

## Planning Committee

Venue: Council Chamber - Civic Centre, Doncaster Road, Selby,  
YO8 9FT  
Date: Wednesday, 9 November 2022  
Time: 2.00 pm

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Present: Councillor M Topping in the Chair  
Councillors C Richardson (Vice-Chair), I Chilvers, K Ellis,  
G Ashton, R Packham, P Welch and D Mackay

Officers Present:

Press: X

Public: X

### **33 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor John Duggan.

### **34 DISCLOSURES OF INTEREST**

Councillor Ashton declared a non-pecuniary interest in agenda item 5.2 as she was Ward Councillor for the area and a member of Fairburn Parish Council. Councillor Ashton confirmed that she would not leave the meeting during consideration thereof.

Councillor also Ashton declared a non-pecuniary interest in agenda items 5.3, 5.4 and 5.5 as she was Parish Council Clerk for Biggin Parish Council. Councillor Ashton confirmed that she would not leave the meeting during consideration thereof.

### **35 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.

**36 MINUTES**

The Committee considered the minutes of the Planning Committee meeting held on 5 October 2022.

**RESOLVED:**

**To approve the minutes of the Planning Committee meeting held on 5 October for signing by the Chairman.**

**37 PLANNING APPLICATIONS RECEIVED**

The Planning Committee considered the following planning applications.

**38 2022/0852/OUT - ROYAL OAK INN, HIRST COURTNEY**

**Application:** 2022/0852/OUT

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

**Proposal:** Outline application with all matters reserved for erection of up to 7 dwellings.

The Senior Planning Officer presented the application which had been brought before Planning Committee on 5th October at the request of the Ward Councillor, on the following grounds: that the site of the former public house has been disused for a lot of years and is an eyesore for the village, which needs addressing; and, that there is a public house close by and this application will much improve the character and appearance of the village.

The application was deferred for a site visit, which was undertaken on the 31st of October 2022. Further to this, the application was brought back before Planning Committee.

Members noted that the application was for an outline application with all matters reserved for erection of up to 7 dwellings.

The Committee asked the Senior Planning Officer to clarify whether Policy SP4 of the Selby District Local Plan referred only to development on non-allocated sites within Development Limits of Secondary Villages. Members also asked when the Development Limits were last reviewed and why the car park is not included as part of a 'brownfield' site.

The Senior Planning Officer confirmed Policy SP4 only referred to land within Development Limits. The Senior Planning Officer explained that the Development Limits follow the built form of the settlement and do not necessarily include land that goes beyond the built form. It was explained that the car park did constitute previously developed land as per the NPPF definition. The assessment was whether the land could be developed as the presumption to develop in the NPPF, it should not be assumed that it should. The current Development Limits were being reviewed as part of the current

Local Plan review.

PDL definition in NPPF. Assessment of whether should be developed, presumption that can, but shouldn't be assumed that it should

Planning Agent Sam Dewar was in attendance and spoke in favour of the application.

Members debated the application further noting that, contrary to the claims of the Planning Agent, the application does not comply with Policies SP2Ac or SP4 of the Selby District Core Strategy Local Plan and the site is outside the linear Development Limits set by the Planning Inspector. It was also noted that the report stated that insufficient evidence had been submitted regarding the marketing of the site to avoid the loss of a community facility and is therefore contrary to Policy S3B of the Selby District Local Plan.

The Committee also noted that Hirst Courtney and the surrounding area contained three licensed premises serving a population between 250 and 300 residents and that the Royal Oak had been closed for a decade meaning its redevelopment represented no loss of a community facility. Support was shown to approve the application.

It was proposed and seconded that the application be GRANTED against the Officer recommendation subject to conditions reserved to the Head of Planning Services in consultation with the Chair and Vice-Chair of Planning Committee and the completion of a legal agreement to cover financial contributions towards public open space provision and waste/recycling. A vote was taken on the Proposal and was carried.

**RESOLVED:**

**That the application be APPROVED subject to conditions reserved to the Head of Planning Services in consultation with the Chair and Vice-Chair of Planning Committee and a planning agreement to cover financial contributions towards the provision of public open space and to provide for waste/recycling services.**

**39 2021/1501/FUL - CARU, BECKFIELD LANE, FAIRBURN**

**Application:** 2021/1501/FUL

**Location:** Caru, Beckfield Lane, Fairburn

**Proposal:** Erection of 1 No dwelling following demolition of existing garage.

The Senior Planning Officer presented the application which had been brought before the Planning Committee as more than 10 letters of representation have been received, including 10 letters of support. The letters raised material planning considerations and officers are recommending the application to be determined contrary to the 10 letters of support.

