



**Report Reference Number 2021/1298/FUL**

**To: Planning Committee**  
**Date: 17<sup>th</sup> August 2022**  
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APPLICATION NUMBER:	2021/1298/FUL	PARISH:	Carlton Parish Council
APPLICANT:	Mr Anthony Mann	VALID DATE:	3rd November 2021
		EXPIRY DATE:	28 <sup>th</sup> February 2022
PROPOSAL:	Change of use involving the formation of a tourist caravan site including the siting of two park homes; the creation of a camp site; the extension of an existing amenity block; and the erection of a storage building, land at Bridge View		
LOCATION:	Bridge View Hirst Road Carlton Selby North Yorkshire DN14 9PX		
RECOMMENDATION:	GRANTED subject to conditions and that no objections are received following expiry of the publicity period.		

This application has been brought before the Planning Committee by virtue of 3.8.9(b)(iii) of the Council's Constitution as the proposal is contrary to the requirements of the development plan (namely Criterion 1 of Policy RT11 of the Selby District Local Plan), but it is considered that there are material considerations (more up to date policy) which would justify approval of the application.

## **1. INTRODUCTION AND BACKGROUND**

### **Site and Context**

- 1.1 The application site relates to land behind a residential property located to the northern side of Hirst Road, known as Bridge View. The site is outside development limits and designated as countryside. The house, Bridge View, was granted consent in 1988 and is restricted by an agricultural occupancy condition.

- 1.2 The house and the land behind it were originally used in connection with a market garden then later, a garden centre. Infrastructure associated with that former use has now been mostly cleared but there are still two outbuildings and an area of hardstanding on the land. Other areas on the site are grassed and remain clear of any buildings. The site is well concealed from surrounding land by mature, established landscaping on the boundaries. A further property sits to the north of Bridge View, known as Bankend Lodge, and provides tourist accommodation.
- 1.3 The property is in a rural location and has open land to the west and north. To the east are two residential properties. These two properties also benefit from a large plot of land behind their house and both properties have put the land behind their house to a commercial use. According to planning history and an internet search, the adjacent neighbour (Norden Alpine Nursey) has used the land for horticulture / nursery, and it is also registered with the caravan and camping club for touring caravans. Google Earth supports these findings. The land behind the house further east (Jandrem) is in use as a commercial enterprise as a car dealer, bodyshop and MOT service centre.

### **The Proposal**

- 1.4 This application is to use the land behind the dwelling as a camp site for 15 pitches plus the siting of two park homes for holiday lets. The scheme also proposes the extension of an existing amenity block for showers and toilets, and a storage building. The site is intending to be managed by the applicant who lives in the house at the front of the application site.
- 1.5 The land proposed to be used for the camp site is edged red on the location plan and falls within Flood Zone 1 which is of a low risk of flooding. The land edged blue is excluded from the application because it is vulnerable to flooding, falling within flood zones 2 and 3. The owner advises the land outlined blue will be left grassed/vacant but may be used for camp site visitors as an amenity space to walk their dogs or children playing.
- 1.6 The application has been publicised by site notice and no observations were received. Given that the proposal is contrary to RT11 of the Local Plan, it is a departure from the Development Plan and was required to be re-advertised accordingly before issuing of the decision. The second advertisement period will expire on 5<sup>th</sup> August. At the time of writing the report, no objections have been received. An update on the outcome of the second publicity will be given at the committee meeting.

### **Relevant Planning History**

- 1.7 The relevant site history is:
- Application Number: CO/1983/13392/ AltRef: 8/29/116/PA - Establishment Of Market Garden to Include Glass House & Shed. Granted: 24-MAR-83
  - Application Number: CO/1988/0879/AltRef: 8/29/116D/PA - Erection of glasshouses to expand market garden and construction of horticultural dwelling house. Granted: 25-NOV-88

- Application Number CO/1993/0634/ AltRef: 8/29/116F/PA - Proposed change of use of part of market garden for sale of bedding plants, shrubs and other garden centre produce. Granted: 10-MAR-93

## **2. CONSULTATION AND PUBLICITY**

### **2.1 Selby Area Internal Drainage Board**

No objections, subject to a condition to control surface water.

