



**Report Reference Number:** 2019/1173/FUL

**To:** Planning Committee  
**Date:** 26 August 2020  
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**Lead Officer:** Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2019/1173/FUL	PARISH:	Appleton Roebuck Parish Council
APPLICANT:	Mr Simon Armstrong	VALID DATE: EXPIRY DATE:	18th November 2019 13th January 2020
PROPOSAL:	Retention of one dwelling and car port/garden store and removal of the second dwelling		
LOCATION:	Laurel Lodge Airfield Lane Acaster Selby York North Yorkshire YO23 2PW		
RECOMMENDATION:	REFUSAL		

This retrospective application has been brought before Planning Committee because it constitutes inappropriate development within the Green Belt. The matter for consideration is whether the case put forward by the applicants amounts to the 'Very Special Circumstances' necessary to 'clearly outweigh' the harm by reason of inappropriateness and any other harm identified.

## 1. INTRODUCTION AND BACKGROUND

### Site and Context

- 1.1 The site is located between the villages of Acaster Malbis and Acaster Selby to the west of the old airfield in the open countryside on land that is Green Belt. It is located mainly within Flood Zone 1 and partly within Flood Zone 2.
- 1.2 The application site comprises two single storey dwellings positioned in parallel and constructed of cream rendered walls under a pantile roof. There is also a detached carport and garden store set at right angles and constructed of timber with pantile

roof. The site is positioned some distance from Intake lane with woods to the west through which a PROW runs close the west boundary.

The site includes a large garden area and a long driveway from Intake lane. The driveway and the west boundary of the site are bounded by close boarded timber fencing. The north and east boundaries are bounded by post and rail fencing.

- 1.2 Prior approval for the conversion from agricultural use to three residential dwellings was granted under 2015/0504/ATD (see details in planning history). This Prior Approval application comprised the two piggeries (now the subject of this application) and one further larger brick building. The larger brick building has lawfully been converted implemented and this is the two storey brick barn to east of this application site. This does not form part of this application now under consideration.

### **The Proposal**

- 1.3 The unlawful development which has occurred on the site is the erection of two new dwellings together with an additional building forming a carport/garden store where no building previously existed in the open countryside that is Green Belt.
- 1.4 The resulting new buildings are similar in form, design and position to the previous approval for conversion but are larger in width, height, length and overall volume.
- 1.5 An application to retain both of these dwellings and the carport/garden store was refused on 6<sup>th</sup> June 2019 at Planning Committee (see history below).
- 1.6 This application is a resubmission and seeks to retain one of the dwellings and the new car port/garden store and proposes to demolish the second dwelling. The demolition of the second dwelling could be secured by a Section 106 Agreement.

### **Relevant Planning History**

- 1.7 The following historical applications are considered to be relevant to the determination of this application:

2014/1184/ATD: Prior notification for the change of use of agricultural buildings to 3No. dwellings (C3) and associated operational development at Intake Farm, ,Appleton Roebuck, York, North Yorkshire,; **Refused** , 16-JAN-15

2015/0504/ATD: Prior notification for the change of use of agricultural buildings to 3No. dwellings (C3) and associated operational development at Intake Farm, Appleton Roebuck, York. **Permitted**, 06-JUL-15

2017/1101/DOC, Discharge of conditions 3 (Noise), 6 (Contamination), 7 (Contamination), 8 (Contamination) and 9 (Contamination) of approval 2015/0504/ATD Prior notification for the change of use of agricultural buildings to 3No. dwellings (C3) and associated operational development at Intake Farm, ,Appleton Roebuck, York, Decision: **Discharged** 13-DEC-17

2018/1132/ATD,; Section 73 application for prior notification for the change of use of agricultural buildings to 3No. dwellings (C3) and associated operational development at Intake Farm without complying with condition 10 of approval 2015/0504/ATD Appleton Roebuck, York. **Withdrawn** 30-NOV-18

2019/0124/FUL: Proposed development of 2no single storey residential dwellings and associated car port at: Paddock Lodge, Airfield Lane, Acaster Selby, North Yorkshire, YO23 2PW,: **Refused:** 06-JUN-19

Reasons for refusal on 2019/0124/FUL

*The site lies within the designated Green Belt in the adopted Selby District Core Strategy wherein there is a presumption against development for purposes other than those categories specified in paragraphs 145 and 146 of the National Planning Policy Framework. The development involves the construction of new buildings in the Green Belt, does not fall within any of the exceptions set out in paragraphs 145 and 146 of the NPPF and represents inappropriate development in the Green Belt and should not be permitted unless there are very special circumstances to justify the development. In addition to the harm associated with inappropriateness, the development would result in harm to the openness of the Green Belt.*

*Inappropriate development should not be approved in the absence of very special circumstances. Very special circumstances to clearly outweigh the resultant Green Belt harm have not been demonstrated. The proposal therefore fails to meet the requirements of policies SP2 (d) and SP3B of the Core Strategy, which require accordance with National Green Belt Policy within the NPPF.*

## **2. CONSULTATION AND PUBLICITY**

### **Consultation**

#### **2.1 NYCC Highways**

No objections.

#### **2.2 Yorkshire Water Services Ltd**

No comments received.

#### **2.3 Ainsty (2008) Internal Drainage Board**

The application will increase the impermeable area to the site and the applicant will therefore need to ensure that any surface water systems installed have the capacity to accommodate any increase in surface water discharge from the site. Comments made and condition/informatives suggested.

#### **2.4 Contaminated Land Consultant**

Unable to comment on this application as insufficient information has been provided Phase 1 Desk Top Study (Ref: 2013-815) and the gas addendum report which are both referred to in the submitted Phase 2 Ground Investigation Report are needed Also the remediation scheme and validation report if these are available.

#### **2.5 The Environment Agency**

No comments received.

