



Report Reference Number: 2019/1232/FUL

To: Planning Committee
Date: 23 December 2020
Author: Irma Sinkeviciene (Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2019/1232/FUL	PARISH:	Catterton Parish Council
APPLICANT:	Mr J King	VALID DATE: EXPIRY DATE:	12 December 2019 Out of time
PROPOSAL:	Proposed partial rebuild and change of use of agricultural barn to residential use (C3) to provide holiday accommodation		
LOCATION:	Catterton Barn Moor Lane Catterton Tadcaster		
RECOMMENDATION:	REFUSE		

This application has been brought before Planning Committee as more than 10 letters of representation have been received which raise material planning considerations and Officers would otherwise determine the application contrary to these representations.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site, which is broadly rectangular in shape and amounts to approximately 180 square metres of unused land which is located on agricultural land. The site is located in Catterton village which is small sporadic cluster of houses and farmsteads. The development plan does not define development limits around the hamlet and therefore for the purposes of applying planning policy it is therefore located within the open countryside. The application site is surrounded by the open fields and there are some residential properties further north, further south and across Moor Lane further south west.

- 1.2 The application site is generally flat, and its boundaries are marked by a low post and rail timber fence. Part of the western boundary is formed by part of the rebuilt brick wall of the building which is subject of this application.

The Proposal

- 1.3 The application is described as seeking full planning permission for reconstruction of the building to provide holiday accommodation. However, as the agricultural building has been demolished sometime ago, it is not clear from the submission how much of the original building remained and it is clear that the proposed development would not create a replacement building for agricultural use, the development should more accurately be described as 'The erection of a new dwelling for holiday accommodation'.
- 1.4 The submitted Application Form states that the works have not started however, following a planning history review and site visit by the case officer, it is noted that the original agricultural barn was demolished and a construction of new building has begun but has not been completed.
- 1.5 The site was previously used to house an agricultural barn and the development which has occurred on site is the demolition of this agricultural building and erection of a building which was not completed.
- 1.6 From planning history search it is noted that the former agricultural building had a planning approval 2014/0828/ATD to convert it to a dwelling. However, the conversion did not take place. Instead the agricultural building was demolished and a construction of a new building of a similar size and scale and on a similar footprint as the original began. The partial structure which now exists on site is all new build. There was a number of planning applications submitted for the new building including application 2016/1279/FUL for erection of a dwelling which was refused and dismissed on appeal and the Inspector dealing with the appeal concluded that although there was a previous approval on site, demolition of the barn is likely to extinguish any rights attaching to it. The partial building remaining on site now appears to be the same as when the appeal was dismissed.

Relevant Planning History

- 1.7 The following historical application is considered to be relevant to the determination of this application.
- Prior notification reference 2014/0828/ATD for the change of use of agricultural building to a dwelling house (C3) and associated operational development at detached barn at Moor Lane, Catterton, Tadcaster. It was concluded in the Notice of Decision dated 3 October 2014 that it does not require prior approval and that development is permitted under Class MB subject to conditions.
 - Application Number 2015/1327/FUL for the barn conversion and extension at The Barn, Moor Lane, Catterton was withdrawn in April 2016
 - Application Number 2016/0731/FUL for conversion to residential and extension of barn plus extension to the residential curtilage at The Barn, Moor Lane, Catterton was withdrawn in July 2016.

- Application Number 2016/1279/FUL for the erection of single storey dwelling and to replace recently demolished barn and extension to curtilage at The Barn, Moor Lane, Catterton was refused on 24 January 2017 and dismissed on appeal on 6th September 2017.

2. CONSULTATION AND PUBLICITY

- 2.1 **NYCC Highways Canal Rd** – *First response*: The site plan shows the car parking space partly within the highway. The verge is highway. Therefore, the Highway Authority cannot support this application and recommended that the applicant relocates the proposed car parking and provides on-site turning. Failure to do so will result in a recommendation of refusal from the Highway Authority.

Second response: Further to the amended plan, showing a car parking space and swept paths MLB.1.1B, original concerns have been addressed and therefore no Highway objections are raised to the proposed development subject to conditions related to construction requirements for private access and provision of approved access, turning and parking areas, and subject to 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.

- 2.3 **Yorkshire Water Services Ltd** – No response.

- 2.4 **Yorkshire Wildlife Trust** – No response received.

