



Meeting: **PLANNING COMMITTEE**
Date: **WEDNESDAY, 9 NOVEMBER 2022**
Time: **2.00 PM**
Venue: **COUNCIL CHAMBER - CIVIC CENTRE, DONCASTER ROAD, SELBY, YO8 9FT**
To: **Councillors M Topping (Chairman), C Richardson (Vice-Chair), I Chilvers, K Ellis, G Ashton, R Packham, P Welch, J Duggan and D Mackay**

Agenda

1. Apologies for Absence

2. Disclosures of Interest

A copy of the Register of Interest for each Selby District Councillor is available for inspection at www.selby.gov.uk.

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

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

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

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

3. Chair's Address to the Planning Committee

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.

4. Minutes (Pages 1 - 8)

Planning Committee
Wednesday, 9 November 2022

To confirm as a correct record the minutes of the Planning Committee meeting held on 5 October 2022.

5. Planning Applications Received (Pages 13 - 14)

- 5.1. 2022/0852/OUT - Royal Oak Inn, Hirst Courtney (Pages 15 - 36)
- 5.2. 2021/1501/FUL - Caru, Beckfield Lane, Fairburn (Pages 37 - 52)
- 5.3. 2022/1028/COU - Oxmoor Lodge, Meadow's Edge, Biggin (Pages 53 - 66)
- 5.4. 2022/1027/COU - Fentune House, Meadow's Edge, Biggin (Pages 67 - 80)
- 5.5. 2022/1026/FUL - Fentune House, Meadow's Edge, Biggin (Pages 81 - 96)
- 5.6. 2022/0880/COU - Oakview Stables, Daw Lane, Appleton Roebuck (Pages 97 - 114)

Janet Waggott

Janet Waggott, Chief Executive

Dates of next meetings (2.00pm) Wednesday, 7 December 2022
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Enquiries relating to this agenda, please contact Democratic Services on democraticservices@selby.gov.uk.

Recording at Council Meetings

Recording is allowed at Council, Committee and Sub-Committee meetings which are open to the public, subject to:- (i) the recording being conducted with the full knowledge of the Chairman of the meeting; and (ii) compliance with the Council's protocol on audio/visual recording and photography at meetings, a copy of which is available on request. Anyone wishing to record must contact Democratic Services on the above details prior to the start of the meeting. Any recording must be conducted openly and not in secret.

Agenda Item 4



Minutes

Planning Committee

Venue:	Council Chamber - Civic Centre, Doncaster Road, Selby, YO8 9FT
Date:	Wednesday, 5 October 2022
Time:	2.00 pm
Present:	Councillor M Topping in the Chair Councillors C Richardson (Vice-Chair), I Chilvers, K Ellis, G Ashton, R Packham, S Duckett, P Welch and D Mackay
Officers Present:	Martin Grainger – Head of Planning, Yvonne Naylor – Principal Planning Officer, Glenn Sharpe – Solicitor, Emma Howson – Senior Planning Officer, Martin Evans – Principal Planning Officer, Jenny Tyreman – Assistant Principal Planning Officer and Gina Mulderrig – Democratic Services Officer

24 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Duggan.

Councillor Duckett was in attendance as a substitute for Councillor Duggan.

25 DISCLOSURES OF INTEREST

Councillors M Topping, C Richardson, K Ellis, P Welch, R Packham, I Chilvers, D Mackay, S Duckett and G Ashton all declared a non-pecuniary interest in agenda item 5.1 – 2022/0852/OUT – Royal Oak Inn, Main Road, Hirst Courtney, as they had all received representations relating to this application but were not required to leave the meeting during consideration thereof.

26 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.

27 MINUTES

The Committee considered the minutes of the Planning Committee meeting held on 7 September 2022.

RESOLVED:

To approve the minutes of the Planning Committee meeting held on 7 September 2022 for signing by the Chairman.

28 PLANNING APPLICATIONS RECEIVED

The Planning Committee considered the following planning applications.

29 2022/0852/OUT - ROYAL OAK INN, MAIN ROAD, 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 the Planning Committee at the request of the Ward Councillor, on the following grounds: That the site of the former public house had been disused for a lot of years and was an eyesore for the village, which needed addressing; and, that there was a public house close by and the application would much improve the character and appearance of the village.

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

The Committee considered the Officer Update Note which included additional relevant historical information, including the previous use of the outbuilding in the car park of the Royal Oak Inn and past planning applications relating to it. The comments from the Planning Inspector were detailed in the Officer Update Note.

The Committee asked questions of the Senior Planning Officer about how the application differed to the previous application for the site, and whether the site could be developed in a way that would overcome the current reasons given for refusal.

The Senior Planning Officer answered that 2022/0852/OUT was for 7 dwellings rather than 9, and the site was approximately 20% smaller and no

longer extended past the car park. The Senior Planning Officer stated that the issue regarding the loss of the community facility would need to be dealt with first, but that the plans were indicative. This meant that if the application was altered to stay within the Development Limits using the frontage of the site, then reasons for refusal could be overcome in principle subject to other details. The Senior Planning Officer also confirmed that the Development Limits were detailed in the report and were restricted to the frontage of the site and did not include all previously developed land including the building in the car park. Conversion of the building in the car park had been approved in 2015 but would need to be re-examined to determine whether its development was still within policy.

Members noted that one of the reasons for refusal was the insufficient marketing of the Royal Oak Inn prior to submitting the application and asked if there had been any new evidence submitted.

The Planning Project Officer confirmed that there had been some evidence of marketing submitted but a higher level of detail was expected to justify the application, such as records of the type of marketing used, the level of interest received and justification of the asking price.

The Chairman of Hirst Courtney Parish, Councillor Russell Wagstaff, was in attendance at the meeting 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 further noting the reduction in size of the site from the previous application in line with Members' previous comments meant the site now sat fully on previously developed land. The Committee acknowledged the support from the community for the application and their concerns about the existing building but also stated that the reasons for refusal stand. Members noted the Senior Planning Officer's statement that insufficient evidence of marketing had been received, that the application was contrary to policies detailed in Section 6 of the report, the loss of community facility and that the application was outside of the distinct linear Development Limits as described by the Planning Inspector.

The Senior Planning Officer confirmed that the application did now sit within the limits of previously developed land, but that the National Planning Policy Framework stated that it should not be assumed that the whole curtilage of previously developed land be developed.

Members suggested that seeing the site in the context of its surroundings would inform Members as to the effect of development outside the Development Limits in more detail than the report allowed, and that a site visit was necessary.

It was proposed and seconded that the application be DEFERRED for a site visit; a vote was taken and was carried.

RESOLVED:

That the application be DEFERRED in order for a site visit to be arranged.

30 2021/0481/FUL - SUGAR HILL FARM, WINGATE HILL, STUTTON

Application: 2021/0481/FUL

Location: Sugar Hill Farm, Wingate Hill, Stutton

Proposal: Conversion of a barn into a 2-bedroom dwelling.

The Principal Planning Officer presented the application which had been brought before the Planning Committee as the proposal was recommended to be approved contrary to the requirements of the Development Plan (namely Criterion 1 of Policy H12 of the Selby District Local Plan 2005), but it was considered that there were material considerations which would justify approval of the application.

Members noted that the application was for the conversion of a barn into a 2-bedroom dwelling.

The Committee questioned the Principal Planning Officer on the distance of the application to the nearest dwelling and asked for clarification on policy regarding the development of lone agricultural buildings.

The Principal Planning Officer referred Members to the map in the report which showed the situation of the site in relation to the nearest dwellings and confirmed that the Local Plan and Green Belt both supported the development of rural buildings, even when the buildings were isolated and freestanding, as long as the application was contained within the existing built form without significant extension and did not impact on openness.

Members sought clarification on the materials proposed for the development noting that the materials approved for the block's construction in 2007 were not put in place.

The Principal Planning Officer stated that the proposed completion of the timber cladding and the slate roof were an acceptable mix of materials for this building, and were to be retained during the conversion. The Planning Project Officer confirmed that the current use of the building was as a stable block that had been deemed structurally capable of conversion without significant alteration.

Members debated the application and expressed their support for the conversion.

It was proposed and seconded that the application be APPROVED. A vote was taken on the proposal and was carried.

RESOLVED:

That the application be APPROVED subject to the conditions set out in paragraph 7 of the report.

31 2019/0045/EIA - LAND BETWEEN NEW ROAD AND WHELDRAKE LANE

Application: 2019/0045/EIA

Location: Land Between New Road and Wheldrake Lane, Wheldrake Lane, Escrick

Proposal: Outline application for redevelopment of the former North Selby Mine site to a leisure development comprising of a range of touring caravan and static caravans with associated facilities.

The Principal Planning Officer presented the application which had been brought before the Planning Committee as it was an EIA development.

Members noted that the application was an outline application for redevelopment of the former North Selby Mine site to a leisure development comprising of a range of touring caravan and static caravans with associated facilities.

Members considered the Officer Update Note which noted the following changes to the report:

- an extension of time on the determination of the application had been agreed with the applicant to 7/10/2022;
- the landscape architect reaffirmed their previous comments raising no objection subject to conditions; and
- the conditions needed policies adding to the reasons. Therefore, the recommendation was amended to approve the application subject to conditions detailed in the Officer Update Note.

The Committee asked for clarification from the Principal Planning Officer regarding 2019/0045/EIA being a cross boundary application to Selby District Council and York City Council, and the division of development and landscaping within the application.

The Planning Project Officer confirmed that York City Council had approved the application and that whilst most development was sited in York City and landscaping sited in Selby District, the application was to be considered in full, as detailed in the report. The Principal Planning Officer confirmed the application contained minor development in Selby District including footpaths surrounding but not impacting on the designated Site of Importance for Nature Conservation detailed on the map in the report.

Members questioned road safety and whether consideration had been given to the speed and volume of traffic using the A19 in the locality and the possible need for traffic lights at the junction.

The Planning Project Officer confirmed that North Yorkshire County Council Highways and Highways England had considered the Transport Assessment including junction modelling of the access point at the A19 and had both concluded there was no requirement for traffic lights. The Transport Assessment did recommend broader highway improvements, notably to the footway from the junction to the petrol station.

The Committee commented on the large size of the site and its current overgrown state and future potential investment that might be required for management.

It was proposed and seconded that the application be APPROVED. A vote was taken on the proposal and was carried.

RESOLVED:

That the application be APPROVED subject to the conditions set out in paragraph 7 of the report and the details set out in the Officer Update Note.

32 HELIOS RENEWABLE ENERGY PROJECT NSIP BRIEFING REPORT

The Assistant Principal Planning Officer presented the report which had been brought before Planning Committee for information. The report to be considered by the Executive at their meeting in November 2022 would seek agreement from the Executive that the Head of Planning and Interim Head of Regulatory Services, in consultation with the Leader of the Council, be authorised to agree the Local Impact Report, Statement of Common Ground, the content of the draft DCO, and all further necessary representations by the District Council, together with post decision monitoring of planning conditions and enforcement of the DCO.

Members asked for clarification on the next steps regarding the project's consultation and implementation.

The Assistant Principal Planning Officer outlined the upcoming actions which included a period of Statutory Consultation scheduled for the second quarter of 2023, followed by the submission of the application to the Planning Inspectorate later that year. The Assistant Principal Planning Officer explained the submission of the application would then be subject to examination by the Planning Inspectorate with relevant hearings and consultees and interested parties given the opportunity to make representations.

Members noted that Burn Airfield, adjacent to the Development Area, was active and used by Burn Gliding Club.

It was proposed and seconded that the report be noted.

RESOLVED:

The Planning Committee noted the content of the report.

The meeting closed at 3.14 pm.

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Planning Committee

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

1. The legislation that allowed Councils to take decisions remotely came to an end on 7 May 2021. As such, Planning Committee meetings are now back to being held 'in person', but the Council still needs to be mindful of the number of attendees due to Covid-19. If you are planning to attend a meeting of the Committee in person, we would ask you to please let Democratic Services know as soon as possible. The meetings will still be available to watch live online.
2. If you are intending to speak at the meeting, **you can do so remotely or in person**. If you cannot attend in person and don't wish to speak remotely, **you will need to provide a copy of what you wanted to say so it can be read out on your behalf**.
3. The reports are taken in the order of business on the agenda, unless varied by the Chairman. The Chairman may amend the order of business to take applications with people registered to speak first, so that they are not waiting. If the order of business is going to be amended, the Chairman will announce this at the beginning of the meeting.
4. There is usually an officer update note which updates the Committee on any developments relating to an application on the agenda between the publication of the agenda and the committee meeting. Copies of this update will be published on the Council's website alongside the agenda.
5. You can contact the Planning Committee members directly. All contact details of the committee members are available on the relevant pages of the Council's website:

<https://democracy.selby.gov.uk/mgCommitteeMailingList.aspx?ID=135>
6. Each application will begin with the respective Planning Officer presenting the report including details about the location of the application, outlining the officer recommendations, giving an update on any additional representations that have been received and answering any queries raised by members of the committee on the content of the report.
7. The next part is the public speaking process at the committee. Speakers attending the meeting in person and are encouraged to comply with Covid-safe procedures in the Council Chamber such as social distancing, mask wearing (unless exempt), sanitising of hands etc.
8. Only **ONE** person may register to speak for each category of speaker, per agenda item - i.e., one objector, one parish representative, one ward member

and either the applicant, agent or their representative. Registering to speak is on a 'first come, first served' basis.

9. The following speakers may address the committee for **not more than 5 minutes each in the following order:**
 - (a) The objector
 - (b) A representative of the relevant parish council
 - (c) A ward member
 - (d) The applicant, agent or their representative.

NOTE: Persons wishing to speak (in person or remotely via Microsoft Teams) on an application to be considered by the Planning Committee should have registered to speak with Democratic Services **by no later than 3pm on the Monday before the Committee meeting (this will be amended to the Tuesday if the deadline falls on a bank holiday).**

10. If registered to speak but unable to attend in person, speakers are asked to submit a copy of what they will be saying **by 3pm on Monday before the Committee meeting** (amended to the Tuesday if the deadline falls on a bank holiday).
11. Those registered to speak remotely are also asked to provide a copy of their speech so that their representation can be read out on their behalf (for the allotted five minutes) if they have technical issues and are unable to do so.
12. Speakers physically attending the meeting and reading their representations out in person do **not** need to provide a copy of what they will be saying.
13. The number of people that can access the Civic Suite will need to be safely monitored due to Covid.
14. When speaking in person, speakers will be asked to come up to a desk from the public gallery, sit down and use the provided microphone to speak. They will be given five minutes in which to make their representations, timed by Democratic Services. Once they have spoken, they will be asked to return to their seat in the public gallery. The opportunity to speak is not an opportunity to take part in the debate of the committee.
15. Speakers doing so remotely (online via Microsoft Teams) will be asked to access the meeting when their item begins and leave when they have finished speaking. They can then watch the rest of the meeting as it is streamed live on YouTube.
16. Each speaker should restrict their comments to the relevant planning aspects of the proposal and should avoid repeating what has already been stated in the report. The meeting is not a hearing where all participants present evidence to be examined by other participants.
17. The members of the committee will then debate the application, consider the recommendations and then make a decision on the application.

18. The role of members of the Planning Committee is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons in accordance with the statutory planning framework and the Council's planning Code of Conduct.
19. For the committee to make a decision, the members of the committee must propose and second a proposal (e.g., approve, refuse etc.) with valid planning reasons and this will then be voted upon by the Committee. Sometimes the Committee may vote on two proposals if they have both been proposed and seconded (e.g., one to approve and one to refuse). The Chairman will ensure voting takes place on one proposal at a time.
20. This is a council committee meeting which is open to the public.
21. Selby District Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform Democratic Services of their intentions prior to the meeting on democraticservices@selby.gov.uk
22. The arrangements at the meeting may be varied at the discretion of the Chairman.
23. Written representations on planning applications can also be made in advance of the meeting and submitted to planningcomments@selby.gov.uk. All such representations will be made available for public inspection on the Council's Planning Public Access System and/or be reported in summary to the Planning Committee prior to a decision being made.
24. Please note that the meetings will be streamed live on YouTube and are recorded as a matter of course for future viewing.
25. These procedures are being regularly reviewed.

Contact: Democratic Services
Email: democraticservices@selby.gov.uk

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Agenda Item 5

Items for Planning Committee – 9 November 2022

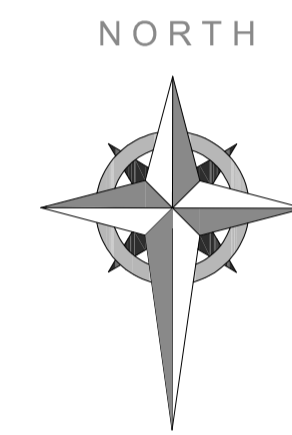
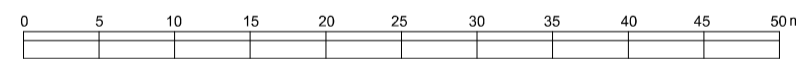
Item No.	Ref	Site Address	Description	Officer	Pages
5.1	2022/0825/OUT	Royal Oak Inn, Main Road, Hirst Courtney	Outline application with all matters reserved for erection of up to 7 dwellings	Emma Howson	15 - 36
5.2	2021/1501/FUL	Caru Beckfield Lane Fairburn Selby North Yorkshire WF11 9JP	Erection of 1 No dwelling following demolition of existing garage	Elizabeth Maw	37 - 52
5.3	2022/1028/COU	Oxmoor Lodge Meadows Edge Biggin Leeds North Yorkshire LS25 6GL	Change of use of grassland to domestic garden in connection with Oxmoor Lodge (retrospective)	Irma Sinkeviciene	53 - 66
5.4	2022/1027/COU	Fentune House Meadows Edge Biggin Leeds North Yorkshire LS25 6GL	Change of use of grassland to domestic garden in connection with Fentune House (retrospective)	Irma Sinkeviciene	67 - 80
5.5	2022/1026/FUL	Fentune House Meadows Edge Biggin Leeds North Yorkshire LS25 6GL	Erection of a single storey storage building required for maintenance of paddock/grassland land (retrospective)	Irma Sinkeviciene	81 - 96
5.6	2022/0880/COU	Oakview Stables Daw Lane Appleton Roebuck York YO23 7BL	Change of use for temporary siting of a static caravan	Irma Sinkeviciene	97 - 114

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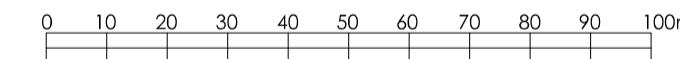
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Proposed Site Plan
(Scale 1:500)



Location Plan
(Scale 1:1250)



Revision	Date	Revision Details
Rev.A	-	-
Rev.B	-	-
Rev.C	-	-
Rev.D	-	-
Rev.E	-	-
Rev.F	-	-
Rev.G	-	-
Rev.H	-	-
Rev.I	-	-
Rev.J	-	-

Client
Mr T Devanney

STATUS:

Drawn: IB

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Proposed Site Plan &
Location Plan

Scale: 1:500 & 1:1250 Date: 18.07.2022 Rev /
Drawing Number: 210-2022-001

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Report Reference Number 2022/0852/OUT

To: Planning Committee
Date: 9th November 2022
Author: Emma Howson (Planning Officer)
Lead Officer: Hannah Blackburn (Planning Development Manager)

APPLICATION NUMBER:	2022/0852/OUT	PARISH:	Hirst Courtney Parish Council
APPLICANT:	Mr T Devanny	VALID DATE:	26th July 2022
		EXPIRY DATE:	20th September 2022
PROPOSAL:	Outline application with all matters reserved for erection of up to 7 dwellings		
LOCATION:	Royal Oak Inn Main Road Hirst Courtney Selby North Yorkshire YO8 8QT		
RECOMMENDATION:	REFUSAL		

This application was 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 October. Further to this, the application is now being brought back before Planning Committee.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site comprises of the Royal Oak Inn on Main Street, in the village of Hirst Courtney and the large car park to the rear of the site. The public house has been closed since 2015 according to the documentation submitted by the applicant.
- 1.2 The frontage of the site including the public house itself is within the defined development limits of Hirst Courtney, however the rear car park, and the field beyond are outside the development limit.

- 1.3 Hirst Courtney is designated as a Secondary Village, with defined development limits within the Development Plan.
- 1.4 The site has been put forward by the landowner as part of the Local Plan Review, but has not been allocated as a residential site, as Hirst Courtney is not considered an appropriate location for residential growth in line with the Council's housing strategy.
- 1.5 This is a revised submission following the refusal of a previous application 2021/1478/OUT for outline consent for up to 9 dwellings on a slightly larger site, which also encompassed an area of the campsite to the rear of the car park. This was refused by Planning Committee on the 6th April 2022 for the following reasons:
- 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).*

The Proposal

- 1.6 The application is submitted in Outline with all matters reserved for erection of up to 7 dwellings, following demolition of the existing public house. An indicative layout has been provided showing 3 frontage dwellings, an access located on the western

side of the site and 4 rear dwellings, but this does not form part of the application matters to be considered.

Relevant Planning History

- 1.7 There have been numerous applications for extensions and alterations to the public house from 1980 until 1998. The following historical applications are considered to be relevant to the determination of this application:
- CO/1999/0856 - Erection of building to allow the relocation of existing milk store/ milk distribution business on land to the rear. Decision: PER, Date: 23-DEC-99.
 - CO/2003/1315 - Outline application for the erection of a residential development comprising of 12 terraced and 2 semi-detached properties including shop to the ground floor of Unit 2 (following demolition of existing public house). Decision: WDN Date: 12-JAN-04.
 - CO/2004/1091 - Outline application for the erection of a detached dwelling on land to the side. Decision: WDN, Date: 01-NOV-04
2010/1236/COU - Change of use of land to caravan and camping site with associated amenity block on land to the rear. Decision: REF, Date: 16-MAR-11 Allowed on appeal APP/N2739/A/11/2150203 6th October 2011.
 - 2012/0142/DPC - Discharge of conditions 4 (materials), 5 (landscaping scheme), 6 (visibility lines) and 7 (Signage on site) of approval 2010/1236/COU for the change of use of land to caravan and camping site with associated amenity block on land to the rear. Decision: COND Date: 30-APR-12.
 - 2015/1281/CTD - Notification for prior approval for a change of use from storage or distribution buildings (Class B8) and any land within its curtilage to dwellinghouses (Class C3) to the milk store at the rear of The Royal Oak PH, Decision: PANR Date: 6-JAN-2016.
 - 2016/1390/FUL - Proposed erection of two detached dormer bungalows, incorporating the conversion of the existing milk store to rear of The Royal Oak PH, Decision: REF, Date: 25-APR-17

Reasons:

01. *The application site is located outside the defined development limits of Hirst Courtney which is a Secondary Village, thus being outside one of the smallest, least sustainable settlements within the District. The modest economic and social benefits of the provision of two additional dwellings are not considered to demonstrably outweigh the adverse environmental implications of two dwellings in this location. Therefore notwithstanding the acknowledged shortfall in the housing supply the construction of two dwellings within the open countryside, remote from facilities and services, would not satisfy the Framework's definition of sustainable development and would be contrary to Policies SP1 and SP15 of the Core Strategy and the NPPF.*

02. *The application site is located within Flood Zone 2. The NPPF states that all proposals located in Flood Zone 2 and 3a require a Sequential Test to determine whether there are any reasonably available sites at less risk of flooding that could accommodate the development. For development located within the open countryside, the Sequential Test should be undertaken at a District wide level. The*

applicant has failed to submit information at a District wide level to demonstrate that the Sequential test can be met. The proposed residential development for two dwellings is therefore considered to be unacceptable and contrary to the NPPF.

03. The proposed scheme introduces an alien backland form of residential development, which does not follow the existing built form along the north side of Main Street and projects out into the open countryside, which is out of keeping with the character and form of the area. The proposed scheme is therefore considered to have a detrimental impact on the character and form of the area and the open countryside location contrary to Policy ENV1 (1) and (4) of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

04. The proposed development would be located within the car park of an existing public house and adjacent to an existing caravan park. Given the relationship of the proposed dwellings to the existing public house and existing caravan site, the future occupants of the proposed dwellings would be subject to significant detrimental noise and disturbance resulting from the operation of surrounding land uses, which would result in a poor level of amenity for the future occupants of the proposed dwellings. The proposed development is therefore unacceptable in terms of residential amenity contrary to Policies ENV1 (1) and ENV2 (A) of the Selby District Local Plan and the advice contained within the NPPF.

- 2017/1022/COU - Section 73 to vary condition 03 (occupation) of approval APP/N2739/A/11/2150203 for change of use of land to caravan and camping site with associated amenity block on land to the rear. Decision: PER, Date: 08-NOV-17.
- 2018/0297/FUL - Proposed extension to existing milk store to be used for residential in conjunction with existing planning permission to be used as a dwelling, Decision: REF, Date: 12-JUN -2018. Dismissed at Appeal – APP/N2739/W/18/3208290.

The Inspector commented:

'The pattern of built development in the village is of a distinct linear arrangement along Main Road. Land to the rear remains largely free of separate development, in particular on the north side where the site is found.

With its location to the rear of existing development and its proximity to fields, the site's character is significantly informed by the open countryside in what is a rural landscape.

The existing building does not unduly detract from its surroundings as it is a modest structure. The proposed extension would, though, serve to appreciably increase the development to the rear of the public house when the overall scale of the extended building is also considered. Moreover, with its siting well back from the road, it would represent an incursion into land that is appreciably less developed, and so its built form would disrupt from the associated character of the open countryside and the rural landscape qualities. It would also not accord with the pattern of development in the settlement.

Due to the open nature of the countryside around the settlement, the proposed extension would be visible from adjoining land and this would further demonstrate that it would appear uncomfortable in this landscape. Although it would be more effectively screened from the road, this would not satisfactorily address the concerns that arise from its size compared to the existing building or that it would be extending development back from the settlement towards the open countryside'.

- 2021/1111/CAR – Community Right to Bid Application. Withdrawn.
- 2021/1478/OUT - Outline application for erection of up to 9 dwellings following demolition of existing public house (all matters reserved), Decision: REF, Date: 08-APR-22.

Reasons:

01. *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.*
02. *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.*
03. *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.*
04. *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).*

2. CONSULTATION AND PUBLICITY

2.1 Hirst Courtney and West Bank Parish Council – Supports application for the following material reasons:

- The proposal will improve the amenity of the village because the dwellings will replace a redundant public house that is becoming increasingly dilapidated in appearance. The condition of the building has been an issue within the Parish for some time.
- The proposal will utilise a brownfield site.
- The proposal will improve highway safety as the dwellings are set back from the road which improves visibility.

- The proposal will enhance the village as it will bring new residents into the community.
- The proposal will significantly help to sustain the community as an additional seven dwellings would increase the number of Band D equivalents in the parishes of Hirst Courtney and West Bank. This would help to maintain services provided by the Parish Council such as street lighting, playground maintenance and grass verge cutting.

2.2 **NYCC Highways** – No objections.

The design standard for the site is Manual for Streets and the required visibility splay is 2.4 metres by 45 metres. The available visibility is 2.4 metres by 45 metres. Whilst it is noted that the outline application has all matters reserved the applicant will need to ensure that any reserved matters application accounts for NYCC residential design guide and therefore the layout will need to provide either a shared surface with a 4.5m core, a 2.0m service margin and a 0.5m hard margin, or a traditional construction of a 5.5m carriageway and a 2.0m footway. Onsite turning will need to accommodate all service vehicles. Consequently, the Local Highway Authority recommends conditions.

2.3 **Yorkshire Water**- If planning permission is to be granted, conditions should be attached in order to protect the local aquatic environment and Yorkshire Water infrastructure.

2.4 **Selby Area Internal Drainage Board** – No objection. Conditions recommended.

2.5 **Environmental Health** - Although only 7 dwellings are proposed, this application site is closely bordered on the eastern, western and southern sides by existing dwellings. The demolition of the existing disused Public House on the application site and the construction of 7 new dwellings will have the potential to adversely impact upon the existing residents that surround the site by way of noise, vibration, dust and dirt. It is therefore recommended that conditions are attached relating to the provision of a construction management plan; restrictions on the hours of work and mitigation measures if the use of piled foundations is to be applied.

2.6 **County Ecologist** - When the bat survey was undertaken, no roosts were detected, but there were indications of previous, probably transient activity in the roof void of one building. While the conclusions of the survey are considered reasonable and proportionate, it is recommended that surveys are updated if the existing buildings remain standing 12 months after the survey report was completed (i.e. July 2023). NB this does not apply to the flat-roofed buildings referred to as Buildings 4 & 5 in the bat survey report; these would not need re-surveying if they remain in present condition.

