HOUSEMAN

**PROJECT** NORTH HOUSE BOLTON PERCY YORK YO23 7AN

**DRAWING TITLE** PROPOSED SITE PLAN

job no.	5320	drawing no.	P 05	revision	A
date	Nov 19	scale	1:500	sheet	A3

Existing car park post and rail fence to be extended to accommodate new car parking area

Timber post and rail fencing 1.2m high  
Car park surfacing to be loose stone as existing.  
No formal car park space marking

**PLANTING**

All planting operations will be carried out in suitable weather conditions between October and March, unless otherwise agreed, November being the optimum time for planting. Planting areas will be prepared to accommodate the roots of the stock and allow planting to the original depth. New plants will be made firm to avoid movement, which could significantly increase the chance of failures. Firmness of stock will be checked after the first few weeks, particularly if heavy frosts follow the planting. Compost (peat free) will be added to the planting to improve soil consistency and fertility levels to help establish the stock. Tree protection shall be used to reduce losses, particularly if rabbits or deer are present in the area. Supportive stakes fixed to the windward side of the trees, these shall be secured by non-abrasive ties that allow the trees to move. Watering shall take place after planting to settle the soil around the root system and ensure that the plants become established, particularly if the planting operation takes place late in the planting season.

**MAINTENANCE**

Maintenance operations shall be carried out by suitably experienced persons. Weed growth shall be controlled until stock is well established. Any dead and / or damaged plant material will be replaced after the first season. Any damaged tree tubes / stakes will be replaced until the new stock is established, usually four to five years. Tree ties will be checked regularly to ensure that they are not restricting growth.



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**Report Reference Number 2019/1318/COU**

**To: CEO Urgency Decision Session – Planning**  
**Date: 10 June 2020**  
**Author: Chris Fairchild (Senior Planning Officer)**  
**Lead Officer: Ruth Hardingham (Planning Development Manager)**

APPLICATION NUMBER:	2019/1318/COU	PARISH:	Bolton Percy Parish Council
APPLICANT:	Mr & Mrs Houseman	VALID DATE: EXPIRY DATE:	17th December 2019 11th February 2020
PROPOSAL:	Change of use of barn to tea room (excluding associated extension/alterations), change of use of former tea room back to domestic use and proposed change of use of land to form an extension to the existing car park (Retrospective)		
LOCATION:	North House Farm Oxton Lane Bolton Percy York North Yorkshire YO23 7AN		
RECOMMENDATION:	GRANT planning permission subject to the recommended conditions		

This application has been brought before Planning Committee as the applicant is a relation of a Council Member.

## **1 INTRODUCTION AND BACKGROUND**

### **Site and Context**

- 1.1 This application relates to Doylys Tea Room which is located within North House Farm to the north of Bolton Percy.
- 1.2 The application was originally submitted to include a wider scope of works, namely retrospective building works to the listed building, to which the Council's Conservation Officer has raised objections.
- 1.3 To expedite the application and allow the owners of the tea room to open as quickly as possible following the easing of Covid-19 related lockdown measures, the applicants offered to withdraw the building works from the application. Officers consider this an acceptable approach in dealing with the change of use and the

associated car park extension and the application can be duly determined on that basis. This does not, however, preclude the need to regularise the works to the building through a further planning application.

- 1.4 The planning application was also submitted with an accompanying application for listed building consent (ref. 2019/1319/LBC). It is not considered that the revised scope of the planning application necessitates listed building consent and therefore the listed building consent application has not been progressed at the present time.

### **The Proposal**

- 1.5 Planning permission is now sought for: (a) the change of use of a barn to a tea room (retrospective); (b) the change of use of a former tea room to domestic use, and; (c) the extension of the tea room car park. With regards to (a) and (b) no physical works, either retrospective or proposed are included within this application and therefore only the principle of development is being assessed.

### **Relevant Planning History**

- 1.6 The following historical applications are considered relevant to the determination of this application:

Ref: CO/2003/0353

Description: Proposed change of use of domestic living room to commercial tea room, with associated new vehicular access and car parking at,

Address: North House, Bolton Percy, York, YO5 7AN,

Decision: Approved 12.06.2003

Ref: CO/2003/0354

Description: Listed Building Consent to convert domestic sitting room to commercial tea room with associated vehicular access and car parking

Address: North House, Bolton Percy, York, YO5 7AN,

Decision: Approved 03.06.2003

Ref: 2009/0492/LBC

Description: Listed Building Consent for alterations of existing lobby and store, the erection of a Tea Room to the Farmhouse and conversion of farm outbuildings to form 4No. Holiday Homes and an Office

