



**Report Reference Number:** 2022/0019/FUL

**To:** Planning Committee  
**Date:** 1 June 2022  
**Author:** Emma Howson (Senior Planning Officer)  
**Lead Officer:** Hannah Blackburn (Planning Development Manager)

APPLICATION NUMBER:	2022/0019/FUL	PARISH:	Balne Parish Council
APPLICANT:	Julie Ronksley	VALID DATE: EXPIRY DATE:	18th January 2022 8 <sup>th</sup> June 2022
PROPOSAL:	Conversion of agricultural barn and erection of single storey extension to create 1 no. dwelling, with provision of access; parking; formation of garden area and associated works following demolition of existing shed and covered yard buildings		
LOCATION:	Woodside Farm South End Lane Balne Selby North Yorkshire DN14 0EQ		
RECOMMENDATION:	GRANT		

This application has been brought before Planning Committee as the proposal is recommended to be approved contrary to the requirements of the Development Plan (namely Criterion 1 of Policy H12 of the Selby District Local Plan), but it is considered that there are material considerations which would justify approval of the application.

## 1. INTRODUCTION AND BACKGROUND

### Site and Context

- 1.1 The application site comprises of a large red brick barn constructed in the 1800's. The barn is located on agricultural land adjacent to Woodside Farm, it is not a listed building but could be considered as a non-designated heritage asset due to its historical character and significance. A modern agricultural shed is attached to the southern elevation of the building with a further shed extending to the south and

forming a boundary with the existing fold yard to the south. A modern shed is also located adjacent to the building to the southwest and outside the red edge of the application site. This is used for storage and is to be retained. Agricultural buildings to the north and east of the site are also to be retained.

- 1.2 Vehicular access to the site is presently obtained using the access serving Woodside Farm to the north of the site with a second agricultural vehicular access to the south of the site opposite Manor Farm.
- 1.3 The application site is located outside Development Limits and is therefore in countryside on land designated as Green Belt.

### **The Proposal**

- 1.4 This application seeks permission for the conversion of the agricultural barn and erection of single storey extension to create 1 no. dwelling, with provision of access; parking; formation of garden area and associated works following the demolition of existing shed and covered yard buildings.

### **Relevant Planning History**

- 1.5 There is no relevant planning history

## **2. CONSULTATION AND PUBLICITY**

### **2.1 NYCC Highways**

No objections subject to conditions.

### **2.2 Yorkshire & Humber Drainage Boards**

No objections subject to conditions.

### **2.3 Environmental Health**

Although the application site is in a rural location, there is a residential property to the northeast of the site that may be adversely affected by noise from construction work associated with the proposed application. It is therefore recommended that a condition is attached relating to hours of work during development.

### **2.4 Contaminated Land Consultant**

Due to potential contamination on site from the agricultural use conditions in relation to land contamination are recommended.

### **2.5 Public Rights Of Way Officer**

There is a Public Right of Way or a 'claimed' Public Right of Way within or adjoining the application site boundary – recommend informative.

### **2.6 County Ecologist**

The main barn was found to support two separate day roosts, each used by a single bat (one a Brown Long-eared Bat, the other an unknown species). Although all bat

roosts are protected by law, day roosts are of lower conservation significance and their loss can be compensated for by standard mitigation measures (in this case the incorporation of purpose-built bat boxes/tubes into the brick work of the gables of the refurbished barn). On this basis, it is considered that the proposed development meets the 'favourable conservation status' test set out in the Conservation of Habitats & Species Regulations 2017. Should Selby District Council be minded to approve this application, a Condition is recommended to adhere to the Mitigation Strategy set out in section 6 of the Bat emergence and activity survey produced by BJ Collins Protected Species Surveyors Ltd and dated October 2021.

## **2.7 Balne Parish Council**

No objections raised to this application.

## **2.8 Publicity**

The application has been publicised by a press notice and the posting of site notices on 26.1.2022. No representations have been received as a result.

## **3 SITE CONSTRAINTS**

### **Constraints**

- 3.1 The application site is located outside defined Development Limits in open countryside that is designated Green Belt. A Public Right of Way runs adjacent to the site. The site is located in flood zone 1 (low probability).