Members noted that the application was for the erection of 1 No dwelling following demolition of the existing garage.

The Committee questioned the Senior Planning Officer on the location of the residences of the objectors. They also noted that the site entrance was in use for the existing garage and asked how the proposed development would alter this use and for detail on why North Yorkshire County Council Highways had objected to the proposal.

The Senior Planning Officer showed the Committee the location of the objectors on the Site Location Plan. The Senior Planning Officer acknowledged the site entrance was currently in use but stated that this was not ideal due to limited visibility and that the proposal would mean the use of the entrance would be more intensive and exacerbate the risk. The Senior Planning Officer explained that North Yorkshire County Council Highways required 2 metre by 2 metre visibility splays for each parking space and they objected as this had not been achieved. The Senior Planning Officer displayed the area on Google Maps and Google Streetview at the request of the Members for further context.

Members sought clarification as to whether officers or North Yorkshire County Council Highways had contacted the Applicant regarding the objection and potential alterations to solve the issue. The Members also questioned the proximity of the dwellings of the objectors to the site and whether minimum standards were met.

The Senior Planning Officer stated that the Agent was aware there were objections from North Yorkshire County Council Highways but no alternative proposals had been received. The Senior Planning Officer explained there was no set guidance on minimum distances between developments but, as the site was 30 metres from the dwellings of the objectors, it was judged there would be no adverse impact on the objectors.

The Committee questioned the feasibility of the plan given the restrictions in size and the steep slopes and multiple levels of the site.

The Senior Planning Officer stated the development would have to comply with the plans which includes details of making the site level and usable.

Mr Gerald Swaby was in attendance to represent the Applicant and spoke in favour of the application.

Members debated the application and understood the requirement of the applicant for suitable housing but also stated the objection from North Yorkshire County Council Highways was a significant reason for refusal. Members also questioned the compliance of the proposal with Policy SP4 of the Selby District Local Plan.

The Committee supported the proposal in principle but stated the access issue would need to be resolved before anything could be approved. The Committee questioned whether the plan could be revised to concur with the 2m splay distance required by North Yorkshire County Council Highways.

The Senior Planning Officer stated that Planning Agent was aware of the objection from North Yorkshire County Council Highways but that the discussions during the application had been mainly about the principle of the development.

It was proposed and seconded that the application be DEFFERED to provide an opportunity for the Applicant and Agent to address the objections from North Yorkshire County Council Highways. A vote was taken on the Proposal and was carried.

**RESOLVED:**

**That the application be DEFFERED.**

**40 2022/1028/COU - OXMOOR LODGE, MEADOW'S EDGE, BIGGIN**

**Application:** 2022/1028/COU

**Location:** Oxmoor Lodge, Meadow's Edge, Biggin

**Proposal:** Change of use of grassland to domestic garden in connection with Oxmoor Lodge (retrospective).

The Senior Planning Officer presented the application which had been brought before the Planning Committee as the Ward Councillor for the area where the proposal lies had requested it to be heard by the Committee in writing within 21 days of the publication of the application in the weekly list. The following reasons for Committee consideration were noted, which were considered to be valid material planning reasons:

1. The proposals were similar to other applications which the Council had approved recently, such as the application in North Duffield which was approved by Committee in December 2021 (ref 2020/1391/FUL).
2. It is important to provide reasonable private amenity space with properties, provided that the proposal would not have any significant adverse impact on the residential amenities of the occupiers of any neighbouring residential properties and there was no significant adverse effect on the character and appearance of the surrounding countryside. Having assessed the proposals, I consider that these proposals met this test and are therefore compliant with Policy ENV1 (1) and H15 of the Selby District Local Plan and the NPPF.

Members noted that the application was for the retrospective change of use of grassland to domestic garden in connection with Oxmoor Lodge.

The Committee questioned the Senior Planning Officer about the influence of the change of use to the character of the open countryside given that the site was surrounded by woodland preventing it being viewed by the public. The Committee also asked for clarification on the size of the extended land and queried what would happen if the Committee agreed with the recommendation to refuse.

The Senior Planning Officer responded that the visual impact is not the only consideration when assessing the impact of developments on the wider countryside. Although the Planning Statement stated that the proposals would not visually harm the area, the argument that extended garden area would be out of public view would not be compelling in principle as it could be repeated too often to the overall detriment of the character and appearance of the countryside. It was confirmed the area was 0.1 hectares in size. The Planning Development Manager stated that, if the proposal was refused, it would be sought through enforcement to ensure the land was returned to its previous condition including the removal of the existing buildings and the reinstatement of the fencing between the permitted development and the application site. The fences between properties and the existing landscaping would be permitted to remain but the cessation of use for residential purposes would be required.

