



Report Reference Number: 2018/1214/HPA

To: Planning Committee
Date: 28 October 2020
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Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2018/1214/HPA	PARISH:	Cliffe Parish Council
APPLICANT:	Mr Peter Beck	VALID DATE: EXPIRY DATE:	7th November 2018 2nd January 2019
PROPOSAL:	Application for the erection of a detached games room, detached garage and extension to an integral "granny flat" annexe (Retrospective)		
LOCATION:	Waterside Park Oakwood Park Market Weighton Road W North Duffield Selby North Yorkshire YO8 5DB		
RECOMMENDATION:	GRANT		

This application has been brought before Planning Committee as it has been requested to Committee by former Councillor J Deans in 2018 who considered Members should wish to consider whether the application was a gross overdevelopment of the site, contrary to the Development Plan, constitutes inappropriate development outside of the development limits and has a detrimental impact on the openness of the countryside.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 Waterside Lodge was originally granted in 2006 as part of a wider holiday 'cabin' complex (2006/1531/FUL), however the owner in 2018 undertook a series of domestic additions, which are now sought for retention.

- 1.2 The legitimacy of the residential use has been the subject of lengthy discussions, particularly concerning the occupancy and lack of enforceable planning conditions limiting the cabin to holiday use, however this has recently been concluded in the certificate of lawfulness issued under reference 2019/1223/CPE. The property is therefore regarded as a lawful C3 dwelling and capable of being considered for householder planning purposes.

The Original Permission

- 1.3 Waterside Lodge was originally shown as a 2 storey 10m x 20m executive cabin being 4 bedrooms positioned on the eastern side of the site. This sat alongside 'Rose Lodge' to the west. The remaining cabins on the site are much smaller being single storey and 10m x 6m in size.
- 1.4 In terms of the actual development, whether it was intentional or not, Waterside Lodge is a building (operational development) and not caravan as the size of the cabin goes beyond what could be considered a caravan and the structure is immovable.
- 1.5 The structure was built in the correct position, however it is now clear from the plans that the cabin has not been laid out internally as per the planning approval and there are a number of fenestration details which differ from the approved plans in 2006. Nevertheless, the massing is 'as approved' and the remaining elements would not be considered material divergences.
- 1.6 The original curtilage was also much smaller than it is today, with the applicant seemingly extending the curtilage north to the access road and putting in a new domestic access. The 2006 approval showed no further ancillary buildings; however two further buildings have however been added. These are a linked garage styled building, which straddles the boundary of Rose Lodge to the west, then a further detached single storey flat roof 'pod type' building to the north of the dwelling. Both of which are unauthorised, however appear to be immune by virtue of the passage of time (4 years). The garage which straddles the boundary with Rose Lodge is incorrectly shown on the site location plan that supports this submission.

The Proposal

- 1.7 This householder application seeks to retain a 1.5 storey detached games room, detached garage and a single storey extension to the north elevation of Waterside Lodge.

Relevant Planning History

- 1.8 The following historical application is considered to be relevant to the determination of this application.
- 2006/0390/FUL - Erection of fourteen holiday cabins, community building and associated works, Address: Proposed Holiday Cabins On OS Field No 6142, Greengate Lane, South Duffield, Selby, North Yorkshire, Decision: Refused, Decision Date: 19-JUN-06
 - 2006/1531/FUL - Resubmission of refusal 8/17/37C/PA for the erection of fourteen holiday cabins, community building and associated works, Address:

Proposed Holiday Cabins On OS Field No 6142, Greengate Lane, South Duffield, Selby, North Yorkshire, Decision: Granted, Decision Date: 02-FEB-07