## **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  
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  
H12 – Conversion to residential use in the Countryside  
T1 – Development in Relation to the Highways Network  
T2 – Access to Roads

### **National Planning Policy Framework**

4.8 The relevant sections of the NPPF are:

2 – Achieving sustainable development  
4 – Decision-making  
5 – Delivering a sufficient supply of homes  
9 – Promoting sustainable transport  
11 – Making effective use of land  
12 – Achieving well designed places  
13 – Protecting Green Belt Land  
15 – Conserving and enhancing the natural environment  
16 – Conserving and enhancing the historic environment

## **5. APPRAISAL**

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

- Principle of Development
- Green Belt policy including whether the proposal would be inappropriate development
- Open character and visual amenity of Green Belt and local area
- Design

- Residential Amenity
- Highway Safety
- Flood Risk, Drainage and Climate Change
- Ecology
- Contamination

### **Principle of Development**

- 5.2 Saved 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 located within the countryside on land that is designated as Green Belt.
- 5.4 Paragraph 79 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. To deliver this, planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Isolated homes in the countryside are discouraged in paragraph 80 of the NPPF, unless for specified circumstances including re-use a redundant or disused building.
- 5.5 Core Strategy SP2 sets out the Council's hierarchical spatial strategy that seeks to direct development to existing towns and larger villages in order to deliver sustainable development. Under SP2A(c) and (d) seeks to restrict development in countryside and Green Belt respectively.
- 5.6 Policy H12 of the Local Plan (adopted 2005) stipulates the criteria in which conversions of rural buildings will be permitted. Criteria 1 of Policy allows proposals for the conversion of rural buildings to residential uses provided "*it can be demonstrated that the building, or its location, is unsuited to business use or that there is no demand for buildings for those purposes in the immediate locality*". The proposal does not meet this criteria and is therefore contrary to the requirements of the Development Plan. However, the approaches taken by Core Strategy Policy SP2A and Paragraph 79 of the NPPF are significantly different to that taken in Policy H12 as they do not require the more onerous tests set out in H12(1), with paragraph 79 of the NPPF promoting sustainable housing where it will enhance or maintain the vitality of rural communities. It is therefore considered that Policy H12 of the Selby District Local Plan should be given limited weight due to the conflict between the requirements of Criterion (1) of the policy and the less onerous approach set out both in the Core Strategy and within the NPPF.
- 5.7 The proposal would re-use an existing rural building that is located in countryside designated as Green Belt. It sits close to other properties in the immediate locality and so is not isolated. However, as the site lies within Green Belt, the more restrictive policies set out in Core Strategy Policies SP2A(d) and SP3 and in the NPPF need to be applied.

## 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”. Saved 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”.
- 5.9 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.
- 5.10 The guidance within the NPPF paragraph 149 states “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] “the extension or alteration of a building provided it does not result in disproportionate addition over and above the size of the original building”.
- 5.11 Paragraph 150 of the NPPF states that “Certain other types of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it” including [amongst other things]: (d) the re-use of buildings provided that the buildings are of permanent and substantial construction, and (e) material changes in the use of land.
- 5.12 There is no definition of openness in the NPPF. National Planning Practice Guidance advises that the courts have held that the following matters can be taken into account in assessing openness, though is not limited to these considerations: a spatial and visual impact assessment; the duration of the development and its remediability; and the degree of activity likely to be generated.
- 5.13 The proposed alterations and extensions would not result in a disproportionate addition over and above the size of the original building. This element of the proposals would therefore be considered to be appropriate development in the Green Belt in accordance with paragraph 149 of the NPPF.
- 5.14 The proposal involves the change of use of an existing building and the surrounding land to residential use. As set out in 5.8, these forms of development are not inappropriate providing they preserve openness and are in line with Green Belt purposes.
- 5.15 The application is supported by a structural survey. This concludes that the building is of permanent and substantial construction but does set out some repair and improvement works, which would be required if the building were to be converted to residential use.