Should Selby District Council be minded to approve this application, it is recommended that a Condition be attached to adhere to the recommendations on Mitigation and Enhancement set out in sections 1, 9 & 10 of the bat survey report (Bat, breeding bird and Barn Owl survey - Royal Oak Inn, Selby by MAB Environment & Ecology Ltd, dated July 2022). This includes supervised demolition of the roof space which produced signs of transient bat activity and installation of 4 integral bat roost features (bricks/boxes) in the new development.

When a detailed planning application is submitted, the applicant will need to demonstrate that they can deliver net gains for biodiversity in line with the

requirements of the NPPF. There should be little difficulty in doing so as the site is almost all buildings or hard surfaces at present, so simple measures like planting native-species hedges as garden boundaries would represent welcome net gains for nature. However, the applicant will need to consider this and may find it useful to look at the government's Small Sites Metric, which provides a simple tool for quantifying losses and gains for biodiversity on this type of site (The Small Sites Metric - JP040 (naturalengland.org.uk

2.7 **Contaminated Land Consultant** - The Phase 1 report only relates to part of the site and therefore does not provide a complete picture and may miss potential contamination sources. A contamination assessment which relates to the whole site and considers all possibly contamination sources will need to be provided. It is therefore recommended that planning conditions relating to land contamination are attached to any approval.

2.8 **Publicity** – The application was advertised by site notice and press notice.

In total 8 letters of support have been received on the grounds of:

- The proposal would provide needed housing
- Improve the character and appearance of the area
- The existing business is unviable and will not reopen

One letter of objection has been received. This objects on the grounds of noise and the loss of a view over the open fields.

3. **SITE CONSTRAINTS**

3.1 The frontage of the site, including the main public house building lies within the defined development limits of Hirst Courtney. A larger proportion of the site located to the rear of the public house, which includes the car parking area, lies outside the development limits and therefore is located within open countryside. The site is located within Flood Zone 1.

4. **POLICY CONSIDERATIONS**

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.

4.2 The development plan for the Selby District comprises various documents including the Selby District Core Strategy Local Plan (adopted 22nd October 2013), 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, the Minerals and Waste Joint Plan (adopted 16 February 2022), and the adopted neighbourhood plans none of which relate to the site.

4.3 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options took place early in 2020. Consultation on preferred options and additional sites took place in early 2021. The Pre-submission Publication Local Plan is currently subject to a period of formal

consultation prior to submission to the Secretary of State for Examination. Given the stage of the emerging Local Plan, the policies contained within it are attributed no weight and as such are not listed in this report.

4.4 The National Planning Policy Framework (July 2021) (NPPF) replaced previous iterations of the NPPF. 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 2021 NPPF.

4.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

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

Selby District Core Strategy Local Plan

4.6 The relevant Core Strategy Policies are:

SP1 Presumption in Favour of Sustainable Development
SP2 Spatial Development Strategy
SP4 Management of Residential Development in Settlements
SP5 The Scale and Distribution of Housing
SP8 Housing Mix
SP9 Affordable Housing
SP10 Rural Housing Exception Sites
SP15 Sustainable Development and Climate Change
SP18 Protecting and Enhancing the Environment
SP19 Design Quality

Selby District Local Plan

4.7 The relevant Selby District Local Plan Policies are:

ENV1 Control of Development
ENV2 Environmental Pollution and Contaminated Land
H2 Location of New Housing Development
H2B Housing Density
T1 Development in Relation to the Highway Network
T2 Access to Roads
S3 Local Shops

5 APPRAISAL

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

- Principle of Development
- Loss of Community Facility
- Character and Appearance of Area

- Ecology
- Highways
- Flood Risk and Drainage
- Land Contamination
- Housing Mix
- Affordable Housing
- Other Issues

Principle of Development

- 5.2 This outline application would provide 7 no. houses, which would contribute towards the delivery of housing in the district and to the provision of housing in the rural area.
- 5.3 Policy SP1 of the Core Strategy outlines 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. Policy SP1 is therefore consistent with the guidance in Paragraph 14 of the NPPF.
- 5.4 Core Strategy Policy SP2A adopts a hierarchical Spatial Development Strategy that focuses new development within existing settlements best placed to provide services to support new residents and achieve sustainable patterns of development. This policy is therefore consistent with the guidance in the NPPF especially at Paragraph 79, which covers sustainable development in rural areas.
- 5.5 At SP2A(b) it states that "Limited amounts of residential development may be absorbed inside Development Limits of Secondary Villages where it will enhance or maintain the vitality of rural communities and which conform to the provisions of Policy SP4 and Policy SP10." Policy SP10 relates to the provision of Rural Housing Exception Sites, which the application is not proposing.
- 5.6 SP2A(c) continues, "Development in the countryside (outside Development Limits) will be limited 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 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". Policy SP13 'Scale and Distribution of Economic Growth' relates to the delivery of employment sites and therefore the focus for development within open countryside is either such sites that contribute towards the local economy or propose the provision of rural affordable housing under Policy SP10.
- 5.7 Policy SP4 allows for development of non-allocated sites in Secondary Villages, providing they are for the following types of development: conversions, replacement dwellings, redevelopment of previously developed land, filling of small linear gaps in otherwise built-up residential frontages, and conversion/redevelopment of farmsteads. Policy SP4(c) and (d) also apply and require more detailed consideration of scale, form, density and design.
- 5.8 The application site relates to an existing public house and its car park and curtilage area. The public house and land to the front of the site lies within the Development Limit of the Secondary Village of Hirst Courtney, but the larger proportion of the site,

encompassing the rear car parking area, falls outside the development limit and is therefore considered to be open countryside.

- 5.9 Whilst policies SP2 and SP4 do allow for a limited amount of housing growth within Secondary Villages, the largest proportion of the site would be outside the defined development limits in open countryside, where only limited forms of development are supported in line with the Spatial Development Strategy as set out above.
- 5.10 Even if the whole site was located within the defined Development Limits of Hirst Courtney, it would not fall entirely within any of the forms of development which are considered to be acceptable in principle within the defined Development Limits of Secondary Villages, as set out in Policy SP4 as referenced in Policy SP2A(b), as the proposal does not involve conversion, replacement of existing dwellings and is not formally a farmstead. Turning to the remaining categories:
- 5.11 The NPPF provides a definition of previously developed land that considers it to be 'land which is or was occupied by a permanent structure, including the curtilage...although it should not be assumed that the whole of the curtilage should be developed'. Paragraph 120 c) gives substantial weight to the use of brownfield land within settlements for homes and d) supports the development of under-utilised land and buildings especially where land supply is constrained. The car parking area and the public house could be considered as 'previously developed land' as set out in the NPPF.
- 5.12 As the proposal requires the demolition of the existing public house to allow for the erection of the proposed houses, it could not be properly described as 'the filling of a small linear gap in an otherwise built-up residential frontage'; the demolition of an existing building that is not insignificant in size is required to 'create' a gap and this demolition is an activity that requires planning permission as a building operation under Section 55 of the Town and Country Planning Act 1990 as amended.
- 5.13 The application is in outline with all matters reserved, but the indicative site layout shows the development of seven houses across the full length and width of the site. Whilst it is noted that the layout is indicative, it would be difficult to accommodate 7 no. dwellings along the frontage of the site and would therefore require development within the car park to the rear, which is outside development limits. The development of the land outside the development limits would extend the existing built form on the site in a northerly direction and beyond the existing linear form created by the single depth buildings on the north side of the village's Main Road. Whilst the land is partly covered in hardstanding that would fall within the curtilage of the public house, as the definition of previously developed land makes clear, it should not be assumed that the whole of the curtilage should be developed. The erection of houses would increase the density and massing of development on the site from the replacement of the public house with 7 no. houses. It would not be characteristic with the adjacent linear built form along the northern side of the main road within the settlement and would be harmful to the open character of the site, the wider area and that of the land beyond the development limit.
- 5.14 It is noted that the planning statement within the application states that the revised proposal of 7 no. houses sits within development limits, this is not however the development limits of the settlement, but the end of the hardstanding area within the site. The site does fall within the area that could be considered to be 'previously developed land' as the site has been reduced in scale so that it no longer contains any land within the field to the north.

- 5.15 In summary, the proposal seeks to provide 7 no. dwellings, which would contribute towards the District's housing supply, though it is noted that the Council has a healthy housing land supply. Whilst the development of the front section of the site within Development Limits for housing would potentially be acceptable in principle, as it would replace existing buildings with linear development that would be similar in density and form to the properties either side of the application site, overall the larger part of the site that falls outside development limits and would exceed the limited scale of development considered acceptable in open countryside.
- 5.16 Therefore, the proposed development would not meet the criteria in Core Strategy Policies SP2 and SP4 and would therefore undermine the Spatial Development Strategy in the development plan, that aims to deliver sustainable development, would be detrimental to the overall character of the area and would not contribute and improve the local economy. The application should therefore be refused unless material considerations indicate otherwise.

Loss of Community Facility

- 5.17 NPPF para 84(d) sets out a requirement to retain community facilities including public houses. Saved Policy S3B of the Local Plan states:
- 'Outside Selby, Tadcaster and Sherburn in Elmet, proposals involving a loss of retailing (Class A1*) use, or loss of a public house (Class A3*), will not be permitted unless:*
- 1) It can be demonstrated that there is alternative provision for a similar type of use within reasonable walking distance; or*
 - 2) It can be shown that the business is no longer viable for retail purposes within its existing use class, and that it has remained unsold or unlet for a substantial period of time, despite genuine and sustained attempts to market it on reasonable terms.*
- 5.18 The applicant's statement sets out that the public house has been empty for approximately 6 years. The nearest alternative facility appears to be the Sloop Inn at Temple Hirst, which is approximately 8 minutes walk from the Royal Oak along an unlit pathway which connects the two villages. It is not considered that this meets the requirement of point 1 of Policy S3B.
- 5.19 The planning statement states that a 3-year marketing campaign has been undertaken. Only a marketing brochure has however been provided, with no details of where the property has been advertised, or for how long, or any details of any offers or interest has been included.
- 5.20 It is expected that before a community facility is lost that a suitable level of marketing has been completed and all offers considered, and also that it is marketed to provide for any other form of community facility i.e. shop, community hall etc. No evidence has been provided that meets this requirement. In fact, the estate agents brochure suggests that it may be suitable for residential development.
- 5.21 In addition the asking price of £600k seems a high value for a site which is not operating and requires investment. Especially when you consider other sites which are presently available in the local area and the fact that the valuation has not been independently verified:

- The Ship (near Goole) trading with large car park freehold £275k (daveyco.com)
- Fully Refurbished Pub with Guest Rooms and large car park – Cambleforth leasehold £1 (Sidney Phillips Ltd)
- Dog and Gun (YO7) with 4 bed managers accommodation - £599k freehold (Sydney Phillips Ltd)
- Black Bull (Escrick) 8 guest rooms but presently closed £399k (Everard Cole Ltd)
- Hope & Anchor (Goole) detached freehouse and restaurant, large car park and beer garden with 0.5 acres - £325k freehold (Daltons Business)
- The Dotterel Inn – (Reighton) Open pub with letting rooms, camping site providing room for 11 caravans, dining space for 100 people, beer garden, car park and two bedroomed bungalow providing owners accommodation - £700k freehold (Daltons Business).

5.22 It is not considered that the submission provides the relevant level of information or a suitable level of marketing to state that a community use would not be viable. It is noted that the public house requires investment and has been closed for a length of time, however this is not grounds for lesser marketing. A comparable appeal for a closed pub which was in a considerable state of disrepair was dismissed at appeal (Appeal reference APP/E2734/W/17/3184236). The Inspector did not agree that even in this state it was agreeable that a suitable level of marketing had occurred to rule out a community use.

5.23 The proposal is not therefore considered to accord with paragraph 84(d) of the NPPF or Saved Policy S3B of the Local Plan.

Impact on the Character and Appearance of the Local Area

5.24 Relevant policies in respect to design and impact on the character and appearance of the area, include Local Plan Policy ENV1 (1) and (4) and Core Strategy Policy SP19. Significant weight should be attached to Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF. Relevant guidance within the NPPF that relates to design is included in Section 12 which seeks to achieve well-designed places.

5.25 The application site comprises of a large detached public house, which has been extended on several occasions. The property sits on the road frontage with a large car park to the rear. The car parking area is covered in a hard standing but, with the exception of a small number of lights and an outbuilding beyond the car park, the site is open in nature.

5.26 Hirst Courtney is predominately a linear settlement with very little in the way in backland development. The application is in outline, but the indicative site plan shows development extending across the length and width of the site, which it would need to do in order to accommodate seven houses. The front properties face on to the highway whilst plots 4-7 face on to a private driveway. In contrast to the existing character of the area, the proposal would introduce residential development onto land beyond and to the rear of the public house. Such a development pattern would be inconsistent with local character and the surrounding pattern of development. Furthermore, due to the location of the proposal, it 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.

- 5.27 This is a substantially greater level of built development than that dismissed at appeal (APP/N2739/W/18/3208290) for an extension to the storage building to the site for residential purposes, and which the Inspector considered *'would represent an incursion into land that is appreciably less developed, and so its built form would disrupt from the associated character of the open countryside and the rural landscape qualities. It would also not accord with the pattern of development in the settlement. Due to the open nature of the countryside around the settlement, the proposed extension would be visible from adjoining land and this would further demonstrate that it would appear uncomfortable in this landscape. Although it would be more effectively screened from the road, this would not satisfactorily address the concerns that arise from its size compared to the existing building or that it would be extending development back from the settlement towards the open countryside'*.
- 5.28 The proposal is therefore considered to be in conflict with Saved Policies ENV1 (1) and (4) and Core Strategy Policy SP18.

Ecology

- 5.29 Core Strategy Policy SP18 (1) and (3) seeks to protect and enhance biodiversity within the District whilst Saved Policy ENV1(5) seeks to protect wildlife habitats.
- 5.30 Paragraph 180 of the NPPF states 'When determining planning applications, local planning authorities should apply the following principles:
a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 5.31 Bats and Great Crested Newts are European Protected Species, the potential presence of which must be taken into account by the Local Planning Authority, in accordance with their duties to safeguard protected species. Their potential presence is a material consideration which must be taken into consideration in the determination of a planning application.
- 5.32 The application is supported by relevant ecological surveys, which set down recommendations and mitigation measures to be undertaken as part of the development process. It is recommended that any approval includes a condition requiring these measures to be followed. This overcomes reason no.4 of the previous refusal.
- 5.33 Based on the development being undertaken in line with the measures set out in the reports the proposal would be in accordance with both national legislation and Core Strategy Policy SP18(1) and (3) and Saved Local Plan Policy ENV1(5).

Highway Safety

- 5.34 Policies ENV1(2) and saved policies T1 and T2 of the Local Plan requires development to ensure that there is no detrimental impact on the existing highway network. Paragraph 110 of the NPPF seeks a safe and suitable access and only supports refusal of development on highway grounds if there would be unacceptable impacts on highway safety.

- 5.35 The application is in outline with all matters reserved and thus no details of the access have been provided. The applicant has provided an indicative layout, which shows that access can be provided into the site, however this does not form part of the application and is reserved for later consideration.
- 5.36 The Highway Authority have recommended conditions in relation to any future access to the site and it is considered that these would be relevant to the outline consent even though the matters are reserved as these set out the parameters as to what would be required to be fulfilled at the reserved matters stage.

Flood Risk and Drainage

- 5.37 Relevant policies in respect to flood risk, drainage and climate change include Policy ENV1(3) of the Selby District Local Plan and Policies SP15 of the Core Strategy.
- 5.38 The site is situated within Flood Zone 1, which has a low probability of flooding. The use is a more vulnerable flood risk classification, which is appropriate in Flood Zone 1. The application form states that surface water is to be discharged into the mains sewer. No objections have been raised by Yorkshire Water of the Internal Drainage Board, however conditions are recommended. It is considered appropriate that any planning approval would include the recommended conditions.

Land Contamination

- 5.39 Saved Local Plan Policy ENV2A states development that would be affected by unacceptable levels of noise, nuisance, contamination or other environmental pollution will be refused unless satisfactorily remediated or prevented. Policies SP18 and SP19 of the Core Strategy seeks to prevent development from contributing to unacceptable levels of, inter alia, soil pollution and in doing so reflects national policy in paragraph 185 of the NPPF.
- 5.40 The application has been submitted with a contaminated land report, which does not identify any significant potential contamination sources but also does not cover the whole area of the application site. It is therefore considered that the site requires further investigation and pre-commencement conditions in relation to land contamination are considered appropriate to be attached to any approval. This would accord with Policy ENV2 of the Local Plan and the NPPF.

Housing Mix

- 5.41 Policy SP8 of the Core Strategy states that all proposals for housing must contribute to the creation of mixed communities by ensuring the types and sizes of dwellings provided reflect the demand and profile of the households evidenced from the most recent strategic housing market assessment and robust housing needs assessment whilst having regard to the existing mix of housing in the locality.
- 5.42 Chapter 10 of the HEDNA sets out the need for different sizes of homes. Delivery of family-sized housing remains a requirement in both urban and rural locations of the district. Based on the evidence, it is expected that the focus of new market housing provision will be on 2-and 3-bed properties. Continued demand for family housing can be expected from newly forming households. There may also be some demand for medium-sized properties (2- and 3-beds) from older households downsizing and

looking to release equity in existing homes, but still retaining flexibility for friends and family to come and stay.

- 5.43 The HEDNA does not specify smaller sub areas i.e. per village, however it is important that any housing proposal reflects the general approach of the SHLAA and HEDNA in terms of housing mix within the development. This could be secured at the outline planning stage through condition if approved.

Affordable Housing

- 5.44 Policy SP9 of the Core Strategy and the accompanying Affordable Housing Supplementary Planning Document set out the affordable housing policy context for the District. Policy SP9 outlines that for schemes of less than 10 units or less than 0.3ha a fixed sum will be sought to provide affordable housing within the District. The Policy notes that the target contribution will be equivalent to the provision of up to 10% affordable units. The calculation of the extent of this contribution is set out within the Affordable Housing Supplementary Planning Document which was adopted on 25 February 2014.
- 5.45 The NPPF is however a material consideration in the determination of planning decisions and postdates the Core Strategy. At paragraph 64 it states that 'Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer)'.
- 5.46 Major development is defined in the NPPF for housing as development where 10 or more homes are provided, or the site has an area of 0.5 hectares or more. As the application proposes the erection of seven dwellings on a site which has an area of less than 0.5 hectares, it is not considered to be major development. Having had regard to Policy SP9 and the material considerations of the Affordable Housing SPD and the NPPF, it is considered that, on balance, the application is acceptable without an affordable housing contribution.

Other Issues

- 5.47 The NPPF sets out the requirements for sustainable development and within paragraph 186 the need to take opportunities to improve air quality and mitigate impacts of travel. It is recommended that a condition is attached to any planning approval requiring the provision of electric vehicle charging points for each residential property. to improve the access to sustainable transport and to improve air quality across the District.
- 5.48 Concerns have been raised with regards to the waste collection from the site, this would be a matter associated with the access arrangements and therefore can be considered at reserved matters stage.
- 5.49 Environmental Protection have raised concerns with regards to the impact of the demolition and construction works on the residential amenity of the neighbouring property and it is recommended that conditions including the requirement for a construction management plan, restricted hours of work and mitigation measures for piling foundations are attached to any planning approval.

6. CONCLUSION

- 6.1 The planning statement submitted as part of this application states that the revised proposal overcomes the four reasons for refusal of the previous application, however a large area of the application site is still situated outside defined Development Limits and, whilst part of the site may be considered as 'previously developed', the proposal is not considered to be sustainable and would undermine the growth strategy within the Local Plan. This would be contrary to Core Strategy Policies SP1, SP2 and SP4 and advice in the NPPF at paragraph 120.
- 6.2 The proposal would lead to the loss of a community facility. It has not 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 Local Plan.
- 6.3 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 and visual appearance of the application site. The proposal is therefore considered to be in conflict with Saved Policies ENV1 (1) and (4) and Core Strategy Policy SP18.
- 6.5 Therefore, whilst the support from the local community for the proposals is acknowledged, it is considered that the proposal cannot be supported in principle due to the location of the site largely outside of Development Limits of the Secondary Village and therefore in open countryside, the loss of a community facility, and the harm to the character and appearance of the area from the erection of seven houses on a site that extends significantly beyond the Development Limits and existing linear form of the village. No harm has been identified with regards to highway safety, flood risk, land contamination, housing mix, ecology, affordable housing, and other environmental considerations. On balance, the application is recommended for refusal.

7. RECOMMENDATION

This application is recommended to be REFUSED for the following reasons:

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.

8. Legal Issues

8.1 Planning Acts

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

8.2 Human Rights Act 1998

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

8.3 Equality Act 2010

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

9. Financial Issues

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

10. Background Documents

Planning Application file reference 2022/0852/OUT and associated documents.

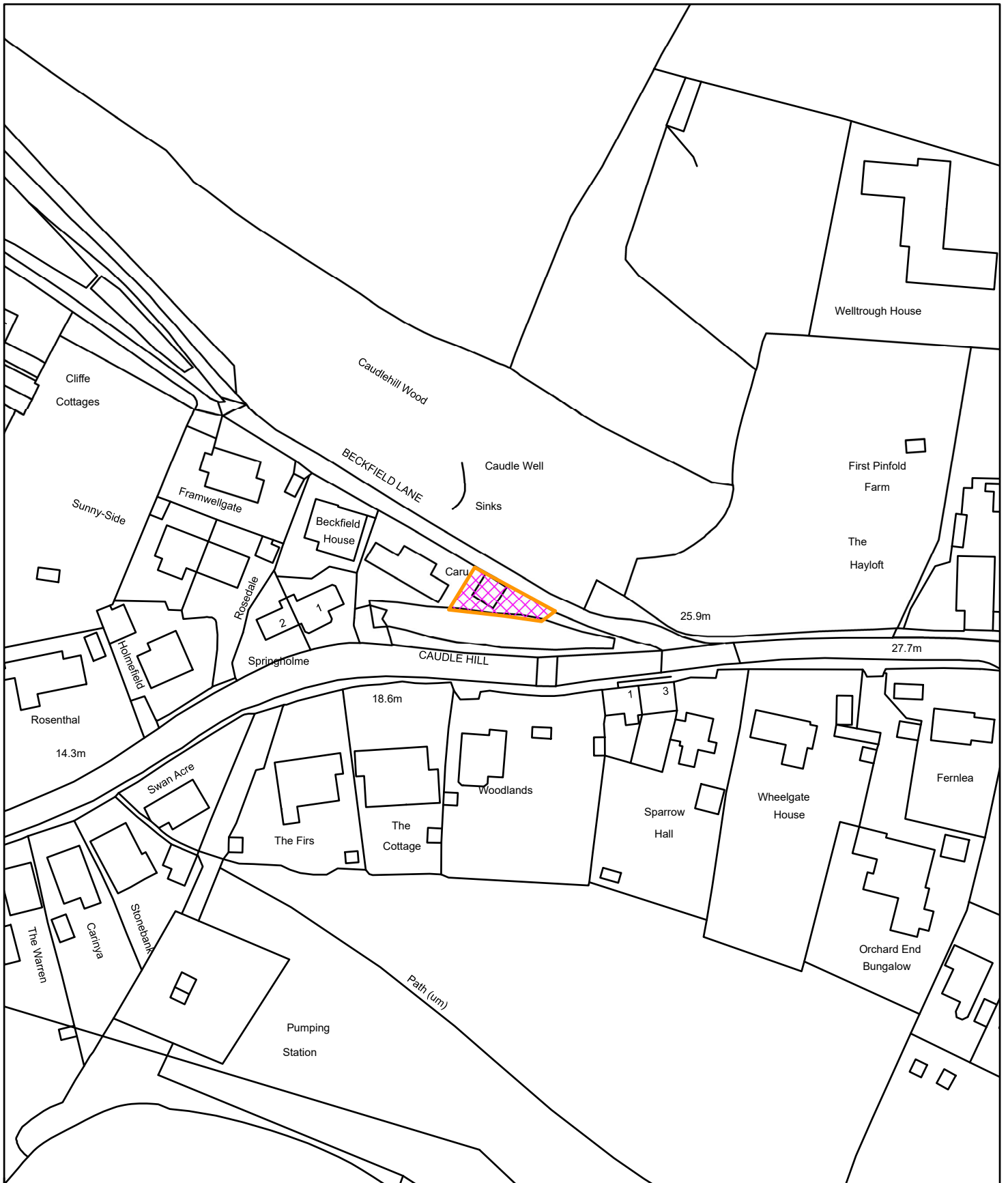
Contact Officer: Emma Howson (Planning Officer)

Appendices: None

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Agenda Item 5.2

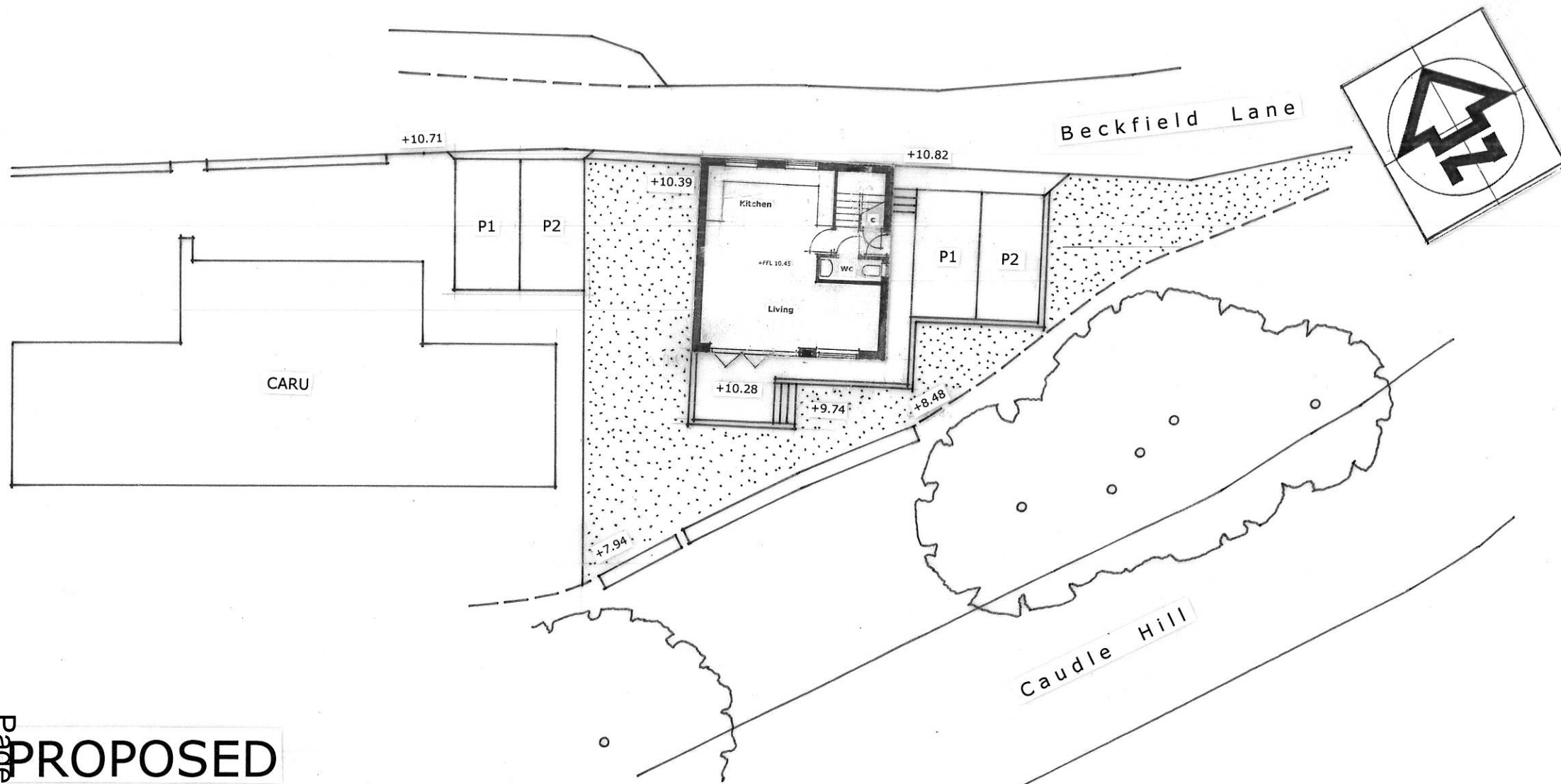
Caru, Beckfield Lane, Fairburn
2021/1501/FUL