### **2.2 Environmental Health**

A condition to control construction hours is recommended, in the interests of residential amenity.

The EHO advises that caravan Sites may require licensing under the Caravan Sites and Control of Development Act 1960. The applicant should be made aware that a license may be required.

### **2.3 NYCC Highways**

The surface of the existing access to the site is breaking up and if not addressed, will allow loose material to be deposited onto the public highway (Hirst Road). To remove this highway safety issue, the Local Highway Authority recommends a condition for upgrading of the access track.

### **2.4 Yorkshire Water**

This proposal is in an area not served by the public sewerage network. In this instance, the application should be referred to the Environment Agency and the Local Authority's Environmental Health Section for comment on private treatment facilities.

### **2.5 Environment Agency**

No response received.

### **2.6 Parish Council**

Whilst in principle there was no objections, there is a concern raised regarding the potential of noise or disturbance in the surrounding vicinity. Clarity is required regarding the hours of use, again relating to the noise/ disturbance factor.

### **2.7 Contaminated Land**

No objections, subject to conditions.

### **2.8 Publicity**

The application has been advertised by site notice and no observations have been received.

A second round of publicity is ongoing and expires on 05.08.2022. The application has been advertised in the press and a new site notice displayed at the site. Up to the point of writing the report, no observations have been received.

### **3. SITE CONSTRAINTS**

#### **Constraints**

- 3.1 The application site is located outside Development Limits and classed as being within the countryside. The application site edged red on the location plan lies within Flood Zone 1. The site is within Groundwater Source Protection Zone 3.

### **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 22<sup>nd</sup> 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  
SP13 – Scale and Distribution of Economic Growth  
SP15 – Sustainable Development and Climate Change  
SP18 – Protecting and Enhancing the Environment  
SP19 – Design Quality

### **Selby District Local Plan**

4.7 The relevant Selby District Local Plan Policies are:

ENV1 – Control of Development  
ENV2 – Environmental Pollution and Contaminated Land  
RT11 – Tourist Accommodation  
RT12 – Touring Caravan and Camping Facilities  
T1 – Development in Relation to the Highway Network  
T2 – Access to Roads

### **National Planning Policy Framework (NPPF)**

4.8 The relevant chapters of the NPPF are:

2. Achieving sustainable development  
4. Decision-making  
5. Delivering a strong, competitive economy  
9. Promoting sustainable transport  
11. Making effective use of land  
12. Achieving well-designed places  
14. Meeting the challenge of climate change, flooding and coastal change  
15. Conserving and enhancing the natural environment

## **5. Appraisal**

5.1 The main planning considerations are:

- The principle of the development
- Impact on the character and appearance of the area
- Impact on residential amenity
- Impact on highway safety
- Flood risk, drainage and groundwater
- Ecology
- Procedural matters

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

5.2 The proposal is for the change of use of land for a 15-pitch tourist camp site for tents and touring caravans, two park homes to stay on the site all year round but occupied as tourist accommodation, a storage building and an amenity block. The proposal does not represent the diversification of an agricultural or rural based business and is a new establishment.