- 2.5 **County Ecologist** – *First response*: Normally with any barn conversion an assessment of bat roost potential (including a check for presence of Barn Owls) is expected but having read the planning statement, it is unclear as to the state of the existing building. It is referred to as a traditional brick-built barn but also as a "recently demolished barn". If there is no roofed structure there at present, no bat assessment will be necessary. There do not appear to be any other issues regards this site from an ecology point of view.

Second response: Having received no response to our query of 16th December 2019, it is assumed there is no need to comment any further on this application from an ecology point of view, i.e., that the existing building is incomplete and lacks a roof so does not require a survey for bats or Barn Owls.

- 2.6 **Contaminated Land Consultant** – The report shows that the site has previously been used as an agricultural barn. The report states that there are no asbestos containing materials, that there has been no storage of fuels or chemicals on site and no fly-tipping/burning has taken place. No visual or olfactory evidence of contamination is present. The Screening Assessment Form does not identify any significant potential contaminant sources, so no further investigation or remediation work is required. Recommend that the planning condition related to unexpected contamination is attached to any planning approval.

- 2.7 **North Yorkshire Bat Group** – No response received.

- 2.8 **Ainsty (2008) Internal Drainage Board** – No objections in principle subject to a condition requiring agreeing drainage works.

2.9 **Neighbour Summary** – All immediate neighbours were informed by neighbour notification letter; a site notice was erected on 3 January 2020 and an advert placed in the local press.

10 supporting letters have been received from members of the public stating that, in summary, the partially built building is an eyesore, and that the approval of this application would improve the street scene of the village.

1 letter objecting to the proposal has been received where the following issues are raised:

- a) That the application fails to meet requirements of Policy RT11 of the Local Plan as the site is not located within close proximity of existing tourist development, does not make the use of the building of architectural or historic interest, not a building which is capable of use without major/structural adaptation, and not an extension to an existing hotel or other type of accommodation.
- b) Conversion to residential use allowed under Prior Notification procedure has not been demonstrated sufficiently to carry significant weight
- c) The applicant has failed to demonstrate the existing structure is 'original' and capable of conversion under the suggested fall-back position and capable of conversion under this route and (if lawful) that this is a likely and viable course of action.
- d) The application site is not previously developed land.
- e) The applicant has provided no information to demonstrate that the proposal will make a positive contribution to the rural economy or the communities.
- f) Temporary and transient nature of employment provided by the construction works associated with this development are so limited as to be immaterial in the consideration.
- g) Proposal is unacceptable in principle and is contrary to Policies SP2 (c), SP10 and SP13 of the Core Strategy and sets out the reasons.
- h) Proposal would have a significant impact upon the character and appearance of the area and would conflict with Policy SP18 of the Core Strategy.
- i) The applicant provided no assessment of either agricultural land quality, nor the lower quality alternatives to the development proposal.
- j) The information submitted is insufficient to adequately base any robust decision.

3 SITE CONSTRAINTS

Constraints

3.1 The site is located in Catterton which is a small village without defined development limits and is therefore located in the open countryside. The site does not contain any protected trees and there are no statutory or local landscape designations. Similarly, there is no Conservation Area designation or local listed buildings that are affected. The site is situated 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 22 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
 - ENV2 – Environmental Pollution and Contaminated Land
 - T1 – Development in Relation to the Highway
 - T2 – Access to Roads
 - RT11 – Tourist Accommodation

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
- Nature Conservation
- Contamination Issues