Address: North House Farm, Oxton Lane, Bolton Percy, York, North Yorkshire, YO23 7AX

Decision: Approved 30.09.2009

Ref: 2009/0499/FUL

Description: Erection of a conservatory extension to tea room, conversion of lobby and store to WC's and conversion of agricultural outbuildings to form four holiday cottages and office

Address: North House Farm, Oxton Lane, Bolton Percy, York, North Yorkshire, YO23 7AX

Decision: Approved 30.09.2009

Ref: 2014/0888/FUL

Description: Proposed conversion of single storey derelict and redundant cowsheds into two storey structure and build new extensions to form



dedicated tea rooms. Adapt and landscape part existing private garden to form new tea garden. Change of use of the former tearoom to extend the existing dwelling and alterations to the existing car park

Address: North House Farm, Oxton Lane, Bolton Percy, York, North Yorkshire, YO23 7AN

Decision: Approved 13.11.2015

Ref. 2014/0889/LBC

Description: Listed Building Consent for the proposed conversion of single storey derelict and redundant cowsheds into two storey structure and build new extensions to form dedicated tea rooms. Change of use of the former tea room to extend the existing dwelling.

Address: North House Farm, Oxton Lane, Bolton Percy, York, North Yorkshire, YO23 7AN

Decision: Approved 13.11.2015

## **2 CONSULTATION AND PUBLICITY**

- 2.1 *Officer Note: These consultations relate to the application as submitted before the withdrawal of building works. These comments have therefore been limited to where they are relevant to the current works, although for transparency officers have highlighted where now irrelevant comments are made.*

### **Parish Council**

- 2.2 No objection to the change of use of the barn to tea room. Concerns over the increased size of car park. The site is within a Conservation Area and must be landscaped by mature trees (not saplings) and bunding to screen the parking from the immediate open rural area. The Parish Council note they have contacted the Campaign for Rural England (CPRE) for comment. Following re-consultation, the Parish Council re-iterated concerns with the parking area and need for mature screening.

### **Contaminated Land Consultant**

- 2.3 No concern with the proposals, although a condition is recommended in relation to unexpected contamination, requiring that: (a) unexpected contamination must be immediately reported; (b) an investigation report prepared including recommendation of any remediation to be submitted and approved, (c) approved mitigation to be undertaken and a verification of effectiveness undertaken.

### **Local Highway Authority**

- 2.4 No objection to the proposed development. The proposal would alleviate damage currently occurring from visitors parking on highway verges. The 4.1m wide access is recommended to be increased to 5m to allow quicker entrance. The visibility splays are acceptable. Conditions are recommended requiring: (1) No groundworks until the access is constructed in accordance with the listed requirements, and; (2) parking spaces shall always be retained for those purposes.

### **Ainsty Internal Drainage Board (IDB)**

- 2.5 Providing the car park will be a permeable surface the IDB have no objection and do not require formal drainage.

- 2.6 *Officer Note: The IDB have concerns regarding the extent of built works and the necessary drainage, however this relates to the withdrawn element of the application and is not relevant.*

#### **Conservation Officer**

- 2.7 Currently, the car parking appears well contained between two entrances. The extension of the car park would extend the hardscaped area further from the listed building and have a detrimental impact upon the setting of the listed building and the conservation area by removing green soft field area which is a key contributor to the character and appearance of this area.
- 2.8 *Officer Note: The Conservation Officer has concerns regarding the harm arising from retrospective works to the building, however this relates to the withdrawn element of the application and is not relevant.*

#### **Campaign to Protect Rural England (CPRE)**

- 2.9 CPRE have no objection to either of the changes of use. Regarding the car park, CPRE consider there to be an absence of landscaping details and recommend details of landscaping be secure by way of condition if not pre-determination, they do not however have an objection to the principle of the car park extension.

#### **County Ecologist**

- 2.10 No objection to the proposals.

#### **Lead Local Flood Authority**

- 2.11 No comments were received following consultation.

#### **Planning Policy**

- 2.12 No comments were received following consultation.

#### **Environment Agency**

- 2.13 No comments were received following consultation.

#### **Yorkshire Water**

- 2.14 No comments were received following consultation.

