

## Planning Committee

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

Date: Wednesday, 6 April 2022

Time: 2.00 pm

Present: Councillor J Cattanach in the Chair

Councillors J Mackman (Vice-Chair), I Chilvers, P Welch,  
D Mackay and C Richardson, S Duckett, R Musgrave and  
G Ashton

Officers Present: Martin Grainger, Head of Planning, Hannah Blackburn,  
Planning Development Manager, Yvonne Naylor, Principal  
Planning Officer, Diane Holgate, Principal Planning Officer,  
Gareth Stent, Principal Planning Officer, Glenn Sharpe,  
Solicitor and Victoria Foreman, Democratic Services Officer

Press: None.

Public: 3

### **66 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors R Packham, K Ellis and M Topping.

Councillor S Duckett was in attendance as a substitute for Councillor Packham. Councillor G Ashton was in attendance as a substitute for Councillor Topping. Councillor R Musgrave was in attendance as a substitute for Councillor Ellis.

### **67 DISCLOSURES OF INTEREST**

Councillor R Musgrave declared a personal prejudicial interest in agenda item 5.1 – 2021/0871/OUT - Field House, School Lane, Bolton Percy as he was a joint applicant; Councillor Musgrave confirmed that, following discussions with the Solicitor to the Committee, he would leave the meeting during the Officer's presentation, the debate and the vote, but would return to the meeting to speak in favour of the application as joint applicant.

Councillors S Duckett and P Welch declared non-pecuniary interests in agenda item 5.2 – 2021/1478/OUT – Royal Oak Inn, Main Road, Hirst Courtney as they had both received representations on the application from Councillor M Jordan. Councillors Duckett and Welch confirmed that they would not leave the meeting during consideration thereof.

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

The Chair announced that an Officer Update Note had been circulated and was available to view alongside the agenda on the Council's website.

The Committee noted that any late representations on the applications would be summarised by the Officer in their presentation.

## **69 MINUTES**

The Committee considered the minutes of the Planning Committee meeting held on 9 March 2022.

Councillor J Mackman proposed an amendment to minute number 62 – Disclosures of Interest; the Housing Trust should be corrected to read 'Selby and District Housing Trust'.

The amendment was seconded, a vote taken and agreed.

### **RESOLVED:**

**To approve the minutes of the Planning Committee meeting held on 9 March 2022 for signing by the Chairman, subject to the amendment of minute number 62 – Disclosures of Interest, for the title of the housing trust to read 'Selby and District Housing Trust'.**

## **70 PLANNING APPLICATIONS RECEIVED**

The Planning Committee considered the following planning applications.

### **70.1 2021/0871/OUT - FIELD HOUSE, SCHOOL LANE, BOLTON PERCY**

*Councillor R Musgrave stepped down from the Committee and left the room at this point in order to be able to return and speak as applicant.*

**Application:** 2021/0871/OUT

**Location:** Field House, School Lane, Bolton Percy

**Proposal:** Outline application (with all matters reserved) for the erection of detached dormer bungalow with double garage and associated driveway

The Principal Planning Officer presented the application which had been brought before Planning Committee as one of the Applicants (Mr R Musgrave) was a Ward Councillor for Selby District Council and the Council's scheme of delegation required that the application be determined by the Planning Committee.

Members noted that it was an outline application (with all matters reserved) for the erection of detached dormer bungalow with double garage and associated driveway and asked that in the future maps of development limits of applications be provided in hard copy at the meeting.

The Committee considered the Officer Update Note which set out additional information from Yorkshire Water, an amendment to Condition 2 and further responses from the Parish Council, Sam Smiths Brewery and third-party comments from an objector. The Officer's responses to the matters raised were also set out in the Update Note.

The Committee asked numerous questions of the Officer relating to two previous approvals for properties at the site built outside of development limits, the current application's encroachment into the countryside and greenfield garden land, clarification as to the self-build nature of the scheme, sustainability, connections to past or future planning policies.