## 2.6 Public Rights of Way Officer

There is a Public Right of Way or a 'claimed' Public Right of Way within or adjoining the application site boundary - attached plan shows this outside the application site. Advise and informative given in the event it would be affected.

## 2.7 NYCC Landscape Officer

Reviewed the submitted plans and landscape assessment (LVIA). Broadly agree with the scope and method of the LVIA but the adverse effects are understated. The proposed scheme does not reinforce local rural characteristics and is likely to be visible from several viewpoints. The submitted plans do not sufficiently explain how landscape character and views will be protected.

Selby District Council has a revised Selby Landscape Character Assessment, LUC, July 2019. The site falls within Character Area 1 York Fringe West. Overall the area has a rural character. There are no large settlements in the area but several villages and farmsteads. Management guidelines in the LCA encourage reinstatement of rural characteristics such as hedgerows, field trees, conservation of woodland. Specific reference is made in the LCA to "Seek sensitive restoration or reuse of the land around the former RAF Acaster Malbis".

The site is visible from sensitive receptors including the bridleway from Green Lane on the west side, and visible from Intake Lane to the east side. Careful consideration should be given to the appearance of buildings and compounds, to ensure that development reflects local character and pattern. Emphasis should be towards reinforcing rural landscape characteristics that would typically be expected in that location. I would not expect to see close boarded boundary fencing (existing to the west side and along the access) and untypical screen planting (which in turn should preserve Green Belt openness).

In order to protect views, character and setting recommend:

- wider landscape strategy and masterplan which restores and reinforces landscape characteristics (this should include the access and wider field area and field boundaries between Green Lane and Intake Lane).
- rural boundary treatments such as post and wire / post and rail with native hedgerow planting.
- trees and other planting should use locally occurring native species.
- reinstatement of wider field and roadside boundary fences and hedgerows.
- appropriate rural surfacing for access and hard standing areas (such as permeable natural stone rather than extensive tarmac and concrete paved areas).
- external areas should generally be un-cluttered and rural in appearance.

## 2.8 Environmental Health Officer

Objects as the applicants have not demonstrated that the potential impacts due to noise from the adjacent potato store will not be unacceptable. The application therefore fails to demonstrate compliance with relevant national policy considerations and guidance contained within the NPPF, NPPG, NPSE and relevant local policies.

## 2.9 Parish Council

Object to the application in the same terms as the Planning authority gave for refusal in Notice of Decision 2019/0124.

The site lies within the designated Green Belt -presumption against development for purposes other than those categories specified in paragraphs 145 and 146 of the National Planning Policy Framework. The development involves the construction of a new building in the Green Belt, does not fall within any of the exceptions set out in paragraphs 145 and 146 of the NPPF and represents inappropriate development in the Green Belt and should not be permitted unless there are very special circumstances to justify the development. In addition to the harm associated with inappropriateness, the development would result in harm to the openness of the Green Belt. Inappropriate development should not be approved in the absence of very special circumstances. Very special circumstances to clearly outweigh the resultant Green Belt harm have not been demonstrated. The proposal therefore fails to meet the requirements of policies SP2 (d) and SP3B of the Core Strategy, which require accordance with National Green Belt Policy within the NPPF.

## 2.10 Representation

The application was advertised by site notice and neighbour notification. One letter of representation has been received on behalf of Samuel Smith Old Brewery (Tadcaster). Main issues raised are summarised below.

- The applicant has not provided a planning statement to justify their approach to the relevant planning policies of the development plan.
- In addition to the development described the development includes ancillary development including hardstanding, courtyard, means of enclosure and regrading of the site.
- The buildings have been erected without the benefit of planning permission and are therefore unlawful.
- The lawful use of the site remains agricultural since the residential use of the previous demolished structures could not have been lawfully implemented without completion of the conversion works.
- The agricultural use of the site excludes it from being previously developed land as set out in the NPPF.
- The development is 'inappropriate development 'in the Green Belt.
- The circumstances identified by the applicant are in no way considered to meet the requirement of Very Special Circumstances.
- Policy Sp2 of the Core Strategy carries a resumption against new dwellings in the countryside whether Green Belt or not.
- Compliance with SP2 c) is not achieved as this is not a replacement due to existing structures being removed.
- Compliance with SP2 c) is not achieved as this is not well-designed (modern domestic treatment, light coloured render, anthracite glazing, patio doors are all alien features in this rural landscape). No notable features to identify the buildings as having an exceptional or innovative design approach.
- The starting point is a site which previously housed redundant agricultural buildings.
- The employment use of the site has not been considered as required by SP2 c).

- Does not contribute to the local economy or maintain the vitality of rural communities.
- Does not comply with SP10 or Sp13 of the Core Strategy.
- The application should be refused.

### **3 SITE CONSTRAINTS**

- 3.1 The site lies outside the development limits of any settlement as defined in the Local Plan on land that is open countryside within the statutory Green Belt.
- 3.2 The site is located mainly within Flood Zone 1 and partly within Flood Zone 2 which has been assessed as having between a 1 in 100 and 1 in 1,000 annual probability of river flooding (1% - 0.1%), or between a 1 in 200 and 1 in 1,000 annual probability of sea flooding (0.5% - 0.1%) in any year.

