

Report Reference Number: 2020/1115/FUL

To: Planning Committee
Date: 8th September 2021
Author: Irma Sinkeviciene (Senior Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2020/1115/FUL	PARISH:	Appleton Roebuck Parish Council
APPLICANT:	G Payne	VALID DATE:	15th October 2020
		EXPIRY DATE:	10th December 2020
PROPOSAL:	Erection of a six bedroom detached dwelling with detached garage on land north of Villa Farm/Rosemary Garth		
LOCATION:	Villa Farm Main Street Appleton Roebuck York YO23 7DD		
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 is a substantial parcel of land, which amounts to approximately 3943 square metres or 0.3493ha. It is located directly to the rear (north) of residential properties built following a planning approval 2009/0476/FUL and to the east/north east of residential properties located on Orchard Close. The site is located outside the defined development limits of Appleton Roebuck and is therefore located within the open countryside. There are open fields to the north, north east and east of the site.
- 1.2 The application site is generally a flat grassed area, on agricultural land to the rear of private garden area of Rosemary Garth. It was evident from an officer site visit, that the grass was mown and several items of domestic paraphernalia existed

within the site making it appear to be used as a garden land by the residents of Rosemary Garth, without a formal planning permission.

- 1.3 The boundaries of the site currently consist of established mature hedgerows, trees and other vegetation along western, eastern and part of northern boundaries with some timber fencing beyond them along the boundaries with the existing neighbouring residential properties. The boundaries of Rosemary Garth to the south are not defined.

The Proposal

- 1.4 The application is seeking full planning permission for the erection of a six bedroom detached dwelling with detached garage. The scheme has been amended on several occasions to amend the design of the dwelling, drainage details and supporting information and some additional information was submitted such as supporting statement and information related to trees and landscape.

Relevant Planning History

- 1.5 The following historical application is considered to be relevant to the determination of this application.
- CO/1974/31475 (8/79/1/PA) for the erection of a detached house at Orchard Close, Appleton Roebuck was approved in June 1974
 - 2008/1058/CPE (8/79/63B/PA) for a Lawful Development Certificate for an existing use of a garden at Villa Farm, Main Street, Appleton Roebuck was approved in January 2009
 - 2009/0476/FUL (8/79/63C/PA) for the conversion of barn to dwelling, erection of 2No. detached dwellings with associated garages and access at Villa Farm, Main Street, Appleton Roebuck was approved in December 2009
 - 2011/0829/DPC (8/79/63D/PA) for the discharge of conditions 1(time period), 2(materials), 3, 4 & 5(access) and 6(bats) of approval 2009/0476/FUL (8/79/63C/PA) for the conversion of barn to dwelling, erection of 2No. detached dwellings with associated garages and access at Villa Farm, Main Street, Appleton Roebuck approved in September 2011
 - 2016/0201/OUT (8/79/238/PA) outline application for development of 9 No dwellings with associated garaging and private access road (all other matters reserved) at Rosemary Garth, Villa Farm Way, Appleton Roebuck was refused in February 2017
 - 2017/0753/OUT (8/79/1C/PA) outline application with all matters reserved for the demolition of an existing dwelling and the erection of up to eight dwellings at Field House, 15 Orchard Close, Appleton Roebuck was refused in October 2018
 - 2020/0174/FUL for the erection of new detached bungalow and associated driveway to the rear of 15 Orchard Close Appleton Roebuck, and the creation of new access and turning area to serve 15 Orchard Close Appleton Roebuck. at Field House, 15 Orchard Close, Appleton Roebuck was refused in October 2020

2. CONSULTATION AND PUBLICITY

2.1 **Parish Council** - The Parish Council objected to the application due to the following reasons:

1. The development is outside the village envelope.
2. It is in open countryside, which will lead to further applications.
3. It would create increased traffic volumes and disturbance for the properties sharing the drive.
4. The visibility on entering Main Street is poor and not adequate for the increased volume of traffic.
5. There are no reports on percolation to support the proposed surface water drainage.
6. The site was put forward for the new Selby Plan and was rejected.

2.2 **NYCC Highways** – Raised no objections subject to condition relating to submission of construction phase management plan for small sites which must include, but not be limited to arrangements for the parking of contractors' site operatives and visitor's vehicles, areas for storage of plant and materials used in constructing the development clear of the highway in respect of each phase of the works.

2.3 **Ainsty (2008) Internal Drainage Board** – First response dated 10 November 2020: The Board notes that this is an application for the erection of a six bedroom detached dwelling with detached garage. The applicant's agent has previously been in touch with the Board as there appears to be an ordinary watercourse within the site, close to the proposed house. This watercourse is not maintained by the Board and remains with the riparian owner to maintain however, the Board's consent is required for any works to the watercourse or to discharge into the same. The Board notes that the location of the ordinary watercourse has not been noted on the proposed plans and requested that this is added to the plan.

In terms of foul sewage, the Board notes that the applicant is proposing to connect into the mains foul sewer and 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 currently objects to the proposal until further information about the location of the ordinary watercourse to the proposed house can be provided. Once this has been suitably dealt with, the Board will suggest an appropriate drainage planning condition to put in place with any approval granted.

Second and third responses dated 14th December 2020 and 10th June 2021 respectively: following submission of additional information the board did not raise any objections subject to condition requiring drainage works to be agreed prior to development and subject to informatives advising of riparian maintenance responsibility and consent for discharge into watercourse.

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

2.5 **Natural England** - No comments.

2.6 **North Yorkshire Bat Group** – No response received.

2.7 **Yorkshire Wildlife Trust** – No response received.