The Principle of the Development

- 5.2 The application site is located outside development limits and is therefore in the open countryside. Relevant policies in respect to the principle of development and the presumption in favour of sustainable development includes Policies SP1, SP2 and SP13 of the Core Strategy, RT11 and ENV1 of the Selby District Local Plan and Paragraphs 11, 79, 83 and 84 of the NPPF.
- 5.3 It is stated in the Planning Statement submitted with the application that the part of the original structure demolished and reconstruction constitutes lawful development. However, there is no evidence for or against this and the applicant would need to consider submitting an application for a Certificate of Lawful Use (Existing) if they feel this can be demonstrated. As such the starting point for the consideration of this application must be that the original agricultural building no longer exists and building work which has commenced on site has no planning permission and is the subject of an appeal which was dismissed. There are no elements of the original building to convert. The proposal is therefore to retain the parts of the structure built without planning permission, to complete the new build structure and to use the resulting building as holiday cottage. In the Planning Statement submitted with the application, it is stated that it is not proposed to seek unfettered C3 residential use but to facilitate the use of the building as "holiday accommodation". A holiday cottage falls within the same use class as a dwelling subject to a condition restricting its use as permanent residential accommodation. The application must therefore be considered on the basis of new residential development in the open countryside with no weight being attributed to the development having already occurred. As such, the proposal has to be considered as a new isolated dwelling in the open countryside in terms of policy context.
- 5.4 Policy SP1 of the Core Strategy outlines that "*...when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework...*" and sets out how this will be undertaken. Policy SP1 is therefore consistent with the guidance in Paragraph 11 of the NPPF.
- 5.5 Policy SP2A (c) of the Selby District Core Strategy provides that development in the countryside (outside Development Limits) will be limited to, amongst other things, well-designed 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, or special circumstances. Core Strategy Policy SP2 is broadly consistent with the aims of the NPPF and should therefore be given significant weight. The

proposed development would only comply with SP2 if it can be demonstrated it is a well-designed building which would contribute to the local economy or it would enhance the vitality of the rural community.

- 5.6 Policy SP13 (C) of the Selby District Core Strategy 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 including for example the re-use of existing buildings and infrastructure and the development of well-designed new buildings.
- 5.7 Policy RT11 states that proposals for serviced or non-serviced tourist accommodation, including extensions to existing premises will be permitted provided that, if located outside defined development limits, the proposal would represent the use of either a building of either architectural or historic interest, or as existing structurally sound building which is suitable for its proposed function without major rebuilding, or an extension to an existing hotel or other form of accommodation and subject to meeting requirements relating to highway safety, parking and access and subject to its size and scale being appropriate to the locality. Policy RT11 of Selby Local Plan recognises the need of the tourist accommodation in the open countryside subject to meeting listed criteria and is therefore consistent with Paragraph 84 of the NPPF.
- 5.8 It is noted that in the letter dated 2 December 2020 prepared by the agent acting on behalf of the applicant refers to Section 38(6) of Planning and Compulsory Purchase Act 2004 and NPPF and states that *'it is evident that the local planning authority consider that the development as proposed is not in accordance with the development plan and would be a departure from it. We consider there are clear material considerations which justify such a departure.'* The material considerations suggested in this letter are as follows:
- a) The proposal is not for new build development – there was and is an existing structure on the site;
 - b) The existing structure is un-attractive and detrimental to the street scene;
 - c) The structure is part of the historic fabric of the Catterton - as recognised by residents of the area;
 - d) The local planning authority has previously accepted that development delivered through permitted development rights is acceptable in this location [in relation to the tests set out in Class Q of the General Permitted Development Order (GPDO) (as amended)];
 - e) The development will generate additional visitors to this area of Selby District which will in turn assist in supporting the local tourism economy;
 - f) The site is owned by a resident of Catterton who will facilitate the development and manage the accommodation going forward. It is important, in these circumstances to re-iterate that the current owner of the site was not party to previous on-site activities, which were undertaken by the previous owner; and
 - g) The NPPF is an important material consideration. Elements of policy in the NPPF clearly add weight to the credibility of this proposal; namely paragraphs 83 (c) stating that *decisions should enable, amongst other things, sustainable rural tourism and leisure developments which respect the character of the countryside* and 84 of the NPPF stating that *'planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements'*