### **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  
SP3 - Green Belt  
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  
T1 - Development in Relation to Highway  
T2 - Access to Roads

### **Appleton Roebuck and Acaster Selby Neighbourhood Plan**

4.8 The relevant Neighbourhood Plan policies are:

DBE2	Respecting Traditional Building Design and Scale
DBE3	Green Infrastructure
DBE4	Drainage and Flood Prevention
EHL1	Maintaining Agricultural Land
ELH2	Conserving, Restoring and Enhancing Biodiversity
H1	New Housing Development Design and Scale,
H3	Car Parking

4.9 **Supplementary Planning Documents**

- Affordable Housing Supplementary Planning Document 2013
- Developer Contributions Supplementary Planning Document March 2007

## **5 APPRAISAL**

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

- Whether the proposal would be inappropriate development in the Green Belt
- The effect on the openness of the Green Belt
- Character and Appearance of the area
- Impact on Residential Amenity
- Highways
- Flood risk and Drainage
- Nature conservation interests
- Affordable Housing
- Contaminated Land
- Circumstances put forward by the applicant
- Other Matters
- Whether Very Special Circumstances Exist

## **Principle of the development and whether the proposal would be inappropriate development in the Green Belt**

- 5.2 Because the agricultural buildings have been demolished, the starting point for this development must be on the basis of new residential development in the countryside that is Green Belt with no weight attributed to the existence of the previous agricultural buildings or the Prior Approval that was previously granted. The original buildings were removed and therefore the Prior Approval is not capable of being implemented in relation to the two piggery buildings. Moreover, the time period to implement it has expired. It is established in planning case law that these cannot be treated as a fall-back position. The principle of the development and the consideration of the impacts of the scheme must therefore be considered on the same basis of a greenfield undeveloped site.
- 5.2 Relevant development plan policies in respect of the principle of this proposal include Policies SP1 “Presumption in Favour of Sustainable Development”, SP2 “Spatial Development Strategy” and SP3 “Green Belts” of the Core Strategy (CS).
- 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.
- 5.4 The application site lies outside the development limits within countryside that is Green Belt. Policy SP2, criteria C states that, development in the countryside will be limited to certain exceptions which include the replacement of existing buildings. However, SP2 criteria requires development which is in the Green Belt to conform to Policy SP3 ‘Green Belts’ and National Green Belt Policies. SP3 aligns with the Green Belt policy in the NPPF. It should therefore, in accordance with para 213 of Annex 1 of the NPPF, be accorded significant weight. This sets out the fundamental aims of Green Belt land which are to prevent urban sprawl and keep land permanently open and that the essential characteristics of Green Belts are their openness and their permanence as set out at paragraph 133 of the NPPF.
- 5.5 Paragraph 143 of the NPPF provides that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt. It then goes on to set out a limited list of exceptions to this. Paragraph 144 also makes clear that inappropriate development should not be approved unless ‘Very Special Circumstances’ (VSC) exist. VSC will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 5.6 The limited exceptions are set out in paragraphs 145 and 146 of the NPPF.
- 5.7 Although the NPPF, at paragraph 145d) does allow “*the replacement of a building provided the new building is in the same use and not materially larger than the one it replaces*”, this category is not applicable to this development since the new buildings are in a different use (residential) to the original buildings (agricultural). Since the previous buildings have been demolished, the correct starting point now for the consideration of this scheme is the same as a Greenfield undeveloped agricultural site.
- 5.8 The development which has occurred is the erection of two new dwellings with a new carport. This proposal seeks to a compromise arrangement which would retain



one of the dwellings and the carport and secure the removal of the second dwelling. This could be achieved via a Section 106 Agreement. The retention of this form of development does not fall within any of the exceptions to inappropriate development set out in 145 and 146 of the NPPF. As such, it is clearly inappropriate development in the Green Belt.

- 5.9 It is therefore concluded that the development is inappropriate development in the Green Belt. Paragraph 144 of the NPPF makes clear that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. VSC will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

### **Impact on the openness of the Green Belt**

- 5.10 The fundamental aim of the Green Belt Policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 5.11 The fundamental aim of Green Belts is to prevent urban sprawl by keeping land permanently open. The essential characteristics are their openness and their permanence. The openness of the Green Belt has both a visual and a spatial element. In terms of the spatial element the proposed scheme provides one new dwelling introducing built urban form into a Greenfield agricultural site. The presence of the built form of the new buildings is a significant urban encroachment which reduces the openness of the Green Belt. The creation of a garden curtilage and boundary treatments subdivides the land creating boundary structures further reducing the openness. The proposal to retain only one of the dwellings will clearly reduce the impact in comparison to the unlawful development which has occurred. However, in relation to a Greenfield undeveloped site, the impact of one dwelling and the carport will still result in a significant reduction in openness spatially.
- 5.12 In terms of the visual element, (the visual element of the Green Belt is not an assessment of visual quality), the site was previously agricultural open field with two low level simple single storey buildings. The development which has occurred harmfully impairs the visual aspects of the green belt through the introduction of new residential dwellings where none previously existed, through the urbanisation of the site with dwellings, manicured urban curtilage, the surfacing and access road, the urban high close boarded boundary treatments and the overall change to the visually open appearance of this part of the Green Belt. The reduction from two to one dwelling would reduce this harm. However, in relation to an undeveloped site, the impact of one dwelling and the carport will still result in a significantly harmful impact visually to the Green Belt.
- 5.13 It is therefore concluded the development reduces the openness of the green belt both spatially and visually and conflicts with the fundamental aim of the green belt which is to keep land permanently open.

### **Character and appearance of the area**

- 5.14 The site is in open countryside to the south west of Acaster Malbis and formed part of the disused airfield to the east which has been partially reclaimed for agricultural use and is interspersed with scrub woodland with occasional light industrial uses and warehousing. The landscape is generally flat. The site itself is screened and

contained from wider distance views from the west north and south by hedgerows and trees but is clearly visible at close proximity from the PROW within the woods to the west. It is also clearly visible through gaps in the hedgerows from the east albeit from some distance. Although views of the site are to a degree filtered and screened, the building forms and their curtilage and boundary treatments are still clearly visible.