2.8 **County Ecologist** – First response dated 4th November 2020: No ecological information has been submitted with the application - it is therefore difficult to provide comments. Having reviewed the location of the development confirmed that there are no designated sites within or in the immediate vicinity of the site. The site appears to be made up of domestic garden comprising amenity grassland, trees and shrubs. There do not appear to be any buildings on site that would require demolition. Whilst no ponds are shown on the OS map it cannot be concluded from a desk-based perspective whether any ponds are present that could be impacted.

Overall, the ecological impact is considered low, however this needs to be confirmed to the planning authority. In particular, more detail is needed on any trees and shrubs to be lost to the development as these have the potential to support nesting birds that are protected by law. Requested for information on any other habitats on site such as ponds. As the site has mature planting around the boundaries, it may be of value to foraging and commuting bats. Requested confirmation that this boundary vegetation will remain in place and a lighting condition will be needed to ensure that there is no light spill onto these corridors. Once confirmation of the impact upon trees, scrub, hedgerows and ponds has been provided wishes to be re-consulted to provide further comments.

Second response dated 4th February 2021: NYCC Ecologist is satisfied that the existing habitats on site are being retained and would expect the planning authority to use a suitably worded condition to ensure protection of remaining trees and hedgerows in accordance with the British Standard for root protection zones.

NYCC Ecologist does not consider that the habitats present on site have the potential to support roosting bats, bats roosting in the local area may make use of features in the existing garden for foraging and/or commuting but it is not considered that the proposal would significantly impact on this. A sensitive lighting strategy is encouraged given the location of the development on the edge of the countryside.

There is no evidence of any ponds on site or immediately adjacent to the site and as such NYCC Ecologist does not consider that amphibians are a constraint to development.

Where vegetation including trees, hedges, shrubs or other mature planting needs to be removed or cut back in order to facilitate the development, it is recommended that this is undertaken outside of the main bird breeding season which is generally acknowledged to be 1st March to 31st August inclusive which could be covered by an informative.

The proposed length of hedgerow will provide the greatest benefit to wildlife if it incorporates native species and is managed in such a way to provide food and shelter for birds and small mammals. If continuous fences are proposed it is beneficial to hedgehogs to leave small gaps at the base to ensure passage for this declining species.

2.9 **Contaminated Land Consultant** – The Screening Assessment Form does not identify any significant potential contaminant sources, so no further investigation or remediation work is required. However, recommended that the planning condition related to unexpected contamination is attached to any planning approval.

2.10 **Conservation Officer** – *First response dated 3 February 2021:* Appleton Roebuck is a linear village but with later 20th century housing schemes having created backland development surrounding the historic core. As well as important open spaces within the conservation area boundary (i.e. the Greens), there are also areas outside of the boundary that comprise fields (sometimes former medieval strip fields) that form an important part of its rural setting. The presence of historic field boundaries is important in evidencing the relationship of such fields with the village.

Typical built form is characterised by detached or semi-detached buildings with one or two terraces.

Also, converted farm buildings. Typical buildings materials are red -brown brick, clay pan tiles and natural slate (later 20th century buildings tend to be roofed in cement tiles). A few buildings are constructed from limestone.

The proposed dwelling is located to the north of the main street, behind existing backland development.

- The site appears to comprise a remaining section of strip field which currently separates two 20th century housing developments. Historic OS maps indicate that this is the case and that the 'Villa Farm' was the associated small holding (now converted).

- The proposal adds further to the backland development, being set well back behind several existing dwellings. This further compounds the erosion of the relationship between the historic farmstead and the strip field.

- The proposal site boundary extends well beyond the existing edge of development (though it is noted that the dwelling itself would sit just within). The location of the dwelling appears to be on the historic field boundary and appears to involve the removal of a section of that boundary / alters the remaining evidence of that strip field in this location.

- The east boundary is identified as having a 1.8m post and rail fence – if replacing a hedgerow field boundary, this would result in a harmful impact. Post and rail fences are also typically of a lower height.

- Although not altogether successful, the existing dwelling to the south was designed to reflect a traditional farm building, no doubt having reference to the former history of Villa Farm to its south. The proposal dwelling is wholly domestic in form, with a twin gabled frontage and being greater in footprint than the dwelling to the south. Stone/brick is proposed for the lower half of the walls – otherwise, it is difficult to see how the building could be viewed as being of locally distinctive design (for example, with timber cladding making up the remainder of the exterior walls).

- It is unclear to what extent the building may be visible in views of the settlement, but it is possible that the dwelling would be visible from viewpoints such as from Malt Kiln Lane. The scale and design of the dwelling may increase the extent to which the dwelling is apparent in such views. It is possible that a glimpse of the dwelling would be possible from the main street looking north to the site. If so, this would add to the harmful impact.

It appears that there would be a harmful impact on the historic environment resulting from the disruption to the historic strip field and its boundary, this forming part of the setting of the conservation area and having a direct relationship to the historic core of the village; there would therefore be a consequential harmful impact (less than substantial) on the setting of the conservation area (setting being a component of the overall significance of the designated heritage asset).

Second response dated 22 June 2021: Following a review of the amended plans, the proposed development does not appear to have significantly changed in size and it has not moved position.

From the conservation and design perspective, the development still adds to the non-traditional backland developments that are eroding the historic strip field patterns and their relationship with the historic farmsteads fronting onto the Main Street. The proposed development is overly large, it has a much larger footprint in comparison to the prevailing building size in Appleton Roebuck and within the conservation area. The building's design is not locally distinctive, it does not reflect the local vernacular found within the conservation area and due to the size and bulk of the structure it would be at odds with the surrounding development. It would also be visible from points within Appleton Roebuck Conservation Area and would not blend in with the existing settlement.

