

**Report Reference Number:** 2021/0655/FULM

**To:** Planning Committee  
**Date:** 8th September 2021  
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**Lead Officer:** Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2021/0655/FULM	PARISH:	Stapleton Parish Council
APPLICANT:	Dovecote Park Ltd	VALID DATE:	25th May 2021
		EXPIRY DATE:	24th August 2021
PROPOSAL:	Construction of new tray store building (retrospective)		
LOCATION:	Dovecote Park Bankwood Road Stapleton Pontefract West Yorkshire WF8 3DD		
RECOMMENDATION:	GRANT		

This application has been brought before Planning Committee because it constitutes inappropriate development in the Green Belt but it is considered that the applicant has demonstrated that very special circumstances exist to justify why permission should be granted.

## 1. INTRODUCTION AND BACKGROUND

### Site and Context

- 1.1 Dovecote Park lies to the north of Bank Wood Road in an open countryside and Green Belt location and consists of a modern industrial sized specialist beef and venison production facility. The facility originated from the farm/abattoir at Beech House Farm and has grown considerably in recent years. The 5.4 hectare site employs a large workforce and consists of large modern industrial steel-clad buildings set in a screened rural landscape.
- 1.2 The topography of the land running from Bankwood Road (the entrance of the complex) to the northern edge of the site at the adjacent property of Home Farm has an undulating character. From the entrance at Bankwood Road the land rises and then dips where the main complex of buildings are located. From the main

complex of buildings the land significantly rises again. The topography of the land running from west to east has an undulating character where the main complex building is located in the hidden dip of the land.

- 1.3 From the south of the site at the entrance the boundary treatment is high natural stone walling with a plantation of large mature deciduous trees which screens the highest part of the existing buildings. Surrounding the main complex of buildings there are high mature evergreen trees.

### **The Proposal**

- 1.4 The application seeks full planning permission for the construction of new tray store building, which has already been constructed and therefore the application is considered retrospective. A number of openings to the building which are shown on the proposed drawings are yet to be inserted but are intended to be should planning permission be granted.
- 1.5 The proposed building lies to the northern elevation of the existing main building and is wholly within the existing curtilage of the site. It measures a maximum of 10.5 metres in width by 21.7 metres in depth and has a mono-pitched roof with a maximum height of 7.4 metres above ground floor level. It covers a floor space of approximately 209 square metres and is constructed from green profiled metal sheeting (walls and roof) to match the existing buildings at the site.
- 1.6 The existing tray store at the site (located in a building to the west of the proposed development) was required to be mostly converted into additional production space during the height of the Covid-19 pandemic, resulting in the need for replacement tray storage space, which needs to be inside a building for hygiene reasons.

### **Relevant Planning History**

- 1.7 The current owners have been operating since November 1997 and have made considerable investment through various planning permissions over recent years. Some applications have had to be referred to the Secretary of State due to their size following the Local Planning Authority consistently regarding very special circumstances being demonstrated. The most significant and recent being:
  - 2019/0995/FULM - Erection of a new beef protein building (7.5 x 18.1m), extension to the existing fat processing plant (3.5m x 5m) and erection gas tank (10.6m x 3.1m) (retrospective). Granted 06 February 2020.
  - 2018/1111/FULM - Proposed construction of an extension to the existing facility to provide a new burger production building. Granted 14 March 2019.
  - 2018/0450/FULM - The proposed erection of a new dry aged chiller and extension to the fat processing room and retrospective extensions to the venison lairage facility. Granted 15 February 2019.
  - 2017/0283/FUL Extensions to the established commercial premises at Dovecote Park to provide a new tray storage facility, venison lairage facility, dray aged chiller and a replacement site office. Granted 22 May 2017.
  - 2010/1301/FUL - Application for extensions to the existing Dovecote Park complex, including a new car park and car park access. Granted 11 April 2011.

1.8 The remaining planning history dating all the way back to 1975 refers to various new buildings, alterations, extensions to buildings, plant infrastructure, advertisements, welfare facilities and car parking all of which is a result of the sites continued growth and expansion.