- 5.15 In terms of the impact of the development, given the starting point is the same as a Greenfield site, the construction of one new dwellings introduces new development of urban character with a driveway, boundary enclosures and domestication uncharacteristic of the general open countryside. It is a form of development which is normally resisted unless there are special circumstances. The development is therefore considered to have a significantly harmful urbanising impact on the character and appearance of this part of the countryside.
- 5.16 This application does; however, propose the entire removal of one of the dwellings and this would significantly reduce the harm of the development which has occurred. The impact of one new dwelling in the countryside would be considerably less than the impact of two. This is discussed in more detail later in this report. However, the remaining one new dwelling still represents a new dwelling in the open countryside that did not exist previously. The development would still have a significantly harmful impact on the character and appearance of the area over and above that of an undeveloped Greenfield site.
- 5.17 An updated landscape and visual assessment appraisal for the applicants has been provided which assessed the impacts of the development. The report describes that the pattern of hedgerows and woodland which in part enclose the site. It refers generally to the surrounding visual and landscape quality as eroded due to the former land use and sporadic pockets of industrial use. The landscape sensitivity to change is assessed as being low sensitivity.
- 5.18 The appraisal for the applicants concludes that: *“The North Yorkshire and York Landscape Characterisation Project, carried out in 2011, assessed the character area to have moderate landscape and visual sensitivity overall. As with visual impact, due to the enclosed nature of the site, and areas beyond, influence on the wider landscape is limited. The better-quality features of the application site are generally limited to the mature hedgerow and trees situated immediately beyond the boundaries of the site. The loss of two trees due to redevelopment is assessed as having moderately adverse effect, although new planting of Native hedgerow and tree species will mitigate this loss. The introduction of sympathetically designed buildings, replacing dilapidated structures, and positioned within the framework of the existing landscape structure has also mitigated minor changes brought about new development, elements of openness are largely retained and landscape quality will be enriched with tree planting. The magnitude of change to landscape character is found to be generally low as there has been a minor alteration to characteristics of the site and has introduced elements which are not uncharacteristic when set within the attributes of the receiving landscape. With the removal of one of the buildings, replacing with a paddock, and with the introduction of tree and hedgerow planting, this will result in a residual beneficial effect”*. In summary the appraisal concluded that there would be a moderate adverse impact on the landscape features of the site, a neutral impact on the landscape character and a beneficial impact on the land use of the site. The residual change after 10-15 years is concluded overall to be of ‘minor beneficial’ impact. It should be noted that the

appraisal makes comparison with the previous dilapidated agricultural buildings and not in comparison with a greenfield site.

- 5.19 Following receipt of the applicant's appraisal, the views of the Councils Landscape Consultant have been sought. The response states that the scheme "*does not reinforce rural characteristics and is visible from several viewpoints*". The Selby Landscape Character Assessment looks to "*Seek sensitive restoration or reuse of the land around the former RAF Acaster Mablethorpe*". The Councils Landscape Consultant considers that that "*careful consideration should be given to the appearance of buildings and compounds, to ensure that development reflects local character and pattern. Emphasis should be towards reinforcing rural landscape characteristics that would typically be expected in that location. I would not expect to see close boarded boundary fencing (existing to the west side and along the access) and untypical screen planting (which in turn should preserve green belt openness)*".
- 5.20 The Landscape Consultant goes on to recommend a series of measures which would help to protect views, character and setting and these include:
- wider landscape strategy and masterplan which restores and reinforces landscape characteristics (this should include the access and wider field area and field boundaries between Green Lane and Intake Lane).
  - rural boundary treatments such as post and wire / post and rail with native hedgerow planting.
  - trees and other planting should use locally occurring native species.
  - reinstatement of wider field and roadside boundary fences and hedgerows
  - appropriate rural surfacing for access and hard standing areas (such as permeable natural stone rather than extensive tarmac and concrete paved areas).
  - external areas should generally be un-cluttered and rural in appearance.
- 5.21 The landscaping scheme submitted incorporates some but not all of the above elements but potentially could be dealt with by way of a condition if the applicants are willing to implement changes. The revised plans provide for some indigenous hedge and tree planting around the boundary edges of the garden area created but it is considered that a more robust and comprehensive scheme is required to further mitigate and improve the setting of this site. In addition, the substantial lengths of fencing around the site are at present prominent and new. The boundaries on the north and east are post and rail and are more appropriate for the location. However, the high close boarded fencing to the west and flanking the driveway to the south are urban in character and stand out as incongruous in this rural setting.
- 5.22 The impact on this countryside location could be mitigated and improved upon to some degree if the current urban boundary treatments were changed and a more robust landscaping scheme were provided and implemented. This should not be designed to screen and enclose the site, which would further reduce the openness of the Green Belt but should be designed so as to enhance the rural characteristics and the setting within the context of the rural area. Sporadic indigenous clusters of planting to provide setting would be more appropriate. However, the provision of a robust landscaping scheme would take many years to take effect during which time the harmful impact would remain. In time the benefits as identified by the applicant's landscape appraisal would have 'minor beneficial' effects.

- 5.23 In terms of the design, the building to be retained is not overly domestic with any porches conservatories or chimneys. The dwelling to be retained and the timber carport with pantile roof is of simple form and uncomplicated design. It is single storey and low level and generally appropriately designed for a rural location. If the development were acceptable in principle, no objections would be raised in terms of the design or its impacts on the character and appearance of the area.
- 5.24 As such, it is considered that the development is acceptable with respect to design however, even with the reduction of one dwelling, the scheme still introduces a new dwelling into the countryside which results in a harmful urbanising impact on the character and appearance of the area. This conflicts with the aims of Policies' SP18 and SP19 of the Core Strategy, with Policy ENV1 of the Local Plan and with the NPPF.

### **Highways**

- 5.25 The proposal utilises an existing vehicular access from Broad Lane. This is the same access that was proposed in the prior approval and no highway objection was received. In this case, NYCC Highways have no objections to the proposal and no conditions recommended.
- 5.26 There is adequate space about the dwellings to park. There is also a car port provided. As such, it is considered that the development to be retained is acceptable with respect to parking and road safety requirements and in accordance with policies H3 of the NP, ENV1(2) and T1 of the Local Plan, Policy SP19 of the Core Strategy and Paragraph 39 of the NPPF with respect to the impacts on the highway network.

