



# Record of Decisions

## CEO Urgent Decision Session - Planning

Venue: Microsoft Teams - Remote  
Date: Wednesday, 24 June 2020  
Time: 9.00 am

Officers Present remotely via Teams: Janet Waggott - Chief Executive, Martin Grainger - Head of Planning, Ruth Hardingham – Planning Development Manager, Glenn Sharpe - Solicitor, Fiona Ellwood – Principal Planning Officer, Rebecca Leggott – Senior Planning Officer, Victoria Foreman – Democratic Services Officer

### 12 PLANNING APPLICATIONS RECEIVED

#### 12.1 2017/1381/FULM - LAND AT VINER STATION, ROE LANE, BIRKIN

**Location:** Land at Viner Station, Roe Lane, Birkin

**Proposal:** Proposed erection of a new grain store including a chemical store and roof mounted solar PV

The matter had been brought to the Chief Executive for consideration under urgency as it had been reported to the Planning Committee at its meeting on 6 June 2018 and was deferred. It was deferred for the following reasons, as per the minutes of the meeting on 6 June 2018:

*“Members felt that they required more information on the application including on the unauthorised uses of some of the buildings before they could take a decision. Some members expressed a preference for a site visit; however, it was agreed that a decision on such a visit would be taken at a later date.”*

Following this, a retrospective application, under reference 2018/0681/FULM for the Change of Use of the buildings and land from agricultural use to industrial B2

use (which included 5 Biomass Boilers for the drying and heating of woodchip) was reported to Planning Committee in December 2018 and subsequently refused permission on 6 February 2019. An appeal was lodged against the refusal and would be the subject of a Hearing in August 2020.

Officers explained that the application under consideration related solely to the new agricultural grain store. An appraisal had been obtained by an Independent Agricultural Consultant on behalf of the Council which justified the need for the grain store independent of the other buildings on the site. Further information had been provided on the blue line ownership for the entire holding, details of the farm business, justification for the agricultural need for the building and why the existing buildings were to be discounted.

The Chief Executive noted that the application was for the proposed erection of a new grain store including a chemical store and roof mounted solar PV. Officers explained that the report from the Agricultural Consultant had made clear that the proposed new buildings could be justified and were needed. This was because the farm had taken on more land, was producing more grain (as opposed to other crops) and storing it for longer. The grain that was produced came from the land holdings owned by the applicants across the District and required a modern grain drying facility.

The Chief Executive was informed that the report of the Agricultural Consultant had been made public and no comments had been received by Officers in relation to it.

An independent barrister had reviewed both the current application report and that of the appeal and had confirmed that it was possible to differentiate between the appeal site and the current application site. The Planning Solicitor also agreed with this assessment.

As part of the decision-making process Members had been consulted on the application. These comments were collated and presented to the Chief Executive as part of the decision making. Comments had been received from some Members of the Planning Committee and the Ward Members.

The Chief Executive noted that comments had been received from Members both supporting and opposing the application.

Some Members had made the point that the site was not in the Green Belt, referenced the use of an Agricultural Consultant had and that there were sufficient conditions to deal with flood risk and drainage issues.

However, other Members felt strongly that the application should be deferred for a debate at a future public meeting of the Planning Committee for a number of reasons, including reputational issues, the contentious nature of the application, the number of objections submitted and general public concern, the adjacency to the Green Belt, validation of the application, maintenance of the 'status quo' of the site while the appeal was considered and details of the size of the proposed grain store.

Officers explained that as the site was only adjacent to the Green Belt, not in it, this was not necessarily a relevant consideration for this application. The application had to be determined on its own merits.

The Chief Executive accepted that this was a complex application that had been submitted back in 2017, and one which required resolution. However, there were some detailed technical questions that had also been raised by Members that it could be beneficial to consider and debate at a meeting of the Planning Committee.

The Solicitor and other Officers confirmed that they had no further comments on the application.

The Chief Executive, having considered the report and representations from Members and Officers in full, confirmed that she would defer consideration of the application in order for a debate on the technical questions and aspects of the application to be undertaken at a meeting of the Planning Committee.

**RESOLVED:**

**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.**

**12.2 2019/0901/FUL - FIELD VIEW, WISTOW ROAD, SELBY**

**Location:** 2019/0901/FUL - Field View, Wistow Road, Selby

**Proposal:** Retrospective change of use of land to garden

land, siting of a static caravan and laying of hardstanding

The matter had been brought to the Chief Executive for consideration under urgency as directed by the Head of Planning due to the level of objection. It was also noted that Ward Councillor J. Shaw-Wright had called the application in, should Officers be minded to approve the application.

The Chief Executive noted that the application was for the retrospective change of use of land to garden land, siting a static caravan and laying of hardstanding.

Officers explained that the water harvesting tank element of the application had been removed, as no details of this had been supplied when the application was submitted and that the application area was mostly outside development limits and in the open countryside.

As part of the decision-making process Members had been consulted on the application. These comments were collated and presented to the Chief Executive as part of the decision making. Comments had been received from some Members of the Planning Committee and the Ward Members.

The Chief Executive noted that comments from Members expressed their support for the Officer's recommendation of refusal. Members had stated that the road near the application site was restricted to 30mph, yet vehicles often travelled above the speed limit, and that there was also a sharp bend just before the site. Members had also commented that should the water harvesting tank turn out to be a septic tank, the applicant would have to contact the Internal Drainage Board for permission to connect to the nearby water course.

The Solicitor and other Officers confirmed that they had no further comments on the application.

The Chief Executive, having considered the report and representations from Members and Officers in full, confirmed that she would support the Officer's recommendation to refuse permission.

**RESOLVED:**

**That the application be REFUSED for the following reasons:**

- 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.**
  
- 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.**

The meeting closed at 10.25 am.