



**Report Reference Number:** 2020/0343/FUL

**To:** Planning Committee  
**Date:** 25 November 2020  
**Author:** Mandy Cooper (Principal Planning Officer)  
**Lead Officer:** Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2020/0343/FUL	PARISH:	Skipwith Parish Council
APPLICANT:	Mr L Vincent	VALID DATE: EXPIRY DATE:	6th April 2020 1st June 2020
PROPOSAL:	Proposed erection of detached dwelling and garage on land adjacent to Park Farm		
LOCATION:	Land Adjacent To Park Farm Main Street Skipwith Selby North Yorkshire		
RECOMMENDATION:	APPROVE		

This application has been brought before Planning Committee as the proposal is contrary to the requirements of the Development Plan. However, Officers consider there are material considerations which would support the recommendation for approval.

## 1. INTRODUCTION AND BACKGROUND

### Site and Context

- 1.1 The application site is located to the south side of Main Street, Skipwith and adjoins the grounds of Park Farm to the east which has permission for redevelopment for 14 dwellings. The site comprises of 0.16ha in total area.
- 1.2 The site comprises an area of vacant land which is outside but immediately adjoins the Skipwith Development Limits and has previously been used as an orchard. The site is surrounded on three sides by built development. Beyond the site to the south are open fields.

- 1.3 The proposal site forms part of the Park Farm redevelopment for 14 dwellings and occupies approximately 50% of the existing Greenfield site.

### **The Proposal**

- 1.4 Proposed erection of detached dwelling and garage on land adjacent to Park Farm. The proposed gated access would be taken from the adjacent Park Farm development to the immediate west between plots 6 and 7 as a continuation of but separate from Park Farm.
- 1.5 The proposal would provide a five-bedroom detached dwelling to be occupied by the applicant and family.

### **Relevant Planning History**

- 1.6 The following historical applications whilst not part of the application site are relevant due to the proposed access link and close proximity to this application:
- CO/2001/0705, Alt Ref: 8/11/59A/PA: Proposed erection of seven detached dwellings and associated garages (existing farm buildings to be demolished) at: Blue Bell Farm, Main Street, Skipwith  
Decision: Approved: 01-OCT-01
  - 2014/0894/FUL, Alt Ref: 8/11/34B/PA: Proposed redevelopment of farmstead (including the conversion of former agricultural buildings) to provide 14 No dwellings, garaging, and hard and soft landscaping: Park Farm, Main Street, Skipwith, North Yorkshire, YO8 5SQ  
Decision: Approved: 03-DEC-15
  - 2018/0051/FULM, Alt Ref: 8/11/34C/PA, Description: Erection of 14 dwellings with associated access, garages and parking at: Park Farm, Main Street, Skipwith  
Decision: Approved: 12-AUG-19
  - 2018/1250/DOC Discharge of conditions 3 (materials), 4 (site enclosure), 5 (landscaping), 6 (drainage), 7 (drainage), 8 (drainage), 9 (highways), 11 (construction method statement), 12 (contaminated land), 13 (contaminated land) & 17 (lighting) of approval 2014/0894/FUL Proposed redevelopment of farmstead (including the conversion of former agricultural buildings) to provide 14 No dwellings, garaging, and hard and soft landscaping at: Park Farm, Main Street, Skipwith  
Decision: Pending
  - 2019/0892/S73: Section 73 application for erection of 14 dwellings with associated access, garages and parking without complying with condition 2 (approved plans) of approval 2018/0051/FULM granted on 12 August 2019: Park Farm, Main Street, Skipwith  
Decision: Pending
  - 2019/0884/DOC: Discharge of conditions 3 (facing materials), 5 (surface water drainage), 9 (site access), 11 (wheel washing), 12 (construction method statement), 13 (landscaping) and 14 (external works) of approval

2018/0051/FULM for erection of 14 dwellings with associated access, garages and parking: Park Farm, Main Street, Skipwith  
Decision: Pending

## 2. CONSULTATION AND PUBLICITY

**2.1 Public Rights Of Way Officer** - A Public Right of Way or a 'claimed' Public Right of Way within or adjoining If the proposed development will physically affect the Public Right of Way permanently in any way an application to the Local Planning Authority for a Public Path Order/Diversion Order will need to be made under S.257 of the Town and Country Planning Act 1990 as soon as possible.

**Parish Council** – No response

**NYCC Highways**– Details show acceptable swept paths and therefore no highway objections are raised to the proposed development. Conditions required relating to access, turning and parking areas prior to occupation.

**Yorkshire Water Services** – Confirmed no comments on the application.

**Ouse & Derwent Internal Drainage Board** – Reference to the application being within the Drainage Board's district. This watercourse is known to be subject to high flows during storm events.