There is still considered to be a harmful impact upon the significance of the designated heritage asset of the Appleton Roebuck Conservation Area. The harm would be less than substantial, however there has been no justification for the development of this size and design and there would be no public benefit to outweigh the harm caused. The development is contrary to NPPF policy as well as Local Plan policy ENV25.

2.11 Landscape Consultant – First response dated 26 February 2021: Object to the application because the development is likely to adversely affect local landscape character and setting of Appleton Roebuck due to the loss of existing historical field pattern and loss of mature boundary hedgerows and trees.

The proposed site access is also likely to adversely affect the residential amenity of the existing dwelling at Rosemary Garth due to proximity of the access.

The applicant has not provided an accurate site plan, or topographical survey to show existing site features and field pattern. There is no arboricultural survey or assessment to explain the likely effect on existing trees to be removed or retained.

The Applicant has not provided a landscape and visual assessment to sufficiently explain likely effects on the local character and setting.

The proposed development is in open countryside outside development limits within an area valued for its historical strip field pattern along the northern fringe of Appleton Roebuck village.

The proposed site access is from Main Street via the existing driveway to Rosemary Garth, adjoining the site elevation of the existing dwelling and adjoining the boundary and garden of Rosemary Garth.

The landscape area of the site is identified as having Moderate landscape sensitivity within the Selby District Landscape Sensitivity Study, LUC, 2019 (land parcel AR1) due to its historic landscape character, degree of vegetation, undeveloped setting and rural quality.

The strip fields around the area of the site is also described within the North Yorkshire and Lower Tees Valley Historic Landscape Characterisation Protect (HLC):

“This is a small area of strip fields which consist of small irregular fields defined by s curved overgrown hedgerow boundaries. This area has significant legibility with only a small amount of boundary loss.”

The site has existing mature boundary trees and hedgerows which will be removed as part of the development. This is not shown or explained within the proposed scheme plans.

The proposed scheme cuts across and will remove the existing historical field layout. In turn this will also remove the visible vegetated edge to the northern part of the settlement, adversely affecting local character and setting.

The landscape in the area of the site has Moderate landscape sensitivity due to the historic landscape character, degree of vegetation, undeveloped setting and rural quality.

The development is likely to adversely affect local landscape character, setting and amenity of Appleton Roebuck due to the loss of existing historical field pattern and loss of mature boundary hedgerows and trees.

The proposed site access is likely to adversely affect the residential amenity of the existing dwelling at Rosemary Garth due to proximity of the access.

Development in this area should be resisted to protect the integrity of the historic strip field pattern, character and setting of the village, and amenity of existing dwellings.

Second response dated 16 June 2021: The Applicant has submitted additional information, including a tree survey, revised scheme plans, landscape strategy, visual impact assessment, clarification of existing layout.

The submitted information does not remove my concerns and wish to maintain a Landscape objection, the reasons are as the previous Landscape consultation response 26 February 2021.

- 2.12 **Neighbour Summary** - All immediate neighbours were informed by letter and a site notice was erected on the 20th November 2020. 14 letters of support and 1 letter of objection have been received as a result of this advertisement. Letters of support were predominantly submitted by the residents of Appleton Roebuck with one letter from Acaster Selby, one from York and one letter submitted by the person whose family lives on Orchard Close in Appleton Roebuck.

Summary of the letters of support:

1. It is a planned self-build, similar in size to the house immediately south of it (Rosemary Garth) and the land owner has had extensive input into the design. This is supported by the Self Build Act 2015.
2. The location of the plan, although within a responsible location to surrounding houses, cannot be seen from any main road in or around the village and will have no impact on the open countryside.
3. The proposed dwelling is within the line of houses at the end of Orchard Close going West out of the village to Ainsty Garth, so again is not encroaching on any open countryside, but naturally infilling a gap.
4. As it is a single self-build application, increase in traffic will be light, there is a service road already in place, so disruption to surrounding houses will be light / non-existent. Also, this will be the 5th house on the service road, which has historically been seen as acceptable.
5. The village of Appleton Roebuck and surrounding area is in great need of further development and supporters prefer self-builds or small developments to be approved on a regular basis rather than one large development at some point in the future.
6. The plans look great and is in a position whereby it would not cause any issues with neighbours and would enhance the existing cul-de-sac.
7. Suggestions that it will negatively increase the volume of traffic onto Main Street also ignores that numerous other developments throughout the village have more than five dwellings per cul de sac.

Summary of objections:

1. Supporting information is inadequate for local authority to arrive at a robust recommendation.
2. No area with blue line that identifies the applicant's ownership in the surrounding area.
3. There was no case or evidence provided with regard either the contribution that it may be able to make to the vitality of the rural community and associated policies of the Core Strategy and no case provided with regard to material considerations that may outweigh the adopted development plan.
4. Development of a new dwelling on a greenfield site which fails to meet criterion of Policy SP4.

