



**Report Reference Number:** 2020/0242/FUL

**To:** Planning Committee  
**Date:** 5 August 2020  
**Author:** Rebecca Leggott (Senior Planning Officer)  
**Lead Officer:** Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2020/0242/FUL	PARISH:	Cliffe Parish Council
APPLICANT:	Mr A Pulleyne	VALID DATE:	31st March 2020
		EXPIRY DATE:	26th May 2020
PROPOSAL:	Proposed conversion of domestic garage/store and stables to dwelling		
LOCATION:	Manor House Hull Road Cliffe Selby North Yorkshire YO8 6NH		
RECOMMENDATION:	APPROVE		

This application has been brought before Planning Committee as the proposal is contrary to the requirements of the development plan (namely Criterion 1 of Policy H12 of the Selby District Local Plan) but it is considered there are material considerations which would justify approval of the application.

## 1. INTRODUCTION AND BACKGROUND

### Site and Context

- 1.1 The application site is located just outside the defined development limits of Cliffe and therefore located within the open countryside.
- 1.2 The application site forms part of the curtilage to Manor House and consists of a brick built outbuilding, stables and a garage that were permitted in 1995. The site is accessed from Hull Road via a gated private drive that also serves Manor House, which is also owned by the applicant (within the blue line).

## **The Proposal**

- 1.3 The proposals are for the conversion of domestic garage/store and stables to form a dwelling.

## **Relevant Planning History**

- 1.4 The following historical application is considered to be relevant to the determination of this application.
- CO/1984/0342, Erection of a dwelling. Decision: PER, Decision Date: 13-JUN-84.
  - CO/1984/0343, Proposed change of house type from one 4-bedroom dormer bungalow to one 5-bedroom house, garage and associated Decision: PER, Decision Date: 25-SEP-84.
  - CO/1976/04792, Details Of Erection Of Detached Bungalow, Decision: PER, Decision Date: 25-AUG-76.
  - CO/1995/0378, Proposed erection of a detached building to provide garage, store and washroom facilities Decision: PER, Decision Date: 14-SEP-95.
  - CO/1981/04794, Renewal Of Application For A Detached Bungalow, Decision: PER, Decision Date: 15-APR-81.

## **2. CONSULTATION AND PUBLICITY**

- 2.1. **Land Use Planning Yorkshire Water Services Ltd** – Yorkshire Water have raised no objections to the proposed development.

2.2. **NYCC Highways Canal Rd** – NYCC Highways have raised no objections to the proposed development subject to the following conditions: (1) Altered Private Access and Verge Crossing, (2) Provision of Approved Access, Turning and Parking Areas.

2.3. **The Ouse & Derwent Internal Drainage Board** – The IDB have raised no objections to the proposed development subject to a condition relating Effective Soakaways. Further to this a number of standard conditions have been suggested, (1) Maintenance Responsibility – General and (2) Consent – Discharge.

2.4. **Contaminated Land Consultant** – The Contaminated Land Consultant has raised no objections subject to a standard condition relating to the reporting of unexpected contamination.

2.5. **Parish Council** – Cliffe Parish Council have raised no objections to the proposed development.

2.6. **Neighbour Summary** - All immediate neighbours were informed by letter and a site notice was erected. Resulting in no letters of objection being received.

2.7. **NYCC Ecology** – NYCC Ecology have raised no objections to the proposed development subject to an informative relating to nesting season.

### 3. SITE CONSTRAINTS

#### Constraints

3.1. The application site is located outside the defined development limits of Cliffe and therefore is located within open countryside. The application site is located within Flood Zone 1, which has a low probability of flooding.

### 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 the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.

4.3. On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options would take place early in 2020. There are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.

4.4. The National Planning Policy Framework (February 2019) (NPPF) replaced the July 2018 NPPF, first published in March 2012. The NPPF does not change the status of an up to date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2019 NPPF.

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

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

#### **Selby District Core Strategy Local Plan**

4.6. The relevant Core Strategy Policies are:

- SP1 - Presumption in Favour of Sustainable Development
- SP2 - Spatial Development Strategy
- SP19 - Design Quality

- SP15 - Sustainable Development and Climate Change
- SP16 - Improving Resource Efficiency
- 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 – Pollution and contaminated land
- T1 - Development in Relation to Highway
- T2 - Access to Roads
- H12 – Conversion to residential use in the countryside

## **5. APPRAISAL**

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

- Principle of the Development
- Conversion to Residential Use in the Open Countryside
- Impact upon Residential Amenity
- Flood Risk and Drainage
- Contamination
- Nature Conservation and Protected Species
- Affordable Housing

### **The Principle of Development**

5.2. The application site lies to the west but within the curtilage of Manor House, which was established by a 1984 permission. This involved the construction of a large dwelling, private drive and extended curtilage. The buildings which are the subject of the planning permission were given consent in 1995.