- The Board's prior written consent (outside of the planning process) is needed for: any connection into a Board maintained watercourse, or any ordinary watercourse in the Board's district.
- Any discharge, or change in the rate of discharge, into a Board maintained watercourse, or any ordinary watercourse in the Board's district. This applies whether the discharge enters the watercourse either directly or indirectly (i.e. via a third party asset such as a mains sewer).
- Works within or over a Board maintained watercourse, or any ordinary watercourse in the Board's district - for example, the creation of an outfall structure (including those associated with land drainage), bridges, culverting etc.
- The Board notes that the applicant intends to use the mains sewer for the disposal of surface water. It is not, however, clear where this mains sewer ultimately disposes its surface water, although it appears to be into a nearby ordinary watercourse. Accordingly, if the sewer is ultimately discharging into a Board maintained watercourse, or any ordinary watercourse in the Board's district, then consent from the Board would need to be obtained. This is in addition to any consent required from Yorkshire Water.
- The Board would therefore ask the Planning Authority to seek:
  1. Soakaways: The Board always recommends that soakaways are first considered in accordance with the Planning Practice Guidance hierarchy for the management of surface water. The Board however notes that soakaway tests were unsuccessful on the adjoining development and are therefore unlikely to be successful on this development either.
  2. Discharge: if the applicant proceeds by way of connecting into the mains sewer, and that in turn ultimately discharges into a Board maintained watercourse, or an ordinary watercourse in the Board's district, the applicant should then:- climate change. Foul Sewage The

Board notes that the applicant is proposing to connect into the mains foul sewer. If Yorkshire Water is content with the proposed arrangement and is satisfied that the asset has the capacity to accommodate the flow, then the Board would have no objection to the new proposed arrangement. The Board recommends that any approval granted should include a condition relating to surface water.

**Contaminated Land Consultant** - Site has previously been used as vacant land, and prior to that as an orchard. No past industrial activities, fuel storage or waste disposal activities have been identified onsite or nearby and the Screening Assessment Form does not identify any significant potential contaminant sources, so no further investigation or remediation work is required. However, a planning condition to be attached to any planning approval, in case unexpected contamination is detected during the development works.

**County Ecologist** – Any approval should include condition requiring adherence to the mitigation/enhancement recommendations contained in the Preliminary Ecological Assessment, specifically relating to bats, amphibians and birds.

**NYCC Principal Archaeologist** – No further details required.

## 2.2 PUBLICITY

The proposal was publicised by way of a site notice and within the Selby Times as a departure from the development plan; in addition to direct neighbour notification. To date two letters of objection have been received from occupants of dwellings adjacent to the proposal site.

Points raised are as follows:

- Site is located outside Development Limits
- Scale of proposal is overbearing and larger in proportion to adjacent properties
- Resulting in loss of light to us and other surrounding properties
- Potential for overshadowing being located south of our property
- Would create a sense of enclosure
- Loss of privacy due to overlooking
- Greenfield site
- Site is home to amphibians and reptiles and other wildlife
- Query as to why not submitted as a further amendment to the Park Farm development

## 3 SITE CONSTRAINTS

- 3.1 The application site is located beyond but adjoins the Development Limits of Skipwith and is therefore a Departure in regard to the development plan.
- 3.2 A Public Right of Way (PROW) runs immediately adjacent to the southern boundary of the site. Also adjoining the site to this boundary is agricultural land and approximately 300m beyond is Skipwith Common which is a Site of Special Scientific Interest (SSSI); National Nature Reserve (NNR) and a Special Area of Conservation (SAC).

- 3.3 The site is located within an Archaeology Consultation Zone and Low Development Risk Area for coal. The land is potentially contaminated from agriculture./nurseries and also situated within the Internal Drainage Board area for the Ouse and Derwent.

#### **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  
SP4 - Management of Residential Development in Settlements  
SP5 - The Scale and Distribution of Housing  
SP8 - Housing Mix  
SP9 - Affordable Housing  
SP15 - Sustainable Development and Climate Change

- SP16 - Improving Resource Efficiency
- SP17 - Low-Carbon and Renewable Energy
- SP18 - Protecting and Enhancing the Environment
- SP19 - Design Quality

### **Selby District Local Plan**

4.7 The relevant Selby District Local Plan Policies are:

- ENV1 - Control of Development
- ENV2 - Environmental Pollution and Contaminated Land
- ENV15 - Locally Important Landscape Areas
- ENV27 - Scheduled Monuments/Archaeological Sites
- T1 - Development in Relation to Highway
- T2 - Access to Roads

### **Other Documents**

4.8 Skipwith Village Design Statement (December 2009)

## **5 APPRAISAL**

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

- Principle of Development
- Visual Impact on the Character of the Village & the Open Countryside
- Residential Amenity
- Highways/Access
- Flood Risk/Drainage
- Biodiversity
- Contamination
- Archaeology

