



Report Reference Number: 2020/0218/FUL

To: Planning Committee
Date: 7 October 2020
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Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2020/0218/FUL	PARISH:	Cawood Parish Council
APPLICANT:	Selby Area Internal Drainage Board	VALID DATE: EXPIRY DATE:	3rd March 2020 28th April 2020
PROPOSAL:	Proposed change of use from agricultural storage to depot for the Selby Area Internal Drainage Board and siting of modular site office/changing room		
LOCATION:	Model Farm Broad Lane Cawood Selby North Yorkshire YO8 3RA		
RECOMMENDATION:	GRANT		

This application is to be determined by the Planning Committee since it does not strictly accord with Policy EMP8 (1) and (2) of the Selby District Local Plan as identified in the report below. However, since the proposal would comply with all other relevant criteria, it is considered that there are material considerations which support the application.

1. INTRODUCTION AND BACKGROUND

Site and Context

1.1. The site is known as Model Farm which lies within open countryside, 2km to the south of the Cawood settlement. The site is accessed from Broad Lane, which also serves Model Farm. The building lies in the south west corner of the farmstead and is a typical portal framed, block work and fibre cement sheeted building, measuring 18.6m x 18.7m. The building is screened to the south and east by trees and a mature hedgerow. The area is essentially rural in character. Model Farm is a working farm with the usual farm traffic and activity.

- 1.2. The application site is located outside of a defined limit and therefore is located within open countryside. The application site is also located within Flood Zone 1.

The Proposal

- 1.3. The Planning Statement submitted states that the proposals are for “...*the change of use of an existing portal- framed agricultural building along with the siting of a modular building along site the shed, a parking area, and the use of a small external area for the open storage of materials.*”
- 1.4. It is noted that the IDB currently operate out of a depot in Barlow. However, the agent has advised that the lease is due to end on this unit and therefore the IDB are looking to form a new depot of a similar size. The proposed depot will act as the base for a staff of up to 10 personnel. The building will be used to securely house small items of plant, equipment, with the concrete apron used for outside storage of less valuable materials such as timber, pipes, fencing. The proposed cabin will be used for welfare and staff facilities. The IDB require a rural location given the nature of work the IDB undertake i.e. the IDB are responsible for maintaining 500km network of watercourses in the district.

Relevant Planning History

- 1.5. The following historical application is considered to be relevant to the determination of this application.
- CO/1996/0828, Description: Erection of lean-to extension to existing agricultural building for the housing of livestock (Ostrich) at, Model Farm, Broad Lane, Cawood, Selby, Decision: PER, Decision Date: 28-OCT-96

2. CONSULTATION AND PUBLICITY

- 2.1. **NYCC Highways Canal Rd** – NYCC Highways have raised no objections to the proposed development subject to a condition relating to Private Access/Verge Crossings: Construction Requirements. An informative advising that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out.
- 2.2. **Yorkshire Water** – No response received.
- 2.3. **Parish Council** – Cawood Parish Council have raised no objections to the proposed development.
- 2.4. **Selby Area Internal Drainage Board** - No Consent from the IDB is required as there are no proposed works within or near an ordinary watercourse and no proposed discharge to a watercourse.
- 2.5. **Neighbour Summary** - All immediate neighbours were informed by letter; a site notice was erected resulting in no letters of representation being received.

3. SITE CONSTRAINTS

Constraints

3.1. The site is in the open countryside without allocation and within Flood Zone 1.

4. POLICY CONSIDERATIONS

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

4.2. The development plan for the Selby District comprises 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
- SP13 – Scale and Distribution of Economic Growth
- 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
- EMP2 – Location of Economic Development
- T1 – Development in Relation to the Highway
- T2 – Access to Roads

5. APPRAISAL

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

- The Principle of the Development
- Design and Impact on the Character and Appearance of the Area
- Impact on Residential Amenity
- Highway Issues
- Flood Risk, Drainage and Climate Change

The Principle of the Development

5.2. The site is located outside any defined development limits and is therefore located within the open countryside.

5.3. Policy SP2(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....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 other special circumstances.

5.4. Policy SP13 states that in rural areas, sustainable development which brings sustainable economic growth through local employment opportunities or expansion of businesses and enterprise will be supported. The proposal would ensure an existing sustainable business expanding its facilities to the benefit of the operational need of the business.