#### **Publicity**

- 2.15 The application was advertised through the publication of a press notice, the erection of a site notice, and issue of neighbour letters. Following this consultation, no comments have been received from the public to this application.
- 2.16 However, for the sake of transparency one objection was raised to the accompanying listed building application, ref. 2019/1319/LBC. Given this objection raises concerns about broader planning matters than just the listed building these objections are reported below:

- The application must be landscaped by earth embankment and mature landscaping.
- Historic vistas must be adequately protected.
- Oil receptors must be incorporated into the drainage to the car park.
- Concern over retrospective nature of the application.
- Questions raised whether all necessary consultees have been consulted.

### **3 SITE CONSTRAINTS**

- 3.1 The site is outside of the development limits of Bolton Percy and is therefore within the open countryside.
- 3.2 There are no designated environmental designations on the site, however Sites of Importance for Nature Conservation (SINC) exist to the northwest (c. 390m), east (c.390m) and south (c. 240m) respectively.
- 3.3 North House is a Grade II listed building. The existing tea room and house are within the Bolton Percy Conservation Area, the car park is outside but immediately adjacent to the Conservation Area.
- 3.4 The majority of the site is within Flood Zone 1, including the tea room and dwelling subject to the change of use. Most of the car park, including the area covered by the extension, is within Flood Zone 2 & 3.

### **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 National Planning Policy Framework (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 the "issues and options" stage concluded in March 2020. There are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.
- 4.4 In February 2019, a revised 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 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 (CS)**

4.6 The relevant CS Policies are:

- SP1 Presumption in Favour of Sustainable Development
- SP2 Spatial Development Strategy
- SP13 Scale and Distribution of Economic Growth
- SP14 Town Centres and Local Services
- SP15 Sustainable Development and Climate Change
- SP18 Protecting and Enhancing the Environment
- SP19 Design Quality

### **Selby District Local Plan (SDLP)**

4.7 The relevant SDLP Policies are:

- ENV1 Control of Development
- ENV25 Control of Development in Conservation Areas
- H12 Conversion to residential use in the Countryside
- EMP8 Conversions to employment uses in the countryside
- EMP9 Expansion of existing employment uses in the countryside
- T1 Development in Relation to Highway
- T2 Access to Roads

## **5 PLANNING APPRAISAL**

5.1 The main issues to be considered when assessing this application are:

1. Principle of Development
2. Conservation & Heritage
3. Landscape & Character
4. Flood Risk & Drainage
5. Highways & Access
6. Nature Conservation
7. Residential Amenity

### **Principle of Development**

#### Context

5.2 CS Policy SP1 states that "*when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework*" and sets out how this will be undertaken. CS Policy SP1 is therefore consistent with national policy set out in the NPPF.



5.3 CS Policy SP2 controls the location of future development within the District and directs most new development to existing settlements. The site sits outside of any defined development limit boundaries and is therefore considered as being within the open countryside. CS Policy SP2A(c) relates to the open countryside and limits development to:

*“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 where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13; or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances.”*

5.4 CS Policy SP13C supports sustainable development that brings sustainable economic growth including via the expansion of businesses and enterprises and sets out “*examples*” of the forms of development that achieve the policy requirement.

5.5 CS Policy SP14A supports local services outside the designated Town Centres and seeks to resist the loss of existing services.

5.6 SDLP Policy S4 sets out that outside settlement limits, development of cafés will only be permitted in three circumstances, including where the proposal is ancillary to an existing use, providing that: (i) the scale of provision is appropriate to the locality; (ii) the proposal would not create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity, and (iii) the proposal would not have a significant adverse effect on the character and appearance of the countryside.

5.7 SDLP EMP8 permits the conversion of rural buildings to commercial and recreational uses and stipulates the criteria against which such conversions will be considered. The criteria relevant to the subject proposals are:

3. *“... Conversion would not damage the fabric and character of a building of architectural or historical interest, or a traditional building which makes a positive contribution to the character of the countryside; ...*
5. *The conversion of the building and ancillary works, such as the creation of incidental outside areas, and the provision of satisfactory access and parking arrangements, would not have a significant effect on the character and appearance of the area, or encroach into open countryside; and*
6. *The proposal would not create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity.”*

5.8 SDLP EMP9 permits proposals for the expansion and/or redevelopment of businesses outside development limits and again stipulates the criteria to be considered, all of which are relevant to the current proposals:

1. *“The proposal would not create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity.*

2. *The nature and scale of the proposal would not have a significant adverse effect on the character and appearance of the area, or harm acknowledged nature conservation interests;*
3. *The proposal would achieve a high standard of design, materials and landscaping which complements existing buildings; and*
4. *Proposals involving expansion onto adjoining land would not result in the loss of best and most versatile agricultural land and the site would be well related to existing development and well screened and/or landscaped."*