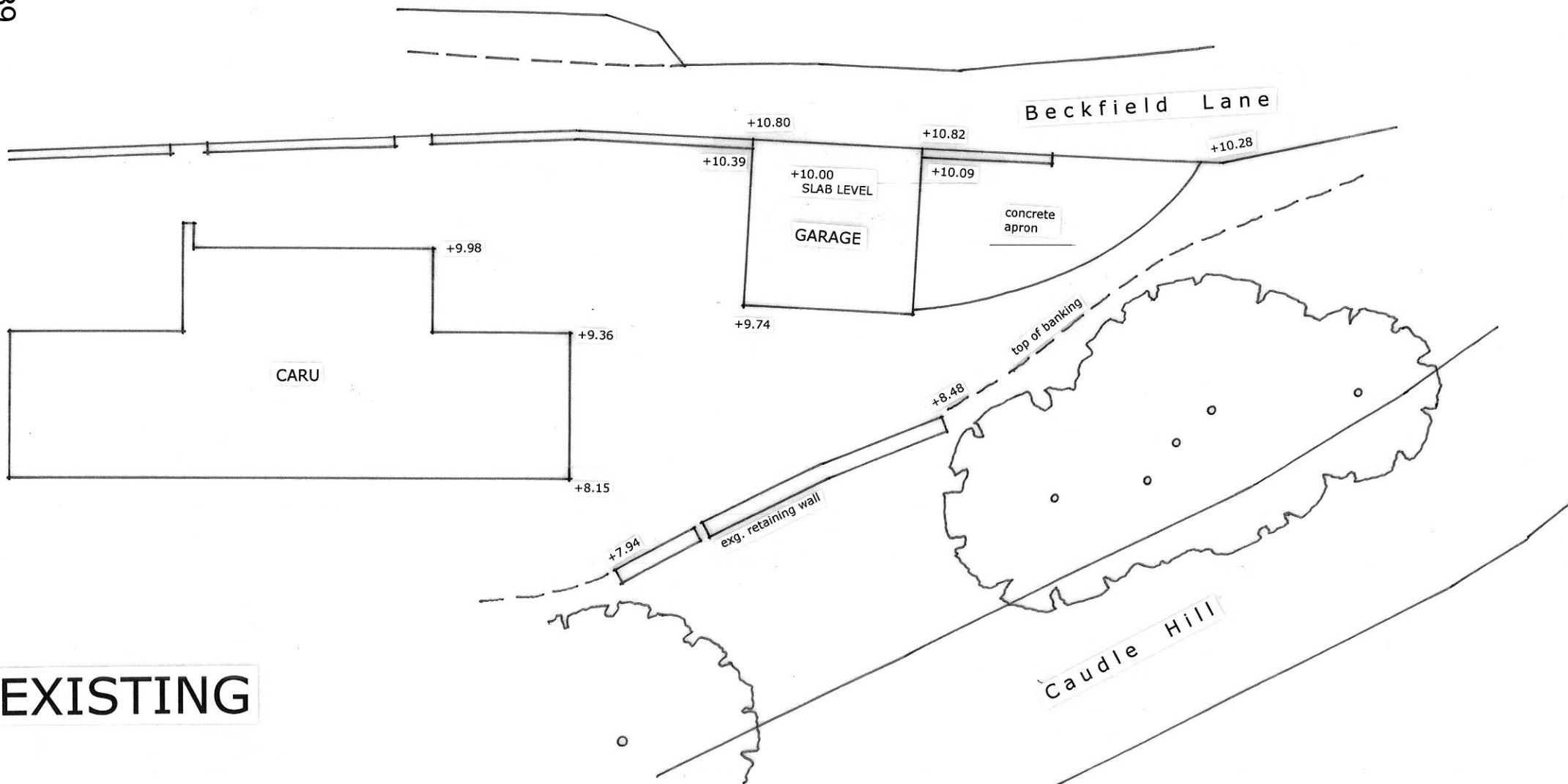
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Page 39
PROPOSED



EXISTING



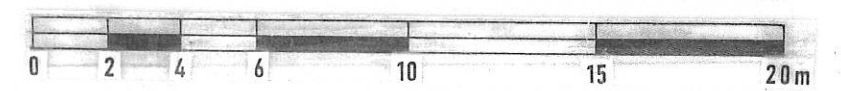
BDL
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 Tayson House, Methley Road, Castleford, West Yorkshire, WF10 1PA
 Telephone: 01977 604737 E-mail: bdukl@aol.com Fax: 01977 604778

Land Adjacent to Caru
 Beckfield Lane
 FAIRBURN WF11 9JQ

SITE PLANS

Date: Nov. 2021 Scale: 1:200@A3

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Report Reference Number 2021/1501/FUL

To: Planning Committee
Date: 9th November 2022
Author: Elizabeth Maw
Lead Officer: Hannah Blackburn (Planning Development Manager)

APPLICATION NUMBER:	2021/1501/FUL	PARISH:	Fairburn Parish Council
APPLICANT:	Mr Dobson	VALID DATE:	23rd December 2021
		EXPIRY DATE:	17th February 2022
PROPOSAL:	Erection of 1 No dwelling following demolition of existing garage		
LOCATION:	Caru Beckfield Lane Fairburn Selby North Yorkshire WF11 9JP		
RECOMMENDATION:	REFUSE		

This application has been brought before Planning Committee as more than 10 letters of representation have been received, including 10 letters of support. The letters raise material planning considerations and officers are recommending the application to be determined contrary to the 10 letters of support.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site is a plot of land occupied by a garage, and parking and grassed areas, which are part of a planning unit of a dwelling known as Caru. This is an elevated site that stands between Beckfield Lane and a treed embankment.
- 1.2 The site is within development limits of Fairburn.

The Proposal

- 1.3 The proposal seeks to build a two-bedroom dormer bungalow, following demolition of the existing garage. Externally the property would have two parking spaces, a patio and grassed areas surrounding the dwelling.

- 1.4 The site plan shows two car parking spaces would be created within the revised curtilage of the host property to compensate for the parking that would be lost if the development were to go ahead. These two additional spaces are outside the red line boundary but fall under the same ownership as the applicant.

Relevant Planning History

- 1.5 The following historical application is considered to be relevant to the determination of this application.

- CO/1990/0973 - Erection of a double garage. Granted 13-JUL-90.
- 2005/1201/FUL - Proposed erection of a 2 no bedroom dwelling on site of existing garage. Refused 01-DEC-05.
Reasons for refusal:
01 The proposal would constitute over development of the site, which would also be visually detrimental to the character and appearance of the surrounding area. The proposal would be contrary to Policy H6 (7) of the SDLP.
02 The proposal would not provide a satisfactory standard of private amenity space for the dwelling and in turn would decrease the amenity area for the existing dwelling to an unacceptable level. Therefore, the proposal would not comply with Policy H6 (2) of the SDLP.
- 2013/0853/FUL - Erection of a two bedroom, zero carbon holiday cottage on land
Refused 11-OCT-13.
Reason for refusal: The proposed scheme fails to provide sufficient parking for both the existing dwelling of Caru Beckfield Lane and the proposed holiday cottage. The failure to provide sufficient parking and the removal of the existing car parking will lead to vehicles displacing onto the highway. The proposal is considered not to be acceptable in highway safety terms and therefore fails to comply with policies ENV1 (2), T1 and T2 and the advice contained within the NPPF.
- 2014/0224/FUL - Erection of a two bedroom, zero carbon holiday cottage
Granted 19-JAN-15.

2. CONSULTATION AND PUBLICITY

- 2.1 **NYCC Highways** - The level of car parking proposed is satisfactory, however the proposed dwelling will block any visibility to the southeast for the existing dwelling and northwest for the proposed dwelling. In order to achieve visibility splays, the proposed should be set back from the highway boundary by 2m. If visibility splays cannot be provided, the application is considered unacceptable from a highways point of view.
- 2.2 **Yorkshire Water** - No response received.
- 2.3 **Selby Area Internal Drainage Board** - No comments received.
- 2.4 **Environmental Health** - The proposed development is near existing residential premises and may therefore negatively impact upon residential amenity of the area during demolition and construction due to the potential for generation of dust, noise

& vibration. To protect the residential amenity of the area a condition should be applied to control the construction hours.

- 2.5 **Contaminated Land Consultant** - The Screening Assessment Form shows that the site is currently part of a domestic property, including a detached garage. No fuel or chemicals are known to have been stored onsite and no past industrial activities or waste disposal activities have been identified onsite or nearby, so contamination is not suspected to be present.

The Screening Assessment Form does not identify any significant potential contaminant sources, so no further investigation or remediation work is required. However, a condition is recommended which will require the reporting of any unexpected contamination.

- 2.6 **County Ecologist** - The roof and verge of the existing garage look well sealed and maintained. On balance, the risk of bats being present is probably too low to warrant a survey. No other concerns either.

- 2.7 **Parish Council** - No response received.

- 2.8 **Tree Consultant** - The site is alongside a treed banking, which falls outside the ownership of the land owner of the application site. According to Selby DC land ownership records, it is not owned by the council either. The landowner of the treed banking is therefore not known.

The construction of the dwelling is unlikely to affect the trees on the banking below. However, the trees could result in shading to the patio area, which will increase pressure to prune or fell the adjacent trees in the future. It would be preferable to TPO the trees on the banking to protect their long-term future but this is not an option at present as the landowner is not known.

On balance, no objections to the application because the applicant does not own the banking so they would not have the right to fell the trees. However, if the trees become affected in the future by either pruning or felling or the landowner comes forward, the LPA may review the case again and serve a TPO.

Publicity

- 2.9 The application has been advertised by site notice. Two letters of objection and ten letters of support were received by the Local Planning Authority.
- 2.10 In summary the comments made are:

Support

- The development would have no effect on privacy.
- The development has no detriment to the surroundings.
- Growth and new development should be supported in the village.
- Two letters offered their support for the scheme but did not provide reasons for supporting the application.
- There is plenty of room for off-street parking and the amount of traffic will be negligible.
- The development would allow a couple to downsize to a smaller property and enable them to stay in the village close to their friends and neighbours.

- The development would allow a family dwelling to be put onto the market in Fairburn, which will in turn support the local school.

Object

- Impact on privacy to occupiers of housing on Caudle Hill.
- Potential damage to trees.

3. SITE CONSTRAINTS

- 3.1 The site is within Fairburn, a secondary village and 'fourth tier' village as defined by the Selby Core Strategy. The site is in an elevated position and has a treed banking to the south. The site is not vulnerable to flooding (flood zone 1). Access is from Beckfield Lane, which is a single file road with no footpaths.

4. POLICY CONSIDERATIONS

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.
- 4.2 The development plan for the Selby District comprises various documents including the Selby District Core Strategy Local Plan (adopted 22nd October 2013), 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, the Minerals and Waste Joint Plan (adopted 16 February 2022), and the adopted neighbourhood plans none of which relate to the site.
- 4.3 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options took place early in 2020. Consultation on preferred options and additional sites took place in early 2021. The Pre-submission Publication Local Plan is currently subject to a period of formal consultation prior to submission to the Secretary of State for Examination. Given the stage of the emerging Local Plan, the policies contained within it are attributed no weight and as such are not listed in this report.
- 4.4 The National Planning Policy Framework (July 2021) (NPPF) replaced previous iterations of the NPPF. 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 2021 NPPF and, in particular, the sections listed below
- 4.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the framework -

"219.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)."

4.6 The most relevant chapters of the NPPF are:

- 2. Achieving sustainable development
- 4. Decision making
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well designed places

Selby District Core Strategy Local Plan

4.7 The relevant Core Strategy Policies are:

- SP1 – Presumption in Favour of Sustainable Development
- SP2 – Spatial Development Strategy
- SP4 – Management of Residential Development in Settlements
- SP5 - Scale and Distribution of Housing
- SP15 – Sustainable Development and Climate Change
- SP18 – Protecting and Enhancing the Environment
- SP19 – Design Quality

Selby District Local Plan

4.8 The relevant Selby District Local Plan Policies are:

- ENV1 – Control of Development
- T1 – Development in Relation to the Highway Network
- T2 – Access to Roads
- VP1 – Vehicle Parking Standards

Supplementary Planning Documents

4.9 Fairburn Village Design Statement (adopted February 2005)

Supporting Policy Documents

4.10 NYCC Interim Parking Standards

5. APPRAISAL

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

- Principle of the development
- Design and impact upon the character of the area
- Impact upon surrounding residential properties
- Residential Standards
- Highway safety and parking

Principle of the Development

- 5.2 Policy SP1 of the Selby Core Strategy seeks a positive approach to the consideration of development proposals that reflects the presumption in favour of sustainable development established in Paragraph 11 of the NPPF and secures development that improves the economic, social, environmental conditions in the area.
- 5.3 The application site lies within the defined development limits of Fairburn, which is designated as a Secondary Village in the Core Strategy. This is a 'fourth tier' settlement in the settlement hierarchy as set out in Core Strategy SP2.
- 5.4 SP2 of the Core Strategy governs the council's approach to housing in the district, with the majority of development located to the main town centres or designated service villages which have 'some' scope for additional development. Below these tiers the policy moves to restricting development unless specific circumstances are met, i.e. limited development may be absorbed within secondary villages (such as Fairburn) where it will enhance or maintain vitality or rural communities and which conform to the provisions of SP4 and SP10. If the development fails to address these two requirements it should be refused unless justified by other material considerations.
- 5.5 Policy SP4 of the Selby Core Strategy adopts a hierarchical spatial development strategy as it directs most development to towns and more sustainable villages. SP4(a) states that in Secondary Villages, the following is permitted
- “conversions, replacement dwellings, redevelopment of previously developed land, filling of small linear gaps in otherwise built-up residential frontages, and conversion/redevelopment of farmsteads”.*
- 5.6 The supporting text to Policy SP4 states that the policy identifies the types of residential development that will be acceptable in different settlement types. It is intended to support development in the most sustainable locations, in a way which strikes a balance between maintaining the vitality and longer-term sustainability of all settlements, whilst avoiding the worst excesses of garden grabbing, particularly in smaller settlements. If this action is not taken, unacceptable amounts of housing may be provided in smaller, less sustainable settlements reducing the need for planned allocations of land where the maximum community benefit can be secured and further stretching existing servicing and resources.
- 5.7 The site has historically been part of a residential garden and it replaces a domestic garage; therefore, the site as a whole cannot be classed as previously developed land. To pass the test of SP4(a), the development would have to be defined as the 'filling of a small linear gap in a built-up residential frontage'.
- 5.8 When considering whether a proposal is defined as the 'filling of a small linear gap', a gap must already exist. In this case there is a garage in situ and therefore no gap currently exists. The proposal is an example of developing a garden rather than the filling of a small linear gap. As such, the proposal is considered to be contrary to SP4(a) of the Core Strategy and undermines the Spatial Development Strategy for the District, particularly the settlement hierarchy, as set out in Policy SP2 of the Core Strategy. The focus on Selby as a Principal Town and on Tadcaster and Sherburn-in-Elmet as Local Service Centres would not be supported by further development taking place outside of the provisions of Policy SP4.

- 5.9 As of 31st March 2020, the district has a 7.7 year deliverable supply of housing. This means that, in line with paragraph 11 of the new NPPF, relevant policies that relate to the supply of housing continue to be considered up-to-date.
- 5.10 Furthermore, the Council has over provided against its housing targets for the past five years and so passes the Governments housing delivery test. The fact of having a five-year land supply cannot be a reason in itself for refusing a planning application. The broad implications of a positive five-year housing land supply position are that the relevant policies for the supply of housing in the Core Strategy (SP5) can be considered up to date. The NPPF aim of boosting and maintaining the supply of housing is a material consideration when evaluating planning applications. An approval on this site (if its deliverability can be proved by the applicant) would provide one additional dwelling to the housing supply. The benefits of one additional dwelling would be modest and this factor is given limited weight.
- 5.11 Policy SP5 of the Core Strategy designates levels of growth to settlements based on their infrastructure capacity and sustainability. This policy does not set a minimum target for individual Secondary Villages but did set a minimum dwelling target for Secondary Villages as a whole of 170 dwellings. This target reflected planning permissions at that time (April of 2011), which have all been built out. Secondary Villages as a whole have already exceeded their minimum dwelling target set by Policy SP5 and it should also be noted that Policy SP2 of the Core Strategy does not require Secondary Villages to accommodate additional growth through allocations.
- 5.12 The provision of one dwelling is considered to be appropriate to the size and role of a settlement designated as a Secondary Village when considered in isolation. However, the individual scale of the proposal must also be considered in terms of the cumulative impact it would have with the previous levels of growth in this settlement that have occurred since the start of the plan period. To date, Fairburn has seen 23 (gross) dwellings built in the settlement since the start of the Plan Period (20 net) in April 2011 and has extant gross approvals for 8 dwellings (8 net), giving a gross total of 31 dwellings (28 net).
- 5.13 The village of Fairburn was considered as part of Background Paper 5, Sustainability Assessment of Rural Settlements, (updated February 2010). The assessment looked at access to services, public transport and employment in each settlement. The survey noted that Fairburn has a primary school, general store, post office but no doctor's surgery. It scored 'poor' for availability to public transport. The assessment gave an overall score of between 1 and 4 for sustainability - 1 being most sustainable and 4 being the least sustainable - with Fairburn scored 3.
- 5.14 As part of assessing this application, an online search was carried out and it found that Fairburn does not have a doctor's surgery and only one bus service, which is 2 hourly and no services in the evenings or Sundays. Therefore, whilst the sustainability assessment was carried out in 2010, a recent online search does not show that access to facilities or public transport has improved in later years. Therefore, it is considered that residents would be dependent on the use of a private car for basic services and travelling to employment.
- 5.15 The proposal would therefore fail to comply with Policy SP2 of the Core Strategy which seeks to focus new development within the existing settlements best placed to provide services to support new residents and would not be a development that is permitted by Policy SP4(a). The proposal would not contribute to any identified

housing need. The proposed development would therefore be contrary to the aims of sustainable development explicit in the NPPF, particularly paragraphs 11,105 and 124 of the NPPF.

Design and Impact upon the Character of the Area

- 5.16 The NPPF, particularly paragraph 130, states that, amongst other criteria, developments should add to the overall quality of an area, be visually attractive, sympathetic to local character and history, including the surrounding built environment and landscape setting whilst not preventing or discouraging innovation or change. These criteria are further explained in the governments National Design Guide.
- 5.17 At a local level, saved Policy ENV1 (particularly parts 1 and 4) of the Local Plan and Policies SP18 and SP19 of the Core Strategy seek to ensure developments safeguard and, where possible, enhance the historic and natural environment including the landscape character and setting of areas of acknowledged importance. Developments should have layout and a high-quality design that has regard to the local character, identity and context of its surroundings including historic townscapes, settlement patterns and the open countryside.
- 5.18 Criteria c) of SP4 requires that all development must protect local amenity, preserve or enhance the character of the local area and comply with any local design codes. SP4 d) requires the application to be of a suitable scale and will be assessed in relation to the density, character and form of the local area.
- 5.19 Fairburn has an adopted Village Design Statement, and this describes the character of the area, its history and its local distinctiveness.
- 5.20 The site stands on Beckfield Lane and has a steep treed banking to the south. The dwelling would replace a detached garage. On Beckfield Lane is a group of dwellings with individual characteristics, but most are small scale and constructed in stone. The sites contribution to the wider character of Fairburn is from views from Caudle Hill.
- 5.21 The proposed house type is a bungalow with dormer looking onto Caudle Hill. Its proportions are similar to the garage it will replace. The bungalow will be partially screened by the trees on the banking to the south but in wintertime, limited foliage will open views of the dwelling from Caudle Hill.
- 5.22 Views from the foot of Caudle Hill is of dwellings, including bungalows and two storey dwellings with a mix of styles and designs. Red brick and stone houses are the most dominant materials. Dormers on the front elevations are not characteristic of the area.
- 5.23 Given the variety of house types on both Caudle Hill and Beckfield Lane and the small proportions of the proposed dwelling, the proposal is deemed to be sympathetic to the character and appearance of the area. The dwelling would stand in an elevated position, but it would not over dominate the area due to its modest proportions and the screening that will be provided by the adjacent treed banking. The proposed dormer on the front elevation is uncharacteristic but would not cause harm to the character of the area or local distinctiveness.

- 5.24 The agent has confirmed no engineering operations or retaining walls are required to build out the development.
- 5.25 Therefore, the proposal would accord with policies ENV 1 (1) and (4) of the Local Plan, Policies SP4 (criteria c and d), SP18 and SP19 of the Core Strategy, the NPPF in respect to achieving good quality housing developments and the VDS for Fairburn.

Impact upon Surrounding Residential Properties

- 5.26 Saved Local Plan Policy ENV1 (1) advises proposals should take account of the effect upon the amenity of adjoining occupiers. Core Strategy Policy SP4 (c) expects all proposals to protect local amenity.
- 5.27 The main impact of the dwelling is from its windows and the dormer on the south elevation. These windows, whilst partly screened by the treed banking, will still overlook bungalows to the south of Caudle Hill and the overlooking will be accentuated by its elevated position. Neighbours to the south of Caudle Hill have objected on privacy grounds, as they consider that the windows will look directly into their main living areas.
- 5.28 According to OS maps, the dwelling would have a separation distance of 30m to the houses on the south side of Caudle Hill. At ground floor, the windows of the proposed dwelling and any outdoor space could be screened by fencing or a wall. A condition for screening and boundary treatments could be a condition of the planning approval. At first floor is only one dormer window to serve the main bedroom. The applicant has also amended the drawings since submission as the dormer window was initially a full length window/Juliet balcony.
- 5.29 When taking into account the separation distances, available screening at ground floor and the amended size of the dormer window, on balance no adverse harm to the residential amenity of neighbouring occupiers is identified. The scheme therefore complies with parts 1 and 4 of Local Plan Policy ENV1 and Core Strategy Policy SP4(C)

Residential Standards

- 5.30 Paragraph 130 of the NPPF, requires developments to be high quality, well designed, fit for purpose and have a high standard of amenity for existing and future users. In addition, paragraph 130 of the National Design Guide provides helpful advice on how to determine whether an amenity space is appropriate for its users. It states that consideration should be given to how the associated building sits in the wider context, who will use the amenity space and the quality of the space.
- 5.31 The garden area for the proposed dwelling is an outdoor area to the south and small pockets of grassed areas. It is limited in size and will be shadowed by trees to the south, therefore not ideal in size and location. However, it has open views, the trees in summer would offer shade and privacy, light would filter through in winter. This is also a small two bedroom dwelling. On balance, no objections are raised to the garden size.
- 5.32 The proposed parking spaces on the Caru site reduces the garden space for the existing dwelling. Although, the reduction is not deemed to create an adverse impact on living standards given the small area that is subject to the change.

5.33 The internal standards of the dwelling provide all the necessary requirements for day to day living. As such, the residential standards are acceptable.

Highway Safety and Parking

5.34 Policy in respect to highway safety and capacity is provided by SDLP Policies ENV1 (2), T1 and T2. Paragraph 110 of the NPPF states that development should ensure that safe and suitable access can be achieved for all users to a site. Paragraph 111 of the NPPF advises that development should only be refused (on highway grounds) where it would result in an unacceptable impact on highway safety.

5.35 Policy VP1 and the NYCC Interim Parking Standards requires:

- 2 and 3 bed dwellings: 2 off street parking spaces;
- 4+ bedroom: three off street parking spaces.

5.36 NYCC Highways have objected to this application, due to lack of visibility when vehicles are manoeuvring from the parking spaces. The site is on a single carriage way with no pavements.

5.37 Due to a lack of visibility, drivers exiting the parking spaces would have to 'edge out' onto the highway blindly. The potential highway safety issue is vehicles colliding with other vehicles and any pedestrians, which are travelling along Beckfield Lane.

5.38 This site has previously had permission for a holiday cottage. This permission has now lapsed. Highways objected to the application for a holiday cottage, but only on parking grounds. No comments were made regarding visibility. Despite past history, this application must be re-assessed and against current planning policy as set out above.

5.39 Two off street parking spaces are shown for the new dwelling. This is in accordance with local standards. The scheme replaces the current number of spaces for the existing property (2), which is deemed acceptable even though the number of bedrooms in the existing dwelling is not known.

5.40 In summary, highway safety issues are expected to arise due to lack of visibility. Therefore, the proposal is not in accordance with paragraphs 110 and 111 of the NPPF and Local Plan Policies ENV1(criteria 2), T2.

6. CONCLUSION

6.1 Having considered all of the above, it is clear that the proposal should be seen as being in conflict with SP4(a). The development is unacceptable in principle and is not regarded to meet any of the exceptions for residential developments in Secondary Villages listed in Policy SP4. Conflict also exists with the wider sustainability objectives of the NPPF in that its location will be reliant on the private car and the settlement is regarded as being unsustainable. The above are given significant weight.

6.2 It is recognised that there needs to be a balance between ensuring the vitality of rural settlements and the encouragement to locate development where it is or can be made to be sustainable with reference to sustainable travel patterns. Plainly, development in smaller settlements without services meets the first aim but conflicts

with the second. This is an inevitable tension in relation to rural housing applications such as this. However, the authority have met their housing targets for secondary villages as set out in Core Strategy SP5 and has allowed small scale growth in the village during the plan period.

- 6.3 Overall, in terms of the planning balance, the scheme would boost housing supply by one dwelling, it is a development that is sympathetic to the character of the area, does not cause an adverse impact on local amenity and provides adequate residential standards. However, these matters do not outweigh the sustainability issues and the clear conflict with Policy SP4. Furthermore, the proposal is considered to create a highway and pedestrian safety issue as drivers would have to edge out of the site blindly due to lack of visibility.

7. RECOMMENDATION

This application is recommended to be REFUSED for the following reasons:

1. The proposed development does not fall within any of the listed acceptable in principle forms of development in secondary villages, which are identified in Policy SP4 a) and therefore the proposal fails to accord with Policy SP4 of the Core Strategy.
2. The proposal would not provide a sustainable site for further housing in terms of its access to everyday facilities and a reliance on the private car. The proposal is therefore contrary to Policies SP1 and SP2 of the Core Strategy and would conflict with paragraphs 11, 105 and 124 of the NPPF.
3. The proposed parking for both the new and existing dwelling would have inadequate visibility. The lack of visibility creates a highway and pedestrian safety issue as drivers would have to edge out of the site blindly, resulting in the risk of collisions with both vehicles and pedestrians. Therefore, the proposal fails to accord with paragraphs 110 and 111 of the NPPF and Local Plan Policies ENV1(criteria 2) and T2.

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 taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

9. Financial Issues

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

10. Background Documents

Planning Application file reference 2021/1501/FUL and associated documents.

Contact Officer: Elizabeth Maw

Appendices: None

Agenda Item 5.3

Oxmoor Lodge, Meadows Edge, Biggin
2022/1028/COU



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Report Reference Number 2022/1028/COU

To: Planning Committee
Date: 9th November 2022
Author: Irma Sinkeviciene (Senior Planning Officer)
Lead Officer: Hannah Blackburn (Planning Development Manager)

APPLICATION NUMBER:	2022/1028/COU	PARISH:	Biggin Parish Council
APPLICANT:	Mr & Mrs Earle	VALID DATE: EXPIRY DATE:	2nd September 2022 28th October 2022
PROPOSAL:	Change of use of grassland to domestic garden in connection with Oxmoor Lodge (retrospective)		
LOCATION:	Oxmoor Lodge Meadows Edge Biggin Leeds North Yorkshire LS25 6GL		
RECOMMENDATION:	REFUSE		

This application has been brought before Planning Committee as the Ward Councillor for the area where the proposal lies has 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 are considered to be valid material planning reasons:

1. The proposals are similar to other applications which the Council has 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 is no significant adverse effect on the character and appearance of the surrounding countryside. Having assessed the proposals, I consider that these proposals meet this test and are therefore compliant with Policy ENV1 (1) and H15 of the Selby District Local Plan and the NPPF.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site is located to the south of the edge of the Biggin village which is identified as a Secondary Village in the Selby District Core Strategy. The application site is on agricultural land to the south east of the detached two-storey dwelling and its curtilage as approved under application 2015/1004/OUT and a subsequent approval of reserved matters under reference 2017/0129/REM. This application is a resubmission of a previously refused similar application 2022/0042/COU which sought to regularise the use of this agricultural land as private garden area.
- 1.2 The site forms a part of larger agricultural parcel of land lying within the ownership of the applicant and there is agricultural land to the south west and north east of the site with the host property with its curtilage to the north west of it.
- 1.3 The parcels of agricultural land to the south west and north of the site were subject to similar planning applications for the change of use of grassland to domestic garden under references 2022/0040/COU (Fentune House) and 2021/1453/FUL (Appleton House) respectively which were also refused in March 2022. The parcel of land to the south west to the rear of Oxmoor Lodge is currently also subject to a similar resubmission reference 2022/1027/COU for the change of use of grassland to domestic garden and is pending consideration, but is to be also considered by this Committee.
- 1.4 It is noted that there are no detailed plans provided to show the proposed boundary treatments and given that the development already occurred without planning permission, the boundary treatments as proposed have therefore been identified by the Case Officer during site visit as retrospectively erected low height post and rail timber fence with a hedge planted along its south west and north east boundaries and the south east boundary is left open and connected with the agricultural land beyond the site. The application has therefore been assessed on this basis.
- 1.5 Case Officer noted from a site visit that various domestic features are present within the application site such as small storage building, children's play equipment, a bench and a summerhouse. However, these features do not form part of this application and are therefore not considered further in this report.

The Proposal

- 1.6 The application seeks planning permission retrospectively for the change of use of grassland to domestic garden in connection with a dwelling known as Oxmoor Lodge and is a resubmission of a previously refused application 2022/0042/COU.
- 1.7 It is noted that no changes have been made to the proposals since previous refusal, however the Planning Statement accompanying the application has been updated setting out the arguments in support of the application.

Relevant Planning History

- 1.8 The following historical application is considered to be relevant to the determination of this application.

- Application Number 2015/1004/OUT (8/61/27M/PA) outline application for the erection of 5 No. dwellings including details of access (all other matters reserved) on land at Croft Farm, Oxmoor Lane, Biggin was approved in December 2015
- Application 2017/0129/REM (8/61/27Q/PA) - reserved matters application for approval of details including appearance, landscaping, site layout and scale for 5 No detached dwellings including associated garaging and access at Croft Farm, Oxmoor Lane, Biggin was approved in April 2017
- Application 2022/0042/COU for the change of use of grassland to domestic garden (Retrospective) at Oxmoor Lodge, Meadows Edge, Biggin was refused in March 2022 for the following reasons:
 1. *The development, which has already occurred, due to the nature, scale, design and location, is not considered to improve the economic, social and environmental conditions in this area and the change of use of agricultural land to garden land doesn't fall within the exceptions to the forms of development allowed in the open countryside set out in Policy SP2 of the SDCS. As such, the proposal is contrary to Policy SP1 and SP2 of the SDCS and the NPPF.*
 2. *The development, which has already occurred, is considered to result in a visually harmful urban spur projecting into the wider open field at the southern edge of this small rural settlement adversely altering its rural character and the formerly approved clearly defined edge to the village. The projection of urban use into the open countryside has a suburbanising effect on the natural landscape and would unacceptably alter the character and appearance of the open countryside and the setting of the village and it therefore conflicts with the aims of Policies ENV1 and H15 of the SDLP, Policy SP19 of the SDCS and with the NPPF.*

Sites nearby:

- Application 2022/0040/COU for the change of use of grassland to domestic garden (retrospective) at Fentune House, Meadows Edge, Biggin was refused in March 2022.
- Application Number 2022/0039/FUL for the erection of a single storey storage building required for maintenance of paddock/grassland land (retrospective) at Fentune House, Meadows Edge, Biggin was refused in March 2022.
- Application 2021/1453/FUL for the erection of a green house, summerhouse with a small gravel area to the front and a lean-to shed and change of use of land to residential curtilage (retrospective) was refused in March 2022.
- Application 2022/1027/COU for the change of use of grassland to domestic garden in connection with Fentune House (retrospective) at Fentune House, Meadows Edge, Biggin is currently pending consideration but is to be also considered by this Committee.

2. CONSULTATION AND PUBLICITY

- 2.1 **Parish Council** – No objections as the site cannot be seen from the roadside or by neighbours. All immediate neighbours are making the same application for change of use to domestic garden and therefore presume they support each other's applications. The Council therefore support all the applications as detailed above as they have no impact on residential amenity or on the green belt surrounding the area.

- 2.2 **NYCC Highways** – Confirmed that no objections to the proposed change of use.
- 2.3 **Yorkshire Water Services Ltd** – No response was received during a statutory consultation period.
- 2.4 **Selby Area Internal Drainage Board** – In this instance the Selby Ara IDB have no comment.
- 2.5 **County Ecologist** – This is a retrospective application, and we have no way of knowing whether any there was any significant ecological interest attached to the site previously, although the 2007 Google Earth images suggest permanent pasture with seasonally wet areas possibly associated with ridge-and-furrow. Also note that a periodically wet area had been converted to a pond by 2020 and this should be retained.
- 2.6 **Public consultations** – site notices were posted on the 20th September 2022. No representations have been received as a result of this advertisement.

3. **SITE CONSTRAINTS**

Constraints

- 3.1 The site is located outside the defined development limits of the Secondary Village of Biggin and is therefore within the open countryside for planning purposes.

4. **POLICY CONSIDERATIONS**

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.
- 4.2 The development plan for the Selby District comprises various documents including the Selby District Core Strategy Local Plan (adopted 22nd October 2013), 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, the Minerals and Waste Joint Plan (adopted 16 February 2022), and the adopted neighbourhood plans neither of which relate to the site.
- 4.3 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options took place early in 2020. Consultation on preferred options and additional sites took place in early 2021. The Pre-submission Publication Local Plan is currently subject to a period of formal consultation prior to submission to the Secretary of State for Examination. Given the stage of the emerging Local Plan, the policies contained within it are attributed no weight and as such are not listed in this report.
- 4.4 The National Planning Policy Framework (July 2021) (NPPF) replaced previous iterations of the NPPF. 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 2021 NPPF and, in particular, the sections listed below.

- 4.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

“219.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 2013 (SDCS)

- 4.6 The relevant Core Strategy Policies are:

- SP1 - Presumption in Favour of Sustainable Development
- SP2 - Spatial Development Strategy
- SP15 - Sustainable Development and Climate Change
- SP19 - Design Quality

Selby District Local Plan 2005 (SDLP)

- 4.7 The relevant Selby District Local Plan Policies are:

- ENV1 - Control of Development
- H15 - Extensions to Curtilages in the Countryside

National Planning Policy Framework (NPPF)

- 4.8 The relevant sections are:

- Section 2 – Achieving sustainable development
- Section 4 – Decision-making
- Section 12 – Achieving well-designed places
- Section 15 – Conserving and enhancing the natural environment

Minerals and Waste Joint Plan 2022 (MWJP)

- 4.9 The relevant Minerals and Waste Joint Plan Policies are:

- S01 – Safeguarded Surface mineral resources
- S02 – Developments proposed within Safeguarded Surface Mineral Resource areas
- S06 – Minerals ancillary infrastructure safeguarding

5. APPRAISAL

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

The principle of the development

Design and impact on the character and appearance of the open countryside
Impact on residential amenities
Ecology issues
Minerals and Waste

Principle of the development

- 5.2 Policy SP1 of the SDCS outlines 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", to secure development that improves the economic, social and environmental conditions in the area, and sets out how this will be undertaken.
- 5.3 It is argued in the submission that the land in question is redundant and isolated and has no economic value. However, the proposed development, due to the nature, scale, design and location, is only considered to provide private benefit to the occupiers of the associated residential property and the factors outlined in the Planning Statement and noted above are not considered to demonstrate that it would improve the economic, social and environmental conditions in this area.
- 5.4 SDCS Policy SP2(c) states that "Development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the reuse 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." Policies SP10 and SP13 relate to housing and economic growth respectively. In light of the above policy context, Policy SP2A(c) is silent on changes of use of land.
- 5.5 Saved Policy H15 of the SDLP allows garden extensions in principle subject to not causing a significant adverse effect on the character and appearance of the surrounding countryside and subject to the proposed means of enclosure being appropriate to the adjoining countryside. Those issues are considered in the next section of this report. Although Selby District Local Plan precedes the NPPF, it should be afforded substantial weight as it is consistent with the NPPF, particularly paragraphs 130 & 174. Paragraph 130 states that planning decisions should, inter alia, ensure that developments add to the overall quality of the area and are sympathetic to local character and history. Paragraph 174 requires that planning decisions contribute to and enhance the natural and local environment., recognising the intrinsic character and beauty of the countryside.
- 5.6 Therefore, taken as a whole Policies SP1 and H15 of the Development Plan do not exclude the extension of curtilages outside development limits provided it would be a sustainable form of development which improves the environmental conditions in the area, and which meets the requirements of Policy H15 in terms of the impact on the surrounding countryside in terms of the means of enclosure.

Design and impact on the character and appearance of the open countryside

- 5.7 The property is a detached two storey dwelling in a small ground of 5 residential properties further to the south of the main Biggin village envelope. The property and the land which is subject to this application are set outside the defined development limits of Biggin as defined by the SDLP and are therefore within the open countryside.

Boundary treatments consist of those as described in the introduction section. The development is therefore subject to policies H15 and ENV1 of the SDLP and Policy SP19 of the SDCS and advice contained within the NPPF.

- 5.8 SDCS Policy SP19 requires that “Proposals for all new development will be expected to contribute to enhancing community cohesion by achieving high quality design and have regard to the local character, identity and context of its surroundings including historic townscapes, settlement patterns and the open countryside. Both residential and non-residential development should meet the following key requirements:
A) Make the best, most efficient use of land without compromising local distinctiveness, character and form;
B) Positively contribute to an area’s identity and heritage in terms of scale, density and layout.
- 5.9 SDLP Policy ENV1 (1) requires development to take account of the effect upon the character of the area, with ENV1 (4) requiring the standard of layout, design and materials to respect the site and its surroundings. SDLP Policy ENV1 is broadly consistent with the aims of the NPPF and should therefore be given significant weight.
- 5.10 Policy H15 of the SDLP specifies that proposals to extend the curtilage of properties outside defined Development Limits will only be permitted if there is no significant adverse effect on the character and appearance of the surrounding countryside, and the proposed means of enclosure would be appropriate to the adjoining countryside.
- 5.11 Paragraph 130 of the NPPF states that planning decisions should ensure that developments, amongst other things, a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
- 5.12 Paragraph 174 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by, amongst other things a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan) and b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.
- 5.13 It is noted that other dwellings within this cul-de-sac have also extended curtilage without planning permission. Those were considered under applications 2022/0040/COU & 2021/1453/FUL which were refused. One of the above mentioned properties has resubmitted application which is currently being considered by the Council under reference 2022/1027/COU. However, in determining this application, no favourable weight should be attributed to the fact that this development which is subject to this application and other unauthorised developments have occurred. Moreover, this application must also be assessed as if it had not occurred already.
- 5.14 The application site and other 4 properties located at this cul-de-sac form a small group of dwellings with clearly defined curtilages with the garden areas as originally approved being of a reasonable size and commensurate with the size of the

properties. These dwellings were approved due to the Council not having a 5 year housing land supply at the time and the southern boundary of this small settlement has already been significantly altered. The originally approved garden boundaries of these properties were post and rail fencing along all boundaries. There is agricultural land adjacent to the south east of the property known as Oxmoor Lodge, part of which is subject to this application. The application is for the change of use of agricultural land to domestic garden projecting into open countryside by approximately 29 metres.

- 5.15 The agricultural land to the south east of the site did not form part of the original application 2015/1004/OUT and was indicated on the layout plans as pasture accessed by the track located to the west of the group of these dwellings.
- 5.16 The rear garden boundaries of properties on Meadows Edge as approved under application 2015/1004/OUT form a consistent clearly defined boundary edge between the built development at this cul-de-sac and an open field of a substantial size wrapping around the eastern corner of this group of dwellings with a wider open countryside to the east, south and west. Following a site visit it is noted that this field have been divided and enclosed by fencing into separate parcels of land to the rear of each of the 5 dwellings.
- 5.17 It is argued in the Planning Statement that the proposals would not visually harm the area. However, in any event 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.
- 5.18 It is also argued in the Planning Statement that following the outline approval 2015/1004/OUT and a subsequent reserved matters approval 2017/0129/REM for the dwellings, the land was redundant and had waste materials across it which the applicants have removed which has improved the appearance of the area. However, this land which extended beyond the approved residential curtilages did not form part of the application and was indicated as pasture land with a separate access. As such, this matter is therefore not given any weight.
- 5.19 In terms of boundary treatments, it is noted that a post and rail fencing was erected along the south west and north east boundaries of the land owned by the applicant. The south east boundary was left open, without any formal boundary treatments and there is no distinction between the proposed garden area and agricultural land beyond it thus creating pressure for future garden extension.
- 5.20 The edge of this small rural settlement has already been adversely affected by the housing development beyond its limits approved under application 2015/1004/OUT however, as approved, it currently clearly defines the southern boundary to this very small rural settlement. The substantial ad hoc projections of urban character in the form of residential gardens further encroaching into the into the open countryside are therefore considered to adversely impact on the clearly agreed boundary edge. Furthermore, given the character of this very small settlement surrounded by open countryside, the significant scale and extent of the urban encroachment amplifies the harm.
- 5.21 In addition to the above, the extension of a manicured domestic garden beyond the original curtilage into agricultural land forms a detrimental suburban incursion into an open rural character. This, combined with delineation of the currently clearly defined boundary of the 5 properties at this location is considered to create a discordant feature which is out of keeping with the prevalent characteristics of the area. The

proposal is therefore considered to be a sporadic domestic interruption into agricultural land causing detrimental harm to the intrinsic character of this rural landscape.

- 5.22 The reference to previously approved planning applications for garden extensions in North Duffield (ref 2020/1391/FUL) and Newton Kyme (2022/0383/COU) made by the Ward Councillor in their call in request and by the Agent in the Planning Statement are noted. However, 2020/1391/FUL was a modest linear extension to previously very small gardens of a number of residential properties forming a clear edge of the settlement boundary and projecting by approximately 6 metres into open countryside which was not considered to significantly alter the settlement boundary. Also, 2022/0383/COU was a very small garden extension not projecting further into the countryside than the already fenced off estate area. These are therefore not considered to be comparable to the current proposal for an ad hoc substantial garden extension where the settlement boundaries have already been significantly affected by the residential development. Furthermore, the presence of apparently similar proposals within the district is not, in itself, a reason to allow more inappropriate and unacceptable development, and this application needs to be considered on its own planning merits.
- 5.23 Having taken into account all of the above, the development, which has already occurred, is considered to result in the harmful spur of suburban development beyond the original curtilage of the dwelling into the wider open field at the southern edge of this small rural settlement adversely altering its rural character and the formerly clearly defined edge to the village. The projection of urban use into the open countryside has a suburbanising effect on the natural landscape and unacceptably alters the character and appearance of the open countryside and the setting of the village. The proposal therefore conflicts with the aims of Policies ENV1 and H15 of the SDLP and Policy SP19 of the SDCS.

Impact on Residential Amenities

- 5.24 Relevant policies in respect of the effect upon the amenity of adjoining occupiers include Policy ENV1 (1) of the SDLP. Significant weight should be attached to this policy as it is broadly consistent with the aims of the NPPF to ensure that a good standard of amenity is achieved.
- 5.25 The key considerations in respect of residential amenity are considered to be the potential of the proposal to result in overlooking of neighbouring properties, overshadowing of neighbouring properties and whether oppression would occur from the size, scale and massing of the development proposed.
- 5.26 Given the nature of the proposal to extend residential curtilage of Oxmoor Lodge, Meadows Edge, Biggin, and the boundary treatments, it is considered that the proposal would not have any significant adverse impact on the amenities of the occupiers of any neighbouring residential properties. The amenities of the adjacent residents would therefore be preserved in accordance with Policy ENV1 (1) of the SDLP.

Ecology issues

- 5.27 The site is not a protected site for nature conservation but contains a pond, located within its southern corner. Policy SP18 of the SDCS. Significant weight should be

attached to the Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF.

- 5.28 NYCC Ecologist has been consulted on the proposals who advised that this is a retrospective application and there is no way of knowing whether any there was any significant ecological interest attached to the site previously, although the 2007 GoogleEarth images suggest permanent pasture with seasonally wet areas possibly associated with ridge-and-furrow. NYCC Ecology also note that a periodically wet area had been converted to a pond by 2020 which should be retained. Having reviewed this, it is therefore considered that the prevention of infilling or removal of the pond can be adequately addressed via a condition.
- 5.29 Given the above, it is considered that the proposal would not harm any acknowledged nature conservation interests or protected species and is therefore in accordance with Policy ENV1 (5) of the SDLP, Policy SP18 of the SDCS and the advice contained within the NPPF subject to a condition.

Minerals and Waste Local Plan

- 5.30 The application site is located within a Surface Minerals Safeguarding Area. However, as the application is a for the change of use of land, it constitutes 'exempt development' as set out in paragraph 8.55 of the Minerals and Waste Joint Plan and no further consideration of this matter is required. The proposal therefore complies with Policies S01, S02 and S06 of the Minerals and Waste Joint Plan 2022.

6. CONCLUSION

- 6.1 The proposals are acceptable in terms of their impacts on residential amenities of neighbouring occupiers, ecology matters and minerals and waste matters.
- 6.2 The Development Plan, taken as a whole, does not exclude the extension of residential curtilages into open countryside, provided it would be a sustainable form of development which improves the environmental conditions in the area, and which meets the requirements of Policy H15.
- 6.3 The development, which has already occurred, is considered to result in the harmful spur of suburban development beyond the original curtilage of the dwelling into the wider open field at the southern edge of this small rural settlement adversely altering its rural character and the formerly clearly defined edge to the village. The projection of urban use into the open countryside has a suburbanising effect on the natural landscape and would unacceptably alter the character and appearance of the open countryside and the setting of the village. The proposal therefore conflicts with the aims of Policies ENV1 and H15 of the SDLP and Policies SP1 and SP19 of the SDCS.

7. RECOMMENDATION

This application is recommended to be REFUSED for to following reasons:

01. The development, which has already occurred, is considered to result in the harmful spur of suburban development beyond the original curtilage of the dwelling into the wider open field at the southern edge of this small rural settlement adversely altering its rural character and the formerly clearly defined edge to the village. The projection of urban use into the open countryside has a suburbanising effect on the natural landscape and would

unacceptably alter the character and appearance of the open countryside and the setting of the village and consequently does not improve the environmental conditions in the area. It therefore conflicts with the aims of Policies ENV1 and H15 of the SDLP, Policies SP1 and SP19 of the SDCS and with the NPPF.

8. Legal Issues

8.1 Planning Acts

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

8.2 Human Rights Act 1998

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

8.3 Equality Act 2010

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

9. Financial Issues

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

10. Background Documents

Planning Application file reference 2022/1028/COU and associated documents.

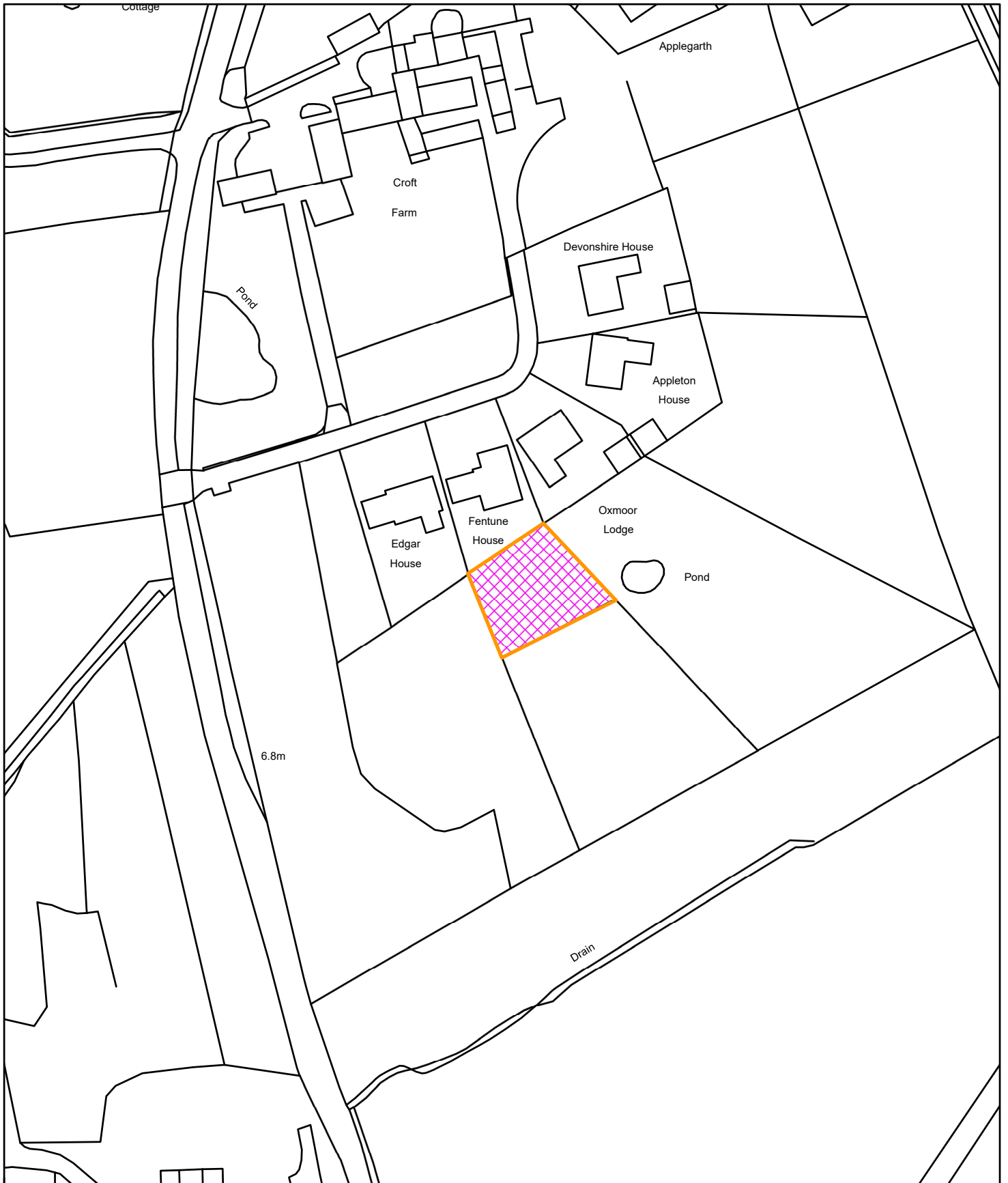
Contact Officer: Irma Sinkeviciene (Senior Planning Officer)

Appendices: None

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Agenda Item 5.4

Fentune House, Meadows Edge, Biggin
2022/1027/COU



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Report Reference Number 2022/1027/COU

To: Planning Committee
Date: 9th November 2022
Author: Irma Sinkeviciene (Senior Planning Officer)
Lead Officer: Hannah Blackburn (Planning Development Manager)

APPLICATION NUMBER:	2022/1027/COU	PARISH:	Biggin Parish Council
APPLICANT:	Mr & Mrs Fielding	VALID DATE: EXPIRY DATE:	2nd September 2022 28th October 2022
PROPOSAL:	Change of use of grassland to domestic garden in connection with Fentune House (retrospective)		
LOCATION:	Fentune House Meadows Edge Biggin Leeds North Yorkshire LS25 6GL		
RECOMMENDATION:	REFUSE		

This application has been brought before Planning Committee as the Ward Councillor for the area where the proposal lies has 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 are considered to be valid material planning reasons:

1. The proposals are similar to other applications which the Council has 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 is no significant adverse effect on the character and appearance of the surrounding countryside. Having assessed the proposals, I consider that these proposals meet this test and are therefore compliant with Policy ENV1 (1) and H15 of the Selby District Local Plan and the NPPF.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site is located to the south of the edge of the Biggin village which is identified as a Secondary Village in the Selby District Core Strategy. The application site is on agricultural land to the south of the detached two-storey dwelling and its curtilage as approved under application 2015/1004/OUT and a subsequent approval of reserved matters under reference 2017/0129/REM. The application is a resubmission of a previously refused similar application 2022/0040/COU which sought to regularise the use of this agricultural land as private garden area.
- 1.2 The site forms a part of larger agricultural parcel of land. There is agricultural land to the west and south of the site and the host property with its curtilage to the north of it.
- 1.3 The parcels of agricultural land to the north east of the site were subject to similar planning applications for the change of use of grassland to domestic garden under references 2022/0042/COU (Oxmoor Lodge) and 2021/1453/FUL (Appleton House) respectively which were also refused in March 2022. The parcel of land to the north east, to the rear of Oxmoor Lodge is currently also subject to a similar resubmission reference 2022/1028/COU for the change of use of grassland to domestic garden and is pending consideration, but is to be also considered by this Committee.
- 1.4 It is noted that there are no detailed plans provided to show the proposed boundary treatments and given that the development already occurred without planning permission, the boundary treatments as proposed have therefore been identified by the Case Officer during site visit as retrospectively erected low height post and rail timber fence with a variety of plants internally along its western, southern and eastern boundary and there is a gate in the southern part of the fence which is used to access the agricultural land beyond the site. The application has therefore been assessed on this basis.
- 1.5 The Case Officer also noted during a site visit that a single storey storage building is present within the parcel of land which lies within the agricultural land beyond the application site. However, this feature is part of a separate resubmission 2022/1026/FUL and therefore is not considered further in this Report. Application 2022/1026/FUL is to be considered by the Committee under a later item.

The Proposal

- 1.6 The application seeks planning permission retrospectively for the change of use of grassland to domestic garden in connection with a dwelling known as Fentune House and is a resubmission of a previously refused application 2022/0040/COU.
- 1.7 It is noted that no changes have been made to the proposals since previous refusal, however the Planning Statement supporting the application has been updated setting out the arguments in support of the application which are considered further in this Report.

Relevant Planning History

- 1.8 The following historical application is considered to be relevant to the determination of this application.

- Application Number 2015/1004/OUT (8/61/27M/PA) outline application for the erection of 5 No. dwellings including details of access (all other matters reserved) on land at Croft Farm, Oxmoor Lane, Biggin was approved in December 2015
- Application 2017/0129/REM (8/61/27Q/PA) - reserved matters application for approval of details including appearance, landscaping, site layout and scale for 5 No detached dwellings including associated garaging and access at Croft Farm, Oxmoor Lane, Biggin was approved in April 2017
- Application 2022/0040/COU for the change of use of grassland to domestic garden (retrospective) at Fentune House, Meadows Edge, Biggin was refused in March 2022 for the following reasons:
 1. *The development, which has already occurred, due to the nature, scale, design and location, is not considered to improve the economic, social and environmental conditions in this area and the change of use of agricultural land to garden land doesn't fall within the exceptions to the forms of development allowed in the open countryside set out in Policy SP2 of the SDCS. As such, the proposal is contrary to Policy SP1 and SP2 of the SDCS and the NPPF.*
 2. *The development, which has already occurred, is considered to result in a visually harmful urban spur projecting into the wider open field at the southern edge of this small rural settlement adversely altering its rural character and the formerly approved clearly defined edge to the village. The projection of urban use into the open countryside has a suburbanising effect on the natural landscape and would unacceptably alter the character and appearance of the open countryside and the setting of the village and it therefore conflicts with the aims of Policies ENV1 and H15 of the SDLP, Policy SP19 of the SDCS and with the NPPF.*
- Application Number 2022/0039/FUL for the erection of a single storey storage building required for maintenance of paddock/grassland land (retrospective) at Fentune House, Meadows Edge, Biggin was refused in March 2022.
- Application 2022/1026/FUL for the erection of a single storey storage building required for maintenance of paddock/grassland land (retrospective) at Fentune House, Meadows Edge, Biggin is currently pending consideration, but is to be also considered by this Committee.

Sites nearby:

- Application 2022/0042/COU for the change of use of grassland to domestic garden (Retrospective) at Oxmoor Lodge, Meadows Edge, Biggin was refused in March 2022.
- Application 2021/1453/FUL for the erection of a green house, summerhouse with a small gravel area to the front and a lean-to shed and change of use of land to residential curtilage (retrospective) was refused in March 2022.
- Application 2022/1028/COU for the change of use of grassland to domestic garden in connection with Oxmoor Lodge (retrospective) at Oxmoor Lodge, Meadows Edge, Biggin is currently pending consideration, but is to be also considered by this Committee.

2. CONSULTATION AND PUBLICITY

- 2.1 **Parish Council** – No objections as the site cannot be seen from the roadside or by neighbours. All immediate neighbours are making the same application for change of use to domestic garden and therefore presume support each other's applications. The Council therefore support all the applications as detailed as they have no impact on residential amenity or on the green belt surrounding the area.
- 2.2 **NYCC Highways Canal Rd** – Confirmed no objections to the proposed change of use.
- 2.3 **Yorkshire Water Services Ltd** – No response was received during a statutory consultation period.
- 2.4 **Selby Area Internal Drainage Board** – Confirmed no comments on the application.
- 2.5 **Public consultations** – site notices were posted on the 20th September 2022. No representations have been received as a result of this advertisement.

3. SITE CONSTRAINTS

Constraints

- 3.1 The site is located outside the defined development limits of the Secondary Village of Biggin and is therefore within the open countryside for planning purposes.

4. POLICY CONSIDERATIONS

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.
- 4.2 The development plan for the Selby District comprises various documents including the Selby District Core Strategy Local Plan (adopted 22nd October 2013), 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, the Minerals and Waste Joint Plan (adopted 16 February 2022), and the adopted neighbourhood plans neither of which relate to the site.
- 4.3 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options took place early in 2020. Consultation on preferred options and additional sites took place in early 2021. The Pre-submission Publication Local Plan is currently subject to a period of formal consultation prior to submission to the Secretary of State for Examination. Given the stage of the emerging Local Plan, the policies contained within it are attributed no weight and as such are not listed in this report
- 4.4 The National Planning Policy Framework (July 2021) (NPPF) replaced previous iterations of the NPPF. 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 2021 NPPF and, in particular, the sections listed below.

- 4.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

“219.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 2013 (SDCS)

- 4.6 The relevant Core Strategy Policies are:

- SP1 - Presumption in Favour of Sustainable Development
- SP2 - Spatial Development Strategy
- SP15 - Sustainable Development and Climate Change
- SP19 - Design Quality

Selby District Local Plan 2005 (SDLP)

- 4.7 The relevant Selby District Local Plan Policies are:

- ENV1 - Control of Development
- H15 - Extensions to Curtilages in the Countryside

National Planning Policy Framework (NPPF)

- 4.8 The relevant sections are:

- Section 2 – Achieving sustainable development
- Section 4 – Decision-making
- Section 12 – Achieving well-designed places
- Section 15 – Conserving and enhancing the natural environment

Minerals and Waste Joint Plan 2022 (MWJP)

- 4.9 The relevant Minerals and Waste Local Plan Policies are:

- S01 – Safeguarded Surface mineral resources
- S02 – Developments proposed within Safeguarded Surface Mineral Resource areas
- S06 – Minerals ancillary infrastructure safeguarding

5. APPRAISAL

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

- The principle of the development
- Design and impact on the character and appearance of the open countryside

- Impact on residential amenities
- Ecology issues
- Minerals and Waste

Principle of the development

- 5.2 Policy SP1 of the SDCS outlines 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", to secure development that improves the economic, social and environmental conditions in the area, and sets out how this will be undertaken.
- 5.3 It is argued in the submission that the land in question is redundant and isolated and has no economic value. However, the proposed development, due to the nature, scale, design and location, is only considered to provide private benefit to the occupiers of the associated residential property and the factors outlined in the Planning Statement and noted above are not considered to demonstrate that it would improve the economic, social and environmental conditions in this area.
- 5.4 SDCS Policy SP2(c) states that "Development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the reuse 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." Policies SP10 and SP13 relate to housing and economic growth respectively. In light of the above policy context, Policy SP2A(c) is silent on changes of use of land.
- 5.5 Saved Policy H15 of the SDLP allows garden extensions in principle subject to not causing a significant adverse effect on the character and appearance of the surrounding countryside and subject to the proposed means of enclosure being appropriate to the adjoining countryside. Those issues are considered in the next section of this report. Although Selby District Local Plan precedes the NPPF, it should be afforded substantial weight as it is consistent with the NPPF, particularly paragraphs 130 & 174. Paragraph 130 states that planning decisions should, inter alia, ensure that developments add to the overall quality of the area and are sympathetic to local character and history. Paragraph 174 requires that planning decisions contribute to and enhance the natural and local environment, recognising the intrinsic character and beauty of the countryside.
- 5.6 Therefore, taken as a whole, Policies SP1 and H15 of the Development Plan do not exclude the extension of curtilages outside development limits provided it would be a sustainable form of development which improves the environmental conditions in the area, and which meets the requirements of Policy H15 in terms of the impact on the surrounding countryside in terms of the means of enclosure.

Design and impact on the character and appearance of the open countryside

- 5.7 The property is a detached two storey dwelling in a small ground of 5 residential properties further to the south of the main Biggin village envelope. The property and the land which is subject to this application are set outside the defined development limits of Biggin as defined by the SDLP and are therefore within the open countryside for planning purposes. Boundary treatments consist of those as described in the

introduction section. The development is therefore subject to policies H15 and ENV1 of the SDLP, policy SP19 of the SDCS and advice contained within the NPPF.

- 5.8 SDCS Policy SP19 requires that “Proposals for all new development will be expected to contribute to enhancing community cohesion by achieving high quality design and have regard to the local character, identity and context of its surroundings including historic townscapes, settlement patterns and the open countryside. Both residential and non-residential development should meet the following key requirements:
A) Make the best, most efficient use of land without compromising local distinctiveness, character and form;
B) Positively contribute to an area’s identity and heritage in terms of scale, density and layout.
- 5.9 SDLP Policy ENV1 (1) requires development to take account of the effect upon the character of the area, with ENV1 (4) requiring the standard of layout, design and materials to respect the site and its surroundings. SDLP Policy ENV1 is broadly consistent with the aims of the NPPF and should therefore be given significant weight.
- 5.10 Policy H15 of the SDLP specifies that proposals to extend the curtilage of properties outside defined Development Limits will only be permitted if there is no significant adverse effect on the character and appearance of the surrounding countryside, and the proposed means of enclosure would be appropriate to the adjoining countryside.
- 5.11 Paragraph 130 of the NPPF states that planning decisions should ensure that developments, amongst other things, a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
- 5.12 Paragraph 174 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by, amongst other things a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan) and b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.
- 5.13 It is noted that other 2 dwellings out of 5 within this cul-de-sac have also extended curtilage without planning permission. Those were considered under applications 2022/0042/COU & 2021/1453/FUL and were refused. One of the above mentioned properties has resubmitted the application and is currently being considered by the Council under reference 2022/1028/COU. However, in determining this application, no favourable weight should be attributed to the fact that this development which is subject to this application and other unauthorised developments have occurred. Moreover, this application must also be assessed as if it had not occurred already.
- 5.14 The application site and other 4 properties located at this cul-de-sac form a small group of dwellings with clearly defined curtilages with the garden areas as originally approved being of a reasonable size and commensurate with the size of the properties. These dwellings were approved due to the Council not having a 5 year housing land supply at the time and the southern boundary of this small settlement

has already been significantly altered. The originally approved garden boundaries of these properties were post and rail fencing along all boundaries. There is agricultural land adjacent to the south east of the residential property known as Fentune House and its formal curtilage, part of which is subject to this application. The application is for the change of use of agricultural land to domestic garden. The land subject to this application projects into open countryside by approximately 21 metres increasing to 24 metres on the north east.

- 5.15 The agricultural land to the south of the site did not form part of the original application 2015/1004/OUT and was indicated on the layout plans as pasture accessed by the track located to the west of the group of these dwellings.
- 5.16 The rear garden boundaries of properties on Meadows Edge as approved under application 2015/1004/OUT form a consistent clearly defined boundary edge between the built development at this cul-de-sac and an open field of a substantial size wrapping around the eastern corner of this group of dwellings with a wider open countryside to the east, south and west. Following a site visit it is noted that this field have been divided and enclosed by fencing into separate parcels of land to the rear of each of the 5 dwellings.
- 5.17 It is argued in the Planning Statement that the proposals would not visually harm the area. However, in any event, the argument that the 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.
- 5.18 It is also argued in the Planning Statement that following the outline approval 2015/1004/OUT and a subsequent reserved matters approval 2017/0129/REM for the dwellings, the land was redundant and had waste materials across it which the applicants have removed which has improved the appearance of the area. However, this land, which extended beyond the approved residential curtilages, did not form part of the application and was indicated as pasture land with a separate access. As such, this matter is therefore not given any weight.
- 5.19 In terms of boundary treatments, it is noted that a post and rail fencing was erected along the south west and north east boundaries of the land owned by the applicant and a south east boundary also consists of a post and rail fencing with a mixed species hedge planted internally and a wide field gate. Although this hedge is noted, it is considered that the species it consists of are more frequently found in the domestic garden areas rather than open countryside location which would typically be an indigenous mixed species field hedge.
- 5.20 The edge of this small rural settlement has already been adversely affected by the housing development beyond its limits approved under application 2015/1004/OUT however, as approved, it currently clearly defines the southern boundary to this very small rural settlement. The substantial ad hoc projections of urban character in the form of residential gardens further encroaching into the into the open countryside are therefore considered to adversely impact on the clearly agreed boundary edge. Furthermore, given the character of this very small settlement surrounded by open countryside, the significant scale and extent of the urban encroachment amplifies the harm.
- 5.21 In addition to the above, the extension of a manicured domestic garden beyond the original curtilage into agricultural land forms a detrimental suburban incursion into an open rural character. This, combined with delineation of the currently clearly defined

boundary of the 5 properties at this location is considered to create a discordant feature which is out of keeping with the prevalent characteristics of the area. The proposal is therefore considered to be a sporadic domestic interruption into agricultural land causing detrimental harm to the intrinsic character of this rural landscape.

- 5.22 The reference to previously approved planning applications for garden extensions in North Duffield (ref 2020/1391/FUL) and Newton Kyme (2022/0383/COU) made by the Ward Councillor in their call-in request and by the Agent in the Planning Statement are noted. However, 2020/1391/FUL was a modest linear extension to what were previously very small gardens of a number of residential properties forming a clear edge of the settlement boundary and projecting by approximately 6 metres into open countryside that was not considered to significantly alter the settlement boundary. Also, 2022/0383/COU was a very small garden extension not projecting further into the countryside than the already fenced off estate area. These are therefore not considered to be comparable to the current proposal for an ad hoc substantial garden extension where the settlement boundaries have already been significantly affected by the residential development. Furthermore, the presence of apparently similar proposals within the district is not, in itself, a reason to allow more inappropriate and unacceptable development, and this application needs to be considered on its own planning merits.
- 5.23 Having taken into account all of the above, the development, which has already occurred, is considered to result in the harmful spur of suburban development beyond the original curtilage of the dwelling into the wider open field at the southern edge of this small rural settlement adversely altering its rural character and the formerly clearly defined edge to the village. The projection of urban use into the open countryside has a suburbanising effect on the natural landscape and unacceptably alters the character and appearance of the open countryside and the setting of the village. The proposal therefore conflicts with the aims of Policies ENV1 and H15 of the SDLP and Policy SP19 of the SDCS.

Impact on residential amenity

- 5.24 Relevant policies in respect of the effect upon the amenity of adjoining occupiers include Policy ENV1 (1) of the SDLP. Significant weight should be attached to this policy as it is broadly consistent with the aims of the NPPF to ensure that a good standard of amenity is achieved.
- 5.25 The key considerations in respect of residential amenity are considered to be the potential of the proposal to result in overlooking of neighbouring properties, overshadowing of neighbouring properties and whether oppression would occur from the size, scale and massing of the development proposed.
- 5.26 Given the nature of the proposal to extend residential curtilage of Fentune House, Meadows Edge, Biggin, and the boundary treatments, it is considered that the proposal would not have any significant adverse impact on the amenities of the occupiers of any neighbouring residential properties. The amenities of the adjacent residents would therefore be preserved in accordance with Policy ENV1 (1) of the SDLP.

Ecology issues

- 5.27 The site is not a protected site for nature conservation but is located within 100 metres of the pond, located to the east of the site. Policy SP18 of the SDCS. Significant weight should be attached to the Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF.
- 5.28 NYCC Ecologist has been consulted on the previous proposals under application 2022/0040/COU who advised at the time that the enclosed area appeared to have been agricultural grassland which is likely to have been of low ecological significance, and that they are not aware of any nature conservation constraints in the vicinity. As such and given the nature and scale of the proposed development, it is therefore not considered that any adverse impacts on ecology are caused as a result of the development.
- 5.29 Given the above, it is considered that the proposal would not harm any acknowledged nature conservation interests or protected species and is therefore in accordance with Policy ENV1 (5) of the SDLP, Policy SP18 of the SDCS and the advice contained within the NPPF.

Minerals and Waste

- 5.30 The application site is located within a Surface Minerals Safeguarding Area. However, as the application is for the change of use of land, it constitutes 'exempt development' as set out in paragraph 8.55 of the Minerals and Waste Joint Plan and no further consideration of this matter is required. The proposal therefore complies with Policies S01, S02 and S06 of the Minerals and Waste Joint Plan 2022.

6. CONCLUSION

- 6.1 The proposals are acceptable in terms of their impacts on residential amenities of neighbouring occupiers, ecology matters and minerals and waste matters.
- 6.2 The Development Plan, taken as a whole, does not exclude the extension of residential curtilages into open countryside, provided it would be a sustainable form of development which improves the environmental conditions in the area, and which meets the requirements of Policy H15.
- 6.3 The development, which has already occurred, is considered to result in the harmful spur of suburban development beyond the original curtilage of the dwelling into the wider open field at the southern edge of this small rural settlement adversely altering its rural character and the formerly clearly defined edge to the village. The projection of urban use into the open countryside has a suburbanising effect on the natural landscape and would unacceptably alter the character and appearance of the open countryside and the setting of the village. The proposal therefore conflicts with the aims of Policies ENV1 and H15 of the SDLP and Policies SP1 and SP19 of the SDCS.

7. RECOMMENDATION

This application is recommended to be REFUSED for to the reasons below:

01. The development, which has already occurred, is considered to result in the harmful spur of suburban development beyond the original curtilage of the dwelling into the wider open field at the southern edge of this small rural settlement adversely altering its rural character and the formerly clearly defined edge to the village. The projection of urban use into the open countryside has a suburbanising

effect on the natural landscape and would unacceptably alter the character and appearance of the open countryside and the setting of the village and consequently does not improve the environmental conditions in the area. It therefore conflicts with the aims of Policies ENV1 and H15 of the SDLP, Policies SP1 and SP19 of the SDCS and with the NPPF.

8. Legal Issues

8.1 Planning Acts

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

8.2 Human Rights Act 1998

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

8.3 Equality Act 2010

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

9. Financial Issues

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

10. Background Documents

Planning Application file reference 2022/1027/COU and associated documents.

Contact Officer: Irma Sinkeviciene (Senior Planning Officer)

Appendices: None

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Agenda Item 5.5

Fentune House, Meadows Edge, Biggin
2022/1026/FUL



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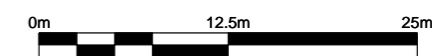
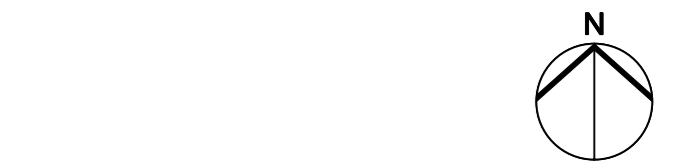
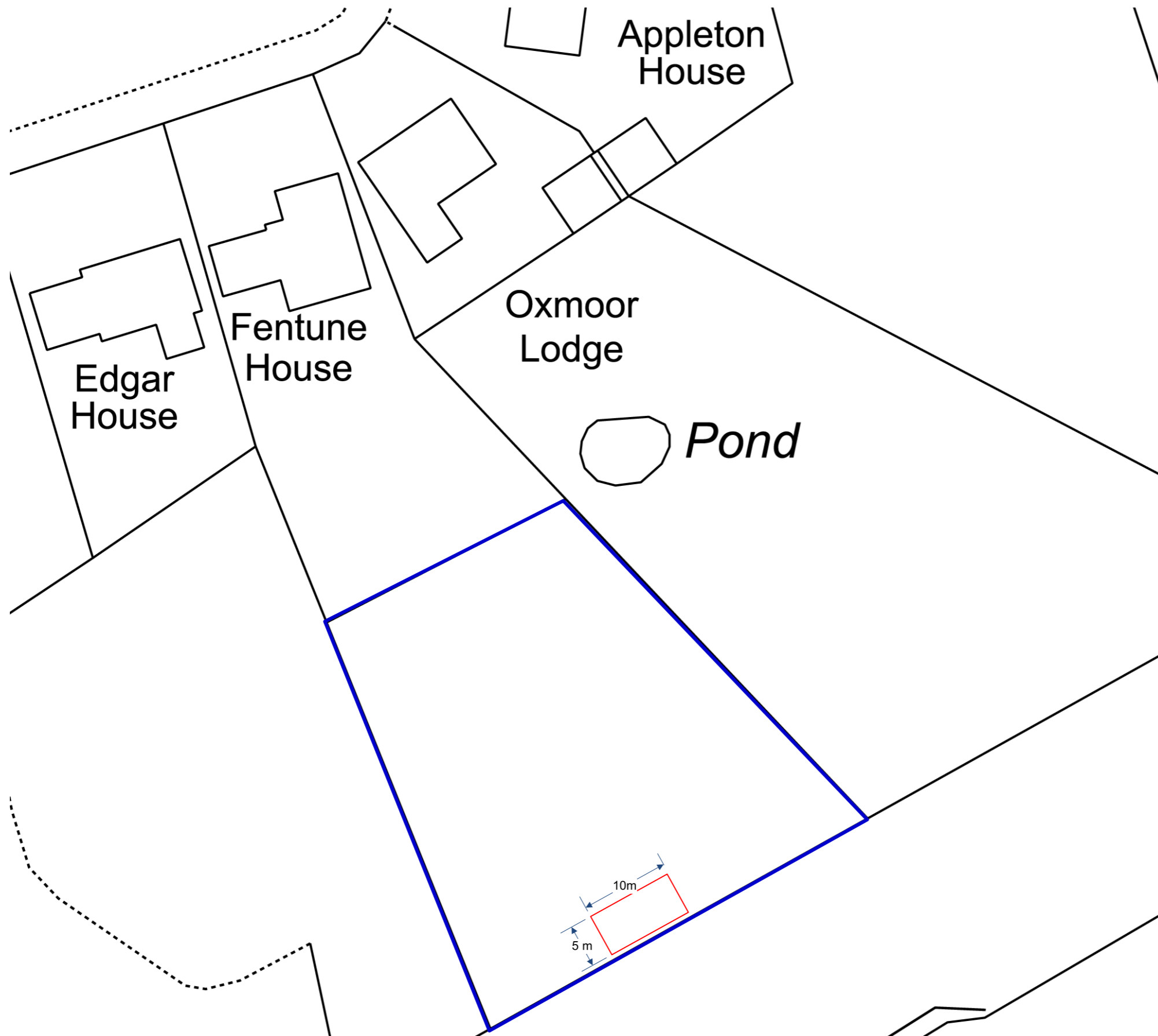
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Notes



Outbuilding



Date	By	Paper	Scale	Dwg no.	Rev
06/02/2022	MD	A3	1:500	002	

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Report Reference Number 2022/1026/FUL

To: Planning Committee
Date: 9th November 2022
Author: Irma Sinkeviciene (Senior Planning Officer)
Lead Officer: Hannah Blackburn (Planning Development Manager)

APPLICATION NUMBER:	2022/1026/FUL	PARISH:	Biggin Parish Council
APPLICANT:	Mr & Mrs Fielding	VALID DATE: EXPIRY DATE:	2nd September 2022 28th October 2022
PROPOSAL:	Erection of a single storey storage building required for maintenance of paddock/grassland land (retrospective)		
LOCATION:	Fentune House Meadows Edge Biggin Leeds North Yorkshire LS25 6GL		
RECOMMENDATION:	REFUSE		

This application has been brought before Planning Committee as the Ward Councillor for the area where the proposal lies has 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 are considered to be valid material planning reasons:

1. The proposals are similar to other applications which the Council has 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 is no significant adverse effect on the character and appearance of the surrounding countryside. Having assessed the proposals, I consider that these proposals meet this test and are therefore compliant with Policy ENV1 (1) and H15 of the Selby District Local Plan and the NPPF.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site is located further to the south of the edge of the Biggin village which is identified as a Secondary Village in the Selby District Core Strategy. It is accessed from the rear garden of Fentune House and is within the open agricultural land to the south of the dwelling. There is an agricultural field surrounding the site on the north east, north west and south west and a group of mature trees to the south east of it.
- 1.2 The application site is part of agricultural land currently consisting of predominantly mown grass where the storage building was constructed without a formal planning permission and the application site area is drawn tightly to the footprint of this building. The site is located within the larger agricultural field to the south of the detached two-storey dwelling known as 'Fentune House' which was approved under application 2015/1004/OUT and a subsequent approval of reserved matters under reference 2017/0129/REM. The land to the rear in addition to the dwelling and its formal curtilage immediately to the rear of the dwelling is owned by the applicant.
- 1.3 This resubmission of previously refused application 2022/0039/FUL seeks approval retrospectively for a storage building stated to be required for maintenance of the mown grass area of land to the south of the curtilage of Fentune House. The authorised use of the site is agricultural. The site forms a part of larger agricultural parcel of land. Part of this field was subject to a retrospective application 2022/0040/COU for the change of use of agricultural land to domestic use in association with the dwelling, which was recently refused permission and has been resubmitted under application 2022/1027/COU; this is currently pending and is also to be considered by this Committee.

The Proposal

- 1.4 The application seeks planning permission retrospectively for the erection of single storey storage building required for maintenance of paddock/grassland land in connection with a dwelling known as Fentune House and is a resubmission of a previously refused application 2022/0039/FUL.
- 1.5 It is noted that no changes have been made to the proposals since previous refusal, however the Planning Statement supporting the application has been updated setting out the arguments in support of the application.

Relevant Planning History

- 1.6 The following historical application is considered to be relevant to the determination of this application.
 - Application Number 2015/1004/OUT (8/61/27M/PA) outline application for the erection of 5 No. dwellings including details of access (all other matters reserved) on land at Croft Farm, Oxmoor Lane, Biggin was approved in December 2015
 - Application 2017/0129/REM (8/61/27Q/PA) - reserved matters application for approval of details including appearance, landscaping, site layout and scale for 5 No detached dwellings including associated garaging and access at Croft Farm, Oxmoor Lane, Biggin was approved in April 2017

- Application 2022/0040/COU for the change of use of grassland to domestic garden (retrospective) at Fentune House, Meadows Edge, Biggin was refused in March 2022.
- Application Number 2022/0039/FUL for the erection of a single storey storage building required for maintenance of paddock/grassland land (retrospective) at Fentune House, Meadows Edge, Biggin was refused in March 2022 for the following reasons:
 01. *The application site is located outside development limits and is therefore within the open countryside and the proposal is for a domestic storage building. The proposal would not constitute any of the types of development acceptable in principle in the countryside and would therefore fail to comply with the aims of Policies SP1 and SP2 of the Selby District Core Strategy 2013 and with the advice contained within the NPPF. The proposal is therefore contrary to the above policies and hence the overall Spatial Development Strategy for the District.*
 02. *The building introduces an urban use in the open countryside location and a built form on the otherwise undeveloped agricultural land which is considered uncharacteristic and harmful to the open rural character of this part of the countryside. Also, the presence of the structure, unnecessary for agricultural use or other rural uses requiring such a location within this open field, is harmful to its open rural undeveloped character. The proposal is therefore contrary to the aims of Policy ENV1 of the Selby District Local Plan 2005, Policy SP19 of Selby District Core Strategy 2013 and the NPPF.*
- Application 2022/1027/COU for the erection of a single storey storage building required for maintenance of paddock/grassland land (retrospective) at Fentune House, Meadows Edge, Biggin is currently pending consideration, but is to be also considered by this Committee.

Sites nearby:

- Application 2022/0042/COU for the change of use of grassland to domestic garden (Retrospective) at Oxmoor Lodge, Meadows Edge, Biggin was refused in March 2022 due to the following reasons:
- Application 2021/1453/FUL for the erection of a green house, summerhouse with a small gravel area to the front and a lean-to shed and change of use of land to residential curtilage (retrospective) was refused in March 2022 for the following reasons:
- Application 2022/1028/COU for the change of use of grassland to domestic garden in connection with Oxmoor Lodge (retrospective) at Oxmoor Lodge, Meadows Edge, Biggin is currently pending consideration, but is to be also considered by this Committee.

2. CONSULTATION AND PUBLICITY

- 2.1 **Parish Council** – No objections are raised as the site cannot be seen from the roadside or by neighbours. Support the application as no impact on residential amenity or on the Green Belt surrounding the area.

- 2.2 **NYCC Highways** – Confirmed no objections to the proposed change of use.
- 2.3 **Yorkshire Water Services Ltd** – No response was received during a statutory consultation period.
- 2.4 **Selby Area Internal Drainage Board** – It is noted that this is a retrospective application and it is not clear if there are any works have taken place within 7m of an ordinary watercourse but in any case, the Selby Area IDB cannot issue retrospective consent unfortunately. Beyond this, the Board has no further comments or objections.
- 2.5 **NYCC Minerals and Waste** – Attention is drawn to the Mineral and Waste Joint Plan and that the sites are within a Minerals Safeguarding Area. The proposal falls under the following exemption criteria: - Minor works such as fences, bus shelters, gates, walls, accesses. There are no active quarry sites or waste facilities within 500m of Fentune House and no sites have been proposed for allocation for minerals or waste activities in the Minerals and Waste Joint Plan within that 500m zone.
- 2.6 **Public consultations** – Site notices were posted on the 20th September 2022. No representations have been received as a result of this consultation.

3. SITE CONSTRAINTS

Constraints

- 3.1 The site is located outside the defined development limits of the Secondary Village of Biggin and is therefore within the open countryside for planning purposes.

4. POLICY CONSIDERATIONS

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.
- 4.2 The development plan for the Selby District comprises various documents including the Selby District Core Strategy Local Plan (adopted 22nd October 2013), 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, the Minerals and Waste Joint Plan (adopted 16 February 2022), and the adopted neighbourhood plans neither of which relate to the site.
- 4.3 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options took place early in 2020. Consultation on preferred options and additional sites took place in early 2021. The Pre-submission Publication Local Plan is currently subject to a period of formal consultation prior to submission to the Secretary of State for Examination. Given the stage of the emerging Local Plan, the policies contained within it are attributed no weight and as such are not listed in this report.

4.4 The National Planning Policy Framework (July 2021) (NPPF) replaced previous iterations of the NPPF. 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 2021 NPPF and in particular the sections listed below.

4.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

“219.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 2013 (SDCS)

4.6 The relevant Core Strategy Policies are:

- SP1 - Presumption in Favour of Sustainable Development
- SP2 - Spatial Development Strategy
- SP15 - Sustainable Development and Climate Change
- SP18 – Protecting and Enhancing the Environment
- SP19 - Design Quality

Selby District Local Plan 2005 (SDLP)

4.7 The relevant Selby District Local Plan Policies are:

- ENV1 - Control of Development

National Planning Policy Framework (NPPF)

4.8 The relevant sections are:

- Section 2 – Achieving sustainable development
- Section 4 – Decision-making
- Section 12 – Achieving well-designed places
- Section 15 – Conserving and enhancing the natural environment

Minerals and Waste Joint Plan 2022 (MWJP)

4.9 The relevant Minerals and Waste Joint Plan Policies are:

- S01 – Safeguarded Surface mineral resources
- S02 – Developments proposed within Safeguarded Surface Mineral Resource areas
- S06 – Minerals ancillary infrastructure safeguarding
- S07 – Consideration of applications in Consultation Areas

5. APPRAISAL

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

- The principle of the development in the open countryside
- Design and impact on the character and appearance of the area
- Impact on residential amenity
- Nature conservation
- Flood risk, drainage and climate change
- Minerals and Waste

The Principle of Development in the Open Countryside

- 5.2 The application site is located further to the south of the edge of Biggin village and outside its development limits and is therefore in the open countryside. Relevant policies in respect to the principle of development and the presumption in favour of sustainable development includes Policies SP1 and SP2 of the SDCS and the NPPF.
- 5.3 Policy SP1 of the SDCS outlines 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", to secure development that improves the economic, social and environmental conditions in the area, and sets out how this will be undertaken.
- 5.4 SDCS Policy SP2(c) states that "Development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the reuse 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."
- 5.5 The proposal is for a construction of a new storage building required for maintenance of grassland. The extent of the land ownership is the application site itself, a portion of adjoining agricultural land, part of which was subject to a planning application 2022/0040/COU for the change of use to domestic garden which was recently refused and a subsequent resubmission which is currently pending consideration, and a residential property with its curtilage known as 'Fentune House'. The Planning Statement submitted with the application dated August 2022 states that the building is used to store all the necessary equipment for the maintenance of the applicant's paddock land as well as the neighbouring land.
- 5.6 Whilst it is noted that the Planning Statement suggests that the building is not proposed to be used for domestic purposes, the building would be used for the storage of equipment needed for the maintenance of the grassland which could include but not be limited to lawn mowers, grass feed etc. and such equipment is generally considered to be domestic rather than agricultural. Also, from a site visit it is noted that the land surrounding the building consists of predominantly mown grassed area which is characteristic to domestic use. As such, the building is therefore considered to be for domestic storage and this type of use is not associated with agriculture or any type of rural business and does not have to be located in this rural location. Furthermore, there is no evidence to suggest that the proposal would contribute towards and improve the local economy or enhance or maintain the vitality of rural communities, in accordance with Policy SP13. As such and given the nature

of the use proposed and its open countryside location, it is considered that the proposed scheme would be unsustainable development which would not bring sustainable economic growth contrary to the development plan.

- 5.7 In this context, it is considered that the proposed development fails to comply with Policies SP1 and SP2 of the SDCS and the NPPF.

Design and impact on the character and appearance of the area

- 5.8 Relevant policies in respect to the impact of development on character and appearance of the area are Policy ENV1 of the SDLP, Policy SP19 of the SDCS and advice contained within the NPPF. Local Plan Policy ENV1 is broadly consistent with the aims of the NPPF and should therefore be given significant weight.
- 5.9 The application site is a parcel of land located within the larger grassed area lying within the ownership of residential property known as 'Fentune House'. The application seeks retrospective approval for a storage building on an undeveloped parcel of land within the open countryside to be used for the maintenance of the grassed area lying within the ownership of residential properties, namely Fentune House and Oxmoor Lodge. It is noted that the parts of the larger field where the application site is located are currently used as garden land and contain some domestic outbuildings. However, these matters are currently subject to separate planning application and no favourable weight should be attributed to the fact that these other unauthorised developments have occurred. Moreover, this application must also be assessed as if it had not occurred already.
- 5.10 The application site lies to the rear of Fentune House and contains a retrospectively erected storage building sited within the grassed area with a group of mature trees to the south east. The site and the area it is located within have formed a part of larger parcel of agricultural field and did not form part of the original permission for dwellings on Meadows Edge. It is noted from a site visit and the information in the Planning Statement that this agricultural field has been divided into separate plots and sold off to the residents of 5 properties approved under application 2015/1004/OUT.
- 5.11 The immediate area is characterised by a predominantly open landscape with a small group of residential properties forming the edge of Biggin village that are adjacent to a field. This field is visually separated from the larger open fields by a group of mature trees and other vegetation on the west, south east and north east and a built form of Meadows Edge and is free of built form.
- 5.12 The retrospectively erected building is not visible from any public points of view due to its siting, due to the existing built form of Meadow Edge and existing mature vegetation along the highway to the west and a group of mature trees to the south east and there are no public rights of way within close proximity to the site. As such, it is therefore considered that the building is situated on a site which minimises its public visual impact. However, in any event the argument that the building is out of public view for this reason 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.
- 5.13 The building measures approximately 10 metres in width and 5 metres in depth, and has a single pitched roof where the highest part of the roof is 2.35 metres above ground level and its lowest part is 2.1 metres in height. The building consists of a steel framework structure with corrugated aluminium sheet cladding finished in green

for the external walls and roof with 3 double doors in same material. Whilst the size and scale of the building are considered modest, the proposed materials give the building an industrial look which is not characteristic to the immediate area or wider open countryside.

- 5.14 Whilst existing substantial screening is noted, the erection of this industrial style building for a domestic use introduced a built form on this otherwise undeveloped agricultural land and introduced an urban use in the open countryside location which is considered to cause harm to the rural character of this edge of settlement location.
- 5.15 Having taken into account all of the above and due to the nature of the use and the design and materials proposed to be used, the building is considered to introduce a built form on the otherwise undeveloped agricultural land and to introduce an urban use in the open countryside location which is uncharacteristic to the open countryside location. The presence of the structure, unnecessary for agricultural use or other rural uses requiring such a location within this field, is harmful to its open rural undeveloped character. It is therefore concluded that it would cause a detrimental impact on the character and appearance of the open countryside and the proposal therefore fails to comply with Policy ENV1 of the SDLP, Policy SP19 of the SDCS and the advice contained within the NPPF.

Impact on Residential Amenity

- 5.16 Relevant policies in respect of the effect upon the amenity of adjoining occupiers include Policy ENV1 (1) of the SDLP and advice contained within the NPPF. Significant weight should be attached to those policies as they are broadly consistent with the aims of the NPPF to ensure that a good standard of amenity is achieved.
- 5.17 The key considerations in respect of residential amenity are the potential of the proposal to result in overlooking of neighbouring properties, overshadowing of neighbouring properties and whether oppression would occur from the size, scale and massing of the development proposed.
- 5.18 Given the separation distance from the nearest residential properties, and due to the size, scale and design of the proposed development, it is not considered that it would result in adverse effects of overlooking, overshadowing or overbearing of neighbouring properties.
- 5.19 As such, it is therefore considered that the proposal would not cause any significant adverse impact on the residential amenities of the neighbouring properties and would be in accordance with Policy ENV1 of the SDLP and advice contained within the NPPF.

Nature Conservation

- 5.20 There is a pond within the site and close proximity of the retrospectively erected building. Relevant policies in respect to nature conservation interests include Policies ENV1 (5) of the SDLP and Policy SP18 of the SDCS. Significant weight should be attached to the above policies as they are broadly consistent with the aims of the NPPF.
- 5.21 Protected species include those protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010. The presence of protected species is a material planning consideration.

- 5.22 The previous recently refused application has been assessed by the Yorkshire Wildlife Trust, Natural England and NYCC Ecologist. The Yorkshire Wildlife Trust has not provided any comments at that time and Natural England had no comments to make. NYCC Ecologist advised at the time that assuming the building was erected on mown/grazed agricultural grassland, harm is unlikely to have been caused to any protected species or other nature conservation features. Whilst neither of those were consulted on this current application, given that the development has already occurred, that no changes to the building have been made and only a short time has passed since previous refusal, the previous comments are still considered relevant.
- 5.23 It is therefore considered that no significant adverse impacts would be caused on protected species or nature conservation. As such it is considered that the proposal is not contrary to Policy ENV1 (5) of the SDLP, Policy SP18 of the SDCS and the advice contained within the NPPF.

Flood risk, drainage and climate change

- 5.24 The application site is located within Flood Zone 1, which has a low probability of flooding. The area of the site is approximately 0.77 ha which is less than 1 ha and as such a Site-Specific Flood Risk Assessment is not required in this instance and the proposal is therefore acceptable in terms of its impacts on the flood risk.
- 5.25 Policy SP15 (B) of the SDCS states that to ensure development contributes toward reducing carbon emissions and are resilient to the effect of climate change schemes should where necessary or appropriate meet 8 criteria set out within the policy. Having had regard to the nature and scale of the proposal, it is considered that its ability to contribute towards reducing carbon emissions, or scope to be resilient to the effects of climate change is so limited that it would not be necessary and, or appropriate to require the proposals to meet the requirements of criteria of SP15 (B) of the SDCS. Therefore, having had regard to Policy SP15 (B) it is considered that the proposal is acceptable.
- 5.26 In terms of drainage, the submitted application form sets out that surface water would be disposed of via existing watercourse and that foul sewage arrangements are unknown. Given the nature and scale of the proposed development, it is unlikely that any foul connections would be required and other drainage works can be agreed via a suitably worded condition.
- 5.27 It is therefore considered that the proposal is acceptable in terms of flood risk, drainage and climate change subject to a condition and the scheme is considered to be in accordance with Policy ENV1 (3) of the SDLP, Policies SP15 and SP19 or the SDCS and the advice contained within the NPPF.

Minerals and Waste Local Plan

- 5.28 The application site is located within a Surface Minerals Safeguarding Area. The application for a building does not constitute 'exempt development' as set out in paragraph 8.55 of the Minerals and Waste Joint Plan. Therefore, Policy S07 of the MWLP is relevant.
- 5.29 Policy S07 of the MWJP states that 'Where development, other than exempt development as defined in the Safeguarding Exemption Criteria list, as set out in paragraph 8.55, is proposed in an area safeguarded on the Policies Map for minerals

resources, minerals transport infrastructure, minerals ancillary infrastructure and waste infrastructure, and the proposed development site is located outside the City of York and North York Moors National Park areas, consultation with North Yorkshire County Council will be required before permission is granted.

- 5.30 Whilst the site is located outside the City of York and North York Moors National Park areas, the proposal does not fall within an area safeguarded on the Policies Map for minerals resources, minerals transport infrastructure, minerals ancillary infrastructure and waste infrastructure. NYCC Minerals and Waste raise no objection on the basis that the works are exempt.
- 5.31 As such, the proposal would comply with Policies S01, S02, S06 and S07 of the Minerals and Waste Joint Plan 2022.

6. CONCLUSION

- 6.1 The proposal is in accordance with Policies S01, S02, S06 and S07 of the Minerals and Waste Joint Plan 2022.
- 6.2 The proposed development is considered acceptable in terms of its impacts on residential amenities, nature conservation, flood risk and drainage.
- 6.3 However, the proposal would not constitute any of the types of development acceptable in principle in the countryside nor would it improve or contribute to the local rural economy or enhance or maintain the vitality of rural communities.
- 6.4 In addition, the building is considered to introduce a built form on the otherwise undeveloped agricultural land and to introduce an urban use in the open countryside location which uncharacteristic and harmful to the open rural character of this part of the countryside.
- 6.5 As such, the proposed development would therefore fail to comply with the aims of Policies SP1, SP2 and SP19 of the SDCS, Policy ENV1 of the SDLP and with the advice contained within the NPPF.

7. RECOMMENDATION

This application is recommended to be REFUSED for to the reasons below:

01. The application site is located outside development limits and is therefore within the open countryside and the proposal is for a domestic storage building. The proposal would not constitute any of the types of development acceptable in principle in the countryside and would therefore fail to comply with the aims of Policies SP1 and SP2 of the Selby District Core Strategy 2013 and with the advice contained within the NPPF. The proposal is therefore contrary to the above policies and hence the overall Spatial Development Strategy for the District.
02. The building introduces an urban use in the open countryside location and a built form on the otherwise undeveloped agricultural land which is considered uncharacteristic and harmful to the open rural character of this part of the countryside. Also, the presence of the structure, unnecessary for agricultural use or other rural uses requiring such a location within this open field, is harmful to its open rural undeveloped character. The proposal is therefore contrary to the aims

of Policy ENV1 of the Selby District Local Plan 2005, Policy SP19 of Selby District Core Strategy 2013 and the NPPF.

8. Legal Issues

8.1 Planning Acts

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

8.2 Human Rights Act 1998

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

8.3 Equality Act 2010

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

9. Financial Issues

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

10. Background Documents

Planning Application file reference 2022/1026/FUL and associated documents.

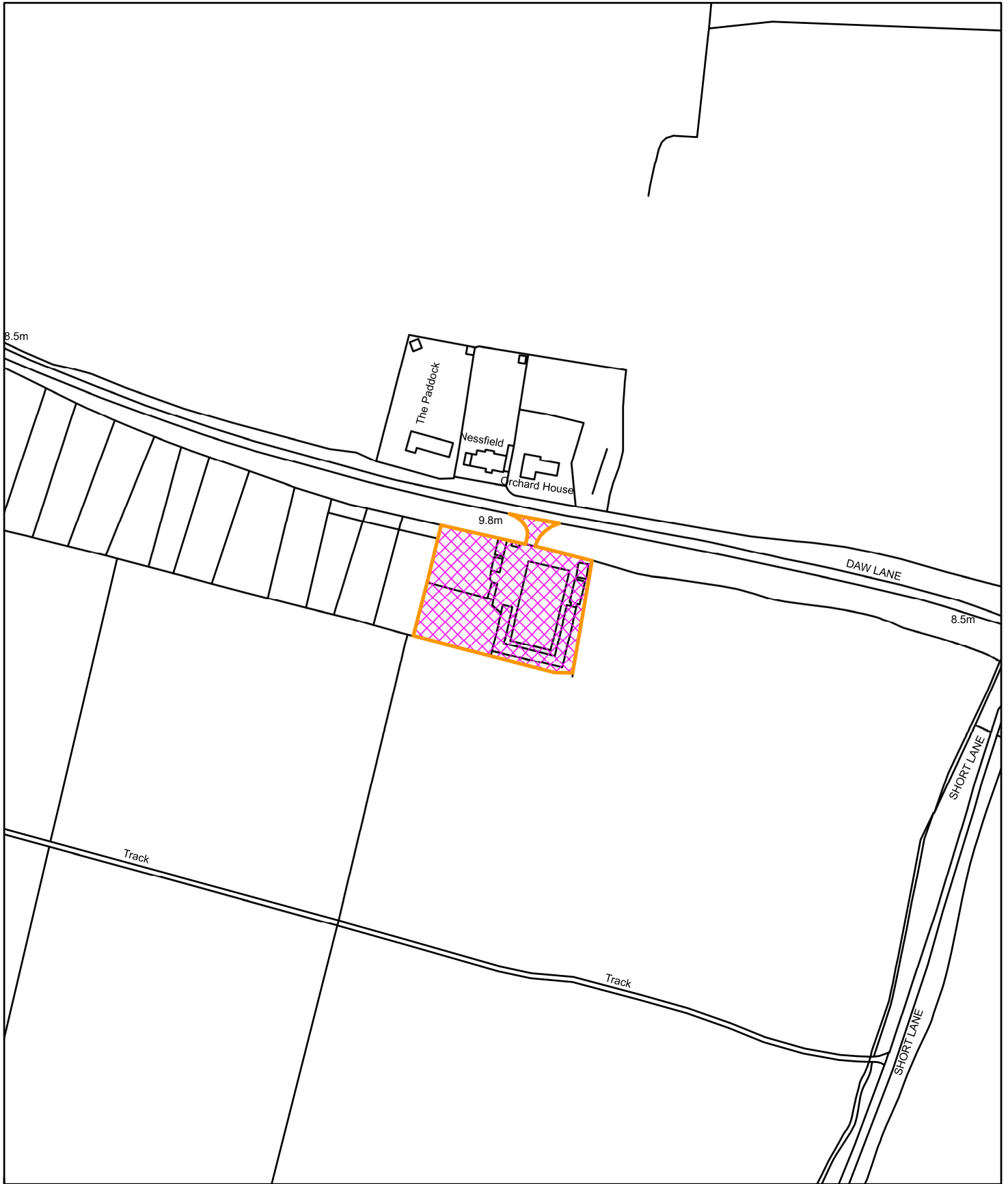
Contact Officer: Irma Sinkeviciene (Senior Planning Officer)

Appendices: None

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Agenda Item 5.6

Oakview Stables, Daw Lane, Appleton Roebuck
2022/0880/COU



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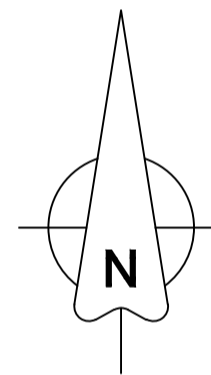
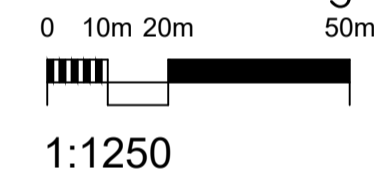


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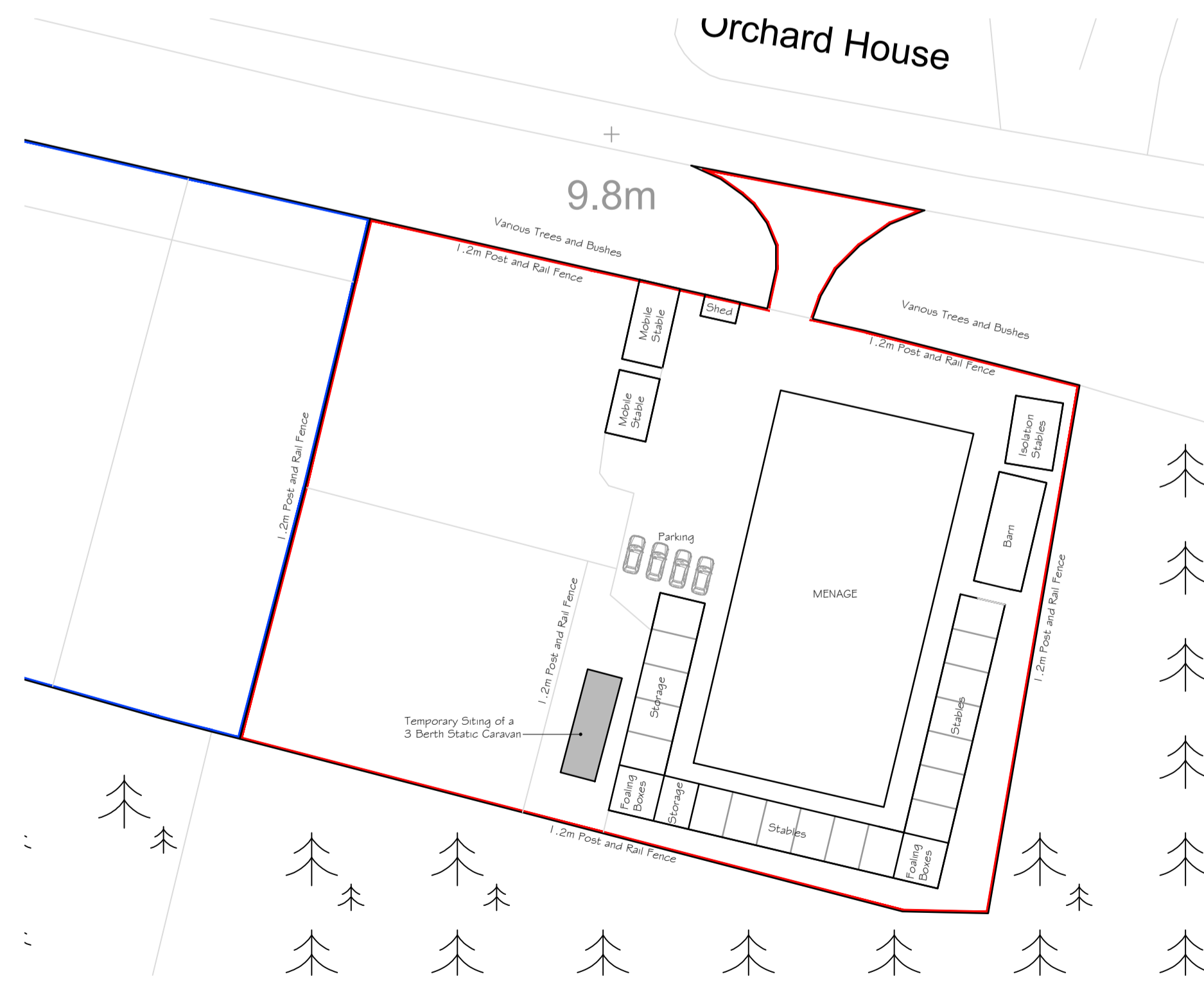
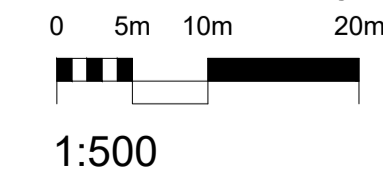


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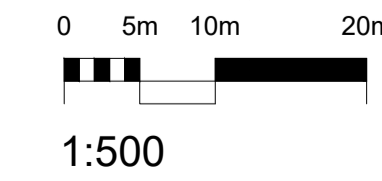
Location Plan
As Existing



Block Plan
As Existing



Block Plan
As Proposed



- SYMBOLS, HATCH & LINETYPE KEY**
- WARNING SIGNIFICANT HAZARD OR INFORMATION WHICH IS USEFUL
 - ACTION (DO)
 - AVOID OR REFRAIN FROM (DON'T)
 - ON-SITE MEASUREMENTS REQUIRED
 - RELEVANT INFORMATION
 - STRUCTURAL ENGINEER ITEM
 - BUILDING CONTROL ITEM
 - BRICK
 - CONCRETE
 - BLOCK
 - SAND
 - HARDCORE
 - PROPOSED
 - GLAZING
 - OBSCURE GLASS
 - BOUNDARY
 - FOUL DRAINAGE
 - SW DRAINAGE
 - INSULATION
 - DPM, DPC, VCL, FLASHING
 - STRUCTURAL BEAMS
 - DEMOLITION AREAS

DATE	NOTES	BY	REV
28/06/22	First Draft For Client Approval	JG	A

Phone: 01904 202297 Email: info@cka.design www.ckarchitecturalyork.co.uk

PROJECT TITLE Proposed Temporary Static Caravan		CLIENT Miss Becky O'Neill Becky O'Neill Equestrian, Daw Lane, Appleton Roebuck, YO23 7BL	
DRAWING STAGE Design	SCALE 1:500/1:1250 @ A1	CHK -	DRAWN BY JG
SHEET TITLE Plans as Existing & Proposed	PROJECT NUMBER YO23-3180	STAGE DES	REV A
			SHT 001

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Report Reference Number 2022/0880/COU

To: Planning Committee
Date: 9th November 2022
Author: Irma Sinkeviciene (Senior Planning Officer)
Lead Officer: Hannah Blackburn (Planning Development Manager)

APPLICATION NUMBER:	2022/0880/COU	PARISH:	Appleton Roebuck Parish Council
APPLICANT:	Ms Becky O'Neill	VALID DATE:	20th July 2022
		EXPIRY DATE:	14th September 2022
PROPOSAL:	Change of use for temporary siting of a static caravan		
LOCATION:	Oakview Stables Daw Lane Appleton Roebuck York YO23 7BL		
RECOMMENDATION:	REFUSE		

This application has been brought before Planning Committee as more than 10 letters of representation have been received, which raise material planning considerations and Officers would otherwise determine the application contrary to these representations.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site is located to the east of the Appleton Roebuck village and is distanced from it by approximately 450 metres and is located within the wider site operating as equestrian business known as 'Oakview Stables'. The site as outlined in red on the location plan consists of stable blocks and ancillary to it buildings surrounding the manège on the eastern side, a substantial hardstanding area in the north west corner and undeveloped enclosed land in the south west corner. The wider site outlined in blue and owned by the applicants is undeveloped land which appears to be used for the grazing of horses as noted from a site visit by a Case Officer.
- 1.2 The original approval for the stables CO/2000/0214 had a smaller red line area and did not include a large area to the west of the stables block, which was at the time outlined within the blue ownership line. Whilst it is noted that some surface material has been placed on part of this land to the west of the stable block, the authorised use of this area to the west of the stable block is agricultural and can be used for the grazing of horses.

- 1.3 The area where the temporary residential caravan is proposed to be sited is located within the field immediately to the west of the stables block just outside the approved stables site. This field is enclosed by a low post and rail timber fence and the wider site together with the rest of the land owned by the applicant as outlined on the submitted drawings are surrounded by the mature woodland area on the west, south and east with a row of mature trees and other vegetation separating the equestrian site and adjoining to it field from the public highway on the north. The application site itself includes access, the existing stable block with manège and part of the field adjacent to the stables on the west.
- 1.4 The site is located outside the defined development limits of any of the settlements and is therefore in the open countryside for planning purposes. The site is located within flood zone 1 and within the mineral safeguarding area.
- 1.5 The residential caravan is proposed to be sited temporarily (for a maximum of 3 years) in association with the existing equestrian business which would be occupied by the applicant and their family to support the established equestrian facility.

The Proposal

- 1.6 The application is seeking planning permission for the change of use of the land for temporary siting (a maximum of 3 years) of a residential static caravan in association with the existing equestrian business.

Relevant Planning History

- 1.7 The following historical application is considered to be relevant to the determination of this application.
 - Application CO/2000/0214 (8/79/150/PA) for the proposed erection of a new equestrian centre consisting of fourteen stables, associated tack, feed and hay stores and construction of all-weather menage at (now known as) Oakview Stables, Daw Lane, Appleton Roebuck was approved in April 2001.

2. CONSULTATION AND PUBLICITY

- 2.1 **Parish Council** – The applicant made representation at the Parish Council meeting and explained the need for this application to support the existing business at the location. It was resolved to support this application as the local business brings employment to the area and the caravan will not be seen from the road.
- 2.2 **Environmental Health** – Have considered the information provided by the applicant and I have no comments to make.
- 2.3 **NYCC Highways** – No objections to the proposed change of use.
- 2.4 **Yorkshire Water Services Ltd** – No comments received during statutory consultation period.
- 2.5 **Ainsty (2008) Internal Drainage Board** – Given the size of this application, the Board's view is that it is likely to have minimal impact on any watercourses within the Board's district. Accordingly, the Board has no comment to make on the proposal. The Board's comments have been made following consideration of the information

provided by the applicant through the Planning Authority and should these details change the Board would wish to be re-consulted.

- 2.6 **Agricultural Consultant** (Clubleys Estate Agents) – Concluded that from the information provided it is impossible to conclude that there is an essential need for a rural worker to live on site in order to justify an isolated dwelling in the countryside. The details of the key comments and conclusions are included in the principal section of this report.

There was additional information received from the applicant and Agricultural Consultant has been reconsulted and advised the LPA that whilst the additional information is noted, this does not change the original view.

There were further communications with the applicant who advised that they would provide details of 2022 accounts and provide the additional information prior to Committee meeting taking place. Once this information is received, the Case Officer will re-consult the Agricultural Consultant and will update Members at the time of the Committee on this matter.

- 2.7 **Public comments** – site notices were posted on 19th August 2022. There were 14 letters supporting the application received as a result of this advertisement supporting this application for the reasons as summarised below:

- Welfare of the horses that require 24 hour care and supervision
- Security of the site, equipment and horses
- Good access and location
- Thriving business which should be supported
- Provides employment to local young people and provides a well-managed environment to equestrian students from the local college where they can improve their skills - contributing to peoples development, careers and the economy
- The business is appropriate to the area
- The location of the stables is down a quiet road located discreetly behind hedging at all angles - causing no disturbance to the 3 neighbouring houses

3. **SITE CONSTRAINTS**

Constraints

- 3.1 The site is located outside the defined development limits of Appleton Roebuck and is therefore located in the open countryside. The site does not contain any protected trees and there are no statutory or local landscape designations. The site is situated within Flood Zone 1.

4. **POLICY CONSIDERATIONS**

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.

- 4.2 The development plan for the Selby District comprises various documents including the Selby District Core Strategy Local Plan (adopted 22nd October 2013), 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, the Minerals and Waste Joint Plan (adopted 16 February 2022), and the adopted neighbourhood plans of which the Appleton Roebuck and Acaster Selby Neighbourhood Development Plan is relevant.
- 4.3 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options took place early in 2020. Consultation on preferred options and additional sites took place in early 2021. The Pre-submission Publication Local Plan is currently subject to a period of formal consultation prior to submission to the Secretary of State for Examination. Given the stage of the emerging Local Plan, the policies contained within it are attributed no weight and as such are not listed in this report.
- 4.4 The National Planning Policy Framework (July 2021) (NPPF) replaced previous iterations of the NPPF. 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 2021 NPPF and in particular the sections listed below.
- 4.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

“219.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 2013 (SDCS)

- 4.6 The relevant Core Strategy Policies are:
- SP1 – Presumption in Favour of Sustainable Development
 - SP2 – Spatial Development Strategy
 - SP15 – Sustainable Development and Climate Change
 - SP18 – Protecting and Enhancing the Environment
 - SP19 – Design Quality
 -

Selby District Local Plan 2005 (SDLP)

- 4.7 The relevant Selby District Local Plan Policies are:
- ENV1 – Control of Development
 - ENV2 – Environmental Pollution and Contaminated Land
 - T1 – Development in Relation to the Highway
 - T2 – Access to Roads

National Planning Policy Framework 2021 (NPPF)

4.8 The relevant National Planning Policy Framework sections are:

Section 2 – Achieving sustainable development

Section 4 – Decision-making

Section 5 - Delivering a sufficient supply of homes

Section 9 – Promoting sustainable transport

Section 12 – Achieving well-designed places

Section 14 – Meeting the challenge of climate change, flooding and coastal change

Section 15 – Conserving and enhancing the natural environment

Minerals and Waste Joint Plan 2022 (MWJP)

4.9 The relevant Minerals and Waste Joint Plan policies are:

S01 – Safeguarded Surface mineral resources

S02 – Developments proposed within Safeguarded Surface Mineral Resource areas

S06 – Minerals ancillary infrastructure safeguarding

Appleton Roebuck and Acaster Selby Neighbourhood Development Plan (ARAS NDP)

4.10 The relevant ARAS NDP policies are:

- ELH1 – Maintaining agricultural land
- ELH2 – Conserving, restoring and enhancing biodiversity
- ELH4 – Historic Rural Environment
- DBE2 – Respecting traditional building design and scale
- DBE4 – Drainage and Flood Prevention

Appleton Roebuck Village Design Statement, February 2012

4.11 The application site falls outside of the scope of Appleton Roebuck Village Design Statement.

5. APPRAISAL

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

- The principle of the development
- Design and impact on the character and appearance of the open countryside
- Impact on residential amenity
- Highway issues
- Contamination issues
- Flood risk, drainage and climate change
- Nature conservation and protected species
- Contamination issues
- Affordable Housing
- Minerals and Waste

Principle of the development

- 5.2 The application site is located outside the defined development limits of Appleton Roebuck and is therefore located in the open countryside in policy terms. Relevant policies in respect to the principle of development and the presumption in favour of sustainable development includes Policies SP1 and SP2 of the SDCS and advice contained within the NPPF.
- 5.3 Policy SP1 of the SDCS outlines 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. Policy SP1 is therefore consistent with the guidance in Paragraph 11 of the NPPF. SP1 also advises, amongst other things, that where there are no policies relevant to the application the Council, should grant planning permission unless material considerations indicate otherwise taking into account whether specific policies in the NPPF indicate that development should be resisted.
- 5.4 Policy SP2A of the SDCS is the Councils Spatial Development Strategy setting out the hierarchical approach to future development directing the majority to the more sustainable locations. SP2 c) provides that development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed 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, or special circumstances.
- 5.5 The scheme must also be assessed in terms of the principle of development against paragraph 80 of the NPPF, as it seeks to establish the principle of a dwelling in an isolated location.
- 5.6 Paragraph 78 of the NPPF states that in rural areas, planning policies and decisions should be responsive to local circumstances with paragraph 80 stating that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:
- a) there is an essential need for a rural worker, including those taking majority control of farm business, to live permanently at or near their place of work in the countryside
 - b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets,
 - c) the development would re-use redundant or disused buildings and enhance its immediate setting,
 - d) the development would involve the subdivision of an existing residential building; or
 - e) the design is of exceptional quality, in that it:
 - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas and
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.
- 5.7 The application details indicate that approval for the temporary siting of a static caravan for 3 years is sought to provide security and welfare to the facility while a full application is prepared for a permanent dwelling. The site contains an established equestrian facility and adjacent agricultural field. The business originally ran as a

livery yard and for freelance instruction. It has diversified into the, selling of horses nationally and internationally, and the applicant also runs a breeding programme with the business being based at Oakview Stables. The proposal is for a siting of a residential static caravan within the Oakview Stables site which would be occupied in association with this business temporarily for a maximum of 3 years by the applicant/owner of the site and their family to manage this rural business. The proposed static caravan would therefore provide a dwelling on site which would be occupied by the equestrian worker.

- 5.8 The submitted Business Justification Report dated September 2022 outlines that Oakview Stables are the base for the applicant's horse related business. The report outlines that the Oakview Stables has been owned and run by the applicant for over 20 years and that there is also approximately 1.52 ha of grassland adjacent to this facility which is used by the stables for grazing horses. It further lists the buildings and fixed equipment and explains that there are 2 full-time and 3 part-time employees in addition to the applicant and outlines the daily duties required to be fulfilled as well as additional duties related to administration, management and schooling side of the business. It also briefly explains the matters related to stocking and future plans and includes financial statements.
- 5.9 The Report also outlines that the applicant currently resides in Appleton Roebuck along with her son and aging parents and that there is no dwelling associated with the business and no available dwellings in the immediate vicinity which are available or suitable to serve the business. The Report continues to argue that for a nearby dwelling to be suitable, it would need to be within sight and sound of the animals, especially when care is required as a result of an emergency and that due to the business growing, living away from the stables is no longer sustainable and that the applicant does not feel safe going alone or sending a member of staff during the night hours.
- 5.10 The Report further argues that the breeding, rearing and keeping of horses generates a functional need for the on-site residential presence of a skilled equine worker and that there in emergency situations, CCTV is of little assistance as the screen cannot be monitored for 24 hours a day. The Report therefore concludes that due to the nature of the equestrian business run by Ms O'Neill, there is a clear functional need for her to have a temporary dwelling on site that is within sight and sound of the animals and that the enterprise has been profitable in recent years whilst the applicant has been trying to grow the business. It further argues that and by living on site, the applicant will be able to invest in this business and continue to grow it, and that the creation of a temporary dwelling on site is essential.
- 5.11 Council's Agricultural Consultant has been consulted who fully reviewed available information and advised as follows:
- The information provided appears to be inconsistent and there are significant omissions,
 - No accounts have been provided for the year ending 5th April 2022 and those that have been provided are incomplete,
 - No projections and no business plan have been provided to show how the business has, or expects to evolve,
 - The business shows a profit but includes government funding greater than the amount of profit.
 - During the inspection the agricultural consultant was informed that the Applicant "had horses at Easingwold, Northallerton, Thirsk, Durham and Peterborough". However, none of this was mentioned in the information

provided and there was no details within the submitted information showing how this involves the Applicant's business and how this integrates with the Appleton Roebuck site

- Looking after breeding mares does create a requirement for an on site presence, however, this may only be for short periods in the year, particularly if there are only a very limited number of breeding mares.
- Looking after high value horses and dealing with sale of these animals can add to the essential need, as can looking after high value horses on livery but none of this is detailed or quantified within the information provided. Security requirements, in general, can also add to the need.
- In addition to the "essential need" there should also be sufficient information provided to show that this is, or can become, a robust sustainable business which can support the labour required. No information has been provided to show this.

The Council's Agricultural Consultant therefore concluded that from the information provided it is impossible to conclude that there is an essential need for a rural worker to live on site in order to justify an isolated dwelling in the countryside.

5.12 After the above comments were made, the applicant provided additional information as follows:

- Clarifying that the foaling programme has not recently commence but has been ongoing for 20 years and is spread throughout the year to assist with workload
- Provided some additional information and clarification related to accounts and payments and clarified that the accounts are directly from the accountant and are treated as complete. Also, advised that the accounts to April 2022 are not yet available and once the accountant has prepared them, they will be made available,
- The horses mentioned to be in Easingwold, Northallerton, Thirsk, Durham and Peterborough are applicant's private horses that are kept off site which is not relevant to the business case.
- Also referred to the information within the submission in relation to some other queries raised by the Councils' Agricultural Consultant.

5.13 The information provided by the applicant has been forwarded to the Council's Agricultural Consultant for review. Whilst he has not provided any formal comments in relation to this, he confirmed via an email to the Council that the this does not change his original conclusion that from the information provided it is impossible to conclude that there is an essential need for a rural worker to live on site in order to justify an isolated dwelling in the countryside.

5.14 Officers consider that there is no reason to disagree with the conclusions of the Council's Agricultural Consultant and therefore accepts that the essential need for a rural worker to live permanently on site has not been demonstrated in this instance. The scale and extent of the breeding programme is not provided. Moreover, there is insufficient information and clarity on the scale and extent of business, particularly in relation to the extent of the breeding program on site or the source and level of the income generated, to conclude that an essential functional need exists to justify a permanent presence on this site all year or that the business is sustainable and viable at present or the future. Furthermore, the proposal is for a change of use of land for the temporary (a maximum of 3 years) siting of a residential static caravan. Policy SP2A(c) is silent on changes of use of land and is therefore contrary to this policy.

5.15 Having reviewed all of the above, it is therefore considered that a proposal for a change of use of land for the siting of a temporary residential accommodation would be contrary to the requirements set out in paragraph 80 of the NPPF due to the proposals failing to demonstrate the essential need for a rural worker to live permanently on site. The proposal would also be contrary to Policy SP2 of the SDCS due to this policy being silent on changes of use. As such, the proposal would be unacceptable in principle contrary to Policies SP1 and SP2 of the SDCS and with the NPPF.

Design and impact on the character and appearance of the open countryside

5.16 The application site is located in the open countryside and relevant policies in respect to the impact of development on character and appearance of the area and the impact on the quality of a landscape are Policy ENV1 of the SDLP, Policy SP19 of the SDCS, Policies DBE2 and ELH4 of the ARASNDP and advice contained within the NPPF.

5.17 SDLP Policy ENV1 (1) requires development to take account of the effect upon the character of the area, with ENV1 (4) requiring the standard of layout, design and materials to respect the site and its surroundings. SDLP Policy ENV1 is broadly consistent with the aims of the NPPF and should therefore be given significant weight.

5.18 Policy SP19 requires that "Proposals for all new development will be expected to contribute to enhancing community cohesion by achieving high quality design and have regard to the local character, identity and context of its surroundings including historic townscapes, settlement patterns and the open countryside. Both residential and non-residential development should meet the following key requirements:
A) Make the best, most efficient use of land without compromising local distinctiveness, character and form;
B) Positively contribute to an area's identity and heritage in terms of scale, density and layout.

5.19 ARAS NDP Policies DBE2 and ELH4 also require consideration of the impact of schemes on the character of the settlement and the relationship to the surrounding area.

5.20 NPPF makes it clear that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development.

5.21 The application site contains the wider site currently occupied by the equestrian business known as 'Oakview Stables' and part of the adjacent agricultural field. There is an existing access to this site with areas for access, parking and manoeuvring of vehicles which is covered with surfacing materials, a centrally located manège with a stable block surrounding it on the east, south and west, and a part of an enclosed field adjacent to the west of the stables block. The proposal is for the change of use of land for the siting of caravan for the temporary residential use (for a maximum of 3 years).

5.22 The development would be set within the enclosed part of the field which is immediately adjacent to the wider operating equestrian business site. The equestrian site and field adjacent to it are located to the south of the public highway known as Daw Lane and is enclosed by the mature woodland area on the south, east and west, and a row of mature trees and other vegetation on the north along the Daw Lane. The

proposed caravan will be sited on land adjacent to the existing stable block building and would be viewed within the context of the existing buildings and other structures associated with the use of the site. It would also be sited close to the southern edge of the site and would therefore be significantly set back from the Daw Lane. Glimpses of the proposed caravan could be caught at the point where the access is and through gaps in planting along Daw Lane, particularly during winter months. However, although the proposed development would be located within the open countryside, it would be adequately screened from public views and would be viewed within the context of the operating equestrian site and the buildings and structures present within it and would not appear visually intrusive in the landscape.

- 5.23 There were no details of the design of the proposed caravan apart from the indication on the drawings that it would be 3 berth static caravan with a footprint of approximately 11 metres by 3.7 metres. Whilst no details of the external appearance have been provided, given the nature of the proposal for a siting of a caravan, its scale, design and appearance could be secured via a condition to ensure it falls within the definition of a caravan. The caravan is intended to be a temporary solution with the intention to apply for a permanent dwelling in the future. Generally, the design of caravans (static or mobile) would not be appropriate in terms of design as permanent homes in the open rural countryside. However, as a temporary dwelling, it would be acceptable in the context of this rural business site. Having taken into account the above stated factors, combined with the siting of the temporary dwelling within a well-screened site, it would not appear obtrusive or particularly out of place and mitigation in the form of screening could be achieved through a condition.
- 5.24 In addition to the above, whilst it is noted that the application site as outlined in red is of a substantial size, it is shown on the proposed block plan drawing that the proposed caravan would be sited within the small part of the adjacent field which would be enclosed by a 1.2 metre post and rail fence. The proposed enclosed area surrounding the proposed caravan would serve private amenity space for the future occupiers and is likely to contain domestic paraphernalia on it. However, the proposed area is small and is immediately adjacent to the caravan and nearby equestrian buildings, there are no other buildings or structures proposed within it and it would be enclosed with appropriate to the open countryside location fencing in the form of low post and rail fence which can be secured via a condition. Furthermore, the proposed private amenity space could be limited to the enclosed area as shown on the plans via a condition to ensure that the residential use does not encroach further into the fields.
- 5.25 Given the above and the location of the site combined with the nature and siting of the proposal, it is considered that the proposal would not have any significant adverse impact on the character and appearance of the site or the surrounding area and would therefore not conflict with Policy ENV1 of the SDLP, Policy SP19 of the SDCS, Policies DBE2 and ELH4 of ARAS NDP and the advice contained within the NPPF subject to aforementioned conditions.

Impact on Residential Amenity

- 5.26 Relevant policies in respect of the effect upon the amenity of adjoining occupiers include Policies ENV1 (1) and ENV2 of the SDLP. Significant weight should be attached to these policies as it is broadly consistent with the aims of the NPPF to ensure that a good standard of amenity is achieved.
- 5.27 The key considerations in respect of residential amenity are considered to be the potential of the proposal to result in overlooking of neighbouring properties,

overshadowing of neighbouring properties and whether oppression would occur from the sheer size, scale and massing of the development proposed. Similarly, consideration needs to be given to whether existing surrounding residential development would give rise to the potential for overlooking of the proposed dwellings, overshadowing of the proposed dwellings, and whether oppression would occur from the size, scale and massing of existing neighbouring properties. Also, consideration needs to be given to any impacts of noise and disturbance arising from the existing use of the wider site.

- 5.28 Given the distance of the application site away from any of the neighbouring residential properties, it is not considered that it would cause any impacts on residential amenities of any of the neighbouring properties.
- 5.29 Environmental Health Officer (EHO) has been consulted who advised that they have considered the information provided by the applicant and have no comments to make.
- 5.30 The proposed residential caravan would be sited adjacent to the existing operational equestrian site and it is proposed to be occupied by a rural worker who would operate the site as noted in the earlier sections of this report. As such, whilst some impacts of noise and disturbance could be caused to the future occupiers of the proposed caravan, those impacts can be adequately mitigated via a condition linking occupancy of the static caravan with the adjacent equestrian business.
- 5.31 Given all of the above, subject to aforementioned condition and given the siting, size and scale of the proposed development and its relationship with the neighbouring properties and the equestrian site, it is considered that no adverse effects would be caused to the amenities of any of the neighbouring properties or the future occupiers of the proposed caravan. The proposal would therefore be in accordance with policies ENV1 (1) and ENV2 of the SDLP.

Highway Issues

- 5.32 Relevant policies in respect to highway safety include Policies ENV1, T1 and T2 of the SDLP, requirement (c) set out in Policy SP19 of the SDCS and Policy H1 of the ARAS NDP. These policies should be afforded substantial weight as they are broadly consistent with the aims of the NPPF.
- 5.33 The proposal is for the siting of caravan for the temporary residential use for a rural worker and the access and existing parking would be utilised for this development. NYCC Highways Officer has been consulted and raised no objections to the proposal.
- 5.34 As such and given the nature, siting and scale of the proposal, and location of the site, it is therefore not considered that the proposed scheme would have an adverse impact on highway safety. As such, the proposal is considered to be in accordance with Policies ENV1, T1 and T2 of the SDLP and Policy SP19 of the SDCS with respect to impact on the highway.

Contamination issues

- 5.35 Policy ENV2 (A) states that proposals for development which would give rise to, or would be affected by unacceptable levels of noise, nuisance, contamination or other environmental pollution including groundwater pollution will not be permitted unless satisfactory remedial or preventative measures are incorporated as an integral

element in the scheme and such measures should be carried out before the use of the site commences.

- 5.36 The site is not identified as potentially contaminated land however the proposed residential use is sensitive to land contamination. Whilst the Contaminated Land Officer has not been consulted, the proposal is for the siting of the static caravan and no groundworks are proposed. As such and having taken into account the scale and nature of the proposal, it is considered that any contamination matters can be adequately dealt with via a recommended condition.
- 5.37 The proposal would therefore be acceptable in terms of contamination issues and would accord with policy ENV2 (A) of the SDLP and the NPPF.

Flood Risk, Drainage and Climate Change

- 5.38 The application is located in Flood Zone 1, which is at low probability of flooding and as such and given the size of the site and that there was no evidence found that the site is identified as having any issues listed in footnote 55 of the NPPF, a site-specific flood risk assessment is not required in this instance.
- 5.39 In terms of drainage, the application form states that surface water would be disposed of via soakaway and no details of foul drainage were provided. Yorkshire Water and Ainsty IDB have been consulted on this application. No comments were received from Yorkshire Water, and Ainsty IDB advised that given the size of this application, the Board's view is that it is likely to have minimal impact on any watercourses within the Board's district, and accordingly, the Board had no comment to make on the proposal. As such and given that such matters are also covered by a separate legislation, it is therefore considered that the proposed drainage arrangements are acceptable.
- 5.40 Policy SP15 (B) states that to ensure development contributes toward reducing carbon emissions and are resilient to the effect of climate change schemes should where necessary or appropriate meet 8 criteria set out within the policy. Having had regard to the nature and scale of the proposal, it is considered that its ability to contribute towards reducing carbon emissions, or scope to be resilient to the effects of climate change is so limited that it would not be necessary and, or appropriate to require the proposals to meet the requirements of criteria of SP15 (B) of the Core Strategy. Therefore, having had regard to Policy SP15 (B) it is considered that the proposal is acceptable.
- 5.41 As such, notwithstanding the fact that the proposal is unacceptable in other respects, it is therefore considered that the proposal is acceptable in terms of flood risk, drainage and climate change and is in accordance with Policy ENV1 (3) of the SDLP, Policies SP15 and SP19 or the SDCS, Policy DBE4 of ARAS NDP and the advice contained within the NPPF.

Nature Conservation and protected species

- 5.42 Protected Species include those protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010. The presence of protected species is a material planning consideration. Relevant policies relating to nature conservation include Policy ENV1 (5) of the SDLP and Policy SP18 of the SDCS.

- 5.43 The application site is not a protected site for nature conservation and is not known to support any protected species or any other species or habitat of conservation interest. Whilst there is a woodland area adjacent to the site, the area where the caravan is proposed to be sited is a grasses agricultural field with some trees forming part of the woodland along its southern boundary and it is not anticipated that any trees will be affected as a result of the proposal. Furthermore, given the existing land use of the adjacent equestrian site and temporary nature of the proposal, it is not considered that any protected species will be impacted by the proposals.
- 5.44 Given the above, it is considered that the proposal would not harm any acknowledged nature conservation interests and is therefore in accordance with policy ENV1 (5) of the SDLP, Policy SP18 of the SDCS and the advice contained within the NPPF.

Minerals and Waste

- 5.45 The application site is located within a Surface Minerals Safeguarding Area. However, as the application is a for the change of use of land, it constitutes 'exempt development' as set out in paragraph 8.55 of the Minerals and Waste Joint Plan and no further consideration of this matter is required. The proposal therefore complies with Policies S01, S02 and S06 of the Minerals and Waste Joint Plan 2022.

6. CONCLUSION

- 6.1 The application seeks permission for the change of use of land to site a temporary residential static caravan for the residential purposes for a period of maximum of 3 years.
- 6.2 The application site is located outside the defined development limits of Appleton Roebuck and is therefore within the open countryside. Having reviewed all of submitted information and consultation responses, it is therefore considered that the proposal would be contrary to the requirements set out in paragraph 80 of the NPPF due to the proposals failing to demonstrate the essential need for a rural worker to live permanently on site. The proposal would also be contrary to Policy SP2 of the Selby District Core Strategy 2013 due to this policy being silent on changes of use. As such, the proposal would be unacceptable in principle contrary to Policies SP1 and SP2 of the Selby District Core Strategy 2013 and the NPPF.
- 6.3 Notwithstanding the fact that the proposal is unacceptable in principle and is contrary to a number of policies the scheme is considered acceptable in terms of its impact on the character and appearance of the open countryside, residential amenities, impacts on the highway, contamination, ecology, flood risk and drainage and mineral and waste.

7. RECOMMENDATION

This application is recommended to be REFUSED for to the reasons below:

1. The application site is located outside the defined development limits of Appleton Roebuck and is therefore within the open countryside. It is considered that the proposal would be contrary to the requirements set out in paragraph 80 of the NPPF due to the proposals failing to demonstrate the essential need for a rural worker to live permanently on site. The proposal would also be contrary to Policy SP2 of the Selby District Core Strategy 2013 due to this policy being silent on

changes of use. As such, the proposal would be unacceptable in principle contrary to Policies SP1 and SP2 of the Selby District Core Strategy 2013 and the NPPF.

8. Legal Issues

8.1 Planning Acts

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

8.2 Human Rights Act 1998

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

8.3 Equality Act 2010

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

9. Financial Issues

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

10. Background Documents

Planning Application file reference 2022/0880/COU and associated documents.

Contact Officer: Irma Sinkeviciene (Senior Planning Officer)

Appendices: None



List of Planning Applications Determined Under Delegated Powers

The following Planning Applications have been determined by officers under the scheme of Delegation

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2018/0974/DOC	Stonebridge Homes	Pinfold Garth Sherburn In Elmet North Yorkshire	Discharge of conditions 07 (surface water), 08 (foul drainage), 10 (drainage), 14 (highways), 15 (highways) & 21 (highways) of approval 2016/1256/OUTM Outline application for residential development comprising up to 60 dwellings, areas of open space, landscaping and associated infrastructure with all matters reserved except access on land to north	CONDITION DECISION 26 Sep 2022	Yvonne Naylor
2020/0233/DOC	C.E. & J.E. Clark	Land adjacent to Lodge Hill Farm Garman Carr Lane Wistow Selby North Yorkshire	Discharge of condition 04 (drainage) of approval 2018/0249/FULM Erection of an Agricultural Grain Store	CONDITION DECISION 29 Sep 2022	Kelly Sweeney
2020/0262/DOC	C.E. & J.E. Clark	Land adjacent to Lodge Hill Farm Garman Carr Lane Wistow Selby North Yorkshire	Discharge of condition 4 (drainage) of approval 2019/0870/FUL proposed extension to the south of existing agricultural grain store to house a grain dryer	CONDITION DECISION 30 Sep 2022	Kelly Sweeney

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2020/0489/CPE	Mr Allen Guest	Riverside Barn Bridge Farm High Street Carlton Goole East Yorkshire DN14 9LN	Lawful development certificate for existing use for part of Riverside Barn as a dwelling with garden, driveway and parking area	PERMITTED 22 Sep 2022	Elizabeth Maw
2020/0932/FUL	South Milford Parish Council	Steeton Cottage 8 Steeton Way South Milford Leeds West Yorkshire LS25 5PD	Creation of a clay-based bund across dyke within grounds of Steeton Cottage (Amended Plans)	PERMITTED 14 Oct 2022	Emma Howson
2021/0085/FUL	Miss Catherine Ellis	Templar Nurseries Main Road Temple Hirst Selby North Yorkshire YO8 8QN	Erection of stable block with storage area	PERMITTED 18 Oct 2022	Elizabeth Maw
2021/0616/FUL	EBCO Holdings Ltd	Bowlands Moor Lane Bilbrough Selby North Yorkshire YO23 3NT	Erection of an extension and alterations to an existing agricultural building and installation of a combined heat and power unit within the building to provide renewable heating and electricity for the adjacent poultry farm	PERMITTED 18 Oct 2022	Elizabeth Maw
2021/0878/FUL	Orchard Nurseries	The Cart Shed Thorpe Hall Farm Dam Lane Thorpe Willoughby Selby North Yorkshire YO8 9LU	Erection of agricultural buildings and associated facilities including new access for Orchard Nurseries	REFUSED 30 Sep 2022	Diane Holgate

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2021/1136/COU	Makin Enterprises & CA Group	Leeds East Airport Busk Lane Church Fenton Selby North Yorkshire LS24 9SE	Change of use to cladding/construction products and materials research and development facility	PERMITTED 18 Oct 2022	Martin Evans
2021/1152/COU	Mr Wes Nunns	50 Micklegate Selby North Yorkshire YO8 4EQ	Change of use to barbers and bar with associated works to the building	PERMITTED 11 Oct 2022	Jac Cruickshank
2021/1230/HPA	Ms Coles	11 Kestrel Garth Brayton Selby North Yorkshire YO8 9SJ	The erection of a new boundary wall to replace the existing timber fence	REFUSED 20 Oct 2022	Josh Turner
2021/1302/DOC	Firethorn Developments Ltd	Land at Former Airfield Lennerton Lane Sherburn In Elmet North Yorkshire	Discharge of conditions 4 (highways), 13 (archaeological detail) and 17 (noise impact assessment) of 2018/0697/OUTM S.73A application for outline planning approval with all matters except access reserved for the erection of 117,000 sq m (1,250,000 sq ft) of Class B2 and B8 commercial floorspace (with ancillary Class B1 offices) and site infrastructure works without complying with Conditions 7, 9, 11, 17, 19, 29 and 38 of outline planning approval 2016/0332 granted on 10 June 2016	CONDITION DECISION 30 Sep 2022	Jenny Tyreman

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2021/1304/REMM	Firethorn Developments Limited	Land at Former Airfield Lennerton Lane Sherburn In Elmet North Yorkshire	Reserved matters application including appearance, landscaping, layout and scale of approval 2018/0697/OUTM S73A application for outline planning approval with all matters except access reserved for the erection of 117,000 sq m (1,250,000 sq ft) of Class B2 and B8 commercial floorspace (with ancillary Class B1 offices) and site infrastructure works without complying with Conditions 7, 9, 11, 17, 19, 29 and 38 of outline planning approval 2016/0332 granted on 10 June 2016	PERMITTED 30 Sep 2022	Jenny Tyreman
2021/1490/OUT	Mr Dale Barlow & Ms India Haresign	Old School House Hillam Road Gateforth Selby North Yorkshire YO8 9LQ	Outline planning application proposing the erection of a new self-build dwelling on land serving School House to replace an existing shipping container annexe (all matters reserved)	REFUSED 19 Oct 2022	Elizabeth Maw
2021/1517/DOC	Firethorn Developments Limited	Land at Former Airfield Lennerton Lane Sherburn In Elmet North Yorkshire	Discharge of conditions 10 (sewers and water mains), 11 (foul drainage) and 12 (surface water drainage) of planning permission 2018/0697/OUTM S.73A application for outline planning approval with all matters except access reserved for the erection of 117,000 sq m (1,250,000 sq ft) of Class B2 and B8 commercial floorspace (with ancillary Class B1 offices) and site infrastructure works without complying with Conditions 7, 9, 11, 17, 19, 29 and 38 of outline planning approval 2016/0332 granted on 10 June 2016	CONDITION DECISION 30 Sep 2022	Jenny Tyreman

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2021/1528/HPA	Mr Mike Powell	Westfield House 45 Westfield Lane South Milford Selby North Yorkshire LS25 5AW	Single storey side extension	REFUSED 30 Sep 2022	Ellis Mortimer
2022/0022/DOC	B.P.S. Construction	Land at Wistow Road Selby North Yorkshire YO8 3LZ	Discharge of conditions 01 (time), 02 (plans), 03, (materials), 04 (drainage), 05, (highways), 06 (highways), 07 (parking manoeuvring), 08 (construction management plan) 09 (contamination), 10 (contaminated), 11 (occupation) and 12 (contamination) of planning permission 2020/1360/FUL Erection of 2 No detached dwellings both with integral garages for single vehicles and car parking to front for 2 extra spaces per unit	CONDITION DECISION 18 Oct 2022	Kelly Sweeney
2022/0106/FUL	Johnson Massey Developments Ltd	Roebuck Barracks Green Lane Appleton Roebuck Selby North Yorkshire	Erection of a replacement bungalow	PERMITTED 11 Oct 2022	Irma Sinkeviciene
2022/0122/FUL	Tony Pearson	Stockhill House Selby Road Camblesforth North Yorkshire YO8 8HR	Demolition of existing steel portal framed barn. Extension and conversion of existing barn to form 2 no. 3 bed dwellings. Conversion of existing barn to form quadruple garage to serve proposed dwellings. Demolition of disused chimney and conservatory to existing farmhouse and replacement with a single storey side extension and associated works including hardstandings and landscaping	PERMITTED 19 Oct 2022	Emma Howson