- 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 12 of the NPPF.
- 5.4 Paragraph 84(c) of the NPPF states that, "Planning policies and decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside. When considering sustainability, the NPPF has three overarching objectives – economic, social and environmental".
- 5.5 Policy SP2A(c) of the Core Strategy states 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 new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13. Policy SP2(c) of the Core strategy does not list change of use of land as being acceptable in principle, but it does support developments that improve the local economy and enhance or maintain the vitality of rural communities, in line with Policy SP13. Rural tourism is supported by Core Strategy Policy SP13 providing, amongst other criteria, it is considered sustainable.
- 5.6 Local Plan Policy RT11 applies in the assessment of the suitability of the two park homes. Local Plan Policy RT12 is relevant to the camping site for tents and touring caravans. Policy RT11 (Part 1) (adopted 2005) permits new tourist accommodation in the open countryside providing its either the re-use of a building or an extension to an existing premises. Policy RT12 of the Selby Local Plan supports the creation of new sites for camping and touring caravans in the open countryside, subject to a number of criteria. Part 7 of the policy states that they are only permitted where "The number of pitches in anyone would be in proportion to the size of the locally resident population so as not to disrupt community life".
- 5.7 The application site was formerly used as a market garden and garden centre. The site has been cleared and grassed but there are still significant areas of hardstanding and small-scale buildings. From the evidence available, specifically information sourced online, the garden centre had a café, playground, and a shop selling produce and garden implements including BBQs and furniture. When considering the evidence available as well as noting the hardstanding which was used as a car park and remains on site, the site is considered to be previously developed land.
- 5.8 The change of use would re-use a site that was historically used in part for a leisure use. The environmental benefits are limited but putting the site back to a use would encourage the land to be managed and maintained. The proposal would work towards achieving the social and economic objectives of the NPPF as it encourages tourism and has economic benefits to the local economy such as from visitors spending in the nearby village of Carlton.
- 5.9 Paragraph 84(c) of the NPPF supports sustainable rural tourism. Paragraph 85 of the NPPF states that decisions should recognise that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements in locations that are not well served by public transport. In these circumstances it will be important to ensure that the development is sensitive to its

surroundings and does not have an unacceptable impact on local roads and exploits opportunities to make a location more sustainable (by improving the scope for access on foot, cycle or public transport. The use of previously developed land and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist. The nearest bus stops are located on the High Street (A1041) in Carlton. The site is about a 10-minute walk into the nearby village of Carlton. It is possible that visitors may walk into Carlton although there are no footpaths. Some may use bicycles to visit local attractions and services. Nevertheless, most are likely to make any journeys by car. This weighs against the proposal, however on balance, when taking into account the nature of the use, that it is reasonably well related to Carlton, not being truly isolated and makes use of previously developed land it is considered to be acceptable.

- 5.10 Saved Policy RT11 (1) of the Local Plan 2005 permits new tourist accommodation in the open countryside providing it is either the re-use of a building or an extension to an existing premises. The proposal does not meet part 1 of Policy RT11 as the two park homes are new and not a conversion or extension to an existing premises. The proposed park homes are therefore contrary to the requirements of the Development Plan. However, the approaches taken by Policy SP13 and Paragraph 84 of the NPPF are significantly different to that taken in Policy RT11 as these later policies do not restrict tourist accommodation to only conversions and extensions. The more up to date consideration is whether the tourism development is sustainable when considering the objectives of the NPPF. Therefore, whilst the two park homes do not comply with Policy RT11 (part 1) of the Selby District Local Plan, it should be given limited weight due to the conflict between the requirements of part 1 of the policy and the different more up to date tests set out both in the Core Strategy and the NPPF. Therefore, officers are of the view that limited weight should be attached to the requirements of Policy RT11 and significant weight should be attached to the more up to date policies of both the Core Strategy and the NPPF.
- 5.11 In conclusion, the proposal would re-use a former market garden/ garden centre and puts the site to a use that is appropriate in rural areas. It would support rural tourism and benefit the local economy of Carlton. The scheme would rely on the use of the car for short journeys therefore does not promote more sustainable forms of transport, but this does not override the material benefits of the scheme, particularly its economic, environmental and social benefits set out within paragraph 8 of the NPPF. The Government, through the NPPF supports decisions that would help create conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth taking into account both local business needs and wider opportunities for development. Paragraph 84 of the NPPF supports the sustainable growth and expansion of all types of businesses in rural areas and the development and diversification of agricultural and other land-based rural businesses. On balance, the proposal is considered be acceptable in principle and at 15 pitches is a small-scale camp site that is suitable in scale for its location. Overall, the caravan and camping site is considered to be a sustainable development taking into account all the factors described above.
- 5.12 The proposed amenity block is an ancillary building to the camp site and complies with Policy RT12 (criterion 6) on the basis that it provides basic services on the site that is considered to be essential.