### **Impact on Residential Amenity**

- 5.27 The site is in a relatively isolated position and does not result in any loss of amenity in terms of overlooking, overshadowing or disturbance of the occupants of any existing nearby dwellings. The nearest dwelling is the two-storey barn nearer Broad Lane which is over 160 metres away.
- 5.28 In terms of amenity for the future occupants of the application site, as one dwelling would be removed, the remaining dwelling would enjoy a high level of privacy and there would be no adverse effects from overlooking or overshadowing of other dwellings. Adequate living conditions for the future occupants can easily be achieved in these respects.
- 5.29 It has previously been identified that potential noise and disturbance for future residents could occur from surrounding industrial uses. In particular there were concerns over the potato store on adjacent land. Condition 3 of the Prior Approval for the conversion of the agricultural buildings required (prior to development commencing) a noise survey to be undertaken and for noise levels within the garden areas of the dwellings not to exceed specified limits and for the buildings to be constructed to provide noise attenuation against external noise with specified limits of internal noise levels to achieve. These approved works were to be retained for the lifetime of the development. The reason to ensure this was achieved was to prevent any future complaints from occupants of the dwellings which could impact upon the legitimate established operation of the potato business.

- 5.30 Pursuant to discharging this condition in 2017 for the Prior Approval Development the applicant submitted a Noise Impact Assessment (NIA). It was established that the main noise impacts at this site will be due to road traffic on Broad Lane to the East, other nearby industrial uses and from the potato store to the South. Although noise levels were taken on 3 occasions, the external plant items on the northern façade of the potato store were not operational and it is understood the stores use and the use of the plant items are seasonable for potato harvest. The Parish Council's concerns in this respect were noted however, in order to assess the impact, the applicants took noise data from another potato store and the values used as indicative in the assessment and corrected for the distance from the dwellings.
- 5.31 The Noise Impact Assessment (NIA) concluded that the site is subject to medium risk from noise and advises that planning conditions were appropriate. It was advised the development should take account of the noise risk and reflect good acoustic design principles in the layout of dwellings and the use of space. In terms of the site layout and design, when setting internal floor plans, consideration was to be given to focusing non-habitable uses towards the main sources of noise and placing habitable rooms (e.g. living rooms and bedrooms) on façades facing away from the main sources of noise. It was not expected however, that noise would be a barrier to the development. It was also recommended that, when setting external amenity spaces consideration should be given to focusing these communal outdoor spaces away from the main sources of noise where possible. The condition was discharged on the basis of an updated NIA. However, the condition was also a compliance condition and required the scheme to be implemented and maintained in accordance with the approved details.
- 5.32 The scheme currently under consideration is a different dwelling with a different layout and as such needs to be considered afresh with up to date noise data particularly since the original prior approval was granted over 5 years ago. Moreover, although the noise survey was on the basis of predicted data the condition required compliance with noise levels through the layout of the rooms, the insulation measures and this could have been checked as progression of the development occurred. This can't now occur as the room layout and insulation levels etc have changed. Moreover, they as they have already occurred they are now fixed.
- 5.33 The applicants have therefore been asked to provide an updated assessment with actual data from the noise levels of the potato store. In particular they have been asked to address whether the development (including the layout, position of windows and amenity areas, and sound insulation etc) that has occurred meets the required noise mitigation requirements for the actual levels of noise that are occurring. Although further information has been provided this does not address the issue of the potential impact of noise arising from the potato store. As such, the principle noise source of concern has not been assessed adequately and it cannot be confirmed whether the development is acceptable with respect to the noise impacts.
- 5.34 The Environmental Health Officer has expressed concerns. However, it is understood that obtaining updated noise readings from the potato store is not straightforward due to the seasonal nature of the use and due to the lockdown circumstances. Even though the development has occurred, in the circumstances it is considered appropriate, if the development were to be approved, to impose a condition requiring an updated NIA to be provided and, if necessary, to incorporate

mitigation measures into the layout and design of the retained dwelling if required. Such measures might include alterations to the dwelling, acoustic fencing or additional screen planting. However, it cannot be discounted that there is a small risk that the noise levels can't be adequately mitigated. This risk is considered low given at the Prior Approval stage the potential source of noise was not considered to amount to a barrier to development and was also based on a seasonal issue.

- 5.35 It is therefore considered that the proposal would not result in any significant impact on neighbouring properties and could, subject to an appropriate condition and appropriate mitigation measures if required, provide an adequate standard of amenity for future occupants in accordance with Policy ENV1 (1) of the Selby District Local Plan and SP19 (k) of the Core Strategy.)

### **Flood risk and drainage**

- 5.36 "The aim is to steer new development to Flood Zone 1 (areas with a low probability of river or sea flooding). Where there are no reasonably available sites in Flood Zone 1, local planning authorities in their decision making should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2 (areas with a medium probability of river or sea flooding), applying the Exception Test if required.
- 5.37 Only a small corner of the site is within Flood Zone 2 with the majority of the site and the two buildings sitting within Flood Zone 1. The Environment Agency was consulted on the Prior Approval application who indicated no objection to the proposed change of use. Standard mitigation measures were advised for any development within Zone 2. However, as the building to be retained is positioned within Flood Zone 1, mitigation is not required.
- 5.38 A drainage system has been laid with foul water discharging to a mini package treatment works into a soakaway. Surface water also discharges into a soakaway. The applicants indicate that there is no additional demand placed on the local water course and no additional flooding will be created as a result of the development. Yorkshire Water makes no comments on the proposals. The IDB don't object and recommend conditions regarding discharge of surface water and discharge rates.
- 5.39 It is considered the proposal would be acceptable in terms of flood risk and drainage and therefore accords with DBE4 of the NP, Policies SP15, SP16, SP19 of the Core Strategy, and the NPPF.

### **Nature conservation interests**

- 5.40 The work at the site has been done and the development is substantially complete. The County Ecologist originally advised a bat survey should be undertaken prior to determination. As this is not the case and the original buildings are demolished a survey is not needed.
- 5.41 As such it is considered that the retention of the new dwelling would not harm any acknowledged nature conservation interests and therefore accords with ELH2 of the NP, ENV1(5) of the Selby District Local Plan, Policy SP18 of the Core Strategy and the NPPF.

### **Affordable Housing**

- 5.42 Core Strategy Policy SP9 and the accompanying Affordable Housing Supplementary Planning Document (SPD) sets 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.
- 5.43 However, the NPPF is a material consideration in planning decisions (as set out in paragraph 2 of the NPPF) and states at paragraph 63 - *“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). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount”*. ‘Major development’ is defined in Annex 2: Glossary as *“For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more”*.
- 5.44 The application proposes the creation of one dwelling on a site which has an area of less than 0.5 hectares, such that the proposal is not considered to be major development as defined in Annex 2 of the NPPF. It is therefore considered that having had regard to Policy SP9 of the Core Strategy, the Affordable Housing SPD and national policy contained within the NPPF, on balance, the application is acceptable without a contribution for affordable housing.

### **Contaminated Land**

- 5.45 A Phase 2 Ground Investigation report was submitted with the prior approval application for the conversion of the piggeries. The Council's Contamination Land Consultants were consulted on the original Prior Approval and conditions were imposed requiring, prior to development (2014), an investigation and risk assessment (condition 6), a remediation scheme (condition 7 & 8) and safeguards in the event contamination was found (condition 9).
- 5.46 Further information was submitted under ref 2017/1101/DOC to discharge these conditions and was found to be acceptable. The conditions were discharged subject to seeing a verification report confirming that the agreed remedial works have been carried out following completion of the remedial works. The Council's Contamination Land Consultant now requires this verification report to be provided. This is necessary to ensure the development is safe and does not pose a health risk. This has been requested however, there are difficulties in obtaining the information since fieldworks from the contamination experts (GEO Environmental) have been suspended and they are unable to visit to witness the finalised remediation and issue a verification report. It has been requested that this matter be conditioned. In the circumstances of lockdown it has been considered appropriate to impose a condition requiring submission of the verification works and for further remedial work to be undertaken if contamination is still present.
- 5.47 Subject to receipt of the above and subject to the Contamination Land Consultant raising no further concerns the proposal is therefore considered to be acceptable in regard to contamination subject to an appropriate condition for the validation report and is therefore in accordance with Policy ENV2 of the Local Plan and paragraph 178 of the NPPF.

### **Circumstances and factors put forward by the applicant in favour of the development**

5.48 The applicant has submitted the following information to be weighed up in the overall assessment.

- The retention of one dwelling and outbuilding and the demolition of the second dwelling would result in an overall smaller footprint to the agricultural buildings with Net loss of development on the site which the applicants state is 103 sq metre reduction in footprint
- Improved design of the new dwelling compared to the converted agricultural buildings
- The buildings are efficient, sustainable and minimise carbon footprint
- Landscaping improvements
- Complies with Green Belt Policy
- Improvement to the openness of the Green Belt
- Social benefits Contribution of one dwelling to the housing requirement for the district
- Reduction in car journeys from two dwellings to one
- Environmental enhancement with net ecological benefit over the previous use potentially creating a modest habitat for small-scale wildlife
- Economic benefits directly and indirectly during construction and through public spending locally
- Passage of time, the state of disrepair and lack of intent to demolish and construct unauthorised development- further detail given below

5.49 In addition to the above in support of their actions the applicants state that the builder encountered difficulties and recommended the buildings be demolished and rebuilt on a similar footprint. The applicant assumed (incorrectly) he had planning consent for 2 residential properties and the rebuild would fall under the same consent. It was never the intention to carry out unauthorised works or to circumvent the planning system.

5.50 They have submitted detailed information on why the buildings were demolished. The key points are summarised as follows:

- The walls to the building whilst initially appearing sturdy and true were found, on closer inspection, to be badly decayed, cracked, fragile and unstable – badly affected by the trees and their roots and the poor condition of the underlying slab (weak, thin and with little cement). The bricks had badly blown due to frost attack and water damage resulting from the poor condition of the roof. The brick work was no longer cohesive and was unstable. As work commenced to carefully remove the tree roots/stumps several of the walls collapsed. Strengthening and repair of the original brickwork was not possible.
- The felt roof was in terrible condition and had been leaking badly. It needed to be replaced with a new tiled roof. The steel trusses were rotten, unrepairable and fell apart upon removal. The underlying slab was not strong enough to support a replacement tiled roof and associated structures.
- Upon removal of the original roof it was apparent that the brick buttresses were in poor condition and were totally rotten due to water damage. They became unstable, had no structural integrity and were not repairable or useable.



- Due to years of decay there was no option to strengthen the internal structures of the building by attachment to the main outside walls as these walls had collapsed – the building was unsafe.

### **5.51 Officer Comment on the factors in favour of the development**

#### Smaller footprint

5.52 The development that has occurred is two new larger buildings and a third new building forming a carport and store. For information, a comparison is made below;

- Taken together the size of the two new dwellings and car port compared to the agricultural buildings result in an increase in footprint of 46%. In terms of volume the increase is 75% larger. This is a significant increase in overall building size.
- Taken together the size of the proposed buildings to be retained, (Block B & new car port and garden store) would amount to an overall small reduction in footprint and volume of the original agricultural buildings. The footprint would be 22% smaller and the volume would be 7% smaller.

5.53 Although the reduction in built form is small, there would be a small improvement to the spatial aspects (over and above the current unauthorised development). In order to maintain such a reduction to the openness, if approved, it would be necessary to impose a permitted development restriction to ensure the dwelling is not increased in size in the future or the spatial aspects of the Green Belt harmed by ancillary buildings.