- 5.16 The proposed change of use would retain the overall appearance of the building and the residential curtilage would be restricted to the area within the existing fold yard, with the exception of a small parking area adjacent to the agricultural shed to be retained. This area is already an area of hardstanding in relation to the agricultural use of the site. There is a small building to the rear of the site which would be within the domestic curtilage. There are no plans to change the appearance of the curtilage building and it is anticipated this will continue to be used for storage but in relation to the residential use rather than the existing agricultural use.
- 5.17 In terms of duration of the development and remediability, the site is unlikely to be returned to an agricultural use as it is presently disused but the additional boundary treatments to be installed are limited and could easily be removed if no longer required. By removing the permitted development rights in relation to the site, this removes the ability to construct additional structures which would impact on the openness of the site without further consideration by the Local Planning Authority.
- 5.18 The proposal is to create 1 no. residential unit and it is not considered that this would significantly increase the activity on the site compared to the agricultural use and as such there would be no harm to openness due to activity levels associated with the proposal.
- 5.19 It is considered that as the proposal is contained to the existing site and development, the conversion and extension of the building, creation of a residential curtilage and parking area, are considered to preserve the openness of the Green Belt and the purposes of including land within it in accordance with paragraphs 149 and 150 of the NPPF. These elements of the proposals would not constitute inappropriate development in the Green Belt. in accordance with paragraph 150 of the NPPF. Officers recommend that, should Members grant planning permission, permitted development rights should be removed for the property and curtilage to ensure that the openness of the Green Belt will not be harmed. The proposal is therefore considered adhere to both the local and national planning policies.
- 5.20 Having regard to the above, the proposals are considered to be appropriate development in the Green Belt in accordance with Policies SP2A (d) and SP3B of the Core Strategy and national planning policy contained within the NPPF (specifically paragraphs 145 and 146).

### **Suitability of the building for re-use**

- 5.21 Criterion (3) and (4) of Local Plan Policy H12 require that “the building is structurally sound and capable of re-use without substantial rebuilding” and “the proposed reuse or adaptation will generally take place within the fabric of the building and not require extensive alteration, rebuilding and/or extension”.
- 5.22 In terms of Criterion (3), it is noted that a structural survey has been submitted with the application. This concludes that the building is structurally sound and capable of re-use without substantial re-building but does set out some repair and improvement works which would be required if the building were to be converted to residential use. On this basis it is considered that the proposal would comply with Criterion (3) of Policy H12.
- 5.23 In terms of Criterion (4), the proposals would involve a new internal floor, new staircases and works to the roof structure, a proposed extension would create a

garden room to the rear which would create 15sq m of additional floorspace. The proposed canopy would replace the existing lean-to agricultural canopy which is presently in situ. However, read in the context of the building to be converted, it is considered that the proposals would not result in extensive extensions and the proposals would generally take place within the fabric of the existing building. The repair and improvement works would not be considered to be extensive and would be those reasonably required to convert the building to residential use. On this basis, it is considered that the proposal would comply with Criterion (4) of Policy H12.

- 5.24 The remaining criteria of Policy H12 relate to the impacts of the proposed conversion and extension and will therefore be assessed later in this report. Having regard to the above, the proposals are considered to be acceptable in principle taking account of saved Policy H12 of the Selby District Local Plan, Policy SP2 of the Core Strategy and national policy contained within the NPPF (specifically paragraph 79).

### **Impact on the open character and visual amenity of Green Belt and local area**

- 5.25 Further to Green Belt policy set out above, saved SDLP policies ENV1(1) and Core Strategy Policy SP18 are relevant to the consideration of the impact on the open character and visual amenity of the Green Belt, landscape and the local area.
- 5.26 SDLP Policy ENV1 states that development will be permitted provided a good quality of development would be achieved. SDLP Policy ENV1(5) requires the potential loss, or adverse effect upon, significant buildings, related spaces, trees, wildlife habitats, archaeological or other features important to the character of the area to be considered.
- 5.27 CS Policy SP18 seeks to sustain the high quality and local distinctiveness of the natural and manmade environment, this includes through the conservation of those historic assets which contribute most to the distinct character of the District (CS Policy SP18(2)) Whilst the building is not a listed building, it is a building of historic interest and could be considered as a non-designated heritage asset.
- 5.28 Further, CS Policy SP19 expects new development 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. Where appropriate schemes should take account of design codes and Neighbourhood Plans to inform good design. CS Policy SP19(b) sets a key requirement for development to positively contribute to an area's identity and heritage in terms of scale, density and layout.
- 5.29 The application has been amended during the application process to alter the level of changes required to the building and to reduce the impact on the conversion on the open character by keeping the curtilage within the existing fold yard. This has involved the removal of a round window to the gable end of the building which was considered to be out of character with the building and would have impacted on the amenity of the neighbouring property. Alterations to the design of the canopy and the proposed window openings to ensure that the historic character of the building was not lost but enhanced by the proposed development, along with alterations to the layout including the position of the car parking to reduce the overall landscape impact. The fold yard is surrounded by low level walling and these boundaries are to be retained and repaired and an additional area of walling is proposed. The car parking area is to be bounded by post and rail fencing and gate which retains the agricultural character of the site.