### **Principle of Development**

- 5.1 Paragraph 12 of the NPPF re-emphasises the above as the starting point for decision-making, adding that where a planning application conflicts with an up-to-date Development Plan it should not usually be granted, unless there are material considerations which outweigh policy (para. 47). Local planning authorities may however take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
- 5.2 Skipwith is identified as a Secondary Village within the spatial development strategy established by the Core Strategy and has development limits on the Local Plan Proposals Map. The full extent of the application site is however situated outside the development limits of Skipwith within an area regarded as open countryside for the purposes of planning. The site does however directly adjoin the development limits to the north and east. The proposal is therefore a Departure from the Development Plan which should be the starting point for assessing the principle of development.

- 5.3 Core Strategy Policies SP2 and SP4 direct the majority of new development to the Market Towns and Designated Service Villages (DSVs), restricting development in the open countryside. This approach accords with the advice in paragraph 78 of the NPPF which advises that housing should be located where it would enhance and maintain the vitality of rural communities.
- 5.4 Criterion A(c) of policy SP2 states that development in the open countryside, outside development limits “*will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale,*” or should be “*a rural exception site*” in accordance with policy SP10 or for affordable housing under Policy SP13. The proposal would not meet any of the stated limitations and therefore does not meet policy SP2A(c) as it is situated outside of the Development Limits, is not an exception site nor is it for rural affordable housing.
- 5.5 Policy SP4 a) allows for conversions, replacement dwellings, redevelopment of previously developed land, and an appropriate scale of development on Greenfield land (including garden land and conversions/redevelopment of farmsteads). Point b) of Policy SP4 advises that development must improve the appearance of the area and “*must relate sensitively to the existing character and form of the village.*” Policy SP4 reflects the National Planning Policy Framework (NPPF) by identifying acceptable types of residential development within the different settlement types in regard to windfall (non-allocated) sites and the preamble to policy SP4 refers to the requirement to balance the needs of maintaining sustainable development by allowing for some restricted development in less sustainable settlements which includes secondary villages whilst ensuring that limited development demands are met through (amongst other things) the filling of small gaps in an otherwise built up frontage.
- 5.6 The proposal would result in backland development to the rear of other properties and therefore increasing development in depth and would not therefore constitute the “*filling of a small linear gap in an otherwise built up frontage,*” or any of the other categories of development identified as acceptable in Secondary Villages under Policy SP4(a). The development is therefore contrary to Policy SP4 (a) and consequently Core Strategy Policy SP2A(c). The application should therefore be refused unless material considerations indicate otherwise.
- 5.7 When considering what material considerations that apply which might allow for approval on policy grounds, the following matters are considered to be relevant:

#### *Sustainability*

- 5.8 The site lies just outside the defined Development Limits of Skipwith, which is a Secondary Village as defined in the Core Strategy and is therefore considered to be less sustainable than Designated Service Villages. Taking account of the NPPF, paragraph 38 states that: “*Decision-makers at every level should seek to approve applications for sustainable development where possible.*” Paragraph 59 advises that to support the Government’s objective of significantly boosting the supply of housing, it is important that a sufficient amount and variety of land can come forward where it is needed. The Framework goes on to state (in para 68) that small and medium sized sites can make an important contribution to meeting the housing requirements of an area. And at paragraph 78 it includes that to promote sustainable development in rural area, housing should be located where it will enhance or maintain the vitality of rural communities, and further that planning

policies should identify opportunities for villages to grow and thrive, especially where this will support local services.

Skipwith has limited services but the following are accessible:

Public House (Gastro pub) 2 minutes in a car / 15 mins walking distance  
Village Green  
Churches (Skipwith Primitive Methodist Chapel & St Helen's Church)  
Village Hall/Meeting Room  
Deliveries from a number of takeaways in neighbouring parishes are available  
Within 3 miles of Escrick which has a range of amenities and services  
Skipwith Common