## **2. CONSULTATION AND PUBLICITY**

2.1 **Parish Council** – No response.

2.2 **Environmental Health** – No comments.

2.3 **NYCC Highways** – No objections.

2.4 **SuDS and Development Control Officer** – No response.

2.5 **Yorkshire Water Services Ltd** – No response.

2.6 **Yorkshire & Humber Drainage Boards** – No response.

2.7 **Contaminated Land Consultant** – No objections subject to a condition about the reporting of an unexpected contamination found when carrying out the proposed development.

2.8 **Health and Safety Executive** – No comments.

2.9 **Neighbour Summary** – The application was advertised by site notice and press notice. No letters of representation have been received as a result of this advertisement of the application.

## **3 SITE CONSTRAINTS**

### **Constraints**

3.1 The application site is located outside the defined development limits of any settlements and is therefore located within the open countryside. The application site is also located within the Green Belt.

3.2 The application site is located within a Locally Important Landscape Area.

3.3 The application site is located within Flood Zone 1, which has a low probability of flooding.

## **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 took place early in 2020. Consultation on preferred options took place in early 2021. 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 (July 2021) (NPPF) replaced the February 2019 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 2021 NPPF.
- 4.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -
- “219. ....existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”*

### **Selby District Core Strategy Local Plan**

- 4.6 The relevant Core Strategy Policies are:
- SP1 – Presumption in Favour of Sustainable Development
  - SP2 – Spatial Development Strategy
  - SP3 – Green Belt
  - 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
  - ENV15 – Conservation and Enhancement of Locally Important Landscape Areas
  - EMP9 – Expansion of Existing Employment Uses in the Countryside
  - T1 – Development in Relation to the Highway Network
  - T2 – Access to Roads

## **5 APPRAISAL**

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

- The Principle of the Development
- Impact in the Openness of the Green Belt and the Purposes of Including Land Within It
- Design and Impact on the Character and Appearance of the Area
- Impact on Residential Amenity
- Impact on Highway Safety
- Flood Risk and Drainage
- Nature Conservation and Protected Species
- Land Contamination
- Determining Whether Very Special Circumstances Exist

### **The Principle of the Development**

5.2 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.

5.3 The application site is located outside the defined development limits of any settlements and is therefore located within the open countryside. The application site is also located within the Green Belt.

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

5.5 Policy SP13 of the 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 (amongst other things) the development of well-designed new buildings. In all cases development should be sustainable and be appropriate in scale and type to its location, not harm the character of the area, and seek a good standard of amenity.

5.6 Likewise the Selby District Local Plan has an overarching employment growth policy - Policy EMP9 'Expansion of Existing Employment Uses in the Countryside'. This policy states *"Proposals for the expansion and/or redevelopment of existing industrial and business uses outside development limits and established employment areas, as defined on the proposals map, will be permitted provided: 1) The proposal would not create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity; 2) The nature and scale of the proposal would not have a significant adverse effect on the character and appearance of the area, or harm acknowledged nature conservation interests; 3) The proposal would achieve a high standard of design, materials and landscaping which complements existing buildings; and 4) Proposals involving expansion onto adjoining land would not result in the loss of best and most versatile agricultural*

*land and the site would be well related to existing development and well screened and/or landscaped.”*