- 5.13 The applicant has not described the reason for the storage building. However, it would be reasonable to assume that a caravan and camp site will need a storage building for perhaps machinery in connection with maintenance of the land. The storage building is considered reasonable in its scale and appearance and commensurate with the size of the camp site. A condition is recommended to ensure that the storage building is linked to the use of the caravan and camp site to ensure that it is compliant with Core Strategy policy SP13 which seeks to manage the scale and distribution of economic growth in rural areas.
- 5.14 Therefore, whilst the proposed park homes would be contrary to Criterion 1 of Policy RT12, limited weight is attached by officers to policy RT12 on the basis of it being superseded by more up to date policies in the NPPF, Policies SP2A(c) and SP13 of the Core Strategy, along with meeting the requirements of policy RT11 and the other criteria set out in policy RT12 of the Selby Local Plan.

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

- 5.15 The NPPF, particularly paragraph 130 states that amongst other criteria, developments should add to the overall quality of an area, be visually attractive, sympathetic to local character and history, including the surrounding built environment and landscape setting whilst not preventing or discouraging innovation or change.
- 5.16 Core Strategy Policies SP18 and SP19 of the Core Strategy seek to ensure developments safeguard and, where possible, enhance the historic and natural environment including the landscape character and setting of areas of acknowledged importance. Developments should have layout and a high-quality design that has regard to the local character and the open countryside.
- 5.17 Local Plan Policies ENV1, RT11 and RT12 require developments to consider the impact on the character of an area. Parts 1 and 3 of Policy RT12 states that proposals should “not have a significant adverse effect on the character and open appearance of the countryside” and it should “not be visually intrusive and would be well screened by existing vegetation or would incorporate a substantial amount of landscaping within and around the site”.
- 5.18 The application site is a parcel of land behind the residential property known as Bridge View. The site is the end property in a row of three. Surrounding land is open countryside. The site boundaries are densely treed and landscaped. The site abuts open land on its west side, but caravans and buildings would not be visible from the open land due to the established landscaped boundaries. There would be minimal views into the site from the north, east and south as well due to the existing landscaping and buildings. On this basis, the impact of the caravan site on the character and appearance of the area is limited as it would be well screened by existing and established vegetation.

### **Impact on Residential Amenity**

- 5.19 Policy ENV1 (part 1), which states that proposals should take account of the effect upon the amenity of adjoining occupiers.
- 5.20 Bridge View is an end property of three. The three houses face the road and have substantial grounds to the rear. The grounds behind the adjacent property are



occupied by glasshouses and a caravan site is further north. The adjacent property is sited further forward than the proposed caravan site. The shared boundary is a brick wall with landscaping.

- 5.21 The proposal is for a small-scale camp site, therefore, comings and goings would not be significant. The business is also likely to operate at full capacity in the summer months only. The land directly to the east is also used for touring caravans and agriculture and as such it is not considered that noise created by guests will have an unreasonable impact on amenity. The application site is set back from the dwelling next door and there are substantial boundary treatments in place. When taking into consideration the site context and the small-scale nature of the camp site, the proposal is unlikely to create an unacceptable impact on residential amenity.
- 5.22 The access to the camp site is from Hirst Road. It is an existing access and bounded by a brick wall on the east side. Traffic generation is anticipated to be fairly low and not give rise to any adverse disturbance. It would be a seasonal business as well. The boundaries between the site and house next door further eliminate any adverse impact.
- 5.23 As such, the proposal has taken into account the amenity of nearby properties and no harm has been identified. Therefore, the development complies with Policy ENV1 (part 1).

