



**Report Reference Number 2022/0838/FUL**

**To: Planning Committee**  
**Date: 11<sup>th</sup> January 2023**  
**Author: Linda Drake (Planning Project Officer)**  
**Lead Officer: Hannah Blackburn (Planning Development Manager)**

APPLICATION NUMBER:	2022/0838/FUL	PARISH:	Wistow Parish Council
APPLICANT:	Mr Lee Hirst	VALID DATE:	1st August 2022
		EXPIRY DATE:	20 <sup>th</sup> January 2023
PROPOSAL:	Conversion of building to form 2 bed dwelling with parking and private garden		
LOCATION:	Lodge Farm Wistow Lordship Wistow Selby North Yorkshire YO8 3RS		
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 a single storey brick and tile outbuilding which originally belonged to Lodge Farm. There is no longer any agricultural activity at Lodge Farm and the buildings immediately to the east of the application site have been converted to residential use. To the west of the building lies a Dutch barn and further modern buildings to the west and south. Fields lie to the north.
- 1.2 The application site lies outside of development limits and lies in open countryside.

### The Proposal

- 1.4 The application seeks permission to convert the agricultural outbuilding to a one 2-bed dwelling, with parking and private garden. The building is constructed from brick and stone and is open to the south with metal columns supported on concrete plinths. The building has recently been re-roofed and blockwork internal walls have been erected. It is currently used for storage.
- 1.5 The application has been amended since the original submission to amend the design and reduce the number of openings to the northern elevation, with changes to the access and location of proposed parking.

### **Relevant Planning History**

- 1.6 The following historical planning applications relate to the application building:
- 2020/1146/ATD - Prior notification for the change of use of agricultural building to 1 dwelling (Use Class C3) and associated operational development - REFUSED 16-DEC-20 and DISMISSED on APPEAL
- 1.7 The following applications relate to adjacent buildings and are considered relevant to the determination of this application:
- 2021/0316/FUL - Conversion of agricultural barn to 3 nos. commercial units (retrospective) REFUSED 16-JUL-21
  - 2020/0475/FUL - Conversion of the existing barn into a dwelling house after Class Q permitted approval (retrospective) PERMITTED 13-AUG-20
  - 2005/1166/COU - Proposed Change Of Use and conversion of redundant barns to form holiday accommodation REFUSED 02-DEC-05

## **2. CONSULTATION AND PUBLICITY**

- 2.1 **Wistow Parish Council** – No response received within the statutory time period.
- 2.2 **NYCC Highways Canal Rd** - No local highway authority objections to the proposed development and condition recommended relating to creation of private access.
- 2.3 **Yorkshire Water** - No response received within the statutory time period.
- 2.4 **Selby Area Internal Drainage Board** - Have no objection in principle to the proposal and recommend a drainage condition in the event of any approval.
- 2.5 **County Ecologist** - Recommends an informative advising of wildlife protection legislation and the need to seek professional advice if necessary.
- 2.6 **Contaminated Land Consultant** – Due to potential contamination on site from the agricultural use conditions in relation to land contamination are recommended.
- 2.7 **Environment Agency** – Following consideration of the FRA, have no objection to the proposed development provided it is built in accordance with the submitted FRA. The Flood Risk Assessment submitted should be listed as an approved plan.
- 2.8 **Publicity** - The application has been publicised by a press notice and site notices. One representation in support (with no supporting text) was received.

### **3. SITE CONSTRAINTS**

- 3.1 The application site is located outside of defined Development Limits within open countryside. The site is located within Flood Zones 2 (medium probability) and 3 (high 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".

- 4.2 This is recognised in the National Planning Policy, at paragraph 11 of the NPPF, with paragraph 12 stating that the presumption in favour of sustainable development contained in paragraph 11 does not change the statutory status of the development plan as the starting point for decision making. It goes to state at paragraph 12 that where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations in a particular case indicate otherwise. This application has been considered against the 2021 NPPF and, in particular, the sections listed below.

- 4.3 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)."

- 4.4 The development plan for the Selby District comprises various documents including the Selby District Core Strategy Local Plan (adopted 22nd October 2013), 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, the Minerals and Waste Joint Plan (adopted 16 February 2022), and the adopted neighbourhood plans neither of which relate to the site.

- 4.5 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 2024. Consultation on issues and options took place early in 2020 and further consultation took place on preferred options and additional sites in 2021. The Pre-submission Publication Local Plan was subject to formal consultation that ended on 28th October 2022. The responses are currently being considered. Providing no modifications are proposed, the next stage involves the submission to the Secretary of State for Examination.