5.9 SDLP Policy H12 controls proposals for the conversion of rural buildings to residential use in the countryside (outside defined Development Limits) and stipulates the circumstances in which conversions will be permitted, all of which are relevant to these proposals:

1. *"It can be demonstrated that the building, or its location, is unsuited to business use or that there is no demand for buildings for those purposes in the immediate locality;*
2. *The proposal would provide the best reasonable means of conserving a building of architectural or historic interest and would not damage the fabric and character of the building; ...*
7. *The proposal would not create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity; and*
8. *In those cases where the proposed residential conversion is part of a scheme for business use, the residential element is clearly subordinate to the business use."*

## Assessment

*(a) the change of use of a barn to a tea room (retrospective)*

5.10 CS Policy SP2 & SP13 and SDLP Policies S4, EMP8 & EMP9 all set out that the principle of re-using buildings within the open countryside for employment purposes is supported in principle. Whilst CS Policy SP2 and SP13 set out the strategic policy for such development, SDLP Policies S4, EMP8 & EMP9 set out more specific development management aspirations. Subject to meeting these wider development management criteria the proposed conversion of the barn is acceptable.

*(b) change of use of a former tearoom to domestic use*

5.11 This proposal would result in the re-use of the tea room located within an otherwise residential building in the countryside and would therefore comply with Policy SP2A (c) of the Core Strategy.

5.12 Unlike CS Policy SP2(c), SDLP Policy H12 allows proposals for the conversion of rural buildings to residential uses provided "*it can be demonstrated that the building, or its location, is unsuited to business use or that there is no demand for buildings for those purposes in the immediate locality*". Officers consider that whilst this element of the tearoom business has been "lost" it will be replaced by a larger

operation elsewhere on the site and therefore the intent to support business uses is complied with.

- 5.13 Similarly, there is no “loss” of the employment use at the site and the proposal complies with CS Policy SP14.

*(c) the extension of the tea room car park.*

- 5.14 As noted above, CS Policy SP2 & SP13 and SDLP Policies S4, EMP8 & EMP9 all establish that the principle of economic development within the countryside is acceptable. The extension of the car park is intrinsically linked to the shift of the tea room to the barn which ultimately would increase the number of covers available. Officers consider the principle of the car park acceptable as enabling development for the increased business arising from the tearoom expansion is acceptable.

## **Conservation & Heritage**

### Context

- 5.15 Relevant development plan policy includes: CS Policy SP18, CS Policy SP19(b), SDLP Policies ENV1(5), ENV25, EMP8(3), EMP9(2), H12(2) and ENV25. These policies require conservation of historic assets which contribute most to the District’s character, and ensure development contributes positively to an area’s identity and heritage in terms of scale, density, and layout. Development within Conservation Areas should preserve or enhance the character or appearance of the conservation area.
- 5.16 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (‘the Act’) imposes a statutory duty upon decision makers to pay special regard to the desirability of preserving listed buildings and their setting, or any features of special architectural or historic interest that they possess. Section 72 of the Act also imposes a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
- 5.17 Paragraph 193 of the NPPF requires great weight be given to the asset’s conservation. The more important the asset, the greater the weight should be. Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification (Paragraph 194). Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal (Paragraph 196).

### Assessment

- 5.18 In relation to the change of use elements of this proposal, officers consider that it is possible to introduce the respective uses without causing harm to either the listed building or the conservation area although this will be dependent on achieving appropriate detailing and being assessed within a subsequent Listed Building Consent application.
- 5.19 The Council’s Conservation Officer considers that the extension of the car park would have a detrimental impact upon the setting of the listed building and the Conservation Area.

- 5.20 Whilst the car park is to be extended from 15 spaces to 29 spaces, just under double the existing provision, officers consider this provision is proportionate to the scale of the proposed tea room change of use and as such any unnecessary harm to the heritage assets have been minimised. This will be further mitigated by the existing mature landscaping at the eastern end of the car park and new planting. Special regard and attention has therefore been paid to preserving the setting of the heritage assets in accordance with Section 66 & 72 of the Act respectively.
- 5.21 The proposal will lose a small section of green space for the additional car parking. However, officers consider that the proposed gravel surface and landscaping do not constitute a form of development that is substantially harmful to the setting of either the Conservation Area or the listed building and therefore the proposals are considered to amount to “less than substantial harm” as defined within the NPPF.
- 5.22 The proposals will allow the expansion of an established business and this will in turn generate economic benefits including job creation and increased tourism into the area. Whilst the scale of these benefits are modest they outweigh the less than substantial harm to the setting of the conservation area and the listed building and therefore, on balance, are considered acceptable and in accordance with NPPF Paragraph 196.