Officers confirmed that the site was outside of settlement and development limits, encroached into the open countryside and was on greenfield garden land. The scheme had not been formally registered as self-build and there were no existing, emerging or out of date policies that could be applied to the scheme.

David Tillotson, objector, had his representation against the application read out by Democratic Services.

Councillor Richard Musgrave, applicant, spoke in favour of the application.

Members debated the application further, with some emphasising that the application needed to be assessed by existing policies and the by the fact that the Council now had a five-year land supply. The Core Strategy permitted countryside development but only in the event of affordable housing, which the current scheme did not contain. Development in secondary villages was restricted to certain types such as rebuilding or

conversion, or the filling of frontage/ However, if such schemes were to be on greenfield sites, they did not meet policy requirements. The application in question did not improve the rural economy and was not being built for business, and similar applications had been refused recently. There was nothing special about the material considerations of the scheme that had been presented to the Committee and would, if approved, be a breach of planning policy and the statutory development plan.

Some Members felt that the application should be approved, but others expressed further concern about the effect on flooding and the opinions of the Parish Council and therefore continued to voice their opposition.

It was proposed that the application be APPROVED; the proposal was not seconded and fell.

It was proposed and seconded that the application be REFUSED for the reasons set out in the debate; a vote was taken and was carried.

**RESOLVED:**

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

- a) that the scheme would be outside Development Limits of Secondary Village Bolton Percy in countryside;
- b) that the material planning considerations presented as part of the scheme were not significant enough to permit approval; and
- c) therefore the application was considered to be contrary to Core Policy SP1 of the Selby District Core Strategy Local Plan.

**70.2 2021/1478/OUT - ROYAL OAK INN, MAIN ROAD, HIRST COURTNEY**

*Councillor R Musgrave re-joined the Committee at this point.*

**Application:** 2021/1478/OUT

**Location:** Royal Oak Inn, Main Road, Hirst Courtney

**Proposal:** Outline application for erection of 9 dwellings following demolition of existing public house (all matters

reserved)

The Principal Planning Officer presented the application which had been brought before Planning Committee at the request of the Ward Councillor on the grounds that the proposed development would provide housing in the village and contribute towards Selby District Council's Local Plan, that the site was a brownfield site and was considered to be 'infill' within the village.

Members noted that it was an outline application for erection of 9 dwellings following demolition of existing public house (all matters reserved).

The Committee considered the Officer Update Note which clarified that the application had been brought before the Committee at the request of the Ward Member and that the pub had not been registered as an Asset of Community Value. The Update Note went on to provide further information in relation to paragraph 5.24 and the agent's responses to reasons for refusal 2 (Marketing of the Property) and 4 (Ecology).

Officers were of the opinion that, taking account of the additional information provided and weighed against paragraph 60 of the NPPF where the Government's objective of significantly boosting the supply of homes, along with the efficient use of previously developed land paragraphs 120c and d of the NPPF, the proposed scheme remained to be contrary to the policies of the Selby Development Plan. The recommendation remained as presented in the report for the reasons that had been previously advised.

The Committee asked numerous questions of the Officer about the outbuilding's position outside the development limit and when the aforementioned limit was last reviewed, the camp site and hardstanding being considered as greenfield, the exact position of the development limit and rural housing enablers.

Officers confirmed that the outbuilding was outside the development limits, that the new Local Plan had not yet been agreed, that the current development limits in place had not been reviewed for a number of years and that whilst some of the hardstanding on the site could be considered as previously developed the visual and spatial impact also needed to be considered.

Members noted that rural housing enablers continued to

work in the district but that the site under consideration would not provide any affordable housing as there would be less than 10 properties, and would require a survey to test its viability.

Russ Wagstaff and Ian Forbes of Hirst Courtney Parish Council shared the five minutes speaking time, and both spoke in favour of the application.

Sam Dewar, agent, spoke in favour of the application.

Members debated the application further with some expressing their support for the proposals; the pub was unlikely to operate commercially again, and the scheme was fully supported by the Parish Council.