Ward Councillor Richard Musgrave was in attendance and spoke in favour of the application.

Planning Agent Sam Dewar was in attendance and spoke in favour of the application.

Members debated the application and noted that the permitted garden was small compared to the size of the house but acknowledged this was caused by the developer when outline planning for the house was approved in 2015. Members argued allowing development of the application site would result in improvement with the applicant further investing in landscaping and maintenance of the land.

The Committee asked for what practical controls Selby District Council would have on development of the application area and specifically whether structures could be erected on the site. Members also questioned the frequency of inspection to ensure schemes were complying with enforcement.

The Senior Planning Officer stated the Council would use enforcement to ensure all structures were removed, boundaries were reinstated, and all domestic use of the site be ceased and the land would be returned to grassland. The Planning Solicitor addressed the Committee to advise that the practical powers of Selby District Council were very limited in terms of enforcing the restrictions.

The Planning Development Manager stated that were the application approved, the Committee would be advised to apply a condition preventing any further structures being constructed under permitted development in line with Policy H15 in the Selby District Local Plan and that the existing structures may be subject to a retrospective planning application. The Planning Development Manager responded to a query on enforcement inspections to explain that Enforcement Officers are visiting sites in the District but that referrals are also received from Ward Councillors and interested parties prompting investigation.

It was proposed and seconded that the application be APPROVED against the Planning Project Officer's recommendation subject to conditions reserved to the Head of Planning Services in consultation with the Chair and Vice-Chair of Planning Committee. A vote was taken on the Proposal and was carried.

**RESOLVED:**

**That the application be APPROVED subject to conditions reserved to the Head of Planning Services in consultation with the Chair and Vice-Chair of Planning Committee.**

**41 2022/1027/COU - FENTUNE HOUSE, MEADOW'S EDGE, BIGGIN**

**Application:** 2022/1027/COU

**Location:** Fentune House, Meadow's Edge, Biggin

**Proposal:** Change of use of grassland to domestic garden in connection with Fentune House (retrospective).

The Senior Planning Officer presented the application which had been brought before the Planning Committee as the Ward Councillor for the area where the proposal lies had requested it to be heard by the Committee in writing within 21 days of the publication of the application in the weekly list. The following reasons for Committee consideration were noted, which were considered to be valid material planning reasons:

1. The proposals were similar to other applications which the Council had approved recently, such as the application in North Duffield which was approved by Committee in December 2021 (ref 2020/1391/FUL).
2. It is important to provide reasonable private amenity space with properties, provided that the proposal would not have any significant adverse impact on the residential amenities of the occupiers of any neighbouring residential properties and there was no significant adverse effect on the character and appearance of the surrounding countryside. Having assessed the proposals, I consider that these proposals met this test and are therefore compliant with Policy ENV1 (1) and H15 of the Selby District Local Plan and the NPPF.

Members noted that the application was for the retrospective change of use of grassland to domestic garden in connection with Fentune House.

The Committee asked the Senior Planning Officer if the open sided shed pictured in the report was within the current permitted curtilage and she confirmed that it did.

Ward Councillor Richard Musgrave was in attendance and spoke in favour of the application.

Planning Agent Sam Dewar was in attendance and spoke in favour of the application.

Members debated the application referencing the similarity to item 5.3 and same consensus of support for the proposal with conditions.

It was proposed and seconded that the application be APPROVED against the Senior Planning Officer's recommendation subject to conditions reserved to the Head of Planning Services in consultation with the Chair and Vice-Chair of Planning Committee. A vote was taken on the Proposal and was carried.

**RESOLVED:**

**That the application be APPROVED subject to conditions reserved to the Head of Planning Services in consultation with the Chair and Vice-Chair of Planning Committee.**

**42 2022/1026/FUL - FENTUNE HOUSE, MEADOW'S EDGE, BIGGIN**

**Application:** 2022/1026/FUL

**Location:** Fentune House, Meadow's Edge, Biggin

**Proposal:** Erection of a single storey storage building required for maintenance of paddock/grassland land (retrospective)

The Senior Planning Officer presented the application which had been brought before the Planning Committee as the Ward Councillor for the area where the proposal lies had requested it to be heard by the Committee in writing within 21 days of the publication of the application in the weekly list. The following reasons for Committee consideration were noted, which were considered to be valid material planning reasons:

1. The proposals were similar to other applications which the Council had approved recently, such as the application in North Duffield which was approved by Committee in December 2021 (ref 2020/1391/FUL).
2. It is important to provide reasonable private amenity space with properties, provided that the proposal would not have any significant adverse impact on the residential amenities of the occupiers of any neighbouring residential properties and there was no significant adverse effect on the character and appearance of the surrounding countryside. Having assessed the proposals, I consider that these proposals met this test and are therefore compliant with Policy ENV1 (1) and H15 of the Selby District Local Plan and the NPPF.

Members noted that the application was for the retrospective erection of a single storey storage building required for maintenance of paddock/grassland land.

The Committee questioned the Senior Planning Officer on the material of the storage building, how it is accessed and whether it is inside permitted development dimensions.

The Senior Planning Officer stated that the storage building is a steel structure and is accessible through the rear garden of Fentune House. The Senior Planning Officer explained that the structure was outside the permitted curtilage of the property so there were no permissible dimensions for the storage building.



Members questioned the contents of the storage building and the Senior Planning Officer responded that the interior had not been available for inspection but that the application was for machinery of a domestic nature to maintain the paddock land at Fentune House and Oxmoor Lodge.

Ward Councillor Richard Musgrave was in attendance and spoke in favour of the application.

Planning Agent Sam Dewar was in attendance and spoke in favour of the application.

Members expressed approval of the structure as it is in keeping with its surroundings but questioned whether the residential nature of the building would have any impact on the surrounding land which was categorised for agricultural use.

The Planning Development Manager stated that, were the application approved, it was advised that a condition be added to preclude the use of the building for domestic use and, that should the building remain, it be used solely in connection with agricultural use of the adjacent land.

It was proposed and seconded that the application be APPROVED against the Senior Planning Officer's recommendation subject to conditions reserved to the Head of Planning Services in consultation with the Chair and Vice-Chair of Planning Committee. A vote was taken on the Proposal and was carried.

**RESOLVED:**

**That the application be APPROVED subject to conditions reserved to the Head of Planning Services in consultation with the Chair and Vice-Chair of Planning Committee.**

**43 2022/0880/COU - OAKVIEW STABLES, DAW LANE, APPLETON ROEBUCK**

**Application:** 2022/0880/COU

**Location:** Oakview Stables, Daw Lane, Appleton Roebuck

**Proposal:** Change of use for temporary siting of a static caravan.

The Senior Planning Officer presented the application which had been brought before the 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 representations.

Members noted that the application was for the change of use for the temporary siting of a static caravan.

Members noted the Officer Update Note which explained that, contrary to the evidence expected prior to the Committee meeting, a letter from the Applicant's Accountant had been received advising that they were not yet in a position to prepare the accounts for the year ending 31 March 2022. The letter

from the Accountant expressed support for the application and confirmed that the Applicant had run the business successfully for almost 30 years and that, in their opinion, it was successful and viable.

The Committee acknowledged that the Agricultural Consultant had not identified an essential need for the siting of a static caravan for financial reasons but questioned whether reasons such as animal husbandry or security had been considered. Members also asked the Senior Planning Officer whether the existing hard standing had planning permission and whether any temporary structures had occupied the area previously.

The Senior Planning Officer concurred that the Agricultural Consultant had not identified sufficient financial need for the siting of a static caravan and added that the Agricultural Consultant had considered animal welfare and security but had concluded that business case for a permanent presence was not currently justified but further detail and evidence from the Applicant could potentially affect this conclusion. The Senior Planning Officer stated that the only lawful use of the existing land and hardstanding was for agriculture and that no structures were currently on the proposed site.

Members questioned whether any future applications seeking a dwelling on site would be prejudiced were this application approved.

The Planning Development Manager explained that the application was for a temporary siting of a static caravan and that an application for a permanent dwelling following approval of this application would be considered separately but that the identification of essential need would have been established.

Ward Councillor Richard Musgrave was in attendance and spoke in favour of the application.

Applicant Ms Becky O'Neill was in attendance and spoke in favour of the application.

Members debated the application expressing support for the need of an on-site presence for animal welfare and security reasons. Members agreed the business was well established and viable but acknowledged the omission of complete financial evidence.

Support for the temporary siting of a static caravan for three years was expressed by Members with the point made that any application for a permanent dwelling would be subject to a separate application process and criteria.

Members asked what conditions would be imposed apart from a restriction on three years if the application were approved.

Officers stated that they would recommend further conditions regarding the residential curtilage to serve the caravan and details of the caravan colour and finish.

It was proposed and seconded that the application be APPROVED against the Senior Planning Officer's recommendation subject to conditions reserved to the Head of Planning Services in consultation with the Chair and Vice-Chair of Planning Committee. A vote was taken on the Proposal and was carried.

**RESOLVED:**

**That the application be APPROVED subject to conditions reserved to the Head of Planning Services in consultation with the Chair and Vice-Chair of Planning Committee.**

The meeting closed at 4.32 pm.