5. Design – large contemporary dwelling in the open countryside with vast areas of large panel glazing, horizontal timber cladding, grey render and various incongruous external features. There is nothing particularly innovative, outstanding or unique that sets the design apart from other large single domestic proposals in the area. the excessive ridge height would make the proposal one of the tallest buildings in Appleton Roebuck and out of keeping with the surroundings.
6. Dwelling would be visible within the local and wider area, particularly from public path on Malt Kiln Lane which is an important route for local walkers.
7. The proposed development would not reflect the character, density and form of the local area, and is an inappropriate form of development conflicting with policies SP2 and SP4 of the Core Strategy.
8. Noise and vibration impact on future occupants of Villa Farm caused by coming and goings of vehicles, pedestrians and servicing associated with the proposed dwelling. The existing dwelling would also be subject to direct light pollution from the headlights of vehicles accessing the proposed dwelling at night-time. As such, the proposal would result in unacceptable impact upon amenity of the current and future residents of the retained building on the site and would therefore be in conflict with policy ENV1 of the Selby District Local Plan.
9. The northern aspect to the Conservation Area is notable for its relative openness and absence of development. The proposal has the potential to affect views into and out of the Conservation Area by virtue of its incongruous design and appearance, and the position of the proposal outside the northern boundary. There is no justification of public benefit identified by the applicant to outweigh this harm and consequently the proposal fails to meet the statutory requirement to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas and fails to meet the content of policy SP18 of the Core Strategy.
10. There was no assessment of the ecological impact of the proposal submitted and until relevant surveys are provided, the determining authority is unable to reach a decision with regard the proposals. The proposal is therefore contrary to the NPPF and the provisions of Wildlife and Countryside Act.

There were no additional comments received as a result of re-consultations following submission of an amended scheme and additional information.

3 SITE CONSTRAINTS

Constraints

- 3.1 The site is located outside the defined development limits of Appleton Roebuck 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. Although the site does not fall within the Appleton Roebuck Conservation Area, it is located within 100 metres Conservation Area buffer zone. 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 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
 - SP9 – Affordable Housing
 - 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
 - ENV25 – Control of Development in Conservation Areas
 - T1 – Development in Relation to the Highway
 - T2 – Access to Roads

4.8 **Appleton Roebuck and Acaster Selby Neighbourhood Development Plan (ARAS NDP)**

The relevant ARAS NDP policies are:

- EHL2 – Conserving, restoring and enhancing biodiversity
- EHL4 – Historic Rural Environment
- DBE2 – Respecting traditional building design and scale
- DBE3 – Green Infrastructure
- DBE4 – Drainage and Flood Prevention
- H1 – New Housing development design and scale
- H2 – Housing Mix

4.9 **Other Policies and Guidance**

Appleton Roebuck Village Design Statement, February 2012
National Design Guide, January 2021

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, Heritage Assets and Landscape
- Impact on Residential Amenity
- Highway Issues
- Flood Risk, Drainage and Climate Change
- Nature Conservation and Protected Species
- Contamination Issues
- Affordable Housing
- Other Issues

The Principle of the Development

5.2 The application site is located outside the defined development limits of Appleton Roebuck and is therefore located in the open countryside. Relevant policies in respect to the principle of development and the presumption in favour of sustainable development includes Policies SP1 and SP2 of the Core Strategy, Policy ENV1 of the Selby District Local Plan and advice contained within the NPPF.

5.3 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.

5.4 Policy SP2A (c) of the Selby District Core Strategy provides that development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and 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.

- 5.5 Whilst CS Policy SP2 states development should be in compliance with CS Policy SP4, this policy relates to residential development within development limits and is not relevant to this application.
- 5.6 Additional Information document received on 6th January 2021 and Supporting Planning Statement dated 10th February 2021 states that the proposed application is for a self-build plot providing a family home for the applicant who currently lives at Rosemary Garth in Appleton Roebuck and that the intended builder has a history of employing people from Appleton Roebuck. They also state that the applicant and builder are committed to supporting local economy by using local companies/tradesman and sourcing materials locally. Although this information is noted, it is considered that the economic benefits to the local economy arising from a single dwelling would be limited and there is nothing in the proposal to show that it would enhance or maintain vitality of rural community.
- 5.7 The above documents refer to the development recently approved outside the development limits of Thorganby and Skipwith by the Committee. However, the proposals are not comparable with the above cases and each case is assessed on its own merits.
- 5.8 The applicant also argues that a review of current development limits has not been undertaken in all settlements, which is yet to be fulfilled by the Council, and as such they should be considered out of date. However, the development limits as set out in the Selby District Local Plan 2005 were carried over in the Core Strategy and are saved policies and have been supported in recent appeal decisions.
- 5.9 The new local plan is also referred to in the submitted documents. However, this document is at an early stage and can only be given very limited weight.
- 5.10 The proposal is for a new dwelling outside the defined development limits of Appleton Roebuck and is therefore within the open countryside. Policy SP2A (c) only allows limited types of development in the open countryside and the proposed erection of a new dwelling does not fall within any of the exceptions outlined within the above policy. Furthermore, the economic benefits to the local economy arising from a single dwelling would be 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 Policy SP2A (c) of the Selby District Core Strategy and hence the overall Spatial Development Strategy for the District.

Design and Impact on the Character and Appearance of the Area, Heritage Assets and Landscape

- 5.11 The application site is located in the open countryside and within the 100 meters buffer of Appleton Roebuck Conservation Area. Relevant policies in respect to the impact of development on character and appearance of the area, historic environment and impact on the quality of a landscape are Policies ENV1 and ENV25 of the Selby District Local Plan, Policies SP18 and SP19 of the Core Strategy, Policies DBE2, DBE3, ELH4 and H1 of the ARASNDP and advice contained within the Appleton Roebuck Village Design Statement and the NPPF.