### **Impact on Highway Safety**

- 5.24 Policy in respect to highway safety and capacity is provided by SDLP Policies ENV1 (2), T1 and T2 and criterion f) of Core Strategy Policy SP15. The aims of these policies accord with paragraph 110 (b) of the NPPF which states that development should ensure that safe and suitable access can be achieved for all users to a site. In addition, paragraph 111 of the NPPF advises that development should only be refused (on highway grounds) where it would result in an unacceptable impact on highway safety.
- 5.25 The site is served via an existing access off Hirst Road. There is sufficient room for cars to leave the site in a forward gear. The proposal will increase traffic movements in and out of the site and it is acknowledged manoeuvres in and out of the access could be slow moving due to towing caravans. This is an established access that was previously used for agriculture and a garden centre. Hirst Road is a rural lane with a national speed limit, but at the site visit, it was noted to have low traffic levels. This is a small-scale camp site at only 15 pitches. Highways have been consulted and raised no objections, subject to improvements to the surface of the site.
- 5.26 The layout plan shows a car parking area for visitors. It is 41m wide and has potential to accommodate a minimum of 16 spaces, based on standard car parking width of 2.5m. The 16 spaces are deemed sufficient for the camp site at a ratio of 1 space per pitch.
- 5.27 Therefore, officers are of the view that a safe and suitable access can be provided and that there would be no highway safety issues or impacts on the wider transport network. The proposal therefore complies with the aforementioned policies.

## **Flood Risk, Drainage and Groundwater**

- 5.28 The application site is in flood zone 1, therefore at a low risk of flooding. The northern part of the site is vulnerable to flooding, lying within flood zones 2 and 3, this area has been specifically excluded from the application site. The owner states that as the northern area is vulnerable to flooding and as such will remain undeveloped and landscaped. The owner advises that this area will provide an attractive greenspace for visitors to walk their dogs or for children to play. This does not form part of the application and as such no weight has been attached to this consideration.
- 5.29 The site is in a groundwater source protection zone 3, which means it is part of the catchment area for the supply of drinking water. A groundwater source protection zone is the area around a supply source for drinking water. Zone 3 is defined as the 'total catchment' and could extend some distance from the source point.
- 5.30 Paragraph 174e of the NPPF states new and existing development should prevent from contributing to water pollution and this is reiterated in Local Plan Policy ENV2. Therefore, preventing the pollution of groundwater is a material planning consideration.
- 5.31 Where a development requires non mains drainage, a package treatment plant (PTP) is the preferred drainage option as this has the least impact on ground water and is the most sustainable form of non mains drainage. A PTP is proposed to serve the development. The PTP must comply with general binding rules, or a permit will be required by the Environment Agency (EA) No comments have been received by the Environment Agency as they do not comment on applications of this minor nature. Applicants are referred to the standing advice provided by the EA on their website. An informative is recommended should Members resolve to grant planning permission.
- 5.32 In summary, the use of a package treatment plant is deemed acceptable for the disposal and treatment of foul drainage. The proposal meets Planning Practice Guidance for non mains drainage, the NPPF and local plan policy ENV2.
- 5.33 The surface water run off would be from an existing car park, small scale buildings and park homes. It is not known if the car park already has a surface water drainage system. With part of the site being used for vehicles and within a groundwater protection zone, it is recommended that a condition should be imposed for surface water details to be agreed should Members resolve to grant planning permission.

## **Ecology**

- 5.34 The NPPF makes it clear that planning decisions should protect our natural environment and this is one of three main objectives of the NPPF. Paragraph 174 of the NPPF states "Planning policies and decisions should contribute to and enhance the natural and local environment by a number of measures including d) minimising impacts on and providing net gains for biodiversity". The need to protect biodiversity and wildlife habitats is also relayed in local policies ENV1 and SP18.
- 5.35 An ecological report was not considered necessary for the application. However, due to the location and planting, it is considered that careful consideration should

be given to any lighting in the interests of protecting bats that may use the site. If lighting is to be installed, details should be agreed by condition.