## **Landscape & Character**

### Context

- 5.23 CS Policy SP18 seeks to safeguard and, where possible, enhance the historic and natural environment. CS Policy SP19 expects development to achieve high quality design and have regard to the local character, identity and context of its surroundings including the open countryside. SDLP S4(iii), EMP8(5) & EMP9(3) require curtilage development related to employment uses not to have an adverse impact on surrounding landscape.

### Assessment

- 5.24 The residential change of use will be incorporated into the existing dwelling and will not create additional curtilage or parking and there will be no adverse landscape impact. The proposed change of use for the tearoom will be contained within the envelope of the farm complex and will not therefore have an impact upon the character of the area.
- 5.25 As stated above, the proposed car park extension will have minimal impact upon the character of the area being of loose surfacing bordered by unobtrusive post and rail fencing combined with native hedges and tree planting to further minimise any impact. Officers consider this treatment is appropriate within this edge of village location and as such officers consider the proposal will not have a detrimental impact upon the character of the local area and therefore complies with CS Policy SP18 & SP19 and SDLP Policy S4, EMP8 & EMP9.

## **Flood Risk & Drainage**

### Context

- 5.26 CS Policy SP15A(d) seeks to ensure that development in areas of flood risk is avoided wherever possible through the application of the sequential test and

exception test (if necessary). SDC's Flood Risk Sequential Test Developer Guidance Note (October 2019) is a material consideration when producing or reviewing sequential tests.

- 5.27 The Guidance Note makes clear that a sequential assessment is not required where the area of Flood Zone 2 and/or 3 will be used only for soft landscaping/open space; AND safe access and egress during flooding can be achieved without having to use the area of Flood Zone 2 and/or 3. Furthermore exemption tests are not required for minor development including change of use applications.

### Assessment

- 5.28 In this instance, the areas of flood risk within Flood Zone 2 and 3 are limited to the car park only and visitors/occupants of the scheme are able to exit the site into Flood Zone 1, the area at lowest risk of flood risk. The proposal therefore complies with CS Policy SP15 and the Guidance Note.

## **Highways & Access**

### Context

- 5.29 SDLP Policy T1 stipulates development will only be permitted where existing roads have adequate capacity and can safely serve the development unless appropriate off-site highway improvements are undertaken by the developer.
- 5.30 SDLP Policy T2 only allows for a new access or the intensification of the use of an existing access will be permitted provided where (1) there would be no detriment to highway safety; and 2) the access can be created in a location and to a standard acceptable to the highway authority.
- 5.31 SDLP Policies S4(ii), EMP8(6), EMP9(1) & H12(7) all seek to ensure that development will not prejudice highway safety.
- 5.32 Paragraph 109 of the NPPF states that planning applications should only be refused where there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

### Assessment

- 5.33 The proposals have been considered by the Local Highway Authority who have not only found the proposals to be acceptable from a highway safety perspective (subject to the inclusion of conditions) but welcome the proposals as a way to minimise harm to verges currently arising from visitors. Officers consider the proposed condition are appropriate and agree that the proposals are acceptable from a highway safety perspective and comply with SDLP Policies T1, T2, S4(ii), EMP8(6), EMP9(1) & H12(7) and NPPF Paragraph 109.

## **Nature Conservation**

### Context

- 5.34 Relevant policies in respect of nature conservation and protected species include CS Policy SP18 of the Core Strategy. CS Policy SP18 promotes effective stewardship of the District's wildlife by (inter-alia) safeguarding protected sites from

inappropriate development, and, ensuring development seeks to produce a net gain in biodiversity.

### Assessment

5.35 The proposals have been considered by the County Ecologist who have no objection to the proposals. Officers agree that there are no adverse impacts to any designated nature assets and comply with CS Policy SP18.

### **Residential Amenity**

#### Context

5.36 SDLP Policy ENV1 provides eight broad aspirations that are considered when achieving “good quality development”. ENV1(1) requires “the effect upon the character of the area or the amenity of adjoining occupiers” to be taken into consideration. Similarly, SDLP policies EMP8(6), EMP9(1) & H12(7) seek development to have no adverse impact upon residential amenity.

