



Report Reference Number 2019/0124/FUL

To: Planning Committee
Date: 5 June 2019
Author: Fiona Ellwood (Principal Planning Officer)
Lead Officer: Ruth Hardingham (Development Management Team Leader)

APPLICATION NUMBER:	2019/0124/FUL	PARISH:	Appleton Roebuck Parish Council
APPLICANT:	Mr S Armstrong J Cox	VALID DATE: EXPIRY DATE:	20th February 2019 17th April 2019
PROPOSAL:	The erection of two single storey residential dwellings and new car port (Retrospective)		
LOCATION:	Paddock Lodge Airfield Lane Acaster Selby North Yorkshire YO23 2PW		
RECOMMENDATION:	REFUSE		

This application has been brought before Planning Committee at the request of Cllr Musgrave.

1.0 INTRODUCTION AND BACKGROUND

The Site and Context

- 1.1 The site is located between the villages of Acaster Malbis and Acaster Selby to the west of the old airfield in the open countryside on land that is Green Belt. The application site originally comprised two single storey agricultural buildings positioned in parallel, set well back from Intake lane, accessed via a track and positioned close to a belt of trees running along the west boundary of the site.
- 1.2 Prior approval for the conversion from agricultural use to three residential dwellings was granted under 2015/0504/ATD (see details in planning history). This related to the two former buildings on this application site and a further larger brick single barn positioned further east nearer the road. The conversion report submitted with the Prior Notification described the two single storey buildings as single skin rendered brickwork with each building being split into two linking wings with a central open canopy link. The roofs were steel angle purlins and trusses with corrugate sheeting to the roofs.

The Proposal

- 1.3 The development which has occurred on site is the demolition of the agricultural buildings and the erection of two new buildings to form dwellings. In addition a new timber building to form a carport and garden store has been constructed.
- 1.4 The new buildings are two single storey dwellings and are similar in form, design and position to the previous approval but have increased in width, height, length and overall volume.

Relevant Planning History

- 1.5 The following historical applications are considered to be relevant to the determination of this application.

2014/1184/ATD: Prior notification for the change of use of agricultural buildings to 3No. dwellings (C3) and associated operational development at Intake Farm, Appleton Roebuck, York, North Yorkshire, : **Refused** , 16-JAN-15

2015/0504/ATD: Prior notification for the change of use of agricultural buildings to 3No. dwellings (C3) and associated operational development at Intake Farm, Appleton Roebuck, York. **Permitted**, 06-JUL-15

2017/1101/DOC, Discharge of conditions 3 (Noise), 6 (Contamination), 7 (Contamination), 8 (Contamination) and 9 (Contamination) of approval 2015/0504/ATD Prior notification for the change of use of agricultural buildings to 3No. dwellings (C3) and associated operational development at Intake Farm, Appleton Roebuck, York, Decision: **Discharged** 13-DEC-17

2018/1132/ATD,: Section 73 application for prior notification for the change of use of agricultural buildings to 3No. dwellings (C3) and associated operational development at Intake Farm without complying with condition 10 of approval 2015/0504/ATD Appleton Roebuck, York. **Withdrawn** 30-NOV-18

2019/0090/S73, AltRef: , Section 73 Latitude 53 The Airfield, Airfield Lane, Acaster Selby, York, YO23 2PW,, Decision: **Pending**

2.0 CONSULTATION AND PUBLICITY

2.1 NYCC Ecology

No comments if the application is retrospective.

2.2 NYCC Highways

No objections.

2.3 Yorkshire Water Services Ltd –

No comments received.

2.4 Ainsty (2008) Internal Drainage Board

The application will increase the impermeable area to the site and the applicant will therefore need to ensure that any surface water systems installed have the capacity to accommodate any increase in surface water discharge from the site. Comments made and condition/ Informatives suggested.

2.5 **Acaster Selby Parish Council – Objects**

- New development in Greenbelt, and there are no special circumstances to overturn the presumption that no such development should take place.
- Contrary to the NDP, consideration of which has not been addressed in the application.
- The application states that the site is not in a flood zone, whereas parts are in flood zone 2.
- The drainage to soakaways appears to terminate outside the site in ancient woodland, and no percolation tests have been provided.
- The noise assessment report was carried out at a time of year when it is most unlikely that potatoes were being stored and the associated machinery will not have been operating.

2.6 **Appleton Roebuck Parish Council**

Photographs and other documents forwarded by a Parishioner purported to be evidence of rebuilding.

2.7 **Publicity**

The application was advertised by site notice and neighbour notification and no response has been received other than the information provided directly to the Parish Council and forwarded.

3.0 **SITE CONSTRAINTS AND POLICY CONTEXT**

Constraints

- 3.1 The site lies outside the development limits of any settlement as defined in the Local Plan on land that is open countryside within the statutory Green Belt.
- 3.2 The site is located mainly within Flood Zone 1 and partly within Flood Zone 2 which has been assessed as having between a 1 in 100 and 1 in 1,000 annual probability of river flooding (1% - 0.1%), or between a 1 in 200 and 1 in 1,000 annual probability of sea flooding (0.5% - 0.1%) in any year.

Policy Context

- 3.3 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"*.
- 3.4 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.
- 3.5 The National Planning Policy Framework (February 2019) (NPPF) replaced the July 2018 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 2019 NPPF.

- 3.6 Annex 1 of the NPPF is concerned with its implementation and includes the following guidance -

“213.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

- 3.7 The relevant Core Strategy Policies are:

SP1 - Presumption in Favour of Sustainable Development
SP2 - Spatial Development Strategy
SP3 - Green Belt
SP10 - Rural Housing Exception Sites
SP15 - