



**Report Reference Number:** 2022/0455/HPA

**To:** Planning Committee  
**Date:** 6 July 2022  
**Author:** Josh Turner (Planning Officer)  
**Lead Officer:** Hannah Blackburn (Planning Development Manager)

APPLICATION NUMBER:	2022/0455/HPA	PARISH:	Selby Town Council
APPLICANT:	Mr J Wilson	VALID DATE:	4th May 2022
		EXPIRY DATE:	13 <sup>th</sup> July 2022
PROPOSAL:	Siting of a static caravan for purposes ancillary to the main dwellinghouse		
LOCATION:	Field View Wistow Road Selby North Yorkshire YO8 3LY		
RECOMMENDATION:	GRANT		

This application has been brought before Planning Committee by the Head of Planning and Interim Head of Regulatory Services. It is a re-submission of application ref: 2021/0518/HPA which has been the subject of a recently dismissed appeal.

## 1. INTRODUCTION AND BACKGROUND

### The Site and Context

- 1.1 The application site lies to the northwest of Selby Town Centre at the point where the urban development on the B1223 Wistow Road meets countryside. It relates to an area of land identified by the application redline that is situated within the domestic curtilage of an existing residential dwelling, no.64 Wistow Road, also known as Field View. No.64 is a detached 1.5 storey dwelling set back from the road to the rear of no.62 and is accessed via a private drive from Wistow Road. It has an existing detached garage adjacent to the boundary with no.62, which is used as an ancillary accommodation.

- 1.2 The applicant owns the dwelling and its garden as well as the fields to its north and west. The application site lies just within the defined Development Limits of Selby as identified within the Core Strategy; it runs along the northern boundary of the site, parallel with the rear gardens of all the dwellings which front Wistow Road to the east to the western extent of no.64. The dwelling of Field View itself appears to lie partly within and partly beyond this development limit.

### **The Proposal**

- 1.3 This application seeks permission for the siting of a static caravan to the east of the main dwelling and north of the existing garage building by the owner/occupier of Field View. It would be accessed via the existing driveway serving the main dwelling from Wistow Road. It is described as being used for purposes ancillary to the main dwellinghouse. The caravan is proposed to be externally finished in a colour to match the exterior of the host dwelling, confirmed to be 'Saddle Brown' caravan paint, with a dark grey pantile profile sheeting roof and dark grey PVC windows and doors. Whilst not explicitly stated, the caravan is the same caravan currently sited to the north of the dwellinghouse that would be repositioned to the proposal location and finished in a different colour.
- 1.4 The application is accompanied by a Supporting Statement by RBA Town Planning, dated 30<sup>th</sup> March 2022, which describes the site, the proposal, planning history and policy context before providing a planning assessment of the case. It confirms that the caravan would be used predominantly for overnight accommodation as ancillary to the main house and not as a separate dwelling. It considers that the proposal would not have a significant adverse impact given its siting, orientation and limited height along with lack of highway impacts.
- 1.5 It is noted that, as with the prior application ref: 2021/0518/HPA, the submitted Flood Risk Assessment (FRA) references, a larger red line boundary and several other works including extended curtilage and an extended parking area and driveway. These works are not included within this application and would require separate planning permission. Therefore, these works are not for consideration within this application.

### **Relevant Planning History**

- 1.6 There is a lengthy history for the application site including recent applications relating to the siting of a static caravan at the property. Therefore, the following historical application is considered to be relevant to the determination of this application:
- CO/2002/0463 - Application for consent to remove the agricultural occupancy Condition 04 of permission 8/19/714/PA. Approved 20-JUN-02
  - CO/2003/0520 - Erection of detached dormer bungalow and detached garage, Approved 05-SEP-03
  - 2006/0840/FUL - Erection of a detached garage in the garden (serving no.62) and re-alignment of access drive to the approved dwelling to the rear. Approved 29-AUG-06