5.54 In terms of VSC this does not weigh in favour given the base start point for consideration of this development.

#### Improved design

5.55 In terms of the design and materials the resulting building group is a visual improvement over the dilapidated agricultural buildings which existed. However, the design of the resulting development is only different to the conversion scheme in relation to size. The design is basically the same and there is little difference visually in design terms from the newly constructed dwellings in contrast to how they would appear if the original buildings had been converted. The impact of one dwelling and outbuilding would have much less of an urbanising impact on this rural location than the impact of two dwellings. Moreover, although the retained dwelling would have increased height and volume, the two remaining buildings would be more compactly arranged. Taken together, the parking, gardens, domestication and paraphernalia associated with just one dwelling would have much less impact on the character and appearance of the rural area than two dwellings. In this respect it is accepted that the removal of one dwelling would result in positive beneficial benefits above what exists at present.

5.56 In terms of VSC this does not weigh in favour given the base start point for consideration of this development.

#### The buildings are efficient, sustainable and minimise carbon footprint

- 5.57 The applicants state that in terms of energy efficiency the property conforms to the latest Building Regulations requirements incorporating high levels of thermal insulation throughout. A copy of an EPC certificate is provided showing that the dwelling has an energy efficiency rating of band C (rating 73) with a potential rating of band A (rating 95), compared to the average efficiency rating for a dwelling in England and Wales which is band D (rating 60).
- 5.58 The new dwelling benefits from, Cavity walls built with full insulation, Roof - 75mm loft insulation, Floor - Solid, with under floor insulation underlay in carpeted areas, Windows and doors – double glazed throughout, Central Heating – boiler and radiators fed from private oil tank , Hot water – fed from above boiler (oil), Lighting – Low energy lighting in fixed outlets.
- 5.59 Current primary energy use per square metre of floor area: 121 kWh/m<sup>2</sup> per year. The average UK household currently omits approx. 6 tonnes of carbon dioxide each year. The dwelling in question produces approx. 4.7 tonnes of carbon dioxide each year. It is not possible to directly and accurately compare the energy efficiency of the existing new build to that of a conversion on this site. However, as a rule of thumb new-build homes tend to have higher energy efficiency ratings than older buildings, or conversions, because the new build process allows for insulation to be integral to the build. The retention of one new dwelling would have some benefits over and above a conversion scheme in terms of efficiency, sustainability and a lower carbon footprint. On the basis of this information the new build property has slightly higher levels of energy efficiency and sustainability and lower levels of carbon footprint than a converted dwelling would achieve.
- 5.60 In terms of VSC this does not weigh in favour given the base start point for consideration of this development.

#### Landscaping improvements

- 5.61 The comments of the council's landscape consultant are discussed in this report. Overall it is concluded that a more detailed and robust landscaping scheme is needed and some changes to some of the boundary fencing. This could be the subject of a condition.
- 5.62 In terms of VSC this does not weigh in favour given the base start point for consideration of this development.

#### Complies with Green Belt Policy and (vi) Improvement to the openness of the Green Belt

- 5.63 This is covered in the report above. The development is concluded to be inappropriate development which does not comply with Green Belt Policy and has a harmful impact on the openness of the Green Belt.

#### Social benefits of the contribution of one dwelling to the housing requirement for the district

- 5.64 The contribution of one dwelling to the housing market is of some benefit. However, the contribution is very limited in relation to the overall housing needs of the district and is not considered sufficient to constitute VSC. Moreover, there is no benefit over and above the previously approved conversion scheme which would have provided two dwellings.

### Reduction in car journeys

- 5.65 In terms of sustainability the introduction of one dwelling in the countryside will increase car journeys and is not consistent with the Councils spatial development strategy which seeks to direct development to the towns and more sustainable settlements of the district. Notwithstanding this the retention of one dwelling will reduce car journeys associated with two dwellings.
- 5.66 In terms of VSC this does not weigh in favour given the base start point for consideration of this development.

### Environmental enhancement

- 5.67 The comments on the landscaping scheme provided have been covered in the officers report and the minor possible longer term benefits suggested from the small amount of planting proposed are not considered to amount to or to be counted as contributing to VSC.

### Economic benefits

- 5.68 The limited economic benefits associated with the retention of one dwelling are not considered to contribute to or amount to VSC.

### Passage of time, the state of disrepair and lack of intent to demolish and construct unauthorised development

- 5.69 The difficulties in carrying out the conversion and the poor condition of the buildings are acknowledged. There is nothing to suggest that the building was intentionally demolished and rebuilt. However, it is not clear whether; given the advice in the original structural survey, adequate care was taken in the clearance of the overgrown vegetation at site with the use of mechanical equipment, to prevent the building from collapsing. Whilst officers have sympathy with the position, this approach cannot be a matter to contribute to the VSC.

### **Balancing Whether Very Special Circumstances (VSC) exist sufficient to outweigh the harm to the Green Belt by inappropriateness**

- 5.70 It is clear that what is proposed is inappropriate development in the Green Belt. The main issue to assess is whether any of the above matters taken individually or collectively, amount to the VSC necessary to outweigh the harm to the Green Belt through inappropriateness.
- 5.71 What constitutes very special circumstances (VSC), will depend on the weight of each of the factors put forward and the degree of weight to be accorded to each is a matter for the decision taker. Firstly, it is to determine whether any individual factor taken by itself outweighs the harm. Secondly to consider whether, a number of factors ordinary combine to create VSC.
- 5.72 The weight to be given to any particular factor will be a matter of degree and planning judgement. There is no formula for providing a ready answer to any development control question on the green belt. Neither is there any categorical way of deciding whether any particular factor is a 'very special circumstance' and

the list is endless but the case must be decided on the planning balance qualitatively rather than quantitatively.