- 5.7 The above policies are overarching considerations which allow for the continued growth of rural enterprises; however the key consideration is the assessment of national Green Belt policy.
- 5.8 Policy SP2A (d) of the Core Strategy states *“In Green Belt, including villages washed over by the Green Belt, development must conform with Policy SP3 and national Green Belt policies”*.
- 5.9 Policy SP3B of the Core Strategy states *“In accordance with the NPPF, within the defined Green Belt, planning permission will not be granted for inappropriate development unless the applicant has demonstrated that very special circumstances exist to justify why permission should be granted”*.
- 5.10 The decision-making process when considering proposals for development in the Green Belt is in three stages, and is as follows: -
- a) It must be determined whether the development is appropriate or inappropriate development in the Green Belt.
  - b) If the development is appropriate, the application should be determined on its own merits.
  - c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies and the development should not be permitted unless there are very special circumstances which clearly outweigh the presumption against it.
- 5.11 The guidance within the NPPF at paragraph 149 *“A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt”* other than for specified exceptions including [amongst other things]:
- *“c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building”*;  
and
  - *“g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development”*.
- 5.12 The proposal is for the construction of a tray store building, which measures a maximum of 10.5 metres in width by 21.7 metres in depth and have a mono-pitched roof with a maximum height of 7.4 metres above ground floor level. It covers a floor space of approximately 209 square metres.
- 5.13 In terms of paragraph 149 c), the term ‘disproportionate’ is not defined within either the NPPF or the Development Plan. However, on the basis of planning appeal decisions and case law it has been established extensions exceeding 50% of the volume of the original dwelling, taken either singularly or cumulatively with other extensions, should normally be considered to constitute a disproportionate addition. Notwithstanding this, the 50% volume addition of the original dwelling ‘criterion’ should only be used as a guide and not a definitive rule. It is important that regard is given to cumulative impacts of successive extensions to avoid incremental additions resulting in disproportionate additions over time. In such cases, a particular

extension in itself may appear small, but when considered together with other extensions may be considered to constitute a disproportionate addition.

- 5.14 A number of extensions to the Dovecote Park complex have been granted and implemented in recent years including a particularly large extension granted under planning application reference 2010/1301/FUL. This has been followed by a series of other smaller new buildings and structures as detailed in the planning history section of the report, the most recent being planning application reference 2019/0995/FULM granted on 606 February 2020. The Local Planning Authority's approach has always been that cumulatively these extensions and new buildings would result in disproportionate additions over and above that of the original farm complex, whether new build or extensions, as many of the extensions are extensions to new buildings.
- 5.15 The proposal for the construction of a tray store building which would be an extension to the existing buildings at the Dovecote Park complex, would therefore be considered to result in a disproportionate addition over and above the size of the original building, when taken cumulatively with other extensions, and would be inappropriate development in the Green Belt.
- 5.16 Paragraph 147 of the NPPF states *"Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances"*. Paragraph 148 of the NPPF states *"When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."* This report will therefore go on to assess whether there is any other harm resulting from the proposals before determining whether very special circumstances exist.
- 5.17 It is noted that the Planning Statement submitted in support of the proposed development takes a different approach to this and regards the proposed development to fall within the exception to inappropriate development set out within paragraph 149 g) – *"limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development."* Notwithstanding this, the Local Planning Authority disagrees with this approach and has in the past. The Local Planning Authority consistently regard extensions to the Dovecote Park complex to be inappropriate development in the Green Belt. This is because the extent of the extensions and new buildings previously allowed go beyond what would be regarded as limited infill or proportionate extensions and have previously been justified on the basis of very special circumstances. New extensions to these new buildings or any new buildings cannot therefore accord with paragraph 147 of the NPPF. In acknowledgement of the Local Planning Authority's position, the Planning Statement submitted in support of the proposed development sets out a case for very special circumstances, which will be considered later in this report.

### **Impact in the Openness of the Green Belt and the Purposes of Including Land Within It**

- 5.18 Paragraph 137 of the NPPF states *"The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are*

*their openness and their permanence.” Furthermore, paragraph 138 of the NPPF states “Green Belt serves five purposes: a) to check the unrestricted sprawl of large built-up areas; b) to prevent neighbouring towns merging into one another; c) to assist in safeguarding the countryside from encroachment; d) to preserve the setting and special character of historic towns; and e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.”*

- 5.19 The proposed development is positioned for functionality purposes and is of the same character and form as existing buildings on the site and finished in matching materials. The building does not appear as an isolated addition and relates well to the current large mass of buildings on the site so as not to be highly noticeable. Due to its location within the Dovecote Park complex site boundaries and its relationship with existing buildings, the proposed development is not considered to have a significant impact on the openness of the Green Belt and the purposes of including land within it.
- 5.20 Having regard to the above, the proposal accords with Policy SP3 of the Core Strategy and national policy contained within the NPPF (specifically paragraphs 137 and 138).