- 4.6 Paragraph 48 of the NPPF states that weight may be given to relevant policies in emerging plans according to: a) the stage of preparation; b) the extent to which there are unresolved objections to the policies; and, c) the degree of consistency of the policies to the Framework. Given the stage of the emerging Local Plan, the policies contained within it are attributed limited weight and as such are not listed in this report.

### **Selby District Core Strategy Local Plan**

4.7 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  
SP19 – Design Quality

#### **Selby District Local Plan 2005 (SDLP)**

4.8 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 Highway Network  
T2 – Access to Roads

#### **Minerals and Waste Joint Plan**

4.9 The relevant Minerals and Waste Joint policies are:

S01 - Safeguarding mineral resources  
S02 - Developments proposed within Minerals Safeguarding Areas  
S07 – Consideration of applications in Consultation Areas  
D13 - Consideration of applications in Development High Risk Areas

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

4.10 The relevant sections are:

2 – Achieving sustainable development  
4 – Decision-making  
5 – Delivering a sufficient supply of homes  
9 – Promoting sustainable transport  
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 issues to be taken into account when assessing this application are:

- Principle of Development
- Suitability of the building for re-use
- Design and Visual Amenity
- Impact on Residential Amenity
- Impact on Highways
- Flood Risk, Drainage
- Land Contamination
- Ecology
- Minerals and Waste

## **Principle**

- 5.2 The application site lies to the west of Lordship Lane set within a cluster of agricultural buildings. These buildings originally formed part of Lodge Farm but have now been sold off separately with the former barns to the east now converted to dwellings.
- 5.3 The application site lies outside of any defined development limits and therefore is located within open countryside in planning policy terms. The building to be converted is a brick-built agricultural storage building, which is currently used for storage but is no longer used for agricultural purposes.
- 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) the policy seeks to restrict development in countryside.
- 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 criterion 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.
- 5.7 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.

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

- 5.8 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".
- 5.9 In terms of Criterion (3), evidence on file for application 2020/1146/ATD shows that in 2020 the building was in a poor state of repair. In the intervening period prior to this application being submitted, the building structure was stabilised and re-roofed. The applicant has stated that these works took place to prevent collapse of the building however, the degree of those works are clearly extensive and are beyond repair and required planning permission. However, it is a fact that these works have now taken place and it is the condition of the building as it is now stands which must be assessed on its suitability for conversion.

- 5.10 Whilst no structural survey has been submitted, a visual check on site confirms that the building as it stands is structurally sound. The proposed conversion from its current condition would not result in extensive alteration or rebuilding. On this basis it is considered that the proposal would comply with Criterion (3) of Policy H12.
- 5.11 In terms of Criterion (4), the proposals would involve a new first floor to parts of the building and staircases. The kitchen area will be dug out by 1m to achieve headroom. No extension to the building is required to facilitate the conversion and the proposals would take place within the fabric of the building as existing. The works required are 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.
- 5.12 In respect of criterion (5), "The conversion of the building and ancillary works, would not have a significant adverse effect on the character or appearance of the area or the surrounding countryside". As submitted the design of the proposed conversion was unacceptable. Negotiations have resulted in the following design changes: the removal of openings to the northern wall, which now remains blank, with only two rooflights proposed and insertion of a narrow window to the eastern elevation. The southern elevation would be fully glazed. As submitted the access to the site was shown to be via an existing track on the northern (field) side of the proposed dwelling. This has since been amended with access now gained from the south of Lordship Lodge. The applicant has also agreed to improve the visual appearance of the track. As amended, the proposal retains the strong northern boundary to the former farmstead and would not result in an adverse impact on the character of the building nor local character. A condition is proposed to remove permitted development rights in order that the Local Planning Authority has control over any proposed new openings and a condition is also proposed to require improvements to the existing track.
- 5.13 The approved drainage and septic tank to the adjacent dwelling (approved 2020/0475/FUL) lies to the north-west of the proposed dwelling. It is proposed to connect the proposed dwelling to the same septic tank. Access to maintain and empty the tank is along the field edge to the north, within land owned by the applicant. In order that the access can take the weight of service vehicles the track has been surfaced with hardcore, however this has resulted in a highly visible track being introduced to this rural area, especially when the site is approached from the north. No surfacing details were provided or required as part of the previous application. As part of the current application the applicant has agreed to mitigate the visual impact of this track through grubbing up the central third and grassing that section. Subject to a condition requiring a plan for the greening of the track, it is considered that the level of visual impact can be reduced to a more acceptable level and the impact on the local character reduced. As the track lies outside of the red line a Grampian condition is required, to which the applicant has agreed.
- 5.14 It is considered that, subject to the conditions stated in the above paragraphs that criterion 5 can be met.
- 5.15 In respect of criterion 6, "The proposal would not create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity." As submitted, access and parking to the site was from the north, along the field boundary. The application has now been amended to show access to the south of the existing buildings and parking within the curtilage.