However, some Members felt that despite the positive nature of the application, the Officer's recommendation for refusal should be adhered to due to the restrictions of current policy, i.e., that the majority of the proposed development was outside of the development limits and the value in which the property was being offered for sale seemed to be over and above what it was worth along with there being insufficient details about the marketing exercise.

It was proposed and seconded that the application be REFUSED; a vote was taken and was carried.

**RESOLVED:**

**That the application be REFUSED for the reasons set out at paragraph 7 of the report:**

- 1. The application site sits partly within the Development Limit of the Secondary Village of Hirst Courtney as defined in the development plan, though largely outside of it. Whilst part of the site may be considered as 'previously developed' the proposal would exceed the limited scale of development considered acceptable in open countryside and as such would undermine the Spatial Development Strategy that aims to deliver sustainable development with the District. This would be contrary to Policies SP1, SP2 and SP4 of the Selby District Core Strategy Local**

**Plan and advice in the NPPF.**

- 2. The proposal would lead to the loss of a community facility. It is not considered that it has been demonstrated that a suitable alternative facility has been identified or that a suitable marketing exercise has been undertaken or that it has been marketed on reasonable terms. The proposed development is therefore considered to be contrary to paragraph 84(d) of the NPPF and Saved Policy S3B of the Selby District Local Plan.**
  
- 3. Hirst Courtney is predominately a linear settlement. The proposed development pattern would be inconsistent with local character and the surrounding pattern of development. The proposal would be seen as a form of development that would substantially extend built development into the countryside and would be poorly related to the existing built-up limits of the village. As a result, it would represent an undue visual intrusion into the open countryside, that would harm the open character of the application site. The proposal is therefore considered to be in conflict with Saved Policies ENV1 (1) and (4) of the Selby District Local Plan and Policies SP18 and SP19 of the Selby District Core Strategy Local Plan and advice contained in Section 12 of the NPPF.**
  
- 4. The development includes the demolition of the public house and an associated outbuilding. No bat surveys have been undertaken, and it is not therefore possible for the LPA to determine whether mitigation may be required, and if so, what level of mitigation would be appropriate and whether this can be readily**

incorporated into the scheme. It is considered that permitting the proposed development without the above information would have the potential to cause considerable harm to a protected species. This would be contrary to both national legislation and Selby District Core Strategy Local Plan Policy SP18(1) and (3) and Saved Selby District Local Plan Policy ENV1(5).

**70.3 2022/0050/REM - YEW TREE HOUSE, MAIN STREET, KELFIELD, SELBY**

**Application:** 2022/0050/REM

**Location:** Yew Tree House, Main Street, Kelfield

**Proposal:** Reserved matters application including access, appearance, landscaping, layout and scale for the erection of 6 No dwellings (resubmission of 2021/1295/REM)

The Principal Planning Officer presented the application which had been brought before Planning Committee as a previous reserved matters application 2021/1295/REM. It had been twice presented to Committee on 8 December 2021 and the 12 January 2022 and was deferred by Members in order for a better scheme to come forward. Whilst the application was a new submission, the Head of Service deemed it appropriate to allow Members to reconsider the new scheme in light of previous comments.

Members noted that it was a reserved matters application including access, appearance, landscaping, layout and scale for the erection of 6 No dwellings (resubmission of 2021/1295/REM).

The Committee considered the Officer Update Note which corrected paragraph 5.25 of the report.

In response to a query from Members the Officer confirmed that that the number of dwellings on the site had not changed.

Chris Cade, objector, spoke against the application.

Rachael Bartlett, agent, spoke in favour of the application.



Members debated the application further, noting that the application had been considered by the Committee previously, and that the applicants had addressed the numerous issues raised by Members during past debates. The new layout presented as part of the revised scheme was acceptable with the frontage of the dwellings similar to the existing farmhouse on the site.

It was proposed and seconded that the application be GRANTED; a vote was taken and was carried.

**RESOLVED:**

**That the application be GRANTED subject to the conditions set out at paragraph 7 of the report.**

The meeting closed at 3.44 pm.