### **Design and Impact on the Character and Appearance of the Area**

- 5.21 Saved Policies ENV1 (1) and (4) and EMP9 (2), (3) and (4) of the Selby District Local Plan, Policy SP19 of the Core Strategy and paragraph 130 of the NPPF set out the considerations with regards to design quality and the impact on the character and appearance of the area. Furthermore, saved Policy ENV15 of the Selby District Local Plan sets out considerations with regards to development within Locally Important Landscape Areas and sets out *“Particular attention should be paid to the design, layout, landscaping of development and the use of materials in order to minimise its impact and to enhance the traditional character of buildings and landscape in the area.”*
- 5.22 As set out in the previous section of this report, the proposed development is positioned for functionality purposes and is of the same character and form as existing buildings on the site and finished in matching materials. The building does not appear as an isolated addition and relates well to the current large mass of buildings on the site so as not to be highly noticeable. Due to its location within the Dovecote Park complex site boundaries and its relationship with existing buildings, the proposed development is not considered to have any adverse impact on the character and appearance of the area, including the Locally Important Landscape Area.
- 5.23 Having regard to the above, the proposal accords with saved Policies ENV1 (1) and (4) and EMP9 (2), (3) and (4) of the Selby District Local Plan, Policy SP19 of the Core Strategy and national planning policy contained within the NPPF (specifically paragraph 130).

### **Impact on Residential Amenity**

- 5.24 Saved Policies ENV1 (1) and EMP9 (1) of the Selby District Local Plan set out the considerations with regards to the impact on residential amenity. Paragraph 130 of the NPPF emphasises that planning policies and decisions should ensure that developments create a high standard of amenity for existing and future users.



- 5.25 Given the size, siting and design of the proposed development and its relationship (including separation distances) to neighbouring residential properties, it is not considered that the proposal would result in any significant adverse effects of overlooking, overshadowing or oppression so as to adversely affect the residential amenities of the occupiers of any neighbouring residential properties. Furthermore, the Council's Environmental Health Officer has been consulted on the proposals and has advised that given the proposal is for an extension to the existing production facility within the Dovecote Park complex, they consider it would have little impact on the two nearest residential receptors in terms of noise, smells and general disturbance so as to adversely affect the residential amenities of the occupiers of any neighbouring residential properties.
- 5.26 Having regard to the above, the proposal accords with saved Policies ENV1 (1) and EMP9 (1) of the Selby District Local Plan and national planning policy contained within the NPPF (specifically paragraph 130).

### **Impact on Highway Safety**

- 5.27 Saved policies ENV1 (2), EMP9 (1), T1 and T2 of the Selby District Local Plan set out the considerations with regards to the impact on highway safety.
- 5.28 The existing access, turning, parking and maneuvering arrangements at the site would not be altered as part of the proposals. The proposal would have the ability to increase the capacity of the site and could impact on traffic movements, however these are considered to be negligible in the context of the wider site. North Yorkshire County Council Highways have been consulted on the application and have not raised any objections to the proposed development.
- 5.29 Having regard to the above, it is considered that the proposals are acceptable in respect of their impact on highway safety in accordance with saved policies ENV1 (2), EMP9 (1), T1 and T2 of the Selby District Local Plan and national planning policy contained within the NPPF.

### **Floor Risk and Drainage**

- 5.30 The most up-to-date policy in relation to flooding matters is the overarching principles set out in the Core Strategy and Chapter 14 of the NPPF.
- 5.31 The application site is located within Flood Zone 1, which has a low probability of flooding.
- 5.32 The local Internal Drainage Board, Yorkshire Water and the Local Lead Flood Authority have been consulted on the proposals; however, no comments have been received.
- 5.33 The submitted Planning Statement details that the existing foul sewer will accommodate foul flows and the surface water generated by the proposal will be discharged into the existing soakaway at the site. The proposed increase in floorspace of approximately 209 square metres will have a negligible impact on the surface water generated on site, since the area where the proposed building is located previously comprised of an impermeable surface.