- 5.36 In conclusion, the scheme would protect the natural environment. A biodiversity net gain could be secured by a condition for an ecological enhancement plan.

### **Procedural Matters**

#### *Effect Upon the Agricultural Occupancy Condition*

- 5.37 The dwelling associated with the former use, Bridge View, is restricted by an agricultural occupancy condition. The house was originally built for a second farmworkers dwelling for the market garden business. The market garden business has now ceased, and the land is now subject of this camp site application.
- 5.38 This change of use application would result in Bridge View having no land left over to run an agricultural business. However, the farm workers dwelling can still be attractive to those who work in farming in the vicinity or retired farmworkers. As such, the granting of this application, in the view of officers would not adversely affect the LPA's position of defending the agricultural occupancy condition unless it is justified otherwise.

## **6. CONCLUSION**

- 6.1 The proposed caravan and camp site including the siting of two park homes for holiday use is deemed to be in accordance with Core Strategy Policies Policy SP2 and SP13 and paragraph 84 of the NPPF because it is for an appropriate use in the open countryside and a sustainable proposal that will enhance the vitality of rural communities and support economic growth. As set out above, the proposal does not comply with criteria 1 of Selby Local Plan Policy RT11. However, officers are of the view that this part of the policy has been superseded by more up to date policies contained within the Core Strategy and the National Planning Policy Framework which seeks to support all types of businesses in rural areas and re-development of previously developed land.
- 6.2 The proposal will protect the character of this rural area due to its small-scale nature and the established landscaping on the boundaries. There are no residential amenity, highway, or drainage issues. The proposal is considered to be a sustainable rural tourism and leisure development and as such considered to comply with the NPPF, Core Strategy Policies SP1, SP2, SP15, SP18 and SP19 and Local Plan Policies ENV1, T1 and T2.

## **7. RECOMMENDATION**

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

- 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 not be carried out otherwise in complete accordance with the approved plans and specifications:

Amenity Building and Storage Building (Drawing Number 2099-01-03B)

Location Plan and Block Plans (Drawing Number 2099-01-02C)

Lodge Floor Plans and Elevations (Drawing Number 1674P)

Reason:

To ensure that no departure is made from the details approved and that the whole of the development is carried out, in order to ensure the development accords with Policy ENV1.

- 03 The park homes and touring caravans shall be occupied for holiday purposes only and not be occupied as a person's sole, or main place of residence.

Reason:

This site is in a position where the Local Planning Authority, having regard to the sustainability, residential amenity, access, would not permit permanent residential accommodation in accordance with the NPPF, Core Strategy Policy SP2 and Selby Local Plan Policies ENV1, RT11, RT12 of the Selby District Local Plan.

- 04 The owners/ operators of the site shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans on the site, and of their main home addresses, and shall make this information available at the request of the Local Planning Authority.

Reason:

This site is in a position where the Local Planning Authority, having regard to the sustainability, residential amenity, access, would not permit permanent residential accommodation in accordance with the NPPF, Core Strategy Policy SP2 and Selby Local Plan Policies ENV1, RT11, RT12 of the Selby District Local Plan.

- 05 The tourist caravan site is limited to touring caravans, motor homes and tents. The maximum number of touring caravans, motor homes and tents are limited to 15 at any one time, and they shall only pitch on the area coloured green and annotated as 'Camp Site Area' on the submitted Block Plan 2099-01-02C. No touring caravan, tents or motor homes shall be sited in other areas of the site.

Reason:

In order to ensure that the scale of the proposed use accords with its location, adjacent to residential properties and to ensure sufficient on-site parking is available in accordance with the NPPF, Local Plan Policies ENV1, T1 and T2 and criterion f) of Core Strategy Policy SP15.