- 5.30 Officers are of the view that the proposal would not adversely impact on the open character of the area or the visual amenity of the local area and thus would accord with Paragraph 150 of the NPPF and Policy SP3 of the Core Strategy.

### **Design**

- 5.31 Saved policy ENV1 of the Local Plan, Core Strategy SP19 and chapter 12 of the NPPF seek to achieve well designed places. The application seeks to convert the existing rural building to residential use. The barn was constructed in the 1800's and retains many of its original features. The proposal has been amended during the process to reduce the number of new openings and the revised design has been reviewed by the Councils Conservation Officer.
- 5.32 The application is supported by a structural survey and plans showing the extent of demolition and rebuild required to enable the conversion to be undertaken. The level of rebuild work shown on these plans is very limited and it is recommended that a condition is added to any approval which restricts the element of demolition and rebuild to those shown on the provided plans should Members resolve to grant planning permission.
- 5.33 Officers are of the view that the revised design of the works to the building are appropriate and conserve both its agricultural and historical heritage whilst enabling the building to be brought back into use. It is however recommended that all permitted development rights are removed from the building for further alterations and extensions to ensure that the overall character of the building is not affected by future works.
- 5.34 It is also recommended that all replacement windows are to be constructed of timber as these would be the most appropriate materials for the use in a building of this type and that the materials to be used in the repair and extension of the building match those used in the existing building.
- 5.35 The curtilage arrangement also impacts on the overall character and appearance of the building and local area and again it is recommended that any approval is conditioned to ensure the retention of the existing boundary walls and to remove permitted development rights for any alterations to the boundaries. The submitted landscaping plan provides a layout for planting but does not provide any details relating to species, density of planting or external hard landscaping materials. It is recommended that a condition is required requiring these additional details.

### **Residential Amenity**

- 5.36 Relevant policies in respect to impacts on residential amenity include Policy ENV1(1) of the Local Plan. It reflects policy in the NPPF at paragraph 130(f), which seeks a high standard of amenity for existing and future users.
- 5.37 The application site is situated in close proximity to the property Woodside Farm, which is the applicant's property. The site presently has vehicular access from both Woodside Farm and the agricultural entrance to the site. The submitted plans show that vehicular access to the site and parking would be from this second access point and thus any disturbance from vehicular movements would be restricted from affecting the residents of Woodside Farm.

- 5.38 There have been no objections received however, officers have worked with the applicant to revise the plans omitting the opening proposed to the gable end of the building which would have faced directly on to the amenity space of the existing property and thus there are no longer any openings which would overlook any other residential property.
- 5.39 The curtilage is bounded by existing fold yard walls and the existing property is orientated so that overlooking would not occur into the garden of the converted barn thereby protecting the amenity of the future residents.
- 5.40 The remaining agricultural buildings on the site are used for storage and not for the housing of animals and thus the adjacent use of the site would not create issues in terms of smell. There would be some impact from the vehicular access which serves both the application site and the agricultural storage buildings, but any impact would be limited due to the lack of openings and the fold yard walls.
- 5.41 Environmental Protection Team have raised concerns in relation to the impact on the amenity of the neighbouring property during construction works and it is therefore recommended that a condition is attached to any approval relating to the control of the hours of work during development.
- 5.42 It is considered that the proposed development would have not have an acceptable impact on residential amenity and would therefore comply with Policy ENV1(1) of the Local Plan and paragraph 130 of the NPPF.

