



Report Reference Number 2018/0391/HPA

Agenda Item No: 6.6

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**To:** Planning Committee  
**Date:** 6 June 2018  
**Author:** Fiona Ellwood (Principal Planning Officer)  
**Lead Officer:** Ruth Hardingham (Development Manager)

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APPLICATION NUMBER:	2018/0391/HPA	PARISH:	Church Fenton Parish Council
APPLICANT:	Mr Keith Ellis	VALID DATE: EXPIRY DATE:	6 April 2018 1 June 2018
PROPOSAL:	Proposed erection of a double garage		
LOCATION:	Old Forge Cottage Main Street Church Fenton LS24 9RF		
RECOMMENDATION:	APPROVE		

This application has been brought before Planning Committee as the application has been made by a District Councillor.

## 1. INTRODUCTION AND BACKGROUND

### Site and Context

- 1.1 The application site is located outside the defined development limits of Church Fenton, which is a Designated Service Village as identified in the Core Strategy, and is therefore located within the open countryside. In addition, the application site is partly located within the Strategic Countryside Gap (SCG) between the east and west sides of Church Fenton
- 1.2 The application site is located to the north west of the junction between Main Street and Busk Lane. The application site comprises of Old Forge Cottage and its associated garden land. There is an existing detached triple garage immediately to the north of where the proposed double garage would be sited which has a current permission for a single dwelling, approved under planning application

2016/1384/FUL. The application site fronts Busk Lane to the east, with residential development to the east and south. To the west of the application site are fields.

### **The proposal**

- 1.4 The application seeks planning permission for the erection of a double garage to the north of Old Forge Cottage.
- 1.5 Under the previously approved application (2016/1384/FUL) the existing triple garage for the dwelling is to be removed to facilitate the construction of the consented detached dwelling
- 1.6 The proposed double garage would be single storey and would have a pitched roof with eaves to a maximum height of 2.2 metres and ridge to a maximum height of 4 metres from ground level and would be a maximum of 7 metres in width by 7 metres in depth.
- 1.7 The proposed double garage would be accessible via the existing driveway which leads out onto Busk Lane.

### **Relevant Planning History**

- 1.8 The following historical applications and appeals are considered to be relevant to the determination of this application.:-
  - 2016/1384/FUL Proposed erection of 1 No dwelling was approved on 09.02.2017. This is an extent planning permission on land immediately north of the proposal.

## **2.0 CONSULTATION AND PUBLICITY**

The application was advertised by site notice and neighbour notification letters. No letters of representation from neighbouring properties have been received

- 2.1 **Church Fenton Parish Council**  
No response within statutory consultation period.
- 2.2 **NYCC Highways**  
No objections.
- 2.6 **Contaminated Land Officer**  
No objections subject to a condition relating to the potential discovery of contamination during development of the proposal.

## **3.0 SITE CONSTRAINTS AND POLICY CONTEXT**

### **Constraints**

- 3.1 The application site is located outside the defined development limits of Church Fenton, which is a Designated Service Village as identified in the Core Strategy, and is therefore located within the open countryside. The site is also within a Strategic Countryside Gap, which aims to prevent the coalescence of settlements.

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

**National Guidance and Policy – National Planning Policy Framework (NPPF), National Planning Practice Guide (NPPG)**

- 3.3 The NPPF introduces, in paragraph 14, a presumption in favour of sustainable development, stating "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking". National Planning Practice Guidance (NPPG) adds further context to the National Planning Policy Framework ("NPPF") and it is intended that the two documents should be read together.
- 3.4 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. 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.

**Selby District Core Strategy Local Plan**

- 3.5 The relevant Core Strategy and saved Policies are:
- SP1 – Presumption in Favour of Sustainable Development
  - SP15 – Sustainable Development and Climate Change
  - SP19 – Design Quality

**Selby District Local Plan**

- 3.6 As the Local Plan was not adopted in accordance with the Planning and Compulsory Purchase Act 2004, applications should be determined in accordance with the guidance in Paragraph 215 of the NPPF which states " In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans 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)".
- 3.7 The relevant Selby District Local Plan Policies are:
- ENV1 – Control of Development
  - ENV2 – Environmental Pollution and Contaminated Land
  - SG1 – Strategic Countryside Gaps

## **4.0 APPRAISAL**

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

- The Principle of the Development
- Design and Impact on the Character and Appearance of the Area
- Impact on the Strategic Countryside Gap
- Impact on Highways
- Impact on Residential Amenity
- Contamination

### **Principle of Development**

4.2 The application site is located outside of the defined development limits of Church Fenton, which is a Designated Service Village as identified in the Core Strategy, and is therefore located within the open countryside. The proposal is for erection of a double garage. There is nothing in the Development Plan or the NPPF to identify this type of development as being unsustainable, or preclude in principle development of this type in this location.

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

4.3 The proposed double garage would be traditional in design with two garage doors and an access door as the only openings. The proposed materials to be used in the external construction of the garage would be rendered concrete block walls and a clay pantile roof, which would be appropriate to its context, with the host dwelling and existing triple garage consisting of similar rendered walls. Given the site context of the mixed character of the surrounding area it is considered that the size, scale, siting and design of the proposed double garage would respect the character and appearance of the locality.