- 2013/0091/DPC - Discharge of conditions 2 (materials) and 8 (landscaping) of approval 8/19/1474/PA (CO/2003/0520) for the erection of detached dormer bungalow and detached garage. Details approved 28-MAR-13
  - The approved landscaping plan shows the dwelling behind within the development limits with a 1.2 high fence along the northern and part of the western site boundaries.
- 2017/0160/FUL - Section 73 application to vary condition 04 (plans & specifications) to change the layout of property and garage of approval CO/2003/0520 for erection of detached dormer bungalow and detached garage to rear. Approved 03-MAY-17
- 2019/0901/FUL - Change of use of land to garden land, siting of a static caravan, installation of a water harvesting tank and laying of hardstanding. Refused 03-JUL-20 and dismissed at a joint planning and enforcement appeal on 14-JAN-21. The enforcement notice was upheld albeit varied and requires the reinstatement of the land and removal of the caravan and associated works
- 2021/0518/HPA - Siting of a static caravan for the purpose of ancillary accommodation to the host property 64 Wistow Road. Refused 20-AUG-21 and dismissed at appeal on 8-Mar-22.

1.7 The 2019 application (2019/0901/FUL) proposed to change the use of the fields to the north and west of Field View to garden land and site a light-coloured static caravan to the north-east of the dwelling beyond its curtilage area. The caravan was already present on site at the time the application was submitted. It was refused because it would result in significant encroachment into open countryside contrary to Policy SP2A(c) of the Core Strategy and would have resulted in an unacceptable degree of harm to the surrounding countryside due to this residential encroachment and the functional form and light colouring of the caravan. An enforcement notice was subsequently served to require the removal of the caravan and associated works and cease the use of the residential garden land. The decision and notice were appealed. The appeal was part allowed (re-alignment of private driveway) and part dismissed, and the enforcement notice upheld.

1.8 The 2021 application (2021/0518/HPA) sought to site a static caravan to the east of Field View. The application was refused on the basis that the proposed siting, scale and appearance would create an incongruous feature in the landscape that would be poorly related to the remainder of the residential character along Wistow Road. In dismissing the subsequent appeal, the Inspector accepted that there would be no encroachment into open countryside and the location would not be as prominent as the current location of the caravan, but was of the opinion that its southern end would be clearly visible due to the cream colour finish that would contrast against the darker brickwork of the house and garage and as such would stand out as an incongruous and dominant feature in its surroundings.

## **2. CONSULTATION AND PUBLICITY**

### **2.1 NYCC Highways**

No objections to the proposed works.

## 2.2 Selby Town Council

Objections due to adversely impacting on the character and appearance of the area and amenity of existing residents.

## 2.3 Publicity

The application has been publicised by the posting of site notices erected at the site and on Wistow Road on 13.06.2022, allowing until 4.7.2022 for comments to be made. At the time the Officer's report was finalised, seven letters of objection have been received from local residents raising objections, including the following summarised comments. Further representations will be reported to the Planning Committee meeting.

- The application has been refused/dismissed by PINS several times and there is no difference to other refused applications;
- The presence of a static caravan on this site, regardless of its colour, would be an alien feature that would harm the appearance and character of this area and open countryside and would not add to the overall quality or be sympathetic to local character contrary to planning policies;
- The site provides a gateway to Selby Town where countryside meets the residential brick built houses;
- Granting would set a precedent for further static caravans and mobile homes for this site and/or surrounding area;
- There is already a static caravan on the site that has been subject to several Enforcement notices and it has not been made clear that the application would relocate the existing caravan so potentially there could be 2 caravans on the site;
- The applicant previously stated that the static caravan can be seen from the footpath to the south-east, though in this application stated that it cannot be seen from a public road – it can be seen from some distance and even with a changed colour will continue to be visible from the road, harming character and appearance of the area;
- Queries raised about formalised drainage to support the site which would be needed to cater for overnight accommodation, toilet and hand washing facilities;
- Flood Risk Assessment relates to a previous planning application at 62 Wistow Road and references an existing water harvesting tank that is not on the site of the planning application;
- Family members continue living in the 'dayroom' as they have for the last 3 years as a separate family dwelling and not ancillary to the main host house;
- Concerns raised about the lack of compliance with the Enforcement Notice and lack of action by SDC;
- The original deeds for the site state that no structures or trees but this has been ignored;
- What about the balcony structure;
- Comments made about consultation with the local community.