### **Highway Safety**

- 5.43 Policies ENV1(2) and saved policy T2 of the Local Plan requires development to ensure that there is no detrimental impact on the existing highway network. Paragraph 110 of the NPPF seeks a safe and suitable access and only supports refusal of development on highway grounds if there would be unacceptable impacts on highway safety.
- 5.44 The proposed development uses an existing access and would provide parking for three vehicles. NYCC Highways Officers have been consulted on the application and have raised no objections subject to the imposition of conditions should Members resolve to grant planning permission.
- 5.45 A public right of way runs along the access to the site and it is recommended that an informative is added to any approval to ensure that the public right of way is not obstructed during construction.

### **Flood Risk, Drainage and Climate Change**

- 5.46 Relevant policies in respect to flood risk, drainage and climate change include saved Policy ENV1(3) of the Local Plan and Policy SP15 of the Core Strategy.
- 5.47 The site lies within Flood Zone 1, which has a low probability of flooding. Surface water is proposed to be disposed of via a soakaway and no details are provided with regards to the disposal of foul sewerage. No issues have been identified in relation to the drainage of the site, however it is considered appropriate to require further details of the proposed foul drainage alongside full details of the drainage design of surface water disposal to be provided, including Soakaway tests to ensure that the site can be adequately drained.

- 5.48 The conversion works also include the provision of solar panels on the roof of the proposed canopy which would create a sustainable approach to the energy use of the building and is considered acceptable and meets with the requirements of Chapter 14 of the NPPF.

### **Ecology**

- 5.49 Core Strategy Policy SP18 (1) and (3) seek to protect and enhance biodiversity within the District whilst Saved Policy ENV1(5) seeks to protect wildlife habitats.
- 5.50 Paragraph 180 of the NPPF states 'When determining planning applications, local planning authorities should apply the following principles:  
a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on public authorities in the exercise of their functions to the purpose of conserving biodiversity by having regard to the relevant key policies and legislation which includes local policy, Chapter 15 of the NPPF, planning practice guidance, EIA, The Town and Country Planning Act along with the (Draft) Environment (Principles and Governance) Bill (2019/2020) (England and Wales) and the Wildlife and Countryside Act (1981) (as amended).
- 5.51 The application is supported by Ecological Surveys which identify the main barn as supporting two separate day roosts, each used by a single bat (one a Brown Long-eared Bat, the other an unknown species). Although all bat roosts are protected by law, day roosts are of lower conservation significance and their loss can be compensated for by standard mitigation measures (in this case the incorporation of purpose-built bat boxes/tubes into the brick work of the gables of the refurbished barn). On this basis, it is considered that the proposed development meets the 'favourable conservation status' test set out in the Conservation of Habitats & Species Regulations 2017. A condition is recommended to adhere to the Mitigation Strategy set out in section 6 of the Bat emergence and activity survey produced by BJ Collins Protected Species Surveyors Ltd and dated October 2021.
- 5.52 Subject to adherence with the mitigation strategy the proposal would comply with both national legislation and Core Strategy Policy SP18(1) and (3) and Saved Local Plan Policy ENV1(5).

### **Contaminated Land**

- 5.53 Saved Local Plan Policy ENV2A states development that would be affected by unacceptable levels of noise, nuisance, contamination or other environmental pollution will be refused unless satisfactorily remediated or prevented. Policies SP18 and SP19 of the Core Strategy seeks to prevent development from contributing to unacceptable levels of, inter alia, soil pollution and in doing so reflects national policy in paragraph 185 of the NPPF.
- 5.54 Due to potential contamination on site from the former agricultural use it is recommended that conditions are attached to any planning approval in relation to land contamination as recommended by the Land Contamination Officer.