5.5. Policy EMP2 of the Selby District Local Plan states that new development will be concentrated in and around Eggborough, Selby, Sherburn in Elmet and Tadcaster, and that encouragement will be given to the proposals for small-scale development in villages and rural areas in support of rural economy.

5.6. Policy EMP8 of the Selby District Local Plan states, "Proposals for the conversion of rural buildings *for commercial, industrial or recreational uses, including appropriate farm diversification activities, will be permitted provided:*

- 1) *The building is structurally sound and capable of reuse without substantial re-building;*
- 2) *The proposed re-use or adaptation will generally take place within the fabric of the building and will not require extensive alteration, re-building and/or extension;*
- 3) *Conversion would not damage the fabric and character of a building of architectural or historical interest, or a traditional building which makes a positive contribution to the character of the countryside;*

- 4) *The form, bulk and general design of the building is in keeping with its surroundings;*
- 5) *The conversion of the building and ancillary works, such as the creation of incidental outside areas, and the provision of satisfactory access and parking arrangements, would not have a significant effect on the character and appearance of the area, or encroach into open countryside; and*
- 6) *The proposal would not create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity."*

5.7. Paragraph 83 of the National Planning Policy Framework (NPPF) is clear that in order to promote a strong rural economy, support should be given to the expansion of all types of businesses and enterprises in rural areas through the conversion of existing buildings and well-designed new buildings.

5.8. The application proposes the change of use from agricultural storage to depot for the Selby Area Internal Drainage Board and the siting of modular site office/changing room for employment use. The proposals would be acceptable in terms of Policy SP2A (c) given its the reuse of a building for employment purposes. However, proposals that are acceptable in principle are still required to meet the policy tests set out within this policy. This includes whether the proposed development would contribute towards or maintain the vitality of rural communities, in accordance with policy SP13.

5.9. Where the proposed scheme may be acceptable in principle it would be required to meet the policy, tests set out in in Local Plan Policy EMP8 (1), (2), (3), (4), (5), (6).

5.10. The impact on acknowledged interests against the above policy tests is considered in the following parts of the report, including the issue of scale.

Design and Impact on the Character and Appearance of the Area

5.11. Relevant policies in respect to the impact of development on character and appearance of the area is Policy ENV1 of the Selby District Local Plan. The more specific policy that considers the visual impact of rural conversions to commercial uses in the countryside is Policy EMP 8. Policies SP13 (D), SP18 and SP19 of the Core Strategy and advice contained within the NPPF also provide more generic guidance in which to assess the proposal.

5.12. The proposals are for the change of use of an existing portal framed agricultural building, along with the siting of a modular building along site the shed, a parking area, and the use of a small external area for the open storage of materials.

5.13. In respect of the works to the existing portal framed agricultural building, this would involve no changes to the external appearance, other than the replacement of the timber sliding doors, with a roller shutter door on the north elevation. Also, the replacement of the timber personnel door on the eastern elevation with a steel door in the same opening. The existing building is structurally sound and capable of re-use without substantial rebuilding. The proposed works to the building in question are minimal and take place within the fabric of the existing building. The works would retain the agricultural nature of the portal framed building as would be expected within the open countryside. Therefore, this element of the proposals complies with all relevant criteria set out within Policy EMP8.

- 5.14. In respect of the proposed siting of a modular building, this would be located alongside the existing building to be converted. This would be a new element that wouldn't take place inside the fabric of the building and would be regarded as a significant extension. Therefore, this element of the proposals fails to comply with criterion (1) and (2) of EMP8. However, the proposed modular building would appear ancillary to the existing building to be converted and given the simple form and nature of the proposed building would be in keeping with the surrounding buildings and overall surrounding open countryside. The modular build is temporary in nature and can be removed as necessary if the main use of the building ceases.
- 5.15. In respect of the proposed parking, access and storage areas, this would mostly be located over an existing area of concrete hard standing and track. Given this was previously used for agricultural purposes, it is not considered that this would have a significant effect on the character and appearance of the area or encroach into open countryside. A condition is also imposed to limit the height of any outside storage to 2m. Therefore, this element of the proposals complies with all relevant criteria set out within Policy EMP8.
- 5.16. In terms of the wider impact of the use on the countryside, the building is set 130 meters west of Broad Lane with views to the building constrained by existing vegetation in particular a 4m hedgerow that would screen the proposed cabins location, hard standing and parking.
- 5.17. Taking into consideration all of the above, although certain elements of the proposal would fail to comply with criterion (1) and (2) of Policy EMP8 due to the free-standing cabin, the development as a whole is within the spirit of EMP 8. The scheme in respect of the size, scale, siting, location and design of the proposed development, would be acceptable to its surroundings and would not have a detrimental impact on the open countryside. The proposal therefore complies with Policy ENV1 of the Selby District Local Plan, Policies SP13 (D), SP18 and SP19 of the Core Strategy and the NPPF.