- 5.12 Selby District Local Plan Policy ENV1 (1) requires development to take account of the effect upon the character of the area, with ENV1 (4) requiring the standard of layout, design and materials to respect the site and its surroundings. Local Plan Policy ENV1 is broadly consistent with the aims of the NPPF and should therefore be given significant weight.
- 5.13 Policy SP19 requires that “Proposals for all new development will be expected to contribute to enhancing community cohesion by achieving high quality design and have regard to the local character, identity and context of its surroundings including historic townscapes, settlement patterns and the open countryside. Both residential and non-residential development should meet the following key requirements:
- A) Make the best, most efficient use of land without compromising local distinctiveness, character and form;
 - B) Positively contribute to an area’s identity and heritage in terms of scale, density and layout.
- 5.14 ARAS NDP Policies DBE2, DBE3, ELH4 and H1 also require consideration of the impact of schemes on the character of the settlement and the relationship to the surrounding area.
- 5.15 NPPF makes it clear that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development.
- 5.16 In terms of the Appleton Roebuck Village Design Statement this considers that “Overall, Appleton Roebuck is a linear settlement, made up of individual buildings that follow the main road, set in large plots” it is considered that newer developments have not followed this layout which defined the historic character of Main Street and there are several cul-de-sac developments which spur from the main road.
- 5.17 The scheme as originally submitted, was for a 6 bedroom detached dwelling with accommodation in the loft space. However, following the amendments, the number of bedrooms was reduced to 5 and accommodation in the loft space was removed. The proposal is therefore for a two-storey 5 bedroom detached dwelling, with a detached double garage with a home office in the loft space to the front. The proposed dwelling would have a hipped roof and would have two double storey offshoots with double pitched roofs and a single storey element with a flat roof to the front, and the garage would have a double pitched roof. The proposed dwelling would have a footprint of approximately 18.7 metres by 12.7 metres and would have a height to eaves of approximately 5.4 and a height to ridge of approximately 8.8 metres. The proposed single storey element would add to a footprint of the dwelling and would measure approximately 8 metres by 8 metres with a height of approximately 3 metres. The proposed garage would have a footprint of approximately 11.7 metres by 7.8 metres, would have a height to eaves of approximately 3.3 metres and a height to ridge of approximately 6.3 metres. The scheme proposes to utilise the existing access to Rosemary Garth, which is located at the end of a cul-de-sac.
- 5.18 There are residential properties to the west of the site and to the south east of it and there are open fields to the north, north east and east of the site. To the south, the site would border with the private rear garden area of Rosemary Garth and the

existing access running along the western elevation of this residential property and along the whole length of its private rear garden area would be utilised for the proposed development.

Design and Layout

- 5.19 The residential properties to the south of the site fall within the Appleton Roebuck Conservation Area and were approved as part of the scheme 2009/0476/FUL. Those dwellings were designed to be in-keeping with the style of the converted barn and Villa Farm and are of a simple form with the design, materials and detailing respecting the character and appearance of the Conservation Area. The other residential properties within the vicinity of the site are properties located on Orchard Close to the west of the site, which falls fully outside the Conservation Area, and properties located on West End Avenue to the south east which falls partially within and partially outside the Conservation Area.
- 5.20 Properties located on Orchard Close consist of predominantly detached bungalows, dormer bungalows and two-storey dwellings with a large rear amenity space built of variety of materials and there is no defining character in terms of elevational design at this location. Properties on West End Avenue are predominantly semi-detached two-storey properties finished in predominantly red brick with pantile and slate roof tiles.
- 5.21 The proposed dwelling would be located at the end of Villa Farm development (2009/0476/FUL) and would be of a complex design with gable end features and a flat roof feature to the front which is not characteristic to the surrounding area. In addition to the above, the proposed dwelling would be of a large size and scale and would have a substantial footprint, which is significantly larger than that of any of the nearby detached properties and combined with the complex design would therefore appear out of context, particularly due to its location beyond the edge of the settlement. Furthermore, it is considered that the design of the building is not locally distinctive, does not reflect the local vernacular found within the Conservation Area and would be at odds with the surrounding area and surrounding open countryside due to its size, scale, massing and design of the scheme and layout of the site.
- 5.22 The proposed materials are a combination of brick and horizontal timber cladding for the walls with grey slate roof tiles. The doors and windows are dark metal, black rainwater goods and exposed rafters at eaves for the dwelling, and a combination of horizontal timber cladding and grey render for the walls of the single storey element to the front. The walls of the proposed detached garage would be built of stone/brick and the roof would be grey slate tiles with dark metal back door and timber garage door. Although the variety of external materials on properties to the west is noted, the proposed dwelling would mostly be viewed within the context of Villa Farm development and properties located on West End Avenue, which have less variety of elevational treatments and the combination of the proposed materials is therefore considered to exacerbate the complexity of the design of the proposed dwelling.

Impact on Landscape

- 5.23 The Landscape Officer was consulted on the proposal who advised that the applicant has not provided a landscape and visual assessment to sufficiently explain likely effects on the local character and setting. The application also did not

contain an accurate site plan, or topographical survey, to show existing site features and field pattern, or arboricultural survey or assessment to explain the likely effect on existing trees to be removed or retained. Notwithstanding this, the Landscape Officer outlined that the landscape area of the site is identified as having Moderate landscape sensitivity within the Selby District Landscape Sensitivity Study, LUC, 2019 (land parcel AR1) due to its historic landscape character, degree of vegetation, undeveloped setting and rural quality and that the strip fields around the area of the site is also described within the North Yorkshire and Lower Tees Valley Historic Landscape Characterisation Protect (HLC): *“This is a small area of strip fields which consist of small irregular fields defined by s curved overgrown hedgerow boundaries. This area has significant legibility with only a small amount of boundary loss.”* He therefore objected to the proposals concluding that the proposed scheme cuts across and would remove the existing historical field layout, which would also remove the visible vegetated edge to the northern part of the settlement adversely affecting local character and setting, setting and amenity of Appleton Roebuck due to the loss of existing historical field pattern and loss of mature boundary hedgerows and trees. He also advised that the development in this area should be resisted to protect the integrity of the historic strip field pattern, character and setting of the village, and amenity of existing dwellings.