4.4 Having regard to the above, it is considered that the proposal is acceptable and would not have a significant or detrimental impact on the character and appearance of the area. The proposal is therefore considered acceptable in accordance with Policy ENV1 (1) and (4) of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

### **Impact on the Strategic Countryside Gap**

4.5 The application site is located part within and part outside the Strategic Countryside Gap (SCG) between the east and west sides of Church Fenton. Policy SG1 of the Selby District Local Plan states "Proposals for development affecting Strategic Countryside Gaps, as defined on the proposals map, will not be permitted where there would be an adverse effect on the open character of the countryside or where the gap between settlements would be compromised".

4.6 The supporting text of Policy SG1 states "Proposals for development in these gaps will only be acceptable where there would be no risk of physical intrusion such as certain types of recreational use, or where the overall open character of the land would be enhanced through the removal of existing structures. In such circumstances, any replacement or ancillary buildings would need to be sensitively sited and landscaped in order to minimise any potential intrusive impact."

- 4.7 It is considered that the proposal for a double garage would have a limited physical intrusion on the SCG on account of its small scale and its proposed siting adjacent to the dwelling. Furthermore the proposal would only extend 2 metres into the SCG, which represents 28% of the total proposal. Therefore, in this instance, the proposal for a double garage located part within and part outside the SCG would not be considered to have a significant adverse impact on the open character of the countryside or compromise the gap between settlements, such that a reason for refusal could be sustained.
- 4.8 Having regard to the above, it is considered that while the proposal is not strictly in compliance with Policy SG1 of the Selby District Local Plan, due to the scale and ancillary nature of the proposal, it is considered that the proposed double garage would not significantly diminish the open character of the countryside. As such only limited weight should be attached to the harm to the form, character and function of the SCG that the proposal would result in.

### **Impact on Highways**

- 4.9 NYCC Highways have reviewed the application and have raised no objections to the application nor have they requested any conditions be added to the consent. As such it is considered that the proposal would not lead to adverse highway conditions in this locality. As such, the proposal is considered to accord with Policies ENV1 (2) of the Local Plan and Paragraphs 34, 35 and 39 of the NPPF.

### **Impact on Residential Amenity**

- 4.10 To the west of the application site are fields. To the north of the application site is an existing triple garage. To the south and east of the application site are the highways Main Street and Busk Lane, with dwellings beyond this. Due to the substantial separation distance between the proposed site and any neighbouring dwelling, the small scale of the proposal, as well as the tree lined boundary treatment along the eastern boundary; it is not considered that the proposals would result in any significant adverse effects of oppression, overshadowing or overlooking so as to adversely affect the amenities of the occupiers of the neighbouring properties.
- 4.11 Having regard to the above, it is considered that the proposals are acceptable in terms of residential amenity in accordance with Policy ENV1 (1) of the Selby District Local Plan and the advice contained within the NPPF.

### **Contamination**

- 4.12 The application site is identified on the Council's records as potentially contaminated as a result of the former forge use.
- 4.13 The need for contamination conditions on the consent has been discussed with the Council's Contamination advisor at York City Council and they have advised that they have no objection to the proposal subject to a condition relating to the potential discovery of contamination during development of the proposal.
- 4.14 As such, it is considered that subject to condition the proposal would be acceptable in respect to land contamination and is therefore in accordance with Policy ENV2 of

the Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

### **Legal Issues**

- 4.15 Planning Acts: This application has been considered in accordance with the relevant planning acts.
- 4.16 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.
- 4.17 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.

### **Financial Issues**

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

## **5.0 CONCLUSION**

- 5.1 The application seeks planning permission for the erection of a detached dwelling with integral double garage.
- 5.2 The application is contrary to Policy SG1 of the Selby District Local Plan. The application site is located part within and part outside the Strategic Countryside Gap (SCG) between the east and west sides of Church Fenton and the proposal would result in encroachment by urban form into the SCG. However, in this instance, the proposal for a double garage located part within and part outside the SCG would not be considered to have a significant adverse impact on the open character of the countryside or compromise the gap between settlements.
- 5.3 The proposed development would not have a detrimental effect on the character and appearance of the area, on the highway or on the residential amenity of the occupants of neighbouring properties, nor are there any other technical constraints which make the development unacceptable.

## **6.0 RECOMMENDATION**

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

01. The development for which permission is hereby granted shall be begun within a period of three years from the date of this permission.

Reason:

In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Drawing No YEW-277-40-30      Loc/Lay/Prop Floor/Elev      Dated 04/04/18

Reason:

For the avoidance of doubt.

03. The materials to be used in the external construction of the proposal shall be as detailed on the submitted application form, received by the local planning authority on 4th April 2018.

Reason:

In the interests of visual amenity and in order to comply with Policy ENV1 of the Selby District Local Plan.

04. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason:

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

**Contact Officer:** Fiona Ellwood, Principal Planning Officer,

**Appendices:** None