Impact on Residential Amenity

- 5.18. Relevant policies in respect of the effect upon the amenity of adjoining occupiers include Policy ENV1 (1) of the Selby District Local Plan. Significant weight should be attached to this Policy as it is broadly consistent with the aims of the NPPF to ensure that a good standard of amenity is achieved.
- 5.19. 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 new development. It is also necessary consider whether the use will cause harm by virtue of the farmstead being split and another commercial use being considered alongside the existing farm.
- 5.20. The existing portal- framed agricultural building would be used to store small items of plant and equipment such as trailers and pups and occasionally excavation plant. On the west side of the building there will be some elements of open storage of materials such as lengths of timber, fencing and pipes. The area of hard standing to the north bound by the hedge to the east will be used for parking of private cars and the IDB's trucks.
- 5.21. Officers have noted that the landowner occupies the farmhouse for Model Farm, which is within close proximity. However, given the proposed use will operate

generally during normal business hours, 07:00 – 16.30 Monday to Friday and 07:00-13:00 on Saturdays, and it is not considered to involve activities which will produce noise, dust or odour and given the land is within the occupier's ownership, there is an element of control retained by the adjacent landowner. Therefore, Officers do not consider that there will be any additional significant adverse impacts on the occupiers of the farmhouse.

- 5.22. Environmental Health have been consulted and have raised no objections to the proposed development.
- 5.23. Given the site context in respect of the dwelling within close proximity to the application site, Model Farm House, and the separation distance from the other surrounding residential properties, and due to the size, scale and design of the proposed development, it is not considered that it would result in adverse effects of overlooking, overshadowing or overbearing of neighbouring properties.
- 5.24. Overall, it is considered that the proposals would not have a significant adverse effect upon adjoining residents in accordance with Policy ENV1 and ENV2 of the Selby District Local Plan and EMP8 of the Core Strategy.

Impact on Highway Safety

- 5.25. Relevant policies in respect to highway safety include Policies ENV1, T1 and T2 of the Selby District Local Plan and requirement (c) set out in Policy SP19 of the Core Strategy. These policies should be afforded substantial weight as they are broadly consistent with the aims of the NPPF.
- 5.26. The proposals would make use of an existing access and create eight additional car parking spaces.
- 5.27. NYCC Highways commented on the proposed development and have raised no objections subject to a condition relating to Private Access/Verge Crossings: Construction Requirements. The Highways Officer has also advised that an informative be attached stating that, a separate license will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out.
- 5.28. Overall, in respect of Policy EMP8 of the Selby District Local Plan on balance the proposed development would comply with criteria (2) of the policy and would be acceptable in respect of Local Plan Policy SP19 of the Core Strategy and policies contained within the NPPF.

Flood Risk and Drainage

- 5.29. Relevant policies in respect to flood risk include Policies SP15, SP19 of the Core Strategy, and paragraphs 149,150,155,156, 157, 158, 163 of the NPPF.
- 5.30. Firstly, addressing the issues of flood risk, the application site is within Flood Zone 1, which has a low probability of flooding. Given the application site is located within Flood Zone 1 and the proposals are for less vulnerable development the Sequential Test and Exceptions Tests are not required.
- 5.31. In terms of drainage, the surface water from the existing farm building is suitably drained and therefore needs no further control. Therefore, it is only necessary to

consider the new cabin. The submitted application form sets out that surface water would be disposed of via existing water course and the foul sewage from the cabin welfare facility would be disposed of via a cess pit (storage tank).

5.32. A Foul Drainage Assessment Form has been submitted. Whilst cess pools are not normally accepted this has been justified within the submission. In summary, the site is in a rural location and there are no nearby public sewers to connect to, which therefore rules out mains drainage. Also, there is no further land available to the applicant to allow the use of a septic tank or package treatment system that needs land to drain its discharge. Therefore, in this instance a cess pool is considered acceptable. Furthermore, permission will be required from the Environment Agency in respect of this type of development.