- 5.9 It is considered that Council's position related to points a) and d) set out in paragraph 5.8 of this report is clear as evident from Paragraphs 1.5 and 5.3 of this report and points b) and c) are assessed further in this report in Design and Impact on the Character and Appearance of the Area section. In terms of point f) it is noted that the ownership has changed however, this is not a material planning consideration.
- 5.10 The area is rural with narrow country lanes and characterised by open fields and farming around the small cluster of buildings in Catterton. The village has no shops or services other than an infrequent bus service. There are no services within walking distance and the nearest service centre is approximately 6 miles away if driving by car.
- 5.11 The proposal is for a holiday cottage which is in effect a new isolated dwelling which is located within the open countryside in an isolated rural location. Paragraph 79 of the NPPF states that planning decisions should avoid the development of isolated homes in the countryside and lists circumstances in which the isolated homes could be supported. However, upon review of the proposal, it is not considered that any of the circumstances listed in Paragraph 79 of the NPPF apply in this instance.
- 5.12 In terms of assessment of the proposal against Paragraph 83 of the NPPF, it is noted that it states that decisions should enable sustainable rural tourism and the Paragraph 8 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental. The proposal could potentially bring some economic benefits through the possibility of short-term employment on the construction. However, the economic benefit is limited because the provision of a one-bedroom holiday accommodation at this remote location would not make a significant contribution to the local economy as local spending by future short-term tenants would not be in Catterton as no local services are provided. Moreover, the economic benefits to the local economy arising from one small one-bedroom holiday unit would be limited. In addition to this, there is nothing in the proposal to show that it would enhance or maintain local vitality by contributing to community, health, or cultural well-being, or to environmental matters. As such, it is not considered that the proposal for a single holiday cottage would represent sustainable rural tourism or sustainable development overall.
- 5.13 The applicant argues in the letter received by the Local Planning Authority on 2nd December 2020 that the previous structure and use would be capable of reinstatement as the structure is located on a current agricultural freeholding of greater than 5 hectares and that in these circumstances the permitted development rights accruing to agricultural holdings under Part 6 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("GPDO") and that this is a fallback position. However, the erection of an agricultural building for agricultural purposes would only be justified if there was an agricultural business and there was no evidence provided to justify that this can be achieved and as such this is not considered to carry significant weight.
- 5.14 As set out in the above paragraph, the economic benefit of the proposal is limited, there is nothing in the proposal to show that it would enhance or maintain vitality of rural community, the proposal is not for rural affordable housing and there are no special circumstances which could be afforded a significant weight. As such, it is considered that the proposal is therefore contrary to Policies SP2A (c) and SP13 of the Selby District Core Strategy and hence the overall Spatial Development Strategy for the District.

- 5.15 The proposal is for a non-serviced tourist accommodation and is located outside the defined development limits. Upon review of the proposal, it is not considered that it would constitute use of either a building of either architectural or historic interest, existing structurally sound building or an extension to an existing hotel or other form of accommodation. As such, the proposal would be contrary to Policy RT11 of Selby Local Plan.
- 5.16 It is considered that the proposed development is in an isolated rural location, defined as open countryside and would not represent a sustainable development and as such and having taken into account all of the above it is not considered that limited benefits offered by the provision of one small-scale holiday cottage would not carry significant weight and no material considerations exist which would indicate otherwise. The proposed development would therefore be contrary to Policies SP1, SP2 and SP13 of the Core Strategy, RT11 and ENV1 of the Selby District Local Plan and Paragraph 79 and 83 of the NPPF and it is not considered that material considerations indicating otherwise exist.

Design and Impact on the Character and Appearance of the Area

- 5.17 Relevant policies in respect to the impact of development on character and appearance of the area are Policy ENV1 and RT11 of the Selby District Local Plan, Policies SP13 (D), SP18 and SP19 of the Core Strategy and advice contained within the NPPF. Local Plan Policy ENV1 is broadly consistent with the aims of the NPPF and should therefore be given significant weight.
- 5.18 It is noted that the Drawing MLB.1.1A shows existing elevations of the building. However, the elevations shown on the drawing do not fully represent the elevations as the building has not been completed.
- 5.19 In the Planning Statement submitted with the application it is stated that '*...the building will be of an identical scale and height to that previously consented for agricultural use under agricultural permitted development rights. There will be no increase in footprint or height – only the use is proposed to be changed.*' However, the existing structure is unauthorised development starting point for consideration on the impact on character and appearance of the open countryside must be on the basis of a comparison with a green field site.
- 5.20 Although comments made by the public stating that the building as it currently stands is an eyesore are noted, the agricultural barn was demolished, and the existing structure is unauthorised. As such, it is not considered appropriate to assess the impact on the basis of comparison of a completed building next to this uncompleted one.
- 5.21 The site is in open countryside immediately to the east of Moor Lane which runs through Catterton and is surrounded by the open countryside on the north, east and south. The site formed part of agricultural field and there was a small-scale agricultural building present on site with no boundary treatments which was demolished. The land is generally flat and open and the development which has already occurred is creation of access and erection of a building which has not been completed.
- 5.22 The site is located in a prominent location immediately adjacent to Moor Lane and the proposed scheme would be highly visible within the street scene due to its

location and lack of natural screening. Objections related to impact of the proposal on the character and appearance of the area are also noted.