#### *Site Characteristics*

- 5.9 The site would however be linked to the adjacent approved redevelopment of Park Farm comprising of 14 dwellings, which is the redevelopment of a farmstead, with access to the plot connected to this development and the remaining half of the existing Greenfield site is included within that approval. In addition, there is an existing residential development of seven houses immediately east of the site therefore given the existing built form, the proposal site would be an infill site but not strictly in accordance with Policy SP4a). The southern boundary line forming the application site does not project beyond the development to the east and west but is a continuation and concludes naturally at the same point to the adjacent sites. In addition, given that the site is surrounded to three sides by existing development and permissions, it would be a rational approach to afford substantial weight to the identified locational characteristics of the site as the proposal accords with the general position of the policy and the aim of the NPPF.
- 5.10 In addition to the above considerations the applicant has stated that they feel that the application satisfies the requirements of the Self Build and Customer House Building Act 2015. The Self Build and Custom House Building Act was brought into force in 2015. This introduced a requirement to keep a self-build and custom housebuilding register of individuals and associations of individuals who are seeking to acquire serviced plots of land in the authority's area for their own self build and custom housebuilding. The Act requires Local Planning Authorities to give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area. Such housing can be either market or affordable housing. In considering whether a home is a self-build or custom build home, relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout. However, it is not considered that there is sufficient information submitted with the application to evidence the proposal complies with the relevant requirements of the Self Build and Customer House Building Act 2015.
- 5.11 The applicant has submitted a letter in support of his application which states the following:
- *Intends for the development to be his primary family home, specifically designed to a high quality by he and his wife.*
  - *The development is very small in scale being a single unit.*
  - *The proposed plans for the house demonstrate that the design is unique and not of a style normally delivered by larger developers.*



- *The build will be carried out by a small local building firm with the intention to put into the local economy.*
- *The design considers the agricultural nature of the area and is sympathetic to the local character. The agricultural design and mix of brick & timber lends itself to the rural setting and of the nearby (Park Farm) traditional farmhouse.*

5.12 In conclusion whilst the development site does not strictly accord with the Development Plan, it is considered that the proposal offers an acceptable form of development and that given the circumstances referred to above, the site is suitable for development in this instance, which is a material consideration.

### **Visual Impact on the Character of the Village & the Open Countryside**

5.13 The relevant policies relating to design and impact on the character of the area is Local Plan Policy ENV1 (1) and (4) and Core Strategy Policy SP19.

5.14 Skipwith is a traditional farming community and there are several remaining farms operating within the village. The Village Design Statement (VDS) advises that despite more recent residential development the village has managed to maintain its character, due to new dwellings being built in small groups, rather than by large housebuilders. The VDS includes a summary of many of the design features which typify the village including: eaves height of around 5m; gables typically being 40-45 degrees; subtle brick details at eaves level and occasional string courses between ground and first floor; large permeable driveways and hardstanding, as well as many other features. The general layout of the village is one of low density with wide verges of approximately 3m and with no significant backland development. Plots are generally large and most have a 7m front garden with off street parking.

5.15 Skipwith has a wide variety and scale of plots and dwelling sizes with no consistent grain, with a large proportion of properties being detached. Whilst the majority of plots are unified in regards to the use of similar materials (red /orange clamp brick and orange/red clay pantiles), proportion and massing, no two dwellings are the same and a sense of individuality is maintained which adds to the character of the village.

5.16 The overall design of the proposed dwelling is not dissimilar to the adjacent dwellings on the Park Farm site to the west with a barn type style and of a similar form with a separate garage in a good-sized plot. The dwelling would have two main structures which would be linked by a modern flat roof, two storey element which would be fully glazed to the west side. A small chimney is shown to the south facing roof plane. A number of the windows are positioned randomly to the elevations which in this instance further adds to the barn type character of the dwelling. There is one small element which is out of character with the village, being a very small dormer window to the north elevation. However, given its position being set back from the main elevation; its small scale and what appears to be a lead type exterior, it would not be highly visible in context with the main dwelling.

5.17 The height of the building would be a maximum of 8.3m which is approximately 0.4m higher than the plots to the west and 0.2m higher than No.4 Blue Bell Farm Court to the immediate east. The eaves height would be 5.5m which accords with the VDS.

5.18 External materials would comprise of red brick (not specified) and horizontal timber cladding, with a red pantile roof. Windows and doors are proposed to be aluminium

but no colours have been included in the submitted information, therefore it is reasonable to include a condition which would require submission of all materials prior to works above slab level.

- 5.19 The roof would have a relatively steep pitch which accords with the local characteristic referred to in the VDS and which reflects the roof forms of the adjacent Park Farm development. The VDS also advises that “*modern, but appropriate development*” is encouraged whilst also respecting the existing character of the local vernacular. Detailing would include a vertical faced, brick string course separating the ground and first floor and tumbled brickwork detailing to the gables again referenced in the VDS. All windows are shown to have a deep vertical emphasis but with no detailing, presumably kept simple to add a modern element to the appearance. The VDS encourages the use of modern elements to new buildings whilst including some of the characteristics of other older properties without attempting to make them look old, in order that the existing individuality is maintained throughout the village. In addition, the agent has stated that the existing hedgerow which surrounds the site to the north, south and east, will be retained and supplemented where necessary which would ensure that the impact of the proposal on the adjacent open land is minimised as well as maintaining the character and green edge to this part of the village.
- 5.20 Given the mix of built form and dwellings within the vicinity of the application site and subject to the use of suitable materials, it is considered that the visual appearance of the proposed dwelling would not have an adverse impact on the character and appearance of the area. It is considered that whilst the ‘theme’ of the proposed dwelling manages to include elements of existing properties within the village such as the inclusion of brick detailing, red bricks and pantiles and have similar characteristics to the adjacent Park Farm development with its barn type appearance, the design also manages to introduce modern elements such as the type of windows and the glazed central link which enables it to be distinguishable from established properties. On this basis the proposed dwelling is considered to be an acceptable addition to the locality.
- 5.21 The proposal is therefore considered acceptable in accordance with Local Plan Policy ENV1 (1) and (4), Core Strategy Policies SP4 and SP19 of Core Strategy and the advice contained within the NPPF