- 5.24 Following the above comments, the applicant submitted an amended scheme and additional information, including a tree survey, revised scheme plans, landscape strategy, visual impact assessment and clarification on existing layout. The submitted Landscape Statement prepared by Rosetta Landscape Design, includes a visual impact assessment where it is concluded that there are no public viewpoints that would be adversely affected by the erection of a new dwelling on this site due to the presence of extensive vegetation along and beyond the site perimeter.
- 5.25 The Landscape Officer was re-consulted as a result of this submission who advised that the submitted information does not remove concerns raised in the response dated 26th February 2021 and that the objections related to impacts on landscape are maintained.
- 5.26 Therefore having reviewed the submitted information, the comments made by the landscape officer and having had regard to the size, scale, siting, design, layout and location of the proposed development, it is considered that the landscape to the north of the village provides an undeveloped setting to residential properties at the northern extent of Appleton Roebuck. This would be eroded and the existing historical field pattern would be lost as a result of the proposal. This would therefore result in wider impacts arising from the development which will impact on the views, landscape and the character setting of the village through it being an isolated extension into open countryside within a historic landscape setting and the proposed scheme is therefore considered to cause a harmful impact on the rural and historic landscape at this location. This is contrary to Selby District Local Plan policy ENV1 (1) and (4), Policy SP19 of the Core Strategy and Appleton Roebuck and Acaster Selby Neighbourhood Development Plan policy ELH4.

Impact on Heritage Assets

- 5.27 The application site is not located within the Appleton Roebuck Conservation Area but is located within its 100 metres buffer. As such, Council’s Conservation Officer has been consulted on both original and amended schemes. In the latest response on the revised scheme, the Conservation Officer outlined that the proposed

development would add to the non-traditional backland developments that are eroding the historic strip field patterns and their relationship with the historic farmsteads fronting onto the Main Street. The Conservation officer also advised that the amended scheme does not reflect the local vernacular found within the conservation area and due to the size and bulk of the structure it would be at odds with the surrounding development. The proposal would also be visible from points within Appleton Roebuck Conservation Area and would not blend in with the existing settlement. The Conservation Officer therefore concluded that the proposed development would cause a less than substantial harm upon the significance of the designated heritage asset of the Appleton Roebuck Conservation Area.

- 5.28 Having considered above response and the size, scale, siting and design of the proposal and location of the site in relation to Conservation Area, it is therefore considered that the proposal will cause less than substantial harm to the setting of Appleton Roebuck Conservation Area. Any such harm should be weighed against the public benefits of the proposal.
- 5.29 The applicant argues in the Supporting Planning Statement dated 10th February 2021 that the proposal seeks to provide a good standard of amenity and garden areas, with sufficient off-street parking provided through existing private access road. It is also argued in this Statement that the design has been developed so that large areas of contemporary glazing are orientated to promote views to the north of the dwelling of open garden and farmland away from any existing adjacent houses, providing a more formal and traditional entrance/frontage to the south elevation with smaller traditional window openings. It also outlines that all new build houses cause harm to the character and appearance of the area they are situated in and that a judgement needs to be made as to whether the harm is outweighed by the benefit of what is proposed on the site. The above and the information within the submission is noted, however, there was no robust case for public benefit provided with the application.
- 5.30 Local Development Plan policies emphasise an achievement of good quality of development which would not have an adverse effect upon features, such as Appleton Roebuck Conservation Area, important to the character of the area and Policy SP18 emphasises the importance of safeguarding, and where possible, enhancing the historic and natural environment including the landscape character and setting of areas of acknowledged importance. Furthermore, Policy SP19 of the Core Strategy, ARAS NPD policies and the advice contained within the NPPF emphasise the importance of good design. In this respect it is anticipated that the proposal should respect the local character, identity and context of its surroundings. Therefore, given all of the above, it is considered that the proposal fails to achieve this and would result in an incongruous extension of an urban character into the rural landscape, which currently forms a northern boundary to the Appleton Roebuck Conservation Area thus causing less than substantial harm to its setting and there was no robust evidence for public benefit provided with the application. As such, the proposal is therefore contrary to Policies ENV1 and ENV25 of the Selby District Local Plan and Policies SP18 and SP19 of the Core Strategy, Policies DBE2, DBE3, ELH4 and H1 of the ARAS NDP and the advice contained within the NPPF.

Impact on Residential Amenity

- 5.31 Relevant policies in respect of the effect upon the amenity of adjoining occupiers include Policy ENV1 (1) and ENV2 of the Selby District Local Plan and Policy H1 of

the ARAS NDP. 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.