5.3. The application site lies outside the development limit for Cliffe, with Manor House and its immediate curtilage lying within the development limit. The application site, whilst being domestic in nature is therefore within the countryside. The applicant describes the buildings as no longer being needed as the applicant's family have grown up and no longer need such a substantial family house. The intention is to downsize by converting these former ancillary buildings.

5.4. The principle of the re-use of rural buildings for residential use is supported by Core Strategy Policy SP2 and its commentary (para 4.31). Policy SP2A (c) of the Core Strategy states 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 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 re-use of redundant or disused buildings is seen as an exception to avoiding isolated new homes and the commentary to the policy includes that it would lead to an

enhancement to the immediate setting. Policy SP2 (c) qualifies the re-use as 'preferably for employment purposes'. However, paragraph 79 of the NPPF has no such qualification and allows for residential conversions if the development would re-use redundant or disused buildings and enhance its immediate setting.

### **Conversion to Residential Use in the Open Countryside**

- 5.6. The principal tests in SDLP Policy H12 of relevance here are summarised below together with Officer comments.
- 5.7. In respect of criterion one, "*Unsuited for business use*" a lack of information has been submitted in order to demonstrate that the building is unsuitable for business use. Though it is noted that Policy H12 (1) of the Selby District Local Plan requires that the conversion of rural buildings to residential use in the open countryside will only be permitted where (amongst other criteria) it can be demonstrated that the building or its location is unsuited to business use or there is no demand for buildings for those purposes in the immediate locality. It is noted that, this is not a requirement of paragraph 79 of the NPPF, which is a material planning consideration.
- 5.8. In respect of criterion two, "*best reasonable means of conserving a building of interest and would not damage the fabric and character of the building*". The building is not of any architectural or historic interest. External changes would include new external walls around the existing sheltered area to the west elevation of the main building and new openings. It is not considered that the proposals would damage the fabric and character of the building.
- 5.9. In respect of criterion three, "*Structurally sound and capable of re-use without substantial rebuilding*". From a site visit it was evident that the buildings in question are structurally sound and subsequently the current proposal involves no rebuilding as such. However, the proposals would involve bricking up/extension of a small part the building, which is currently just a shelter. This would be required to connect the main outbuilding with the stable building and would push the outer walls outward under the existing canopy. Overall, it is considered that the building is structurally sound and is capable of reuse without substantial rebuilding, unlike many other conversions where more works are required.
- 5.10. In respect of criterion four, "*The proposed re-use or adaptation would generally take place within the fabric of the building and will not require extensive alteration/rebuilding or extension.*" Some external works are required in order to make some parts of the proposed building weather tight. However, it is not considered that this would be extensive. Further to this, there would be limited external works to the existing buildings, which include the insertion of a number of new openings and a moving of the frontage walls of the former stable part of the buildings under the existing overhang.
- 5.11. In respect of criterion five, "*The conversion off the building and ancillary works, would not have a significant adverse effect on the character or appearance of the area or the surrounding countryside.*" It is noted that the wording within the commentary for Policy H12 states, "Since the reason for permitting residential use contrary to normal countryside policies is to preserve attractive buildings in their setting, it is important to ensure that the conversion can be carried out sympathetically without damaging the intrinsic character of the building and without substantial rebuilding, extension or alteration." The brick built rural buildings in question are not considered to be "attractive" buildings. However, the proposed scheme would retain all the external

fabric of the building (walls and roofing) with the exception of the insertion of the new openings and some new walling.