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/0185/LBC	Paul Friday	3 Market Place Cawood Selby North Yorkshire YO8 3SR	Listed building consent to repair and make watertight the tiled roof. Replace the windows and frames. Repair the interior insulation and plasterboard. Repair the ceiling. Replace the faulty electrical wiring. Replace the front double doors. Replace the rear door with a wider French door. Add mains electrical heating	PERMITTED 14 Oct 2022	Josh Turner
2022/0258/DOC	York House Leisure	Gateforth Park Gateforth New Road Gateforth Selby North Yorkshire	Discharge of conditions 5 (landscape management plan), 13 (footpath link), 19 (lighting) and 20 (bat and bird boxes) of approval 2018/0743/FULM Demolition of buildings and removal of concrete hard standing and redevelopment of site to create a retirement village comprising a change of use of land to site 168 residential park home caravans, temporary reception lodge, shop and sales home, community centre with meeting hall, kitchen, toilets, office, shop, outdoor terrace, village green, and provision of lakes, ponds, public and private amenity spaces, estate roads, car parking, bus laybys, refuse stores, maintenance building and yard	CONDITIONS PART DISCHARGED 7 Oct 2022	Diane Holgate
2022/0291/DOC	Lincolnshire Co-operative Limited	Land adjacent to Duddings Farm High Street Carlton Selby North Yorkshire	Discharge of Conditions 07 (highways), 12 (surface water drainage), 14 (surface water), 15 (scheme of investigation) and 20 (materials) of approval 2019/1020/FUL Proposed erection of a new single storey retail unit consisting of sales area approximately 280 square metres under the use class A1 and back of house area approximately 103 square metres, along with the associated hard and soft landscaping within the site boundary	CONDITIONS PART DISCHARGED 23 Sep 2022	Elizabeth Maw

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/0303/FUL	Motor Fuel Group Ltd.	BP Service Station Bilbrough Top Colton Selby North Yorkshire YO23 3PP	Installation of 5no. chargers, a/w and vac unit and associated infrastructure (Amended Plans)	PERMITTED 18 Oct 2022	Emma Howson
2022/0343/HPA	Mrs Angela Drabble	Croeso Low Road Kellington Selby North Yorkshire DN14 0NJ	Installation of new vehicular access for vehicle access into front garden	REFUSED 20 Oct 2022	Ellis Mortimer
2022/0497/HPA	Mr & Mrs Graham Canty	Alsuno Hazel Old Lane Hensall Selby North Yorkshire DN14 0QA	Single storey extensions to rear	PERMITTED 19 Oct 2022	Ellis Mortimer
2022/0509/HPA	Mr David Armstrong	25 Coupland Road Selby North Yorkshire YO8 3GE	Enlargement of original and change of roof to existing conservatory (retrospective)	PERMITTED 17 Oct 2022	Jordan Fairclough
2022/0537/FUL	Drax Power Limited	Drax Power Station New Road Drax Selby North Yorkshire YO8 8PQ	Installation of Portacabin adjacent to Barry Kirk Way on site at Drax Power Station	PERMITTED 22 Sep 2022	Jenny Tyreman

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/0572/FUL	Harmony Energy Ltd	Rusholme Grange Rusholme Lane Newland Selby North Yorkshire YO8 8PW	Laying of cabling to connect approved battery energy storage system (2021/1268/S73) to grid connection point	PERMITTED 20 Sep 2022	Martin Evans
2022/0624/FUL	Rontec Service Stations 1A Limited	Petrol Filling Station Bawtry Road Selby YO8 8SQ	Installation of 6no. electric vehicle charging bays and associated infrastructure	PERMITTED 22 Sep 2022	Jac Cruickshank
2022/0627/DOC	Mr Andy Plant	Eggborough Power Station Selby Road Eggborough Selby North Yorkshire DN14 0BS	Discharge of Condition 20 (surface water drainage) of approval 2019/1343/EIA Hybrid application for demolition of part of the former power station and ancillary buildings and its redevelopment (i) access into the site, internal roads, employment units, car parking, drainage infrastructure and landscaping and (ii) outline for the scale of redevelopment of the remainder of the site for employment floorspace, proposed buildings with ridge being between 9.5 metres and 24.5 metres, car parking, drainage infrastructure and strategic landscaping	CONDITION DECISION 3 Oct 2022	Gareth Stent
2022/0652/HPA	Mr Timothy Norton	Avalon York Road Skipwith Selby North Yorkshire YO8 5SF	Erection of single storey rear extension, internal alterations plus installation of new photovoltaics	PERMITTED 4 Oct 2022	Josh Turner

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/0657/FUL	Tesco	Unit 6A to 6B Low Street Sherburn In Elmet North Yorkshire LS25 6BG	Installation of new galvanized palisade fence with access gate, re-positioning of existing 2 air conditioning units, installation of new packaged gas cooler and erection of new modular extension with new ramp	PERMITTED 18 Oct 2022	Irma Sinkeviciene
2022/0664/HPA	Mrs A Hornshaw	25 Hillside Close Hillam Selby North Yorkshire LS25 5PB	Single storey front/porch extension, single storey extensions to rear and side of dwelling	PERMITTED 13 Oct 2022	Ellis Mortimer
2022/0667/FUL	Mrs Kate Finch	Land off A163 Market Weighton Road E North Duffield Selby North Yorkshire	Erection of a two storey, five bedroom detached house with car port and office above, together with access drive	REFUSED 23 Sep 2022	Jac Cruickshank
2022/0669/FUL	Mr Calvin Russell	St James' Church Standering Hall New Lane Selby North Yorkshire YO8 4QB	Installation of replacement windows	PERMITTED 10 Oct 2022	Jac Cruickshank
2022/0674/COU	Jack Small	Little Hinny York Road Barlby Selby North Yorkshire YO8 5JZ	Change of use of land for 2 No temporary caravans (retrospective)	REFUSED 30 Sep 2022	Jac Cruickshank

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/0692/HPA	Ms Cowley	Springbank Chapel Green Appleton Roebuck Selby North Yorkshire YO23 7DP	Infill extension to provide new entrance additional floorspace at first floor, internal alterations and removal of conservatory, rendering of main house to off-white colour, external alterations to garage block and landscaping works	PERMITTED 23 Sep 2022	Jordan Fairclough
2022/0693/COU	Mr James Sanderson	Croft Cottage York Road Barlby Selby North Yorkshire YO8 5JH	Change of use of outbuilding to short term air bnb style holiday let (retrospective)	REFUSED 11 Oct 2022	Jac Cruickshank
2022/0697/TCA	Mr Joseph Davies	Green Gables Main Street Monk Fryston Selby North Yorkshire LS25 5DU	Application for consent to crown reduce by 3.65 metres to 1no Ash tree (T1) and crown lift by 3.65 metres to 1no Sycamore tree (T2) within the conservation area	PERMITTED 19 Oct 2022	Emma Howson
2022/0721/FUL	Mr Noel Haverly	The Firs 189 Leeds Road Selby North Yorkshire YO8 4JH	Erection of a four bedroom detached house with car parking and the addition of a front dormer window to 189 Leeds Road, Selby	REFUSED 4 Oct 2022	Jac Cruickshank
2022/0724/TNO2	Mr Paul Johnson	3 Garrick Close Brayton Selby North Yorkshire YO8 9RL	Five day notice to fell 1No Silver Birch tree covered by TPO 3/1989	DEEMED CONSENT 29 Sep 2022	Kelly Sweeney

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/0728/FUL	Westwood Homes (Yorkshire) Ltd	15 School Road Hemingbrough Selby North Yorkshire YO8 6QS	Demolition of existing dwelling and construction of two new dwellings	PERMITTED 20 Sep 2022	Jac Cruickshank
2022/0730/LBC	Barclays Bank plc	Barclays Bank plc Market Place Selby North Yorkshire YO8 4NX	Listed building consent for removal of existing night safe and infill with stonework to match existing, removal of existing individual letter signage and make good, removal of existing projecting sign and make good, removal of existing CCTV camera and make good, removal of existing external ATM and infill with stonework to match existing and existing window to be re-instated to match adjusted window, existing branch opening hours vinyl to be removed and make good and removal of internal fixtures and fittings	PERMITTED 20 Sep 2022	Linda Drake
2022/0731/FUL	Mr Wayne Battersby	Nowlins 17 School Road Hemingbrough Selby North Yorkshire YO8 6QS	Construction of one new dwelling & detached garage	PERMITTED 20 Sep 2022	Jac Cruickshank
2022/0758/FUL	Mr Ian Walker	27 West Bank Carlton Selby North Yorkshire DN14 9PZ	Erection of detached leisure building	REFUSED 20 Sep 2022	Martin Evans

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/0783/DOC	Legal & General Modular Homes	Selby District Council – Old Civic Centre Portholme Road Selby	Discharge of condition 11 (verification report) of planning permission 2020/0776/FULM Redevelopment of the site to provide 102 residential units (Use Class C3), along with associated parking provision, construction of the vehicular access onto Portholme Road and laying out of open space	CONDITION DECISION 27 Sep 2022	Jac Cruickshank
2022/0788/HPA	Mr & Mrs Steve Cruise	Forge House Main Road Burn Selby North Yorkshire YO8 8LJ	Alterations and extensions to property (retrospective) and addition to front dormer window to allow for conversion of roof space to additional living accommodation	PERMITTED 4 Oct 2022	Emma Howson
2022/0803/HPA	Joanne Simpson	17 Barlby Crescent Barlby Selby North Yorkshire YO8 5BB	Two storey side extension to replace existing garage and single storey rear extension to replace existing conservatory	PERMITTED 22 Sep 2022	Jordan Fairclough
2022/0807/FUL	Mr & Mrs Lee	The Laurels Main Road Drax Selby North Yorkshire YO8 8NH	Change of use of land for siting of fifteen touring caravan pitches including new gravel access road, wc/shower block and treatment plant (retrospective)	REFUSED 27 Sep 2022	Emma Howson
2022/0814/HPA	Mr Steve Newey	1 Landing Lane Hemingbrough Selby North Yorkshire YO8 6RA	Two storey flat roof rear extension and front porch	PERMITTED 19 Oct 2022	Josh Turner

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/0815/FUL	Mr Sherwood	Laburnum Farm Wistow Lordship Wistow Selby North Yorkshire YO8 3RR	Erection of replacement agricultural building	REFUSED 17 Oct 2022	Linda Drake
2022/0821/FUL	Molson Coors Brewing Co (UK) Ltd	Two bays at Tower Brewery Wetherby Road Tadcaster Leeds LS24 9SD	Installation of 2 No. new fermentation vessels with associated framework, gantries and walkways and 1 No. new CO2 storage vessel - all externally located	PERMITTED 15 Sep 2022	Irma Sinkeviciene
2022/0822/HPA	Mr Chris Shrimpton	3 Dower Chase Escrick York YO19 6JF	Erection of two storey side/rear extension	PERMITTED 19 Oct 2022	Josh Turner
2022/0834/HPA	Mr Andrew Walton	Moor Lane House 17 Moor Lane Sherburn In Elmet Leeds North Yorkshire LS25 6DZ	Erection of two storey rear extension	PERMITTED 7 Oct 2022	Emma Howson
2022/0835/DOC	Yorkshire Country Properties	Land south of Main Street Church Fenton Tadcaster North Yorkshire	Discharge of condition 08 (means of preventing access for vehicles other than emergency vehicles) of approval 2017/0736/REMM Reserved matters application relating to appearance, landscaping, layout and scale for erection of 50 dwellings of approval 2015/0615/OUT for outline application to include access for a residential development	CONDITION DECISION 14 Oct 2022	Fiona Ellwood

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/0842/S73	Mr Gareth Morgan	Church Fenton Hall Station Road Church Fenton Tadcaster North Yorkshire LS24 9RA	Section 73 application to vary Condition 01 (plans), Condition 2 (Materials), Condition 9 (Highways) and Condition 11 (Highways Access) of approval 2020/0904/S73 Section 73 to vary conditions 01, 04, 05 and 11 of planning permission 2019/0746/REM Reserved matters application including appearance, landscaping, layout and scale of approval 2016/0457/OUT Outline application for the erection of 9 dwellings including access to serve the new development from Bridge Close and realignment access serving Church Fenton Hall granted on 03.06.2020	PERMITTED 26 Sep 2022	Yvonne Naylor
2022/0843/HPA	Mr & Mrs Robert & Lisa Cheney	5 Chestnut Drive Eggborough Goole North Yorkshire DN14 0WT	Erection of two storey rear extension and installation of first floor window to side elevation.	PERMITTED 20 Sep 2022	Ellis Mortimer
2022/0844/HPA	Mr Paul Dacey	Old Chapel Garden Chapel Street Hillam Leeds West Yorkshire LS25 5HP	Installation of two small Velux windows 978mm x 472mm (retrospective)	PERMITTED 19 Oct 2022	Emma Howson
2022/0850/HPA	Mr Andrew Bannister	Bradmirer Cawood Road Wistow Selby North Yorkshire YO8 3XB	Single storey rear extension	PERMITTED 5 Oct 2022	Josh Turner

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/0853/HPA	Ian Waites	12 Fairfax Drive Newton Kyme Tadcaster Leeds North Yorkshire LS24 9FN	Installation of rear elevation flat roof dormer with front elevation roof lights	PERMITTED 4 Oct 2022	Jordan Fairclough
2022/0857/HPA	Mr Robin Crewes	16 Station Rise Riccall York YO19 6JR	Erection of single and two storey rear extension	PERMITTED 3 Oct 2022	Jordan Fairclough
2022/0860/HPA	Mrs Amy Heald	1A Sandfield Terrace Tadcaster LS24 8AW	Erection of increased height boundary treatment	REFUSED 10 Oct 2022	Jordan Fairclough
2022/0864/HPA	Mr Calum Trouten	18 High Meadow Selby YO8 3LT	Installation of dormer extension to front elevation	PERMITTED 22 Sep 2022	Jordan Fairclough
2022/0865/HPA	Mr Jim Barry	15 Carrs Meadow Escrick York North Yorkshire YO19 6JZ	Removal of existing conservatory and the erection of a single storey extension to the rear to provide additional living accommodation	PERMITTED 16 Sep 2022	Josh Turner
2022/0869/HPA	Mr David Kitson	Sundown York Road Cliffe Selby North Yorkshire YO8 6NU	Erection of two storey side extension, single storey rear extension, and new vehicular access	PERMITTED 14 Oct 2022	Jordan Fairclough

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/0878/S73	W A Hare & Son Limited	The Haven White Street Selby YO8 4BP	Section 73 application to vary condition 14 (age of occupier(s)) of approval 2020/0467/FUL Demolition of existing bungalow and construction of 5no. two-bedroomed and 2no. one-bedroom dwelling for retirement housing for the elderly, one unit will be a dwelling for a warden	PERMITTED 30 Sep 2022	Martin Evans
2022/0886/HPA	Mr & Mrs Barker	Wharfe Cottage Ryther Road Cawood Selby North Yorkshire YO8 3TT	Demolition of existing conservatory and proposed 1 1/2 storey extension with dormer in its place	PERMITTED 27 Sep 2022	Jordan Fairclough
2022/0894/HPA	Mrs Sarah Hawksworth	132 Westbourne Road Selby YO8 9XD	Erection of 2 storey rear extension	PERMITTED 26 Sep 2022	Jordan Fairclough
2022/0900/HPA	Mr & Mrs Nick & Wendy O'Mahony	The Hastings Village Farm Court Beal Goole North Yorkshire DN14 0UX	Erection of part two storey extension to rear and part single storey extension to side and rear	PERMITTED 20 Sep 2022	Martin Evans
2022/0903/HPA	Mr David Seaman	92 Park Lane Barlow Selby North Yorkshire YO8 8JQ	Erection of two storey rear extension	PERMITTED 3 Oct 2022	Jordan Fairclough
2022/0919/FUL	Mr Timothy Baldwin	Turkish Style Barbers 33 Brook Street Selby YO8 4AL	Division of existing retail unit into 2 No retail units	PERMITTED 4 Oct 2022	Linda Drake

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/0929/HPA	Karen Jackson	1 Beech Close Sherburn In Elmet Leeds LS25 6EE	Rear dormer, rear single storey extension, alterations and new fenestrations and rendering to external walls	PERMITTED 23 Sep 2022	Jordan Fairclough
2022/0938/HPA	Mr Kristian Best	1A West End Ulleskelf Tadcaster North Yorkshire LS24 9DL	Replacement of existing A-frame tiled roof with a reinforced flat roof which is strong enough to have a small seating area and plants/vegetable boxes and conifers for privacy, installation of a staircase (using same decking and balustrade as the roof along with the structure), installation of decking on the roof with a balustrade around the roof for safety, block up a side door and replace garage door with the same size UPVC patio door (retrospective)	REFUSED 26 Sep 2022	Jordan Fairclough
2022/0939/HPA	Mr Miller	38 Pinfold Garth Sherburn In Elmet Leeds North Yorkshire LS25 6LE	Erection of single storey rear and side extension	PERMITTED 28 Sep 2022	Jordan Fairclough
2022/0940/S73	Mr Gary Smales	The Villa Main Street Hemingbrough Selby North Yorkshire YO8 6QF	Section 73 to vary condition 15 (hour of working) of approval 2007/1211/FUL Amendment to previously approved 8/18/10M/PA for a detached dwelling and detached double garage granted on 10 December 2007	PERMITTED 12 Oct 2022	Linda Drake
2022/0946/DOC	Mr Davidson	Former Kellingley Colliery Turvers Lane Kellingley Knottingley West Yorkshire WF11 8DT	Discharge of condition 03 (long term maintenance and management) of approval 2020/0341/FUL - Proposed access arrangements including the erection of one electric substation - as amended by non-material amendment 2022/0482/MAN2	CONDITION DECISION 20 Sep 2022	Jenny Tyreman

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/0956/HPA	Mr Chris Ibbotson	2 Fern Cottages Nanny Lane Church Fenton Tadcaster North Yorkshire LS24 9RL	Erection of single storey side and rear extension with attic conversion, and rear dormer.	PERMITTED 18 Oct 2022	Jordan Fairclough
2022/0958/HPA	Mrs Laura Cooper	57 Stutton Road Tadcaster LS24 9HE	Erection of single storey rear extension and new patio area	PERMITTED 7 Oct 2022	Jordan Fairclough
2022/0959/TPO	Mrs Carole Martin	9 Beech Grove Camblesforth Selby North Yorkshire YO8 8HU	Crown lift by 2.5 metres and crown reduction by 30% to 1 No Oak (oak), crown lift by 2.5 metres and crown reduction by 30% to 2 No Sycamore (01 and 02) protected by Tree Preservation Order 1/1971	SPLIT DECISION FOR TREES 29 Sep 2022	Emma Howson
2022/0962/DOC	Countryside Partnerships	N S D S Centre Field Lane Thorpe Willoughby Selby North Yorkshire	Discharge of Conditions 11 (surface water) of planning approval 2013/1041/OUT allowed at appeal APP/N2739/A/14/2216522 Outline application with all matters reserved for a residential development following the demolition of the existing buildings within the site	CONDITION DECISION 17 Oct 2022	Gareth Stent
2022/0963/HPA	Mr & Mrs Cairns	26 Golf Links Crescent Tadcaster LS24 9HG	Erection of single storey rear extension following demolition of conservatory (retrospective)	PERMITTED 7 Oct 2022	Jordan Fairclough
2022/0967/COU	Mr Andrew Taylor	56 Flaxley Road Selby YO8 4BW	Change of use from retail to mixed use including retail and food and drink / cafe with an ancillary use of sui generis / hot food takeaway at ground floor level	PERMITTED 5 Oct 2022	Jac Cruickshank

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/0973/DOC	Darran Clemmit	14 Edgerton Drive Tadcaster LS24 9QW	Discharge of conditions 03 (external materials), 08 (construction management plan) and 10 (drainage) of approval 2021/0661/FUL Erection of 1 No. dwelling on land to the rear/side of 14 Edgerton Drive with access from Inholmes Lane	CONDITION DECISION 18 Oct 2022	Irma Sinkeviciene
2022/0974/TPO	Mr Stephen Land	36 Mayfield Road Brayton Selby North Yorkshire YO8 9JY	Application for consent to crown reduce and reshape by 2m, and Crown lift 1No Oak tree covered by TPO 11/2000 to three metres above ground level a lateral reduction to give a 2 metre clearance from the adjacent structure and remove epicormic growth.	SPLIT DECISION FOR TREES 14 Oct 2022	Jordan Fairclough
2022/0978/CPE	Mr Nigel Spofforth	7 Orchard Close Monk Fryston Leeds West Yorkshire LS25 5EY	Lawful development certificate for existing use of land to keep building equipment and materials associated with being a self-employed builder on land to the east of	REFUSED 30 Sep 2022	Martin Evans
2022/0979/TPO	Mr Charles Patience	1 Bondgate Selby YO8 3LS	Application for consent to crown lift 1No Yew tree to give a 2.5 metre clearance over the footway, and 5.2 metres over the highway covered by TPO 7/1996 (part-retrospective)	PERMITTED 14 Oct 2022	Jordan Fairclough
2022/0980/HPA	Mr Jeffrey Smallman	8 Barff Close Brayton Selby North Yorkshire YO8 9ES	Erection of front extension walk in bay window	PERMITTED 10 Oct 2022	Jordan Fairclough
2022/0983/HPA	Mr & Mrs Alvarado	3 Deighton Avenue Sherburn In Elmet Leeds North Yorkshire LS25 6BR	Erection of single storey rear extension	PERMITTED 7 Oct 2022	Jordan Fairclough

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/1009/FUL	Brocklesby Building Products Ltd	Brocklesby Building Products Ltd Unit 1 Long Lane Great Heck Goole East Yorkshire DN14 0BT	Erection of a commercial building (resubmission 2022/0434/FUL)	REFUSED 19 Oct 2022	Emma Howson
2022/1010/TPO	Mrs Debra Jones	7 Garrick Close Brayton Selby North Yorkshire YO8 9RL	Crown reduction by 20% whilst also removing deadwood and decaying branches to 1 No Sycamore (T1) protected by TPO 3/1989	REFUSED 19 Oct 2022	Jordan Fairclough
2022/1017/TCA	Miss E Duggan	Hope Cottage The Green Stillingfleet York North Yorkshire YO19 6SF	Crown reduce by 1.5 metres to 1 No Flowering Plum tree (T1) in the conservation area	PERMITTED 20 Oct 2022	Jordan Fairclough
2022/1021/DOC	Mr David Lee	Southlands Broach Lane Kellington Goole North Yorkshire DN14 0ND	Discharge of condition 05 (discharge of surface and foul water) for planning permission 2015/0546/OUT allowed at appeal (APP/N2739/W/15/3136685) Outline application (all matters reserved) for a residential development on land adjacent	CONDITION DECISION 18 Oct 2022	Jenny Tyreman
2022/1036/TCA	Mr Ian Mitchell	Land to the rear of 64 – 68 Ousegate Selby North Yorkshire	Fell 1 No Sycamore in the conservation area	REFUSED 11 Oct 2022	Jordan Fairclough

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/1045/TCA	Mrs Ruth Aldred	3 Malvern Mews Monk Fryston Leeds West Yorkshire LS25 5DX	Crown thin by 25% to 1 No Ornamental Cherry tree (1), Pollard to existing pollard points (to encourage new growth next spring) and remove rubbing branches to 1 No Fruiting Cherry tree (2), Reduce height by 6m to reduce chance of failure at existing pollard points to (3), Reduce height by 1-2 m to below neighbours gutter and remove diseased rubbing and crossing branches to (4) in the conservation area	PERMITTED 19 Oct 2022	Emma Howson
2022/1050/TCA	Mr Forbes	The Old School House Main Street Bilbrough York YO23 3PH	Application to fell 2 No Hornbeam trees (T1 & T2), fell 1 No contorted Willow tree (T3), and fell 1 No Bird Cherry tree in the conservation area	PERMITTED 17 Oct 2022	Jordan Fairclough
2022/1060/TPO	Mr Richard Scott	25 York Road Riccall York North Yorkshire YO19 6QG	Lateral reduction of lowest branch to north by 4 m and lateral reduction of branch to north east by 3 metres to 1 No Silver Birch (T1) and removal of deadwood over adjacent property to 1 No Silver Birch protected by TPO 8/1996	PERMITTED 20 Oct 2022	Emma Howson
2022/1066/ADV	CP Media	Roundabout Hut Green Eggborough Goole East Yorkshire	Advertisement consent for four non illuminated sponsorship signs placed on the roundabout using two posts and plate, modular passive powder coated sign system, one sign located facing each road entrance	PERMITTED 19 Oct 2022	Esther Pask
2022/1067/ADV	CP Media	Roundabout Camblesforth to Drax Power Station Camblesforth North Yorkshire	Advertisement consent to display 4 No non illuminated roundabout sponsorship signs placed on the roundabout using two posts and plate, modular powder coated sign system, one sign located facing each road entrance	PERMITTED 19 Oct 2022	Esther Pask

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/1072/DOC	Mr J Broadway	Lyndale Caravan Park School Croft Brotherton Knottingley West Yorkshire WF11 9ES	Discharge of condition 04 (caravan base & floor level) of approval 2019/0611/COU Proposed change of use of land for the siting of 1 caravan as an extension to the existing caravan park	CONDITION DECISION 17 Oct 2022	Gareth Stent
2022/1098/DOC	Harmony Energy Ltd	Rusholme Grange Rusholme Lane Newland Selby North Yorkshire YO8 8PW	Discharge of condition 14 (condition of existing highway) of approval 2022/0494/S73 Section 73 application to vary conditions 04 (bund and landscaping scheme), 09 (noise, vibration and dust), 12 (visibility splays), 13 (vehicular parking, turning and manoeuvring) and 15 (on-site parking/materials storage area) of approval 2021/1268/S73 Section 73 application to vary condition 02 and 04 of planning permission 2021/0601/FUL Construction of battery energy storage system to provide energy balancing services to the National Grid, including bund and landscaping granted on 03 September 2021 granted on 18 February 2022	CONDITION DECISION 18 Oct 2022	Jenny Tyreman
2022/1099/TELB	Cornerstone	Mast 447m from Hazlewood Cottage Paradise Lane Hazlewood Tadcaster North Yorkshire	Upgrade to the existing 33m High Lattice Tower. Existing 3No. Antennas, 3No ERS to be removed. Proposed 3No. Antennas, 1No. GPs Module and 9No ERs to be installed. Existing Brick Equipment Building to be refreshed internally and associated ancillary works	TELECOMMUNICATIONS - NOT REQUIRED 20 Oct 2022	Esther Pask

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.

	Mark Topping, Chair Conservative	Derwent Ward	mtopping@selby.gov.uk	01757 638137
	Charles Richardson, Vice Chair Conservative	Camblesforth and Carlton Ward	crichardson@selby.gov.uk	-
	Keith Ellis Conservative	Appleton Roebuck and Church Fenton	kellis@selby.gov.uk	01937 557111
	Georgina Ashton Conservative	Byram and Brotherton	gashton@selby.gov.uk	01937 557701
	Ian Chilvers Conservative	Brayton	ichilvers@selby.gov.uk	01757 705308
	Robert Packham Labour	Sherburn in Elmet	rpackham@selby.gov.uk	01977 681954
	Paul Welch Labour	Selby East	pwelch@selby.gov.uk	01757 708531
	John Duggan Labour	Riccall	jduggan@selby.gov.uk	-
	Don Mackay Independent	Tadcaster	dbain- mackay@selby.gov.uk	01937 835776

Substitute Councillors 2022-23

	Chris Pearson Conservative	Hambleton	cpearson@selby.gov.uk	01757 704202
	Richard Musgrave Conservative	Appleton Roebuck and Church Fenton	rmusgrave@selby.gov.uk	-
	Tim Grogan Conservative	South Milford	tgrogan@selby.gov.uk	07375 676804
	David Buckle Conservative	Sherburn in Elmet	dbuckle@selby.gov.uk	01977 681412
	Keith Franks Labour	Selby West	kfranks@selby.gov.uk	01757 708993
	Stephanie Duckett Labour	Barlby Village	sduckett@selby.gov.uk	01757 706809
	John McCartney Selby Independents	Whitley	jmccartney@selby.gov.uk	01977 662558