#### Assessment

5.37 The nearest residential dwelling, not on site, is over 40m to the south of the barn (proposed tea room) separated by North House, Oxton Lane and large residential curtilage with tall, established hedges between the site and the dwelling. Officers consider that given the separation distance and relationship no adverse impact will occur because of the relocation of the tea room.

5.38 The extension to the car park, combined with the likely increase in number of covers will generate increased traffic to the site. However, it is considered this will be a modest increase and given the relationship to neighbouring dwellings will not create an adverse impact that warrants refusal.

5.39 The residential change of use will have no impact upon residential amenity of neighbouring properties; indeed, this will provide additional living space for residents of North House and improve the amenity for those living there.

5.40 The proposals are therefore acceptable from a residential amenity perspective and comply with SDLP policies ENV1, EMP8(6), EMP9(1) & H12(7).

## **6 CONCLUSION**

6.1 Planning permission is sought for the retrospective change of use of a barn to a tea room, the change of use of a former tea room located within North House back to residential use to form part of that dwelling and the extension of a car park to facilitate increased visitors to the site.

6.2 Officers consider that the proposals are acceptable in principle and will generate modest benefits towards achieving sustainable development. These modest benefits outweigh the less than substantial harm to the listed building and Conservation Area and are therefore also acceptable from a conservation and heritage perspective.

6.3 The proposal have been considered with regards to all relevant development management considerations and officers have concluded that there are no adverse

impacts that preclude planning permission being granted or that cannot be overcome through planning conditions which are recommended below.

## **7 RECOMMENDATION**

This application is recommended to be GRANTED subject to the following planning conditions and informatives:

1. 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.

2. The development hereby permitted shall be carried out in accordance with the plans, drawings and documents listed below:

PO1 Location Plan  
PO2 Existing Site Plan  
PO5\_Rev.A Proposed Site Plan

REASON:

For the avoidance of doubt.

3. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

REASON:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

4. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the car park have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:

- a. The existing access to the car park shall be improved by widening it to 5 metres. The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number A1 and will result in the need to remove the surface course

of the existing crossing so that a continuous surface course is applied over the existing and proposed sections of the access.

- b. Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
- c. Provision should be made to prevent surface water from the site/plot discharging onto the existing or proposed highway in accordance with the specification of the Local Highway Authority.

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

**REASON:**

In accordance with SDLP policy T1 & T2 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

5. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on PO5\_Rev.A for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

**REASON:**

In accordance with SDLP policy T1 & T2 and to ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.

6. The approved landscaping scheme, PO5\_Rev.A, shall be carried out within the first planting season following this planning permission. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

**REASON:**

To mitigate against any potential harm to the surrounding landscape and character in accordance with CS Policies SP18 & SP19.

## **INFORMATIVES**

1. A separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.
2. As far as this planning permission relates to the tea room and dwelling this application only considers the principle of use. For the avoidance of doubt, it does not approve unlawful works that have taken place and planning permission and Listed Building Consent will be required to regularise these accordingly.



## **8 LEGAL ISSUES**

### **Planning Acts**

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

### **Human Rights Act 1998**

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

### **Equality Act 2010**

8.3 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 considering the conflicting matters of the public and private interest so that there is no violation of those rights.

## **9 FINANCIAL ISSUES**

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

## **10 BACKGROUND DOCUMENTS**

10.1 Planning Application file reference 2019/1318/COU and associated documents.

**Contact Officer:** Chris Fairchild  
cfairchild@selby.gov.uk

**Appendices:** Appendix 1 – Site Photographs

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APPLICATION NUMBER:	2019/1318/COU	PARISH:	Bolton Percy Parish Council
APPLICANT:	Mr & Mrs Houseman	VALID DATE: EXPIRY DATE:	17th December 2019 11th February 2020
PROPOSAL:	Change of use of barn to tea room (excluding associated extension/alterations), change of use of former tea room back to domestic use and proposed change of use of land to form an extension to the existing car park (Retrospective)		
LOCATION:	North House Farm Oxton Lane Bolton Percy York North Yorkshire YO23 7AN		
RECOMMENDATION:	APPROVE subject to planning conditions		

**APPENDIX 1 – Site Photographs**

**1. Aerial Image**



**2. Tea Room – Front (South) Elevation**



**3. Tea Room – Side (West) Elevation**





#### 4. Tea Room – Side (East) Elevation



#### 5. Barn – Front Elevation





**6. Barn – Rear Elevation**



**7. Car Park – Facing eastwards towards North House Farm**





8. Car Park – Facing westwards



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## 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.