### **Residential Amenity**

- 5.22 Policy in respect of securing a good standard of residential amenity are provided by Local Plan Policy ENV1 (1). In addition, paragraph 127(f) of the NPPF states that decisions should ensure that developments (amongst other things) create places that accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 5.23 The application site comprises a Greenfield site located between the Park Farm (Planning Ref: 2018/0051/FULM) development for 14 dwellings to the west and Blue Bell Farm Court to the east where there are seven detached dwellings in large plots. Immediately north and adjoining the site is a detached bungalow known as ‘Ballacraigne’ and immediately west of the bungalow is another bungalow known as ‘Applegarth.’ Immediately east of the application site is No. 4 Blue Bell Farm Court and northeast of the proposal site is ‘Springfield House.’

- 5.24 The main entrance to the proposed dwelling would face west and within the central link, with large bifold doors to the south elevation giving direct access to a patio area. There is another entrance door to the utility room located on the east side of the proposed dwelling which faces north but is set back from this elevation.
- 5.25 The occupants of two adjacent properties Ballacraigne and Springfield House, to the north and northeast respectively, have objected to the proposal on the basis of the dwelling being overbearing, enclosure, scale of the dwelling and loss of privacy. Ballacraigne is a detached bungalow situated immediately north of the proposed dwelling and Springfield House is a two storey dwelling situated to the immediate north east of the proposal site.
- 5.26 As previously stated the proposed dwelling would comprise of two blocks linked by a two storey flat roof element. The most northerly block which is smaller would house an office/study with a long but narrow window and gym/playroom with a much wider window to the ground floor with both windows facing north. A bedroom with a narrow, north facing window and bathroom with linked dressing area is proposed to the first floor. Windows to the bathroom and dressing area are both east facing in addition to further windows to the office/study and bedroom which would face west. In regard to Ballacraigne, the gap between the most northerly elevation would be 32m at the closest point which is considered to be an acceptable distance. The gap between the closest corner of the proposed dwelling and Springfield House would be 24.5m and given that Springfield House is offset to the northeast, there would be no direct overlooking to this property.
- 5.27 Directly west of the application site would be three plots (6, 7 and 10) which form part of the Park Farm development. The rear gardens of these plots would face the side garden of the proposal. Plot 7 would face the side elevation of the application but given the gap of 24m between the closest parts of each proposed property, it is considered that an acceptable relationship between the two would result.
- 5.28 Applegarth is a large detached bungalow situated approximately 32m from the closest point of the proposal and given that it is northwest of the proposal site and that there is a large timber shed within the garden and close to the southern boundary, no overlooking would occur as a result. No. 4 Blue Bell Farm Court is however situated immediately east of the proposed dwelling with only a small gap (closest point) of 7.2m, which would not normally be acceptable. The facing windows to the existing dwelling comprise of an ensuite and bathroom plus a small secondary window to the master bedroom to first floor along with a utility room and side door to ground floor. Windows from the proposal which would face the existing property would serve an ensuite, dressing area and secondary window to bedroom four (south elevation) at first floor. The majority of these windows to the proposed dwelling are offset from those on the existing property but the small window which would serve the dressing area appears to be opposite the secondary bedroom window to the existing property. In order to ensure there would be no overlooking to No.4 Blue Bell Farm Court, it is therefore proposed that a condition be included requiring obscure glazing to both the proposed ensuite and dressing area to ensure no overlooking would occur as a result of the proposal.
- 5.29 Having given consideration to the layout plan and the resulting relationship between the proposed and existing properties immediately adjoining the site, it is considered that an acceptable separation distance (subject to the inclusion of a condition requiring obscure glazing to relevant first floor windows) is achievable to ensure there would be no detrimental impact as a result in regards to overlooking,

overshadowing or an enclosing or oppressive outlook. The development would also provide for an appropriate level of residential amenity for the occupants of the proposal.