- 2008/0558/FUL, Description: Erection of 6 No holiday cabins with a ancillary parking and landscaping, Address: Proposed Holiday Cabins On OS Field No 6142, Greengate Lane, South Duffield, Selby, North Yorkshire, Decision: Withdrawn.
- 2017/0229/FUL, Description: Section 73 to vary/remove conditions 05 (access), 10 (access) and 17 (access) of approval 2006/1531/FUL for resubmission of refusal 8/17/37C/PA for the erection of fourteen holiday cabins, community building and associated works, Address: Oakwood Lodges, Oakwood Park, Weighton Road W, North Duffield, Selby, North Yorkshire, YO8 5DB, Decision: PER, Decision Date: 9-NOV-17.
- 2017/0233/HPA, Description: Proposed erection of 2 storey extension to include swimming pool to ground floor and bedroom with ensuite to first floor, Address: 1 Waterside Lodge, Oakwood Park, Market Weighton Road W, North Duffield, Selby, North Yorkshire, YO8 5DB, Decision: *Pending Consideration – This needs withdrawing as it involved a much larger extension to the Cabin at Waterside Lodge.*
- 2017/1270/DOC, Description: Discharge of conditions 17 (Access), 18 (Visibility Splays) and 19 (Highway Improvements) of approval 2017/0229/FUL Section 73 to vary/remove conditions 05 (access), 10 (access) and 17 (access) of approval 2006/1531/FUL for resubmission of refusal 8/17/37C/PA for the erection of fourteen holiday cabins, community building and associated works, Address: Oakwood Lodges, Oakwood Park, Market Weighton Road W, North Duffield, Selby, North Yorkshire, YO8 5DB, Decision: COND, Decision Date: 17-JAN-18
- 2018/0177/CPE, Application for a lawful development certificate for the existing use of land, for self-catering holiday lodges open all year and for use as dwellings C3 (lawful not to comply with any condition or limitation), Address: Oakwood Lodges, Oakwood Park, Market Weighton Road W, North Duffield, Selby, North Yorkshire, YO8 5DB,, Decision: Pending Consideration.
- PD/2018/0031, Description: Permitted development enquiry to establish if planning permission is required for a rear extension to form swimming pool and building, Address: Rose Lodge, Oakwood Park, Market Weighton Road W, North Duffield, Selby, North Yorkshire, YO8 5DB, Decision: PDAP, Decision Date: 25-APR-18
- 2018/0125/DOC, Description: Discharge of conditions 01 (materials), 02 (plans), 03 (site enclosure), 04 (landscaping), 05 (occupancy), 06 (occupancy), 07 (drainage), 08 (access), 09 (access), 10 (visibility splays), 11 (access, parking & manoeuvring), 12 (parking), 13 (highways), 14 (lighting), 15 (plans), 16 (access) of approval 2017/0229/FUL Section 73 to vary/remove conditions 05 (access), 10 (access) and 17 (access) of approval 2006/1531/FUL for resubmission of refusal 8/17/37C/PA for the erection of fourteen holiday cabins, community building and associated works, Address: Oakwood Lodges, Oakwood Park, Market Weighton Road W, North Duffield, Selby, North Yorkshire, YO8 5DB,, Decision: Conditions Part Discharged, Decision Date: 14-MAY-18

- 2018/0924/HPA, Description: Proposed single storey extension to form swimming pool and associated rooms, Address: Rose Lodge, Oakwood Park, Market Weighton Road W, North Duffield, Selby, North Yorkshire, YO8 5DB, Decision: Permission, Decision Date: 23-OCT-18.
- 2019/1223/CPE Certificate of lawfulness to Lawful development certificate for existing use as a dwelling.

2. CONSULTATION AND PUBLICITY

2.1 **The Ouse & Derwent Internal Drainage Board** – No objections but further detail required in respect of surface water.

2.2 **Parish Council** – No response received.

2.3 **NYCC Highways Canal Rd** – No objections.

2.4 **Ecology** - As this is an application for a retrospective development any ecological impact has already occurred and is not measurable in terms of its significance. No further comments.

2.5 **Neighbour Comments** – The application was advertised by a site notice. 3 letters of objection were received. The issues raised were as follows:

- After refusing the original application, Selby District Council granted consent for construction of a fairly modest 2 storey cabin situated on a holiday park with occupancy restricted to 11 months a year.
- The only (two) 2 storey cabins on this park were separated from the rest by a huge earth bank, the site layout was changed and a private driveway created. None of which was approved. In the hands of the original applicant, this holiday cabin has now morphed into a considerable housing complex of nearly 7000sq feet.
- The detached two storey 2500sq ft bar and games room has been built outside the boundaries of the original approved site.
- Approval is only being sought now due to it being for sale.
- This is an application for a very substantial contemporary housing complex that has already been built in open countryside without planning consent or reference to building control inspection. It is clearly out of scale with its surroundings, not in keeping with the rural environment and a gross overdevelopment of the original site. This type of development must surely be contrary to the policies of the SDC Local Plan.
- The materials are out of keeping.
- Planning regulations, conditions and procedures should be adhered to. The applicant has ignored all planning constraints

2.6 A request from (former) Councillor J Deans was also made for the application to be presented to Planning Committee. The material planning reasons were:

- 1) a gross overdevelopment of the site
- 2) is contrary to the Development Plan
- 3) constitutes inappropriate development outside of the development limits
- 4) has a detrimental impact on the openness of the countryside.