- 5.23 In terms of the impact of the development, given the starting point is the same as a Greenfield site as discussed above, the construction of one new dwelling which would serve as holiday accommodation introduces new development of urban character with a driveway, boundary enclosures and domestication uncharacteristic of the general open countryside. It is a form of development which is normally resisted unless there are special circumstances. The proposed scheme represents a new dwelling in the open countryside that did not exist previously. The development is therefore considered to have a significantly harmful urbanising impact on the character and appearance of this part of the countryside.
- 5.24 In terms of proposed boundary treatments, the addition of fencing around the site is at present prominent and new but is rural in design and appropriate for the location. Planning permission would not be required to subdivide a field and erect field fencing and on this basis the boundary treatment is considered to have a neutral impact on the character of the area.
- 5.25 In terms of the design, the proposed building would not be overly domestic with any porches, conservatories or chimneys. The proposed dwelling would be of simple form and uncomplicated design. It is single storey and low level and generally appropriately designed for a rural location. If the development were acceptable in principle, no objections would be raised in terms of the design or its impacts on the character and appearance of the area.
- 5.26 As such, it is considered that the proposed new development would be acceptable with respect to design and proposed boundary treatments however, as the scheme introduces a new dwelling into the countryside it would result in a harmful urbanising impact on the character and appearance of the area. This conflicts with the aims of Policies SP13D, SP18 and SP19 of the Core Strategy, with Policy ENV1 and RT11 of the Local Plan and with the NPPF.

Impact on Residential Amenity

- 5.27 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.
- 5.28 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 sheer size, scale and massing of the development proposed.
- 5.29 Given the separation distance from the nearest 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 and it is not considered that any such impacts would be caused to amenities of the occupiers of the proposed holiday cottage.
- 5.30 As such, the proposal would not cause significant adverse impact on the residential amenity of the neighbouring properties and as such would be in accordance with Policy ENV1 and RT11 of the Selby District Local Plan.

Highway Issues

- 5.31 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.
- 5.32 NYCC Highways have been consulted and raised objections to scheme as originally submitted due to car parking space being partly within the highway. However, the applicant submitted an amended scheme where parking and turning is provided within the site. NYCC Highways have been re-consulted and raised no objections subject to conditions related to construction requirements for private access and provision of approved access, turning and parking areas, and subject to 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.
- 5.33 Notwithstanding the fact that the proposal is unacceptable in principle, taking into consideration all of the above and the size, scale and nature of the proposed development and the location of the site, the scheme is considered acceptable in terms of its impact on a highway safety and is therefore in accordance with Policies ENV1, T1 and T2 of the Selby District Local Plan and requirement (c) set out in Policy SP19 of the Core Strategy, and the NPPF subject to conditions.

Flood Risk, Drainage and Climate Change

- 5.34 The application is located in Flood Zone 1 which is at low probability of flooding and as such and given the size of the site and that there was no evidence found that the site is identified as having any issues listed in footnote 50 of the NPPF, a site-specific flood risk assessment is not required in this instance.
- 5.35 In terms of drainage, the application form states that surface water would be disposed of via soakaway and foul drainage would be disposed of via package treatment plant. Yorkshire Water and Ainsty IDB have been consulted. Whilst Yorkshire Water provided no comments, Ainsty IDB have not raised any objections to the proposal, subject to a condition requiring agreeing drainage works which is considered reasonable and appropriate.
- 5.36 Policy SP15 (B) states that to ensure development contributes toward reducing carbon emissions and are resilient to the effect of climate change schemes should where necessary or appropriate meet 8 criteria set out within the policy. Having had regard to the nature and scale of the proposal, it is considered that its ability to contribute towards reducing carbon emissions, or scope to be resilient to the effects of climate change is so limited that it would not be necessary and, or appropriate to require the proposals to meet the requirements of criteria of SP15 (B) of the Core Strategy. Therefore, having had regard to Policy SP15 (B) it is considered that the proposal is acceptable.
- 5.37 As such, notwithstanding the fact that the proposal is unacceptable in principle it is therefore considered that the proposal is acceptable in terms of flood risk, drainage and climate change in accordance with Policy ENV1 (3) of the Local Plan, Policies SP15, SP16 and SP19 of the Core Strategy and the advice contained within the NPPF subject to the aforementioned condition.