- 5.30 On the basis of the above assessment the proposal is considered to be acceptable in regard to residential amenity and on this basis accords with Local Plan Policy ENV1 (1) in addition to paragraph 127(f) of the NPPF.

### **Highways/Access**

- 5.31 Paragraph 108 (point b) of the NPPF stipulates that planning decisions should take account of whether: *“Safe and suitable access to the site can be achieved for all users.”* Paragraph 109 adds that Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 5.32 Policy in respect to highway safety and capacity is provided by Local Plan Policies ENV1(2), T1 and T2. Local Plan Policy ENV1 criterion c) states that when assessing new development, consideration is given to the proposals relationship with the highway network.
- 5.33 The proposal would utilise the site road for the development to the immediate west which would be located between plots 6 and 7 and would comprise of a gated drive with parking and turning within the proposed plot.
- 5.34 The Highway Officer’s initial response advised that whilst the principle of development is acceptable, there was a requirement for a plan showing swept paths for the three parking spaces proposed. Following submission of the additional information the Highways Officer in her final response has stated that the development now indicates *“acceptable swept paths”* and that subject to the inclusion of a condition requiring access, parking, maneuvering and turning areas prior to the development being brought into use, that the proposal is acceptable. The Highways Officer has also requested that a condition is included preventing the garage from becoming a habitable room. It is considered however, that there would be sufficient parking within the site to accommodate several cars, which would negate the need for this condition.
- 5.35 It is considered that the proposal would be acceptable in terms of highway safety and is therefore in accordance with Local Plan Policies ENV1 (2), T1 and T2 and the advice contained within the NPPF.

### **Flood Risk/Drainage**

#### *Flood Risk*

- 5.36 The application site is situated in Flood Zone 1, which comprises of land assessed as being low risk and having a less than 1:1000 annual probability of flooding. As the size of the site equates to less than 1ha a Flood Risk Assessment (FRA) is not required in this instance. Information should however accompany any application as to the approach to surface water drainage and foul sewer connection. The proposals are located within the area of lowest risk and therefore complies with Criterion d) of Core Strategy Policy SP15 and NPPF Paragraph 155.

### *Foul Drainage*

- 5.37 The submitted information advises that foul drainage would connect to the existing mains sewer and the IDB refers to the applicant proposing to connect into the mains foul sewer. The IDB add that if Yorkshire Water is content with the proposed arrangement and is satisfied that the asset has the capacity to accommodate the flow, then the Board would have no objection to the new proposed arrangement. Yorkshire Water Services have sent a brief response advising no comments.

### *Surface Water*

- 5.38 The submitted information advises that surface water would discharge to the existing main sewer and Yorkshire Water Services (YWS) have advised they have no comments. The Internal Drainage Board (IDB) have stated however that it is unclear where the mains sewer disposes its surface water and that consent would be required from the Board should this ultimately discharge into a Board maintained watercourse, which would be in addition to any consent required by YWS.
- 5.39 The IDB also add that they would normally require percolation tests in regard to the potential use of soakaways but note that investigations were unsuccessful on the Park Farm site and are therefore also likely to fail on this site. They do however include a condition requiring details to be submitted prior to implementation of means of surface water disposal.
- 5.40 On the basis of the above, it is considered that a satisfactory means of discharge for surface water can be achieved for the proposal, subject to the IDB condition. It is therefore considered that the development would accord with Core Strategy Policies SP15, SP16 and SP19 and the provisions of the NPPF.

### **Biodiversity**

- 5.41 Protected Species include those protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010. The presence of a protected species is a material planning consideration.
- 5.42 Section a) of Paragraph 170 of the National Planning Policy Framework (NPPF) states that planning policies and decisions should contribute to and enhance the natural environment by: *“a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);”* Point d) of Paragraph 170 (NPPF) recognises the need for the planning system to contribute to and enhance the natural and local environment through the wider benefits of ecosystems and minimising impacts on and providing net gains in relation to biodiversity.
- 5.43 Local Plan Policy ENV1 5) is relevant to the impact on (amongst other things) on wildlife habitats and Core Strategy Policy SP18 is concerned with (amongst other things) the protection, enhancement and mitigation of biodiversity.
- 5.44 The application site is located approximately 350 metres from the closest boundary of the Skipwith Common Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC). The Ecology Officer (EO) in his initial response advised that given the distance, the presence of arable fields in between and the lack of hydrological connectivity that there would be no significant effects on the SAC/SSSI. He also advised however, *“that the principal issue with the application site is the potential occurrence of Great Crested Newts (GCNs), a European*

*Protected Species. 71 individuals of this species were recently trapped and translocated from an adjoining development site.*” Based on the above scenario, the EO considered that it was likely that GCNs would be encountered on the proposal site and requested a more detailed explanation in regards to their protection.