- 5.16 The Highway Authority raised no objection subject to conditions to the proposed access as submitted nor to the amended access.
- 5.17 The proposals are acceptable in principle taking account of saved Policy H12 of the Selby District Local Plan, Policy SP2 of the Core Strategy.

### **Design and Visual amenity**

- 5.18 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. As amended the proposed design is appropriate and would be in keeping with the other conversions at Lodge Farm. It is however recommended that all permitted development rights are removed from the building for future alterations and extensions to ensure that the overall character of the building is not affected by future works.
- 5.19 UPVc windows are proposed and similar have also been used on the adjacent dwelling. It is considered that these are appropriate. The curtilage is appropriate in size and adequate private amenity space provided.
- 5.20 The site is visible in wider views from the north. The existing wall linking the application building to Lordship Lodge is retained and no openings are now proposed to the north. The amended proposal retains the agricultural character of the site.
- 5.21 It is considered that the proposal would not have an adverse 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.

### **Impact upon Residential Amenity**

- 5.22 Relevant policies in respect of the impact of the proposal on residential amenity include Policy ENV1 (1) of the Selby District Local Plan.
- 5.23 To the north of the proposed development lie open fields. To the east lies Lordship Lodge and a further dwelling the other side of Lordship Lane. There are former agricultural buildings to the south and west. The main windows to the proposed dwelling would face into the private amenity space to the south and would not impact on the amenity of the neighbouring dwelling. Adequate private amenity space is provided for the proposed dwelling.
- 5.24 It is considered that the proposals are acceptable in terms of residential amenity in accordance with Policies ENV1 (1) and H12 (7) of the Selby District Local Plan and national policy contained within the NPPF.

### **Highway Safety**

- 5.25 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.

- 5.26 The proposed development uses an existing access and would provide parking for two vehicles. NYCC Highways Officers have been consulted on the application and have raised no objections subject to a condition relating to access construction.

### **Flood Risk and Drainage**

- 5.27 The application site is located within Flood Zone 3, which has a high probability of flooding, and the proposal is supported by a Flood Risk Assessment.
- 5.28 The proposal is essentially a 'change of use' of the existing building. As such, the proposed development is not subject to the application of the sequential or exception tests, as set out at paragraph 168 of the NPPF and the more recent National Planning Policy Guidance (2022). However, a site-specific flood risk assessment is still required.
- 5.29 The application was accompanied by an outdated Flood Risk Assessment from November 2015, which described how existing floor levels would be maintained and flood proofing introduced. The Environment Agency have been consulted and have raised no objections to the proposed development subject to a condition which ensures the development is carried out in accordance with the Flood Risk Assessment. The section plans however show how the floor of the building will be excavated in 2 parts at the end of the building, to enable the bedrooms in the roofspace to be created. Although lowering the floor level will make the building more susceptible to flooding, it will in turn provide a first floor place of safety for the inhabitants. The Environment Agency was reconsulted on this specific point and have confirmed that they included the proposed excavation as part of their assessment and have confirmed they have no objection to the proposal.
- 5.30 In terms of drainage, the submitted application form sets out that surface water would be disposed of via a sustainable drainage system and the foul sewage would be disposed of via septic tank. The Ouse and Derwent Internal Drainage Board, Yorkshire Water and the Environment Agency have been consulted on the proposals and none have raised objections to the proposals. The IDB have suggested a condition relating to the disposal of surface water drainage, which could be attached to any permission granted.
- 5.31 The proposal is considered acceptable in terms of drainage, and flood risk and therefore accord with Policies SP15, SP16, SP19 of the Core Strategy, and the NPPF.

### **Land Contamination**

- 5.32 Relevant policies in respect of land contamination include Policy ENV2 of the Selby District Local Plan and Policy SP19 "Design Quality" of the Core Strategy.
- 5.33 The application is supported by a Phase 1 contaminated land assessment. The contaminated land consultant has been consulted and has raised no objections subject to a standard condition relating to unexpected contamination.
- 5.34 The proposal would be acceptable in respect of land contamination and is, therefore, in accordance with Policy ENV2 of the Selby District Local Plan, Policy SP19 of the Core Strategy and paragraphs 118, 170, 178 and 179 of the NPPF.