Nature Conservation

- 5.38 Relevant policies in respect to nature conservation interests include Policy ENV1 (5) of the Selby District Local Plan, and Policy SP18 of the Core Strategy. Significant weight should be attached to the Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF.
- 5.39 Protected species include those protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010. The presence of protected species is a material planning consideration.
- 5.40 The application has been assessed by the NYCC Ecologist, who advised that if there is no roofed structure there at present, no bat assessment will be necessary and that there do not appear to be any other issues regards this site from an ecology point of view. He further contacted to clarify that given the existing building is incomplete and lacks a roof, no survey for bats or Barn Owls is required.
- 5.41 It is therefore considered that the proposed scheme would not have adverse effect upon wildlife habitat and as such it is considered that the proposal would be in accordance with Policy ENV1 (5) of the Selby District Local Plan, Policy SP18 of the Core Strategy and the advice contained within the NPPF.

Contamination Issues

- 5.42 Policy ENV2 (A) states that proposals for development which would give rise to, or would be affected by unacceptable levels of noise, nuisance, contamination or other environmental pollution including groundwater pollution will not be permitted unless satisfactory remedial or preventative measures are incorporated as an integral element in the scheme and such measures should be carried out before the use of the site commences.
- 5.43 The Contaminated Land Consultant was consulted who advised that the report shows that the site has previously been used as an agricultural barn, states that there are no asbestos containing materials, that there has been no storage of fuels or chemicals on site and no fly-tipping/burning has taken place and that no visual or olfactory evidence of contamination is present. The Contaminated Land Consultant therefore concludes that the Screening Assessment Form does not identify any significant potential contaminant sources, so no further investigation or remediation work is required. However, recommended to attach a planning condition related to unexpected contamination. Recommended condition is considered reasonable and appropriate given that the proposed use is residential which would be vulnerable to the presence of contamination
- 5.44 As such, notwithstanding the fact that the proposal is unacceptable in principle, it is considered that the proposal would be acceptable in respect of land contamination and is, therefore, in accordance with Policy ENV2 of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF subject to aforementioned condition.

6 CONCLUSION

- 6.1 The application seeks full planning permission for the erection of a new dwelling for holiday accommodation.
- 6.2 The application site is located in Catterton which is a small village without the defined development limits as identified in the Core Strategy and is therefore located within the open countryside. The proposal would not constitute any of the types of development of that area acceptable in principle under Paragraphs 79 and 83 of the NPPF, Policies SP2 and SP13 of the Core Strategy and Policy RT11 of the Selby District Local Plan and would not constitute sustainable development. It is not considered that material considerations exist which would indicate otherwise. The proposal is therefore contrary to the above policies and hence the overall national framework and Spatial Development Strategy for the District.

7 RECOMMENDATION

This application is recommended to be REFUSED for to the reasons below:

- 7.1 The proposed development represents the erection of an isolated new dwelling for holiday occupation which would be outside the development limits on land in the open countryside. The development would not constitute any of the types of development acceptable in principle in the countryside defined within Policy SP2 of the Core Strategy, nor would it improve or contribute to the local rural economy or enhance the vitality of a rural settlement. It would therefore fail to comply with the aims of Policies SP1, SP2 and SP13 of the Core Strategy and with Policy RT11 of the Selby District Local Plan and with the NPPF.
- 7.2 Although it is considered that the development is acceptable with respect to design and proposed boundary treatments, the scheme still introduces a new dwelling into the countryside which results in a harmful urbanising impact on the character and appearance of the area. This conflicts with the aims of Policies SP13D, SP18 and SP19 of the Core Strategy, with Policy ENV1 and RT11 of the Local Plan and with the NPPF.

8 Legal Issues

8.1 Planning Acts

This application has been determined in accordance with the relevant planning acts.

8.2 Human Rights Act 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

8.3 Equality Act 2010

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

9 Financial Issues

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

10 Background Documents

Planning Application file reference 2019/1232/FUL and associated documents

Contact Officer: Irma Sinkeviciene, Planning Officer
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Appendices: None