- 5.45 Following a revised Preliminary Ecological Appraisal, the Ecology Officer in his second response has advised that the information relating to Great Crested Newts provides better justification that newts are unlikely to be harmed as a result of the development. In addition, the EO agrees that the biodiversity enhancements linked to the larger Park Farm development offers significant net gains for biodiversity and that the planting of fruit trees in the proposed landscaping scheme is welcomed. A suitably worded condition shall be included to ensure adherence to the revised PEA.
- 5.46 In conclusion and subject to adherence to the condition referred to above, it is considered that would accord with Local Plan Policy ENV1 5); Core Strategy Policy SP18, the NPPF; the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010.

### **Contamination**

- 5.47 Local Plan Policy ENV2 and criterion k) of Core Strategy Policy SP19 require development which would give rise to or would be affected by unacceptable levels of (amongst other things) contamination or other environmental pollution will not be permitted unless satisfactory remedial or preventative measures are incorporated within new development. Paragraph 178 (a) of the NPPF states that development sites should be suitable for the proposed use taking account of ground conditions and risks arising from unstable land and contamination.
- 5.48 A Contaminated Land Screening form accompanies the application which advises that the site is grassed and has been previously used as an orchard with no evidence of former buildings; site activities; made and filled ground, subsidence or contamination.
- 5.49 The Contamination Consultant (CC) has stated in their response that on the basis of the lack of any former uses or industrial activity that no further investigation or remediation work is required but includes a condition in the event that unexpected contamination is encountered.
- 5.50 On the basis of the above comments and subject to a suitably worded condition, there are no concerns in respect of contamination and the proposal is considered to accord with Local Plan Policy ENV2, Core Strategy Policy SP19 and paragraph 178 of the NPPF in this regard.

### **Archaeology**

- 5.51 Local Plan Policy ENV27 is concerned with the protection of archaeological remains and that the NPPF (para. 194) affords protection for such remains.
- 5.52 The Principal Archaeologist (PA) has commented on the proposal advising that the existing farm buildings, hard standings and access to the adjacent Park Farm would have severely impacted on archaeological remains. He adds that this site would be more agricultural in nature and concludes that no further details are required.

- 5.53 In conclusion and based on the PA's comments, there are no outstanding issues or concerns in respect of archaeological implications of the proposal and the proposed development would therefore comply with Local Plan Policy ENV27 and Core Strategy Policy SP18 and the provisions of the NPPF.

## **6 CONCLUSION**

- 6.1 The application seeks full planning permission for the erection of a single detached dwelling with garage on land adjacent to Park Farm, Skipwith.
- 6.2 The proposal is a Departure due to a limited expansion beyond the Development Limits which would not physically encroach beyond the boundary of the surrounding built form, into the adjacent open countryside. However, having had regard to the development plan, all other relevant local and national policy, consultation responses and all other material planning considerations, it is considered that the principle of the proposed development is acceptable and in accordance with paragraph 119 of the NPPF which highlights the importance of local planning authorities taking a proactive role in ensuring land suitable for development is brought forward. The proposed development, due to its location and scale would read as a natural, small extension to the village, which is due to the adjacent surrounding residential sites and would therefore result in an appropriate form of development.
- 6.3 In regards to other considerations the proposed development for a single dwelling would not have a detrimental impact on the character and appearance of the area or the surrounding countryside and matters relating to design, drainage, nature conservation and protected species; residential amenity, land contamination are acceptable.
- 6.4 The proposed development is therefore considered to be acceptable having had regard to Local Plan Policies ENV1, ENV2, ENV15, ENV27, T1 and T2 and Core Strategy Policies SP1 SP2, SP4, SP5, SP8, SP9, SP15, SP16, SP17, SP18 and SP19 of the Core Strategy and national policy contained with the NPPF, which at Paragraph 12 makes provisions for decisions to depart from an up-to-date development plan where material considerations indicate that the plan should not be followed.

## **7. RECOMMENDATION**

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

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990 as amended.

02. The development hereby permitted shall be carried out in accordance with the following approved and dated plans and documents:

001/P00 – Location Plan  
105 - Proposed Site Plan

106 – Proposed Drainage Plan  
107 - Vehicle Turning with Swept Paths  
110 – Proposed Ground Floor Plan  
111 – Proposed First Floor Plan  
130 – Proposed North & East Elevations  
131 – Proposed South & West Elevations  
132 - Proposed Context Elevations  
133 – Proposed Garage Elevations & First Floor Plan  
Preliminary Ecological Appraisal (August 2020) Wold Ecology Ltd (received on 23.09.2020)

Reason: For the avoidance of doubt.