5.33. Yorkshire Water and the IDB have been consulted on the proposals and raised no objections.

5.34. On the basis of the above 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 paragraph 163 of the NPPF.

6. CONCLUSION

6.1. This type of farm diversification and use of an existing rural building to business use is acceptable in principle in the NPPF and in development plan policy. Though it is noted that the proposals as a whole would conflict with criteria 1 and 2 of Policy EMP8 of the Core Strategy. It is considered that the NPPF is a material consideration and in line with Paragraph 83 and 84 of the NPPF relating to the further reuse of the building and the diversification of agricultural business and the recognition of business and community needs in rural areas would be acceptable.

6.2. The works to the existing building are appropriate in terms of design with limited alterations.

6.3. Furthermore, the proposed development is considered to require a rural location due to the nature of the business and provides economic benefits by way of 10 jobs, as set out in the evidence submitted within this application. Therefore, in considering the proposals, the requirement for a rural location and economic benefits to the rural community and economy are considered to be material considerations which outweigh any conflicts with criteria 1 and 2 of Policy EMP8.

6.4. Thus, subject to the recommended conditions set out below, this application complies with the up to date Framework and principally with SDLP Policy EMP8 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 GRANTED subject to the following conditions:

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 plans/drawings listed below:

- LOC 01 – Location Plan
- 0220 / I 540 / 01 Proposed and Existing Plans and Elevations
- Foul Drainage Assessment Form (FDA)

Reason:

For the avoidance of doubt.

03. The materials to be used in the construction of the surfaces of the proposed cabin hereby permitted shall be as stated on the application form:

- Walls – composite
- Roof – composite
- Windows – UPVC
- Doors - Timber

Only the approved materials shall be utilised.

Reason:

In the interests of visual amenity and in order to comply with Policy ENV1 of the Selby District Local Plan.

04. The development hereby approved shall be used in association with the Internal Drainage Board only and not sold off separately.

Reason:

To avoid the establishment of additional businesses on site outside development limits; to comply with the terms of the application as submitted; and to comply with Policy EMP8 of the Selby District Core Strategy.

05. The existing boundary vegetation shall be retained. This includes the eastern most hedge which shall be retained at a height of no less than 3m throughout the length of the proposed cabin. Any tree or hedgerow which dies, is removed or becomes seriously damaged or diseased within the first five years shall be replaced in the next planting season with landscaping of a similar size and species.

Reason:

In the interests of visual and residential amenity and in order to comply with Policies ENV1 and EMP8 of the Selby District Local Plan.

06. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:

- a) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E2.

- b) Any gates or barriers shall be erected a minimum distance of 13 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
- c) 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 shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In accordance with policy T1 and T2 of the Selby Local Plan in the interests of highway safety and the general amenity of the area.

07. Any outside storage of materials used in connection with the use hereby permitted shall not be stacked or deposited on the site above a height of 2 metres measured from ground level.

Reason:

In the interests preserving the character and appearance of the area in accordance with Policies ENV1 (1), (4) and EMP8 (5) of the Selby District Local Plan, Policy SP13 of the Core Strategy (2013).

INFORMATIVES:

01. INFORMATIVE:

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.

02. HIGHWAYS:

You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

03. 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

04. RIPARIAN MAINTENANCE RESPONSIBILITY:

Any watercourse adjacent to and/or affected by this development is not maintained by the Board. The responsibility for the continued maintenance of any such watercourse and its banks rests ultimately with the riparian owners.

05. CONSENT – DISCHARGE:

Under the Board's Byelaws the written consent of the Board is required prior to any discharge (directly or indirectly) into any watercourse within the Board's District.

06. ECOLOGY:

All nesting birds receive general protection under the Wildlife & Countryside Act 1981. It is advisable to undertake demolition of buildings, tree removal or clearance of dense vegetation outside the bird nesting season (March to August inclusive for most species), or after a competent person has confirmed that no active nests are present.

The roofing of the existing building to be demolished should be stripped carefully by hand. Should any Bats and/or other protected species be encountered during the demolition of the existing building, removal of any existing hard surface area or the construction of the proposed development advice in terms of mitigation measures should be sought from a qualified Ecologist.

07. HIGHWAYS:

You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

The proposals should cater for all types of vehicles that will use the site. The parking standards are set out in North Yorkshire County Council's 'Interim guidance on transport issues, including parking standards' and subsequent amendments available at https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Interim_guidance_on_transport_issues_including_parking_standards.pdf

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 2020/0366/FUL and associated documents.

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