- 06 Prior to the development or use commencing, a scheme for the disposal of surface water from the car park, park homes and proposed buildings shall be submitted to and approved in writing by the Local Planning Authority. Any such scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority before the use commences and the buildings are brought into use.

Reason:

To ensure the development is provided with satisfactory means of drainage and to ensure the protection of ground water in accordance with the NPPF and Local Plan Policy ENV2.

- 07 The storage building approved by this planning consent shall be used only for purposes incidental to the operation of the camp site and for no other purpose.

Reason:

To ensure the building is used for a use that is appropriate to the open countryside and in accordance with Core Strategy Policy SP2.

- 08 The development must not be brought into use until the access to the site at Hirst Road has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements:

The crossing of the highway verge and/or footway must be constructed (improved) in accordance with the approved details and/or Standard Detail number E20 and the following requirements.

Any gates or barriers must be erected a minimum distance of 15 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.

Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway and must be maintained thereafter to prevent such discharges.

The final surfacing of any private access within 15 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

Measures to enable vehicles to enter and leave the site in a forward gear.

All works must accord with the approved details.

Reason:

To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users, in accordance with Policies ENV1 (2), T1 and T2 of the Selby Local Plan, criterion f) of Core Strategy Policy SP15 and paragraph 110 of the NPPF.

- 09 Prior to the first occupation of the site 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, in accordance with paragraph 184 of the NPPF and Selby Local Plan Policy ENV2.

- 10 Where remediation works are shown to be necessary, the site shall not be occupied 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, in accordance with paragraph 184 of the NPPF and Selby Local Plan Policy ENV2.

- 11 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, in accordance with paragraph 184 of the NPPF and Selby Local Plan Policy ENV2. 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.

- 12 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 in accordance with paragraph 184 of the NPPF and Selby Local Plan Policy ENV2.

- 13 Should any lighting be required in connection with the development hereby approved, details of the lighting including type, design, siting and times of use shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The approved lighting shall be installed and retained in accordance with the approved details.

Reason:

In the interests of protecting the character of the area, residential amenity and nature conservation in accordance with Policy ENV1 of Selby District Local Plan, SP18 and SP19 of the Selby Core Strategy and the NPPF.

- 14 Within 3 months of the date of this permission, a biodiversity enhancement scheme, including a timetable for implementation shall be submitted to the Local Planning Authority for approval.

The biodiversity enhancement scheme shall be carried out in accordance with the approved details and to a timetable to be agreed with the Local Planning Authority.

Reason:

In order to protect and enhance the sites ecological value in accordance with the NPPF, Policy SP18 of the Selby Core Strategy and ENV1 of the Selby Local Plan.

**INFORMATIVE:**

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.

**INFORMATIVE**

The operator must ensure that they are meeting the general binding rules. The General Binding Rules cover small discharges from package treatment plants and septic tanks. A list of the rules can be found here: General binding rules: small sewage discharge to the ground - GOV.UK ([www.gov.uk](http://www.gov.uk)). If the operator cannot comply with any of the rules, they must apply for a discharge permit with the Environment Agency. There are additional rules for if the discharge is installed after the 1st January 2015

**INFORMATIVE**

Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's web site:

[https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification\\_for\\_housing\\_\\_\\_ind\\_est\\_roads\\_\\_\\_street\\_works\\_2nd\\_edition.pdf](https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification_for_housing___ind_est_roads___street_works_2nd_edition.pdf) .

The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.

**INFORMATIVE**

The business may require licensing under the Caravan Sites and Control of Development Act 1960. The operator is advised to contact the Selby Environmental Health Team for further information and advice.

**8. Legal Issues**

**8.1 Planning Acts**

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

**8.2 Human Rights Act 1998**

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

**8.3 Equality Act 2010**

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

**9. Financial Issues**

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

**10. Background Documents**

Planning Application file reference 2021/1298/FUL and associated documents.

**Contact Officer: Elizabeth Maw, Senior Planning Officer**

**Appendices: None**