- 5.12. It is noted that the proposal would retain most of the original materials with the exception of changes to the new doors and windows. These would be new storm shield composite doors and blue/grey storm shield flush fit UPVC windows as described on the submitted plans and drawings. These are considered acceptable.
- 5.13. Overall, there would be a limited impact on the local character of the area particularly as the buildings are already domestic in nature.
- 5.14. In respect of criterion 6, "*The proposal would not create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity.*" The site is served from an existing access and the scheme proposes sufficient parking. Furthermore, NYCC Highways have been consulted and have raised no objections subject to a number of conditions relating to alterations to the access to widen this to allow for two vehicles to pass and also a standard condition relating to access, turning and parking areas.
- 5.15. Subject to the aforementioned conditions, it is considered that the proposal is acceptable in terms of highway safety in accordance with Policies ENV1 (2), T1, T2 and H12 (7) of the Local Plan and paragraphs 34, 35 and 39 of the NPPF.
- 5.16. The policy concludes that conditions may be imposed on any permission to control future extensions or alterations, including the removal of permitted development rights.

### **Impact upon Residential Amenity**

- 5.17. Relevant policies in respect of the impact of the proposal on residential amenity include Policy ENV1 (1) of the Selby District Local Plan. Significant weight should be attached to Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF to ensure that a good standard of amenity is achieved for all existing and future occupants of land and buildings.
- 5.18. 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.
- 5.19. It is noted that no objections have been received in relation to impacts on residential amenity. To the north of the proposed development would be the rear gardens of 22, 24, 26 and 28 Hull Road. To the east of the proposed development would be Manor House within the applicant's ownership. To the south of the property would be open fields. To the west would be land within the applicant's ownership, within the blue line.
- 5.20. In respect of overlooking there would be no openings on the north or west elevations. Therefore, there is not considered to be any impacts of overlooking on 22, 24, 26 and 28 Hull Road. There would be two windows on the east elevation facing Manor House. However, given the separation distances and boundary treatments. It is not considered that there would be any overlooking. There would be a number of large glazed openings on the south elevation facing towards open fields.
- 5.21. In respect of overshadowing, given the proposals relate to an existing building it is not considered that there would be any additional impacts on overshadowing.

- 5.22. In considering the proposals in respect of other surrounding properties, given the separation distances, boundary treatments and the modest size, scale and design of the proposed scheme, it is not considered that there would be any significant adverse effects in terms of overlooking, overshadowing and or oppression further than that which currently exists.
- 5.23. The proposed dwellings would benefit from good sized private amenity areas, which are considered acceptable to provide a private amenity area for the future occupants of the additional proposed dwellings.
- 5.24. Overall, it is considered that the proposals are acceptable in terms of residential amenity in accordance with Policies ENV1 (1) and H12 (7) of the Selby District Local Plan and national policy contained within the NPPF.

### **Flood Risk and Drainage**

- 5.25. The application site is located within Flood Zone 1 which has a low probability of flooding. The proposals therefore do not require a sequential test or exceptions test.
- 5.26. In terms of drainage, the submitted application form sets out that surface water would be disposed of via a sustainable drainage system and the foul sewage would be disposed of via mains sewers.
- 5.27. The Ouse and Derwent Internal Drainage Board and Yorkshire Water have been consulted on the proposals and none have raised objections to the proposals. The IDB have suggested a condition relating to the disposal of surface water drainage which could be attached to any permission granted.
- 5.28. Overall, the proposals are considered to be acceptable in terms of drainage, and flood risk and therefore accord with Policies SP15, SP16, SP19 of the Core Strategy, and paragraphs 158, 159 and 160 of the NPPF.

### **Land Contamination**

- 5.29. Relevant policies in respect of land contamination include Policy ENV2 of the Selby District Local Plan and Policy SP19 "Design Quality" of the Core Strategy.
- 5.30. The application is supported by a Phase 1 contaminated land assessment. The contaminated land consultant has been consulted and has raised no objections subject to a standard condition relating to unexpected contamination.
- 5.31. Subject to the aforementioned condition, it is considered that the proposal would be acceptable in respect of land contamination and is, therefore, in accordance with Policy ENV2 of the Selby District Local Plan, Policy SP19 of the Core Strategy and paragraphs 118, 170, 178 and 179 of the NPPF.

### **Nature Conservation and Protected Species**

- 5.32. Protected species include those protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2017. The presence of protected species is a material planning consideration.

- 5.33. NYCC Ecology have been consulted on the proposed development and raised no objection subject to an informative relating to nesting season. The officer stated that the buildings concerned appear to be modern, well-sealed and well-maintained so in this instance there is no need for bat or Barn Owl surveys.
- 5.34. Having regard to the above, it is considered that the proposals would not harm any acknowledged nature conservation interests or protected species and is therefore in accordance with Policy ENV1 (5) of the Selby District Local Plan, Policy SP18 of the Core Strategy, national policy contained within the NPPF, the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2017.