3 SITE CONSTRAINTS

Constraints

- 3.1 The site lies outside development limits and within open countryside. The site is 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
SP19 - Design Quality

Selby District Local Plan

4.7 The relevant Selby District Local Plan Policies are:

ENV1 - Control of Development
H14 - Extensions to Dwellings in the Countryside

5 APPRAISAL

5.1 It is considered that the main issues for consideration in the determination of this application are as follows:

- 1) The Principle of the Development
- 2) Design and Impact on the Character and Appearance of the Area
- 3) Impact on Residential Amenity
- 4) Flood Risk

The Principle of the Development

5.2 Core Strategy Local Plan Policy SP2(c) states that "Development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the reuse of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13; or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances."

5.3 The application site is located outside the defined development limits of any settlement and is therefore located within the open countryside. The application is seeking permission for a domestic addition to the dwelling (single storey extension) and 2 further ancillary outbuildings to a lawful C3 dwelling. Policy H14 does allow for extensions to dwellings within the countryside which includes ancillary outbuildings and there is nothing in the NPPF to identify this type of development as being unsustainable or preclude in principle development of this type in this location. The key assessment is therefore the visual impact on the character and appearance of the countryside.

Design and Impact on the Character and Appearance of the Area

5.4 Policy H14 of the Selby District Local Plan specifies that extensions to dwellings in the open countryside will be permitted provided that:

- 1) the proposal would be appropriate to its setting and not visually intrusive in the landscape,
- 2) the proposal would not result in a disproportionate addition over and above the size of the original dwelling and would not dominate it visually and;

3) the design and materials of the proposed extension would be in keeping with the character and appearance of the dwelling and where appropriate other buildings in the area.

5.5 The application site comprises of a detached two-storey chalet style dwelling, granted consent in 2006. The property sits to the eastern side of the leisure complex and set back from the access track behind a mature tree belt. The original curtilage was restricted to ensure the impact on the countryside and cross field views were limited.

5.6 It is important to consider what was originally granted under the 2006 consent as the development on site today has increased significantly from its once 'open nature' as approved in 2006. The number of buildings and an appreciation of the volumes all help with understanding the site history and to assess the extent of the extensions which are proposed.

5.7 The 2006 approval gave consent for a 10 x 20 m cabin with eaves height of 4m and ridge 7.9m. This gave an approximate volume of 1190 cu m for the main dwelling. Two further buildings have since been constructed in the curtilage. These are the shared garage, which straddles the boundary with Rose Lodge and a single storey detached timber building (garden pod) to the north of the dwelling. No plans have been supplied within this submission or either of these buildings, however from the site plan these can be approximately calculated at:

Shared garage - 7.5m (L) x 6 (w) x 2.5 (h) = 112.5 cu m.

Garden Pod - 6 x 3 x 2.5 = 45 cu m

5.8 This equates to 157.5 cu m of unauthorised extension prior to the structures under this application being considered.

5.9 The applicant states the shared garage was built in 2014, "It was originally intended as a maintenance building for the lodge park but was not needed for this purpose when the applicant and his business partner decided to sell the rest of the park. The other "building" is a "garden pod" which the applicant put in for his father to use. A neighbour reported this to the Council. The applicant gave details of size, use etc. and the Council agreed this was permitted development."

5.10 Buildings sought for retention;

- Single storey annex extension – 5 x 4 x 2.7 = 54 cu m

- Garage 7.85 x 5.6 x 3 = 131 cu m

- Games room = 344 cu m

Total = 529 cu m

- Total 529 + 157 (unauthorised buildings) = 686 cu m.

5.11 In considering the above, when the original permitted volume of 1190 cu m is added to the unauthorised buildings and buildings sought for retention this equates to 57% increase in volume over and above the original approval.