### **Ecology**



- 5.35 Core Strategy Policy SP18 (1) and (3) seeks to protect and enhance biodiversity within the District whilst Saved Policy ENV1(5) seeks to protect wildlife habitats. Paragraph 180 of the NPPF is also relevant.
- 5.36 The Council's Ecologist has been consulted and has advised that as the building has a modern roof and is well maintained and sealed, not providing suitable ledges for nesting birds or barn owls, and only a small possibility of bats using the building, that an ecology survey is not necessary. An informative is recommended advising that professional advice is sought if found necessary.
- 5.37 The proposal complies with the NPPF, Core Strategy Policy SP18(1) and (3) and Saved Local Plan Policy ENV1(5).

### **Minerals and Waste**

- 5.38 The application site is located within an area identified for the safeguarding of mineral resources. Relevant policies in relation the NYCC Minerals and Waste Plan 2022 are S01, S02 and S07, which reflect advice in Chapter 17 of the NPPF, and seek to protect future mineral resource extraction by safeguarding land where the resource is found and avoiding such land being sterilised by other development. The plan also identifies the site as falling within a Coal Mining Development Area to which Policy D13 applies.
- 5.39 However, the application site involves the re use of a building and would not prejudice or sterilise the site for future mineral resource extraction. In terms of Policy D13 (Coal Mining Risk), again, the proposal involves the use of a building which is in the exemption list and no new buildings are proposed.
- 5.40 Taking the above into account, it is considered that the proposal would not be contrary to the aims of the Minerals and Waste Plan. An informative is recommended to draw the applicant's attention to the location of the site in a coal mining area.

## **6. CONCLUSION**

- 6.1 The application for the conversion of a rural building to a dwelling with parking and private amenity space. 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 acceptable.
- 6.2 Subject to relevant conditions it is considered that the proposal would not result in an adverse impact on residential amenity; land contamination; highway safety, ecology or mineral safeguarding 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, S01 and D13 of the Minerals and Waste Local Plan and the NPPF and as such is recommended for approval.

## **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:

- 2332-D20-040 Rev A - Location Plan
- 2332-D20-041 Rev A - Existing and Proposed Site Plans
- 2332-D20-042 Rev B - Existing and Proposed Ground Floor Plans
- 2332-D20-043 Rev C - Existing and Proposed Elevations
- Flood Risk Assessment (AAH Planning Consultants, reference 39446, dated November 2015)
- Sections Drawing

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 03 The crossing of the highway verge and/or footway must be constructed in accordance with the approved details and/or Standard Detail number E50 and the following requirements.

- Any gates or barriers must be erected a minimum distance of 6 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 must be constructed in accordance with the specification of the Local Highway Authority
- The final surfacing of any private access within 6 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.

- 04 Should on-site SuDS or flow restriction be proposed as part of any larger development the IDB requests that those restricted flow measures or attenuation are put in place before occupancy and within 3 months of development progressing on site.

Reason:

To prevent increased flood risk downstream of the site during works/development.

- 05 In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and

where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason:

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

- 06 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, chimneys 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 to comply with Policy SP3 and SP19 of the Core Strategy and Saved Local Plan Policy H12.

- 07 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 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 to comply with Policy SP3 and SP19 of the Core Strategy and Saved Local Plan Policy H12.

- 08 The materials to be used in the conversion of the building shall match those of the existing building in size, colour, texture, bonding and mortar treatment.

Reason:

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

- 09 Prior to commencement of the development hereby approved 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.

- 10 Prior to development commencing the access track on the northern side of the approved and existing dwelling shall be reduced in width to two hardcore strips only, these shall retain the existing surfacing material and be appropriate in width for a service vehicle. The central third and the excess hardcore to either side of the

hardcore strips shall be returned to grass. The works shall then thereafter be retained.

Reason:

To protect the landscape character of the local area and to comply with Policy SP3 and SP19 of the Core Strategy and Saved Local Plan Policy H12

#### INFORMATIVES:

- 01 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 N
- 02 The applicant should be mindful of wildlife protection legislation and seek professional advice if necessary.
- 03 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 in d est roads street works 2nd edi.pdf](https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification%20for%20housing%20in%20d%20est%20roads%20street%20works%202nd%20edi.pdf).

The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in condition 03.

- 04 The applicants attention is drawn to the sites location within a coal mining area.

## 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 2022/0838/FUL and associated documents.**

**Contact Officer: Linda Drake (Planning Project Officer)**

**Appendices: None**