- 5.34 Having regard to the above, it is considered that the proposals are acceptable in terms of flood risk and drainage in accordance with the overarching principles set out in the Core Strategy and national planning policy contained within the NPPF.

### **Nature Conservation and Protected Species**

- 5.35 Saved Policies ENV1 (5) and EMP9 (2) of the Selby District Local Plan and Policy SP18 of the Core Strategy set out the considerations with regards to nature conservation and protected species. Protected species include those protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2017 - the presence of protected species is a material planning consideration.
- 5.36 The application site is not a protected site for nature conservation and is not known to support, or be in close proximity to, any site supporting protected species or any other species or habitat of conservation interest.
- 5.37 Having regard to the above, it is considered that the proposal would not harm any acknowledged nature conservation interests or protected species in accordance with saved Policies ENV1 (5) and EMP9 (2) of the Selby District Local Plan, Policy SP18 of the Core Strategy, national planning policy contained within the NPPF, the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2017.

### **Land Contamination**

- 5.38 Saved Policy ENV2 of the Selby District Local Plan and Policy SP19 of the Core Strategy set out the considerations with regards to land contamination.
- 5.39 The proposed development does not consist of a change in the sensitivity on site (with relation to the presence of contamination). Furthermore, it would be unlikely that the proposed development has introduced any new contamination sources or pathways to the site, and so no new pollutant linkages would be created. On this basis, the Council's Contaminated Land Consultant has advised that no further contamination assessment is required. The Council's Contaminated Land Consultant has recommended a condition be attached to any planning permission granted regarding the reporting of any unexpected contamination, however as the proposed development has already been constructed and the application is retrospective, this condition would not be considered reasonable or necessary.
- 5.40 Having regard to the above, the proposal accords with saved Policy ENV2 of the Selby District Local Plan, Policy SP19 of the Core Strategy and national planning policy contained within the NPPF.

### **Determining Whether Very Special Circumstances Exist**

- 5.41 It has been determined earlier in this report that the proposal is inappropriate development in the Green Belt. Paragraph 147 of the NPPF states *"Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances"*. Paragraph 148 of the NPPF states *"When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly*

*outweighed by other considerations.*” No other harm resulting from the proposals has been identified, therefore it need to be determined whether very special circumstances exist which clearly outweigh the harm to the Green Belt by reason of its inappropriateness.

5.42 The applicant has submitted a Planning Statement which sets out a case for very special circumstances as follows:

- The need for the facility in both commercial and economic terms and operational considerations – The applicant’s agent states *“This development will allow Dovecote Park to continue to expand and adapt to changing market conditions and prosper in the short, medium and long term. The nature of the business at Dovecote Park requires the use of pallets and trays within which to move the produce. When not in use the trays are required to be stored within the building, however, due to recent expansions within the business at Dovecote a new location is required for this storage. Consequently, a new tray store building is required. Dovecote Park have considered the quantity of trays which are required to be stored within this area and the proposed development represents the minimum quantum and scale of development that would be required to allow the business to continue operating in a viable and efficient manner.”*
- A lack of alternative viable sites and the scope for disaggregation – The applicant’s agent states *“The consideration of alternative sites has previously been a major consideration for the applicant in resolving the objective of meeting the identified need. The possibility of storing the trays and pallets at an alternate site has been explored by our client. However, the purchase or leasing of another processing site and the additional resources that would be required in terms of the equipment, production staff, quality assurance staff, administration staff and engineers could not be justified for the quantity of produce which will be stored within the new tray store. The setting up of a standalone site would require unrealistic returns on investment since many site functions would need to be duplicated at an alternative location. In addition, there are extra costs for setting up potential sewerage systems, power, boilers, compressed air and other services. Purchase of a new site or leasing would add a prohibitive additional cost compared to the current site that is owned by Dovecote Park. When all these additional costs are analysed, the project is not economically viable. Additionally storing the trays and pallets off site would not be viable either as they are required on such a regular basis that it would be inefficient to keep bringing them back on site so often. The purpose of the proposal is to provide a new facility which is interlinked to the existing facilities on site and will assist in providing a high quality product. This will help the business adapt to the market demands which could not be achieved by splitting the operations across multiple sites. In addition, moving trays to the site from elsewhere would increase the generation of carbon dioxide from additional vehicle movements.”*
- Employment impact – The applicant’s agent states *“The revised NPPF provides that planning decisions should help to create the conditions in which businesses can invest, expand and adapt, and that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. In addition, it also provides that decisions should enable the sustainable growth of all types of business in rural areas. The protection of existing jobs from potential market down turns as well the creation of an additional job and the benefits that bring to the local economy should carry significant weight in the balance of considerations.”*