- 5.12 In relation to Policy H14 (1) the proposal must be appropriate to its setting and not visually intrusive in the landscape. The proposal is for 3 separate buildings therefore taking each on in turn. The single storey extension to the dwelling referred to as the annex extension is located on the north elevation and sits behind the boundary fence and is the least imposing of all 3 structures. The modest scale and flat roof design mean it has and has no outward visual impact on the character of the countryside. The garage whilst being relatively modest in scale and flat roofed, again has limited impact on the wider countryside views and is relatively well related to the main dwelling in terms of its siting. It does, however, add yet further to the clutter of buildings within the curtilage.
- 5.13 The games room is much further north, 1.5 storey in height and is the first building visible on the approach to the leisure complex. It projects beyond the tree line, which currently screens the existing dwelling and wider leisure park and does cause some visual harm to the immediate countryside setting on account of its scale and position. This impact however is only appreciated from visitors to the site, as the whole development is approximately 1 km away from the main road (A163) and is not distinguishable from main public vantage points. In addition, its height and form are generally at odds with the location and sale of the development so close to the road. It is also sited beyond the curtilage of the original plot for Waterside, however this has since been made lawful by the granting of the certificate.
- 5.14 The curtilage as a whole would have 4 free standing buildings, which cumulatively detracts from the openness of the character of the original permission, where no curtilage buildings were shown. The more buildings created the more domestic the site becomes, in what is a very rural setting.
- 5.15 In terms of Policy H14 (2) which aims to protect the countryside from the impact of extensions to existing dwellings by ensuring that they are proportionate to the original dwelling. What constitutes a disproportionate addition/extension is not defined in policy and as such whether an extension by itself, or cumulatively with other extensions constitutes a disproportionate addition is a matter of fact and degree. On the basis of recent appeal decisions it is considered that extensions in the countryside with a cumulative volume of over 50% are normally considered disproportionate, however proposals also have to be assessed through the comparison of the proposal (and other extensions to the property) in relation to the size, scale and mass of the existing original building. In this context the existing original building refers to the building as it stood in 1947 or as it was originally built after that date i.e. 2006.
- 5.16 The existing dwelling as stated above had a cubic mass of 1190 cu m. The cubic content of all the extension that are unauthorised and seeking retention equates to 686 cu, which is a 57% increase over the size of the original massing. This is on the cusp of what is regarded as being disproportionate simply in terms of numbers.
- 5.17 It is also necessary to mention that the adjacent dwelling 'Rose Lodge' had permission granted for a single storey extension to form a swimming pool (2018/0924/HPA). This was a flat roof single storey structure with a volume of 911 m³ equating to an 82% increase in volume. This however was justified with the report stating *'having had regard to the scale of the proposal and its siting which would be to the side (West) elevation and set into the ground and proposed landscaping, it is considered that the proposals would not dominate the original dwelling visually.'*

- 5.18 Given the above, whilst the figures and percentages give consideration to volumes and massing, it is necessary to assess the impact of extensions on the countryside as opposed to basing the considerations solely on percentages or numbers. The key test is whether a proposal would result in a disproportionate addition over and above the size of the original dwelling, whether it would dominate it visually and cause harm to the character of the countryside.
- 5.19 In this case Officers consider that the amount of new buildings does litter the curtilage and reduces the sense of openness around the chalet. This is further harmed by the position scale or the games room. Whilst it is lower in scale than the original dwelling, its positioning at the front of the site is visible beyond the tree line and is an unnecessary addition to this well-planned leisure scheme that original made use of the tree belt at the entrance to the site.
- 5.20 In support of the application the agent contends that had 15 lodges been applied for then one may have been located where the games room was proposed and therefore a position which takes issue with siting and visual impact cannot be substantiated. Officers do not consider this to be the case as the development was specifically located south of the existing tree belt. The games room intersects this tree grouping and may have indeed removed some trees to facilitate the building of the structure. However, it is accepted that the games room whilst being visible is set in the context of the wider leisure park and is constructed of materials and is of a form that relates to its immediate buildings.
- 5.21 Finally, the agent contends that the annex extension is permitted development, however Officers disagree, however this doesn't need exploring further given its being applied for and Officers are prepared to support its retention.
- 5.22 In relation to Policy H14 (3), the extensions to the main dwelling, garage and games room are all constructed of materials that match Waterside Lodge. This helps with assimilation and gives some continuity over the materials used.
- 5.23 Having regard to the above, it is considered that the garage and extension are appropriate given their size, design and siting and would not have a significant impact on the character and appearance of the countryside. The games room, however, is of substantial scale, inappropriately located north of the main building and causes some harm to the immediate setting of this leisure park. It is without question that had the building been applied for prior to its construction, then a lesser scale and alternative siting would have been encouraged.
- 5.24 It is however over a kilometre away from public vantage points, set deep in the countryside with no real impact over and above what the leisure complex already creates. Therefore, the harm to the wider countryside setting cannot be substantiated. It is also necessary to consider that a refusal of the building would lead to enforcement action and the District Council would have to consider direct action for its removal if any resultant appeals failed. Officers with this in mind do not consider it sufficiently harmful to warrant its removal and thus the harm to the countryside cannot be to such a degree that it warrants a refusal of planning permission.
- 5.25 The matter has been ongoing for several years and requires to be brought to a conclusion and whilst unauthorised development is not a reason in itself to warrant approval, it is a factor that needs consideration.