### **3. SITE CONSTRAINTS**

- 3.1 The site is located within the defined Development Limits of Selby, which is defined as a Principal Town in the Core Strategy Local Plan (2013) and within Flood Zone 3a (high probability).

### **4. POLICY CONSIDERATIONS**

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that *"...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  
SP15 - Sustainable Development and Climate Change  
SP18 - Protecting and Enhancing the Environment

## **Selby District Local Plan**

4.7 The relevant Selby District Local Plan Policies are:

ENV1 - Control of Development

H14 – Extensions to Dwellings in the Countryside

T1 – Development in relation to the Highway network

T2 – Access to roads

## **National Planning Policy Framework**

4.8 The relevant sections are:

2 – Achieving sustainable development

12 – Achieving well-designed places

14 – Meeting the challenge of climate change, flooding and coastal change

## **5. APPRAISAL**

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

- The Principle of the Development
- Design and Impact on the Character and Appearance of the Area
- Impact on Residential Amenity
- Impact on Highway Safety
- Flood Risk and Drainage

### **Principle of Development**

5.2 The application site is located within the defined Development Limits of Selby and seeks permission for the siting of a static caravan to be used as ancillary accommodation to the host dwelling.

5.3 It is noted that the static caravan would feature its own living area, kitchen and bathroom which would give the caravan the ability to be utilised as a self-contained residential unit and could therefore conceivably be occupied without reliance on the host dwelling.

5.4 However, Officers must consider the application as presented and it is considered reasonable to condition the proposals as ancillary. Should the proposals in fact be for a self-contained this could not be considered under a Householder Planning Application and would need a Full Planning Application requiring a different assessment. This view was taken during the assessment of both the 2019 and 2021 application as discussed above and was accepted as part of the 2021 appeal by the Inspector.

5.5 In considering the proposals as submitted, described as 'Application for the siting of a static caravan for purposes ancillary to the main dwellinghouse', there is nothing in the NPPF to identify this type of development as being unsustainable or preclude in principle development of this type in this location. A condition could be imposed

to ensure that the use or occupation of the caravan is ancillary to that of the host dwelling.

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

- 5.6 Relevant policies in respect of design and the impacts on the character of the area include saved Policy ENV1(1) and (4) of the Selby District Local Plan and Policy SP19 of the Core Strategy. Paragraph 130 of the NPPF outlines design principles for development including (a) adding to the overall quality of the area, and (c) being sympathetic to local character.
- 5.7 The application relates to an existing property comprising a dormer bungalow and detached garage with a large, graveled driveway. Wistow Road is characterised by a linear arrangement of predominantly two storey dwellings with long rear gardens. It is in an edge of settlement and backland location, set well back from the road and located behind no.62 Wistow Road. The proposed location for the static caravan is proposed in the same location as the 2021 appeal application, which is to the east of the main dwelling, north of the detached garage and adjacent to the boundary with the neighbouring property. The static caravan would be 12.26m long x 3.9m wide, and single storey in height, with an external 'Saddle brown' colour finish to walls and a dark grey roof.
- 5.8 In dismissing the appeal in relation to the 2021 application, the Inspector noted that the caravan would not encroach into the open countryside any further than the host dwelling. The Inspector concluded that the proposed static caravan would unacceptably harm the character and appearance of the area that would conflict with national and policy planning policy on the basis that:
- 'This location would not be as prominent as the current siting of the caravan, however when viewed from the west, based on my site observations, the southern end of the proposed caravan would be visible, and the proposed cream shiplap PVC cladding would contrast against the darker brickwork of the house and garage. This would stand out as an incongruous and dominant feature in relation to its immediate surroundings, and the wider residential environment of Wistow Road.*
- The appellant states that views to the southeast would be limited to a 25m section of footpath, however, from to my site visit, as stated above, I could see that the appeal site is prominent when approaching from the west along Wistow Road and Sherburn Road and can be clearly seen from some distance. Furthermore, harm would also be caused to visual amenity from the area of footpath identified by the appellant, due to the incongruous nature of the caravan when viewed in conjunction with the darker surrounding buildings'.*
- 5.9 It is evident from the Inspector's decision that the southern end of the caravan in the proposed location would be visible in views from the west and that it was the visual impact of the cream external finish when viewed in the contact of the darker brickwork that is characteristic of the area which was the basis for the appeal dismissal. This current application has been submitted by the applicant, as set out in the Supporting Statement, to seek to overcome the Inspector's concerns.
- 5.10 The siting to the east of the main dwelling, set back from Wistow Road behind the detached garage and the bungalow no.62, would mean that, as identified by the Inspector, the proposed caravan would be largely hidden by existing built form. Only the southern section of the caravan that would siting between the house and the