## **6. CONCLUSION**

- 6.1 The application seeks permission to convert and extend an existing rural building to provide 1 no. residential unit, including the change of use of the surrounding land to provide domestic curtilage, parking and the change of use of an existing building within the curtilage to provide domestic storage.
- 6.2 It is considered that the proposal meets the exceptions set down in paragraph 149 and 150 and thus the proposal is not considered to be inappropriate within the Green Belt and would accord with both national and local Green Belt policy.
- 6.3 The proposed development, subject to the recommended conditions would not create harm to openness or to the rural character of the building or the wider visual appearance of the local area.
- 6.4 Whilst the proposal effectively is contrary to policy H12 criteria 1 which requires a sequential approach to considering the re-use of buildings in rural areas to a business use in the first instance, this is superseded by the Core Strategy and the NPPF, both of which are considered to be more up to date than the local plan policy H12 and as such limited weight is attached to the preference for business use and the proposal meets with all other criteria contained in policy H12. The Government objective is to significantly boost the supply of homes and as such the proposal is considered to be acceptable.
- 6.5 Subject to relevant conditions it is considered that the proposal would not create an adverse impact on residential amenity; land contamination; highway safety or ecology and would accord with Policies ENV1, ENV2, H12 and T2 of the Selby District Local Plan, Policies SP1, SP2, SP3, SP15, SP18 and SP19 of the Core Strategy and the NPPF and as such is recommended accordingly

## **7. RECOMMENDATION**

This application is recommended to be GRANTED subject to 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:

0325-1-00-00 Location Plan  
0325-3-81-00 Landscaping Plan  
0325-3-21-02A Elevational Plan  
0325-3-11-04A Roof Plan  
0325-3-11-02 H Ground Floor Plan  
0325-3-11-03 H First Floor Plan

Reason:  
For the avoidance of doubt

03. The level of demolition and rebuild of the barn to enable conversion shall be restricted to that shown on the submitted plans listed below:

0325-3-00A-GA Demolition Ground Floor  
0325-3-09-01A-GA Demolition First Floor  
0325-3-09-02-GA Demolition Roof Plan  
0325-3-09-03-GA Demolition Elevational Plan

Reason:

In the interests of protecting the character and appearance of the existing building and to accord with Saved Local Plan Policy H12

04. No work relating to the development hereby approved, including works of demolition or preparation prior to building operations, shall take place other than between the hours of 08:00 hours and 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays or Bank or National Holidays

Reason:

To protect the residential amenity of the locality during construction and to comply with the National Planning Policy Framework (NPPF), the Noise Policy Statement for England (NPSE) and Selby District Council's Policy's SP19 and ENV2

05. Prior to development (excluding demolition), a site investigation and risk assessment must be undertaken to assess the nature, scale and extent of any land contamination and the potential risks to human health, groundwater, surface water and other receptors. A written report of the findings must be produced and is subject to approval in writing by the Local Planning Authority. It is strongly recommended that the report is prepared by a suitably qualified and competent person.

Reason:

To ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination.

06. Where remediation works are shown to be necessary, development (excluding demolition) shall not commence until a detailed remediation strategy has been submitted to and approved by the Local Planning Authority. The remediation strategy must demonstrate how the site will be made suitable for its intended use and must include proposals for the verification of the remediation works. It is strongly recommended that the report is prepared by a suitably qualified and competent person.

Reason:

To ensure that the proposed remediation works are appropriate and will remove unacceptable risks to identified receptors.

07. Prior to first occupation or use, remediation works should be carried out in accordance with the approved remediation strategy. On completion of those works, a verification report (which demonstrates the effectiveness of the remediation carried out) must be submitted to and approved by the Local Planning Authority. It is strongly recommended that the report is prepared by a suitably qualified and competent person.

Reason:

To ensure that the agreed remediation works are fully implemented and to demonstrate that the site is suitable for its proposed use with respect to land contamination. After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990.

08. 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, if remediation is necessary, a remediation strategy must be prepared, which is subject to approval in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation strategy, a verification report must be submitted to and approved by the Local Planning Authority. It is strongly recommended that all reports are prepared by a suitably qualified and competent person.

Reason:

To ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination.

09. The development hereby approved shall be undertaken in accordance with the Mitigation Strategy set out in section 6 of the Bat emergence and activity survey produced by BJ Collins Protected Species Surveyors Ltd and dated October 2021.

Reason:

In the interests of protecting and enhancing biodiversity and to comply with Core Strategy Policies SP18 (1) and (3) Saved Local Plan Policy ENV1(5).