- 5.32 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. Similarly, consideration needs to be given to whether existing surrounding residential development would give rise to the potential for overlooking of the proposed dwellings, overshadowing of the proposed dwellings, and whether oppression would occur from the size, scale and massing of existing neighbouring properties. Furthermore, consideration is given to the provision of an appropriate level of good quality external amenity space for future occupiers and suitable boundary treatments between existing and proposed dwellings.
- 5.33 Given the separation distance from the nearest residential properties, and due to the size, scale, layout and design of the proposed development, it is not considered that it would result in adverse effects of overlooking, overshadowing or overbearing of any of the neighbouring properties, and it is not considered that any such impacts would be caused to amenities of the occupiers of the proposed new dwelling.
- 5.34 Concerns related to impacts on the amenities of existing occupiers due to the vehicle movements associated with the proposal are noted. The proposed new dwelling is a substantial residential property, which would be accessed via a private track running along the western elevation of Rosemary Garth and would run along the whole length of the private rear garden area of this property, which would be separated from this access road by 1.8 metre high post and rail fence. As such, it is therefore considered that the vehicle movements associated with the proposed new dwelling would cause a detrimental impact of noise and disturbance to the existing and future occupiers of Rosemary Garth.
- 5.35 Having had regard to the above, it is therefore considered that although no detrimental impacts of overlooking, overshadowing or overbearing would be caused to any of the neighbouring properties, the vehicle movements associated with the proposed new dwelling would cause a detrimental impact of noise and disturbance to the existing and future occupiers of Rosemary Garth. The proposal therefore fails to accord with policies ENV1(1) and ENV2 of the Selby District Local Plan, Policy H1 of the ARAS NDP and the NPPF.

Highway Issues

- 5.36 Relevant policies in respect to highway safety include Policies ENV1, T1 and T2 of the Selby District Local Plan, requirement (c) set out in Policy SP19 of the Core Strategy and Policy H1 of the ARAS NDP. These policies should be afforded substantial weight as they are broadly consistent with the aims of the NPPF.
- 5.37 The proposal is for a 6-bedroom dwelling in the rural area and NYCC Parking standards require 3 parking spaces. The proposal includes a double garage of a sufficient size to accommodate 2 parking spaces and a substantial hardstanding area for additional parking and turning. NYCC Highways have been consulted and raised no objections to scheme but recommended a condition requiring submitting a 'Construction Phase Management Plan' for small sites. As such and given the

location of the site at the end of private narrow access road, the recommended condition is considered reasonable.

- 5.38 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 above condition.

Flood Risk, Drainage and Climate Change

- 5.39 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 55 of the NPPF, a site-specific flood risk assessment is not required in this instance.
- 5.40 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 mains sewer. Yorkshire Water and Ainsty IDB have been consulted on this application. Ainsty IDB have not raised any objections to the proposed method of foul disposal subject to Yorkshire Water being content with the proposed arrangement and is satisfied that the asset has the capacity to accommodate the flow. Yorkshire Water provided no comments and as such, it is therefore assumed that they have no objections to the proposed foul water disposal arrangements.
- 5.41 In terms of surface water drainage, Ainsty IDB objected to the proposal as originally submitted as there was no sufficient information provide about the location of the ordinary watercourse to the proposed house. Following submission of additional information, particularly drawing No 106 P03, the Board was re-consulted and raised no objections subject to a condition requiring drainage works to be agreed which is considered reasonable and appropriate given the location of the site and size and scale of the proposed development.
- 5.42 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.
- 5.43 As such, notwithstanding the fact that the proposal is unacceptable in other respects, it is therefore considered that the proposal is acceptable in terms of flood risk, drainage and climate change and is in accordance with Policy ENV1 (3) of the Local Plan, Policies SP15, SP16 and SP19 or the Core Strategy and the advice contained within the NPPF subject to the aforementioned condition.

Nature Conservation

- 5.44 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.

- 5.45 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.
- 5.46 NYCC Ecologist was consulted on the application as originally submitted and requested additional information on trees, scrub, hedgerows and ponds. Following submission of additional information NYCC Ecologist was re-consulted who advised that it is not considered that the habitats present on site have the potential to support roosting bats, that there is no evidence of any ponds on site or immediately adjacent to it. NYCC Ecologist also advised that they are satisfied that the existing habitats on site are being retained and would expect the planning authority to use a suitably worded condition to ensure protection of remaining trees and hedgerows in accordance with the British Standard for root protection zones.
- 5.47 Although objections related to lack of ecological surveys are noted, the NYCC Ecologist was consulted who raised no objections to the proposals on the basis of additional information submitted following receipt of objection letter.
- 5.48 As such, notwithstanding the fact that the proposal is unacceptable in other respects, 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 subject to above condition.

Contamination Issues

- 5.49 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.
- 5.50 The Contaminated Land Consultant was consulted who advised that the Screening Assessment Form shows that the site is currently used as a domestic garden, and prior to this was agricultural land. No fuel or chemicals are known to have been stored onsite and no past industrial activities or waste disposal activities have been identified onsite or nearby, so contamination is not suspected to be 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
- 5.51 As such, notwithstanding the fact that the proposal is unacceptable in other respects, 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.

Affordable Housing

- 5.52 Core Strategy Policy SP9 and the accompanying Affordable Housing Supplementary Planning Document (SPD) sets out the affordable housing policy context for the District. Policy SP9 outlines that for schemes of less than 10 units or less than 0.3ha, a fixed sum will be sought to provide affordable housing within the District. However, the NPPF is a material consideration and states at paragraph 64: *“Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount”*.
- 5.53 Major development is defined in Annex 2: Glossary as “For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more”. The application is for the erection of one dwelling and as such in the light of the West Berkshire Decision and paragraph 64 of the NPPF, it is not considered that affordable housing contributions as required by Policy SP9 C can be sought on an application for a single dwelling.

Other Issues

- 5.54 Reference within the objector’s letter to Policy SP4 is noted. However, this policy is not applicable in this instance due to the location of the site outside development limits of Appleton Roebuck.