- Other benefits associated with the development – The applicant’s agent states *“The isolated location currently occupied by the Dovecote Park complex offers considerable benefits in terms of the potential impacts on amenity or neighbouring commercial interests. It is clear that a significant attribute of the site is its isolated location and the limited impact the extensions would have on the neighbouring amenity and sensitive land uses. In this respect the revised NPPF provides that decisions should recognise that sites to meet local business needs in rural areas may have to be found outside of existing settlements.”*

5.43 Officers have considered the applicant’s case for very special circumstances and note that there is a clear need for the new building in order for the site to continue to operate effectively. It would be inefficient and unreasonable to expect the new building to be located off-site. This weighs heavily in support of the proposals and is considered to be a very special circumstance. Some of the points listed by the applicant are not considered very special circumstances, for instance the ‘employment impact’ and the ‘other benefits associated with the development’; however, the proposals will make the site more effective and firm up its economic resilience, which will maintain the companies’ ability to have a positive impact on local employment.

5.44 Having regard to the above, having assessed the applicant’s case for very special circumstances, it is considered that the harm to the Green Belt by reason of inappropriateness would be clearly outweighed by other considerations.

## **6 CONCLUSION**

6.1 The application site is located outside the defined development limits of any settlements and is therefore located within the open countryside. The application site is also located within the Green Belt. The application seeks full planning permission for the construction of new tray store building, which has already been constructed and therefore the application is considered retrospective.

6.2 The proposed development would be inappropriate development in the Green Belt, as it would result in a disproportionate addition over and above the size of the original building when taken cumulatively with other extensions at the Dovecote Park complex. In terms of its impacts, the proposed development would not have a significant impact on the openness of the Green Belt or the purposes of including land within it; and would not have any adverse impact on the character and appearance of the area, the residential amenity of neighbouring properties, highway safety, flood risk and drainage, nature conservation and protect species or land contamination. No other harm resulting from the proposals has therefore been identified.

6.3 Paragraph 147 of the NPPF states *“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*. Paragraph 148 of the NPPF states *“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”* Having assessed the applicant’s case for very special circumstances, it is considered that the harm to the Green Belt by reason of inappropriateness would be clearly outweighed by other considerations.

- 6.4 The proposal is therefore considered to be acceptable in accordance with Policies SP1, SP2, SP3, SP13, SP15, SP18 and SP19 of the Core Strategy, saved Policies ENV1, ENV2, ENV15, EMP9, T1 and T2 of the Selby District Local Plan and national planning policy contained within the NPPF.
- 6.5 The application will not be required to be referred to the Secretary of State as the floor space created by the development is less than 1000 square metres and the development is not considered to have a significant impact on the openness of the Green Belt.

## **7 RECOMMENDATION**

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

01. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below:

1 – Site Location Plan  
P01 – Plan as Existing  
P04 – Plan as Existing  
P03 – Elevations as Existing  
P02 – Site Plan as Proposed  
P05 – Plan as Proposed  
P06 – Elevations as Proposed

Reason:  
For the avoidance of doubt.

## **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 2021/0655/FULM and associated documents.

**Contact Officer:** Jenny Tyreman (Assistant Principal Planning Officer)

**Appendices:** None