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions, garages, outbuildings, porches, roof, dormer windows, or flues other than any expressly authorised by this permission shall be erected without the grant of further specific planning permission from the local planning authority.

Reason:

In the interests of preserving the character of the building and to protect the landscape Character of the local area and the openness of the Green Belt and to comply with Policy SP3 and SP19 of the Core Strategy and Saved Local Plan Policy H12.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order), no further openings shall be inserted in the dwelling hereby approved, without the prior written approval of the Local Planning Authority.

Reason:

In the interests of preserving the character of the building and to protect the landscape Character of the local area and the openness of the Green Belt and to comply with Policy SP3 and SP19 of the Core Strategy and Saved Local Plan Policy H12.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order), no further hardstandings shall be created and no other boundary

treatments other than those approved shall be installed, without the prior written approval of the Local Planning Authority.

Reason:

In the interests of preserving the character of the building and to protect the landscape Character of the local area and the openness of the Green Belt and to comply with Policy SP3 and SP19 of the Core Strategy and Saved Local Plan Policy H12.

13. The window frames of the development hereby permitted shall be constructed in timber and no other materials shall be used without the prior written consent of the Local Planning Authority.

Reason:

In the interests of visual amenity and to protect the character of the building

14. The doors and door frames shall be constructed of timber and shall be maintained and retained as such for the lifetime of the development.

Reason:

In the interests of visual amenity and to protect the character of the building

15. The materials to be used in the construction or repair of all external walls and roofs shall match those of the existing building.

Reason:

In the interests of visual amenity and to protect the character of the building

16. Prior to the first occupation of the building details of the proposed landscaping including species, planting densities, external landscaping materials shall be provided to the Local Planning Authority for approval. The development shall be undertaken in accordance with the approved details.

Reason:

In the interests of visual amenity and to protect the character of the building and the openness of the Green Belt

17. Prior to the commencement of any external walling or roofing, full details of the proposed method of drainage for both foul and surface water drainage shall be provided to the Local Planning Authority for approval, including soakaway tests should this method of surface water drainage be proposed. The drainage shall be undertaken in accordance with the details approved.

Reason:

To ensure adequate drainage of the site and to avoid groundwater flooding

18. No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users at Woodside Farm, South End Lane, Balne have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

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

Informatives:

01. The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF..
02. There is a Public Right of Way or a 'claimed' Public Right of Way within or adjoining the application site boundary.
  - ii) If the proposed development will physically affect the Public Right of Way permanently in any way an application to the Local Planning Authority for a Public Path Order/Diversion Order will need to be made under S.257 of the Town and Country Planning Act 1990 as soon as possible. Please contact the Local Planning Authority for a Public Path Order application form.
  - iii) If the proposed development will physically affect a Public Right of Way temporarily during the period of development works only, an application to the Highway Authority (North Yorkshire County Council) for a Temporary Closure Order is required. Please contact the County Council or visit their website for an application form.
  - iv) The existing Public Right(s) of Way on the site must be protected and kept clear of any obstruction until such time as an alternative route has been provided by either a temporary or permanent Order.
  - v) It is an offence to obstruct a Public Right of Way and enforcement action can be taken by the Highway Authority to remove any obstruction.
  - vi) If there is a "claimed" Public Right of Way within or adjoining the application site boundary, the route is the subject of a formal application and should be regarded in the same way as a Public Right of Way until such time as the application is resolved.
  - vii) Where public access is to be retained during the development period, it shall be kept free from obstruction and all persons working on the development site must be made aware that a Public Right of Way exists, and must have regard for the safety of Public Rights of Way users at all times.

Applicants should contact the County Council's Countryside Access Service at County Hall, Northallerton via [CATO@northyorks.gov.uk](mailto:CATO@northyorks.gov.uk) to obtain up-to-date information regarding the exact route of the way and to discuss any initial proposals for altering the route.

## **8 Legal Issues**

### **8.1 Planning Acts**

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

### **8.2 Human Rights Act 1998**

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



### 8.3 Equality Act 2010

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

### 9 **Financial Issues**

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

### 10 **Background Documents**

**Planning Application file reference 2022/0019/FUL and associated documents.**

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**Appendices:** None