- 5.73 An assessment needs to be made on this case of the benefits of the current unauthorised retrospective scheme as proposed with Block A to be removed to determine whether these amount to the 'Very Special Circumstances' necessary to outweigh the harm to the Green Belt.
- 5.74 The harm that has been identified is the inappropriate development of new buildings because they don't fall within any of the allowable exceptions set out in the NPPF in the Green Belt. Harm is also identified due to the significant increase in built form and the reduction in the openness of the Green Belt.
- 5.75 Prior Approval was previously granted for the conversion of the buildings to dwellings. However, this is not a fall-back position as the buildings no longer exist.
- 5.76 It is acknowledged that the removal of one dwelling (Block A) in its entirety is a significant contribution by the applicant in trying to achieve a way forward. In terms of the unauthorised development which has occurred there would certainly be some benefit from the scheme as currently proposed in terms of a small reduction in built form to that which existed in the form of the former agricultural buildings. Moreover, it does significantly reduce the volume of built form that exists today. This would give the appearance of greater openness to the Green Belt and would result in some positive benefit over and above what exists at present. However, the correct planning approach and the necessary approach officers must take is to assess the development on the basis that the agricultural buildings have been removed and the proposed dwelling is on a greenfield site in the Green Belt. The retention of one dwelling and the carport would be inappropriate development in the Green Belt which reduces the openness spatially and is visually harmful to the Green Belt. As such the benefit of removal of one dwelling cannot contribute to VSC.
- 5.77 In terms of the design, the simple design and form and quality of materials are an improvement on the original buildings whilst retaining much of their simplicity. The new carport and store do add more built form but are located behind the buildings and are well screened from the wider landscape by the tree belt to the west. The resulting building group is a visual improvement over the dilapidated agricultural buildings which existed. The resulting building group would be improved further with the removal of one dwelling and this is a factor in favour of the proposal. However, when considered against the starting point of the Greenfield site, the qualities of design are not so outstanding as to justify a new dwelling in open countryside which planning policy normally strictly controls. The benefits of a reasonable design are not uncommon and are not considered to be a VSC.
- 5.78 The impact of one dwelling and outbuilding would have much less of an urbanising impact on this rural location than the impact of two dwellings. Moreover, the two remaining buildings would be more compactly arranged and tucked into the far corner of the site with the backdrop of trees. Taken together, the parking, gardens, domestication and paraphernalia associated with just one dwelling would have much less impact on the character and appearance of the rural area than two dwellings. In this respect the removal of one dwelling would result in positive beneficial benefits. However, when considered against the starting point of the Greenfield site, the introduction of a new dwelling with appropriate scale and siting is not considered to be a VSC. The benefits of the reduction can't therefore be included as a VSC.

- 5.79 The current development is considered to have a Neutral Impact when compared to the conversion scheme which could have occurred. Overall when considering the impact of the development proposed for retention compared to the unauthorised development that has occurred there could be some positive benefits but only subject to the appropriate conditions as mentioned in the report. These include the need for amended boundary details and a really robust landscaping scheme being implemented. Taking this position the development could have, on balance, a positive impact on the character and form of the locality. However, this would take time to establish; moreover a sufficient scheme has not yet been provided. As such there are no quantifiable benefits proposed in terms of landscaping which amount to VSC.
- 5.80 In comparison with a Greenfield site with no previous development, the above factors put forward by the developer are not considered either individually or collectively to amount to the VSC needed to clearly outweigh the harm to the Green Belt by reason of inappropriateness and the harm to the openness both spatially and visually.
- 5.81 For VSC to exist the harm by reason of inappropriateness needs to be “*clearly outweighed*”. It is not enough simply to show that the harm and the countervailing considerations are in balance or marginally providing improvement to the site.

## **6 CONCLUSION**

- 6.1 The proposal to remove one dwelling and retain the remaining development comprising one dwelling and a car port/garden store is inappropriate development in the Green Belt as it does not fall within any of the exceptions listed in paragraphs 145 and 146 of the NPPF. As such, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It is also considered that the development reduces the openness of the green belt both spatially and visually and conflicts with the fundamental aim of the Green Belt which is to keep land permanently open. The development therefore conflicts with Policy SP3 d) of the Core Strategy and with the NPPF.
- 6.2 The development, even with the reduction of one dwelling, introduces a new dwelling into the countryside which results in a harmful urbanising impact on the character and appearance of the area. This conflicts with the aims of Policies’ SP18 and SP19 of the Core Strategy and with Policy ENV1 of the Local Plan and with the NPPF.
- 6.3 The development is acceptable with respect to the design and form of the dwelling itself. It is also acceptable with respect to highway safety, flood risk and drainage matters, nature conservation interests and affordable housing requirements.
- 6.4 However, there are still concerns in relation to the harmful visual impacts of boundary fencing which has been erected and the lack of a robust landscaping scheme to mitigate the harm and blend the development with the rural landscape. There are unresolved issues and concerns over the potential noise impacts of the development and there is a lack of the required verification report to demonstrate that the contamination remediation is effective and the development is safe. However, in the circumstances conditions are recommended to cover these aspects.

- 6.5 Based on the above assessment the application should be recommended for refusal.

## 7 **RECOMMENDATION**

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

The site lies within the designated Green Belt in the adopted Selby District Core Strategy wherein there is a presumption against development for purposes other than those categories specified in paragraphs 145 and 146 of the National Planning Policy Framework. The development involves the construction of new buildings in the Green Belt which do not fall within any of the exceptions set out in paragraphs 145 and 146 of the NPPF. It therefore represents inappropriate development in the Green Belt and should not be permitted unless there are very special circumstances to justify the development. In addition to the harm associated with inappropriateness, the development would result in harm to the openness of the Green Belt both spatially and visually.

Inappropriate development should not be approved in the absence of very special circumstances. Very special circumstances to clearly outweigh the resultant Green Belt harm have not been demonstrated. The proposal therefore fails to meet the requirements of policies SP2 (d) and SP3B of the Core Strategy, which require development in Green Belts to be accordance with National Green Belt Policy within 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 2019/1173/FUL and associated documents.

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**Appendices:** None