garage would be visible in views from Wistow Road to the west/south-west and would be viewed across the fields at a distance of around 60m to 80m. It would infill the space between the house and its garage, though would be a lower height than both of these structures. The proposed change to the colour of the exterior of the building by finishing it in special caravan paint, colour 'Saddle brown' is proposed to better reflect the colour palette of the host dwelling. Whilst it is noted that the proposed finish would not constitute matching materials, it would better reflect the host dwelling and surrounding area along with reducing the visual impact when viewed from the public domain given its more muted tone coupled with its siting.

- 5.11 As a result of the siting and colour finish, Officers consider that the proposal would not be visually intrusive in the landscape. The previous applications were not refused or dismissed based on the design of the caravan and how this related to the character and appearance of the host dwelling nor on its size in relation to the original building.
- 5.12 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 of the Selby District Local Plan, Policies SP18 and SP19 of the Core Strategy and the advice contained within the NPPF.

#### **Impact on Residential Amenity**

- 5.13 Relevant planning policy is contained in ENV1(1) of the Selby District Local Plan. The key considerations in respect of residential amenity are considered to be the potential of the proposal to result in overlooking of neighboring properties, overshadowing of neighboring properties and whether oppression would occur from the size, scale and massing of the development proposed.
- 5.14 In respect of the siting of the static caravan, given the separation distances, orientation of the static caravan and the scale of it at single height, it is considered that it would not pose any significant adverse impacts on overlooking, overshadowing or oppression. It is noted that residential amenity was not one of the grounds that the previous application was refused on or was dismissed at appeal.
- 5.15 Having regard to the above, it is considered that the proposal would not have any significant adverse impact on the amenities of the occupiers of any neighbouring residential properties. The amenities of the adjacent residents would therefore be preserved in accordance with Policy ENV1(1) of the Selby District Local Plan.

#### **Impact on Highway Safety**

- 5.16 Policy in respect of highway safety is provided by Policies ENV1(2), T1 and T2 of the Selby District Local Plan and paragraphs 110 and 111 of the NPPF. These policies seek safe and suitable access that does not impact highway safety and the road network.
- 5.17 The application site features a large area of gravel hardstanding providing enough off-street parking to serve the dwelling and its proposed ancillary accommodation. As such, NYCC Highways have raised no objections to the proposed development on highway safety grounds and have suggested no conditions.



- 5.18 It is therefore considered that the proposal is acceptable in terms of highway safety in accordance with Policies ENV1 (2), T1 and T2 of the Local Plan and the advice contained within the NPPF.