### **Affordable Housing**

- 5.35. Core Strategy Policy SP9 and the accompanying Affordable Housing SPD sets out the affordable housing policy context for the District.
- 5.36. 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.
- 5.37. However, in the context of the West Berkshire decision it is considered that there is a material consideration of substantial weight which outweighs the policy requirement for the commuted sum. It is therefore considered that having had regard to Policy SP9 and the PPG, on balance, the application is acceptable without a contribution for affordable housing.

## **6. CONCLUSION**

- 6.1. This type of conversion of an existing rural building to residential is acceptable in principle in the NPPF and in development plan policy. Though it is noted that the proposal would conflict with criteria 1 of Policy H12 of the Core Strategy, it is considered that the NPPF is a material consideration and in line with Paragraph 79 of the NPPF the further reuse of the building would be sustainable. Furthermore, the Framework is more up to date and more flexible since it does not include criteria requiring the building to be 'unsuited to business use'.
- 6.2. The works are appropriate to this rural building in terms of openings. In view of the size of the site, the extent of new residential curtilage would be acceptable. Thus, subject to the recommended conditions set out below, this application complies with the up to date Framework guidance and with, principally SDLP Policy H12 and compliance with the conditions would create a scheme in compliance with the development plan.

## **7. RECOMMENDATION**

- 7.1. This application is recommended to be

01. The development for which permission is hereby granted shall be begun within a period of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

02. The development hereby permitted shall be carried out in accordance with the following approved plans and documents, notwithstanding the details in the application form:

09/19 110 Rev.P – Location Plan  
09/19 111 Rev.P – Existing Block Plan  
09/19 112 Rev.P – Elevations as Existing  
09/19 113 Rev.P – Proposed Block Plan  
09/19 114 Rev.P – Proposed Plans  
09/19 115 Rev.P – Elevations as Proposed

Reason:

For the avoidance of doubt.

03. Prior to the first occupation of the dwelling hereby approved the boundary treatments of the curtilage of the dwelling shall be in place as shown on drawing reference, 09/19 113 Rev.P.

Reason:

In accordance with the details of the application and to protect the amenities of the prospective occupants and in order to comply with local plan Policy ENV1.

04. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason:

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

05. Prior to the first occupation of the dwelling hereby approved a detailed scheme for the provision of surface water should be submitted to and approved by the Local Planning Authority.

Any such scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use.

Reason:

To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding.

06. The development must not be brought into use until the existing access within the site at Hull Road, Cliffe has been widened to give a minimum carriageway width of 5 metres extending 6 metres into the site and must be constructed in accordance with Standard Detail number E5 and the following requirements.

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

All works must accord with the approved details.

Reason:

In order to ensure highway safety and the convenience of all highway users having had regard to Policy ENV1 of the Selby District Local Plan.

07. No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

In order to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development having had regard to Policy ENV1 of the Selby District Local Plan.

08. Notwithstanding the provisions of Class A to Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order) no extensions, garages, outbuildings or other structures shall be erected, nor new windows, doors or other openings inserted other than those hereby approved, without the prior written consent of the Local Planning Authority.

Reason:

In order to ensure that the character and appearance of the surrounding area is protected in the interests of residential amenity having had regard to Policy ENV1 of the Selby District Local Plan.

Informative(s):

**CONSENT – GENERAL:**

Under the terms of the Land Drainage Act. 1991 and the IDB's Byelaws, the prior written consent of the Board is required for any proposed works or structures in, under, over or within 9 metres of the top of the bank of any watercourse.

**CONSENT – OUTFALL:**

Any new outfall to a watercourse requires the prior written consent of the IDB under the terms of the Land Drainage Act. 1991 and should be constructed to the satisfaction of the IDB.

**CONSENT – DISCHARGE:**

Under the IDB's Byelaws the written consent of the IDB is required prior to any discharge into any watercourse within the IDB's District.

**COAL:**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

**ECOLOGY:**

The applicant should be aware that all nesting birds receive general protection under the Wildlife & Countryside Act 1981. Therefore, a check should be made before works begin; any nests found should be left undisturbed until young have fledged.

**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**

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

**10. Background Documents**

10.1. Planning Application file reference 2020/0242/FUL and associated documents.

**Contact Officer:**

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**Appendices:**

Appendix 1 - Site Images