- 5.26 Finally the dwelling has in recent years been sub-let at weeks for its use as a holiday destination where small groups of people hire the dwelling for celebrations. This is precisely what the original intention of the property was to be used for i.e. short term letting. Its attractiveness is the amount of facilities it hosts, one of which is the games room. Therefore, retaining the games room will maintain this attraction, and encourage customers to the district and all the spin offs associated with such a use.
- 5.27 Therefore it is acknowledged that the games room does cause some harm, however overall, the proposal sought for retention doesn't have a harmful impact on the character and appearance of the wider countryside. The proposal therefore 'on balance' accords with Policy SP19 of the Core Strategy and Policies ENV1 and H14 of the Selby District Local Plan and the advice contained within the NPPF.

Impact on Residential Amenity

- 5.28 With respect to residential amenity, the only dwelling that could be affected by the proposals is Rose Lodge to the west. The garage and annex extension are both single storey and are positioned well away from the western boundary and cause no amenity issues.
- 5.29 The games room has an external access to the first floor on the western gable via external stairs. These stairs have the ability for views into the front garden of Rose Lodge, however the structure is set well in from the boundary an over 30m away from Rose Lodge. No representations have been received in respect of privacy or overlooking and officers do not regard the games room would not have any significant adverse impact on the amenities of the occupiers of any neighbouring residential properties. The amenities of the adjacent residents would therefore be preserved in accordance with Policy ENV1 (1) of the Selby District Local Plan.

Flood Risk & Drainage

- 5.30 The application site is located within Flood Zone 1 which has a low probability of flooding. In terms of drainage, the applicant has confirmed that the foul drainage from the games room discharges to the approved package treatment plant, which also serves Waterside Lodge and Rose Lodge and the rest of the lodge park.
- 5.31 In terms of surface water the three buildings drain into the lake within the curtilage of Waterside Lodge and from there to an adjacent ditch via a controlled outfall. The IDB noted that they do have a drain immediately adjacent to the site in the form of Nortoft Drain; this watercourse is known to be subject to high flows during storm events. The Board state that given the lack of drainage detail, they wish for surface water from the proposal to be as far as is practicable, managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development.
- 5.32 The Board recognised that despite no details of drainage being initially provided extent of the roof area is not considered to cause significant flows to the IDB's asset. On this basis and given the information supplied by the applicant no further concern exists in respect of drainage.

Conditions

- 5.33 Given the extent of the extensions to the dwelling already permitted and those sought for retention, it is possible to further restrict permitted development rights to ensure no new building occurs within the curtilage of the dwelling house. This is justified on the basis of the discussion above and will enable the Local Planning Authority to retain control over any future additions sought.

6 CONCLUSION

- 6.1 The proposal seeks to retain 3 separate forms of householder type development to a residential dwelling constructed in 2006, which was part of the Waterside holiday accommodation development. The dwelling is regarded as C3 residential dwelling and therefore capable of being extended under a householder application.
- 6.2 The proposal includes a detached garage, detached games room and a single storey annex extension to the main dwelling. The annex extension is relatively modest in scale, single storey, flat roofed and causes no significant harm to the character or appearance of the countryside. Likewise, the garage whilst adding yet further to the clutter of detached outbuildings is relatively well related to the main dwelling, single storey and modest in scale. This is despite the property already having a garage (shared with Rose Lodge).
- 6.3 The games room is far more visible at the front of the site and intersects the tree line and does cause some harm to the immediate setting of the Waterside leisure complex. It is however set deep within the countryside being over 1 km from public vantage points and represents no wider harm to the character of the countryside. In its favour the building is constructed of matching materials, is of a character that is consistent with the leisure development and provides a significant attraction to the property when in use as a short-term holiday leisure letting facility.
- 6.4 Neither of the buildings sought for retention affect the privacy of neighbouring occupiers and are acceptable in respect of drainage, highway safety and ecology. Therefore, on the balance of considerations the proposals are considered to create some harm to the countryside but not sufficient harm that warrant refusal. The proposal therefore generally accords with the spirit of Local Plan policies H14 and ENV 1 and Core Strategy Policy SP 19.

7 RECOMMENDATION

This application is recommended to be Granted subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below:
 - Location plan 001A
 - Layout Plan (extension to integral granny annex) 002
 - Garage elevations and layout 003
 - Main building floor plan and Elevations 004A (games room)
 - Extension to granny annex Elevations 005
 - Extension to integral granny Annex floor plans 005 B

Reason:

For the avoidance of doubt.

2. Notwithstanding the provisions of Class A and Class E to Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) no extensions, garages, outbuildings or other structures shall be erected, without the prior written consent of the Local Planning Authority.

Reason:

In order to retain the character of the site in the interest of visual amenity and having had regard the development that has already occurred with regards to policies ENV1 and H14 of the Local Plan.

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 2018/1214/HPA and associated documents.

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Appendices: None