6 CONCLUSION

- 6.1 The application seeks full planning permission for the erection of a new dwelling with a detached garage.
- 6.2 The proposal is for a new dwelling outside the defined development limits of Appleton Roebuck and is therefore within the open countryside and the proposed erection of a new dwelling does not fall within any of the exceptions outlined within the Policy SP2 of the Core Strategy. Furthermore, the economic benefits to the local economy arising from a single dwelling would be 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 Policy SP2A (c) of the Selby District Core Strategy and hence the overall Spatial Development Strategy for the District.
- 6.3 The proposed dwelling would be of a large size and scale and would have a substantial footprint which is significantly larger than that of any of the nearby detached properties and combined with the complex design would therefore appear out of context, particularly due to its location beyond the edge of the settlement. The design of the building is not locally distinctive, does not reflect the local vernacular and would be at odds with the surrounding area and surrounding open countryside. Furthermore, the complexity of the design of the proposed dwelling would be further exacerbated due to the combination of the proposed materials. As such, the proposed development therefore fails to achieve good design and is considered to

be contrary to Policy ENV1 of the Selby District Local Plan, Policy SP19 of the Core Strategy, Policies DBE2, DBE3, ELH4 and H1 of the ARAS NDP and the advice contained within the NPPF.

- 6.4 The proposed development is considered to erode the landscape to the north of the village and to result in the loss of the existing historical field pattern and will impact on the views, landscape and the character setting of the village through it being an extension of urban character into open countryside within a historic landscape setting. The proposed scheme is therefore considered to cause a harmful impact on the rural and historic landscape at this location which is contrary to Selby District Local Plan policy ENV1 (1) and (4), Policy SP19 of the Core Strategy and Appleton Roebuck and Acaster Selby Neighbourhood Development Plan policy ELH4.
- 6.5 The proposal, due to the size, scale, siting, design, layout and location of the site would fail to respect the local character, identity and context of its surroundings and would result in an incongruous extension of an urban character into the rural landscape which currently forms a northern boundary to the Appleton Roebuck Conservation Area thus causing less than substantial harm to its setting and there was no robust evidence for public benefit provided with the application. As such, the proposal is therefore contrary to Policies ENV1 and ENV25 of the Selby District Local Plan and Policies SP18 and SP19 of the Core Strategy, Policies DBE2, DBE3, ELH4 and H1 of the ARAS NDP and the advice contained within the NPPF.
- 6.6 It is considered that the vehicle movements associated with the proposed new dwelling would cause a detrimental impact of noise and disturbance to the existing and future occupiers of Rosemary Garth. The proposal therefore fails to accord with policies ENV1(1) and ENV2 of the Selby District Local Plan, Policy H1 of the ARAS NDP and the NPPF.
- 6.7 Notwithstanding the fact that the proposal is unacceptable in principle and is contrary to a number of policies in terms of its impact on character and form of the area and residential amenities, the scheme is considered acceptable in terms of its impact on a highway safety, flood risk, drainage and climate change, nature conservation and contamination.

7 RECOMMENDATION

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

1. The proposal is for a new dwelling outside the defined development limits of Appleton Roebuck and is therefore within the open countryside and the proposed erection of a new dwelling does not fall within any of the exceptions outlined within the Policy SP2 of the Core Strategy. Furthermore, the economic benefits to the local economy arising from a single dwelling would be 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 Policy SP2A (c) of the Selby District Core Strategy and hence the overall Spatial Development Strategy for the District.
2. The proposed dwelling would be of a large size and scale and would have a substantial footprint which is significantly larger than that of any of the nearby detached properties and combined with the complex design would therefore appear out of context, particularly due to its location beyond the edge of the settlement. The

design of the building is not locally distinctive, does not reflect the local vernacular and would be at odds with the surrounding area and surrounding open countryside. Furthermore, the complexity of the design of the proposed dwelling would be further exacerbated due to the combination of the proposed materials. As such, the proposed development therefore fails to achieve good design and is considered to be contrary to Policy ENV1 of the Selby District Local Plan, Policy SP19 of the Core Strategy, Policies DBE2, DBE3, ELH4 and H1 of the ARAS NDP and the advice contained within the NPPF.

3. The proposed development is considered to erode the landscape to the north of the village, to result in the loss of the existing historical field pattern and will impact on the views, landscape and the character setting of the village through it being an extension of urban character into open countryside within a historic landscape setting. The proposed scheme is therefore considered to cause a harmful impact on the rural and historic landscape at this location which is contrary to Selby District Local Plan policy ENV1 (1) and (4), Policy SP19 of the Core Strategy and Appleton Roebuck and Acaster Selby Neighbourhood Development Plan policy ELH4.
4. The proposal, due to the size, scale, siting, design, layout and location of the site would fail to respect the local character, identity and context of its surroundings and would result in an incongruous extension of an urban character into the rural landscape which currently forms a northern boundary to the Appleton Roebuck Conservation Area thus causing less than substantial harm to its setting and there was no robust evidence for public benefit provided with the application. As such, the proposal is therefore contrary to Policies ENV1 and ENV25 of the Selby District Local Plan and Policies SP18 and SP19 of the Core Strategy, Policies DBE2, DBE3, ELH4 and H1 of the ARAS NDP and the advice contained within the NPPF.
5. It is considered that the vehicle movements associated with the proposed new dwelling would cause a detrimental impact of noise and disturbance to the existing and future occupiers of Rosemary Garth due to the location of the site and access road in relation to it. The proposal therefore fails to accord with policies ENV1(1) and ENV2 of the Selby District Local Plan, Policy H1 of the ARAS NDP and 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 2020/1115/FUL and associated documents.

Contact Officer: Irma Sinkeviciene (Senior Planning Officer)

Appendices: None