03. No development shall take place above slab level until full details of the materials to be used in the construction of the external surfaces for the walls, roof, windows, doors, rainwater goods and areas of hardstanding have been submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In accordance with Local Plan Policy ENV1 and Core Strategy Policy SP19 and because it is considered that the use of inappropriate materials could be harmful to the character and appearance of the area and therefore the Council needs to retain a measure of control.

04. The external face of the frames of all windows and doors shall be set in reveals of at least 50mm from the front face of the brickwork/ timber boarding (where applicable).

Reason: In the interests of the character and appearance of the area.

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

Reason: To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

06. No development approved by this permission shall be commenced until the Local Planning Authority in consultation with the Internal Drainage Board has approved a Scheme for the provision of surface water drainage works.

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

The following criteria should be used:

- Discharge from “greenfield sites” should be 1.4 lit/sec/ha (1:1yr storm).
- Storage volume should accommodate a 1:30 year event with no surface flooding and no overland discharge off the site in a 1:100 year event.
- A 30% allowance for climate change should be included in all calculations.



- A range of durations should be used to establish the worst-case scenario.

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

07. No development shall take place on site until full details of both hard and soft landscape works for the whole site together with a programme of implementation have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved prior to the occupation of any part of the development or as may be otherwise agreed in writing by the Local Planning Authority. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

Reason: In accordance with Local Plan Policy ENV1 and because a well-designed landscaping scheme can enhance the living environment of future residents, reduce the impact of the development on the amenities of existing residents and help to integrate the development into the surrounding area.

08. No development above slab level shall take place on site until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the use hereby permitted is commenced, or in accordance with a programme of implementation that has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained and maintained in accordance with the approved details.

Reason: In accordance with Local Plan Policy ENV1 and in the interests of the visual amenities of the area.

09. The development hereby permitted shall be carried out in strict accordance with the mitigation measures set out in the following Biodiversity mitigation and enhancement recommendations contained in the Preliminary Ecological Assessment:

- Bat recommendations (Paras 8.2.4.1 to 8.2.4.3 and para 8.2.4.6)
- Amphibian Method Statement (Section 8.3.5)
- Bird recommendations (Section 8.4.5 but ignoring para 8.4.5.7 which is extraneous)
- Reptile Method Statement (Section 8.6.5)
- Hedgehog recommendations (Section 8.7.4)
- Hedgerow enhancement and planting of fruit trees (Paragraph 9.2.3.4 and section 9.3)

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 and in accordance with the requirements of the National Planning Policy Framework (NPPF).

10. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local

Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending those orders with or without modification), no development shall be undertaken within Part 1, Class A, B or C including the installation of windows, dormer windows or other openings (other than those expressly authorised by this permission) to any elevation without the grant of a separate planning permission from the Local Planning Authority.

Reason: In accordance with Local Plan Policy ENV1 and Core Strategy Policy....., as the Local Planning Authority considers that further development could cause detriment to the amenities for the occupants of nearby properties and be of detriment to the character of the area and for this reason would wish to control any future development.

12. The windows to be created at first floor level of the east elevation of the dwelling and serving the ensuite and dressing area shall be glazed in obscure glass with opening limited to 0.5m from the window pane before the development hereby approved is first brought into use, and shall not thereafter be altered without the prior express consent in writing of the Local Planning Authority. (Replacement of the glass with glass of an identical type would not necessitate the Council being notified.)

Reason: In accordance with policy ENV1 of the Local Plan and because the Local Planning Authority consider that if plain glass was to be used in this location, the amenities of the adjacent dwelling would be adversely affected due to overlooking.

NB. Obscure glazing to satisfy this condition should be a minimum of Pilkington Privacy Level 3 or equivalent.

#### **Informatives:**

##### **Consent to 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.  
<http://www.yorkconsort.gov.uk>Surface Water

##### **Wildlife**

Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. In addition, certain species such as the Barn Owl are included in Schedule 1 of the Act and are protected

against disturbance while nesting and when they have dependent young. Offences against birds listed in Schedule 1 of the Wildlife and Countryside Act are subject to special penalties. An up-to-date list of the species in Schedule 1 is available from Natural England:

<http://www.naturalengland.org.uk/ourwork/regulation/wildlife/species/speciallyprotectedbirds.aspx>

Further information on wildlife legislation relating to birds can be found at [www.rspb.org.uk/images/WBATL\\_tcm9-132998.pdf](http://www.rspb.org.uk/images/WBATL_tcm9-132998.pdf)

## **Adjacent Public Rights of Way**

No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development. Applicants are advised to contact the County Council's Access and Public Rights of team at County Hall, Northallerton via [paths@northyorks.gov.uk](mailto:paths@northyorks.gov.uk) to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.

## **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 2020/0343/FUL and associated documents.

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**Appendices:** None