### **Flood Risk and Drainage**

- 5.19 Policies SP15, SP16 and SP19 of the Core Strategy require proposals to take account of flood risk, drainage, climate change and energy efficiency within the design. These policies reflect advice in the NPPF in Section 14 and in particular at paragraphs 157 and 159.
- 5.20 It is noted that in complying with the 2013 Building Regulations standards, the development will achieve compliance with criteria (a) to (b) of Policy SP15(B) and criterion (c) of Policy SP16 of the Core Strategy. It is also considered that, taking into account the size, scale, and nature of the proposal, it would be not necessary or appropriate for the proposal to meet the other requirements of these policies.
- 5.21 The application site is located within Flood Zone 3 which is at high probability of flooding. The application is supported by a Flood Risk Assessment (FRA) dated February 2020 and references a larger redline boundary to provide for the siting of a caravan with an extended parking area as applied for in the 2019 application. Regardless, the situation with regards flood risk zones remains unchanged and the site continues to lie within Flood Risk 3a as identified in the FRA and is confirmed to be located as such on the Environment Agency's Flood Zone maps.
- 5.22 Land in Flood Zone 3a is regarded as having a 1 in 100 or greater annual probability of river flooding; or land having a 1 in 200 or greater annual probability of sea flooding. Buildings used as dwellings are "more vulnerable" in terms of flood risk. "More vulnerable" uses in flood Zone 3a are normally required to meet the Sequential and Exceptions tests. However, the static caravan is being applied for as ancillary accommodation to the main dwelling house, which already sits within Flood Zone 3a and therefore as minor development the Sequential and Exception tests do not apply in this instance. Given the nature of the structure, floor levels would be raised with any flood water being allowed to pass underneath it and emergency refuge could be sought in the host dwelling.
- 5.23 In respect to the disposal of surface water, the submitted flood risk assessment states that:
- "The existing site is considered to be permeable as the area is vegetated grassland. There doesn't appear to be any formalised drainage supporting the site. It is considered that the site currently drains by infiltration and evaporation."*
- The proposal for surface water is to utilise rainwater harvesting, soakaways or Sustainable Urban Drainage measures. In terms of disposing foul water no information has been provided. However, this is a householder planning application and as with other house extensions or garden structures, it is usual and acceptable to connect drainage to that of serving the host dwelling.
- 5.24 Yorkshire Water and the IDB were consulted for the prior application ref: 2021/0518/HPA and raised no objections. Yorkshire Water and the IDB were not reconsulted as part of this permission as the only proposed difference from the previous application is the proposed finish of the caravan.

- 5.25 On the basis of the above, the proposal is considered to be acceptable in terms of drainage and flood risk and therefore accords with Policies SP15, SP16, SP19 of the Core Strategy, and paragraphs 158, 159 and 160 of the NPPF.

## **6. CONCLUSION**

- 6.1 Having had regard to the development plan, all other relevant local and national policy, consultation responses and all other material planning considerations, it is considered that the proposed development would not have a significant detrimental effect on the character and appearance of the area, on the residential amenity of the occupants of neighbouring properties, highway safety or flood risk. The application is therefore considered to be in compliance with Policies ENV1, T1 and T2 and H14 of the Selby District Local Plan, Policies SP1, SP2, SP15, SP16, SP18 and SP19 of the Core Strategy and the advice contained within the NPPF.
- 6.2 Concern has been expressed in particular about the siting of the caravan setting a precedent for further similar development and the potential for two caravans being present at the site. In terms of precedent, each planning application is considered on its merits and so the circumstances of each case, including the location and situation of the site, are crucial to the assessment of acceptability of a development proposal. With regards the potential for two caravans to be sited at the property, it is understood, though not explicitly stated in the application, that the proposed caravan would be repositioned from its current position that is the subject of the enforcement notice. The notice can still be enforced to require the removal of the existing caravan regardless of the outcome of this application.

## **7. RECOMMENDATION**

This application is recommended to be GRANTED 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:

Proposed Block Plan ref: 03 Received: 04/05/2022  
Proposed Elevations ref: 02 Received: 04/05/2022  
Proposed Materials/finish Received on: 13/06/2022  
Flood Risk Assessment received:

Reason:  
For the avoidance of doubt.

03. The external finish of the static caravan hereby approved shall be BS4800 06C39 Saddle Brown Caravan Paint as set out in the proposed materials and finish information received on 13/06/2022, which shall be applied to the exterior walls of the caravan in accordance with the Method Statement for Caravan Painting received on 27/06/2022, prior to being positioned in the

approved location on the site and shall be retained as such at all times thereafter.

Reason:

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

04. The annexe hereby permitted shall only be used in connection with and ancillary to the occupation of Field View, 64 Wistow Road, Selby. It shall not at any time be used as an independent dwelling or separated from the ownership or curtilage of the main dwelling.

Reason:

The occupation of the development needs to be restricted.

## **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 2022/0455/HPA and associated documents.

**Appendices:** None.

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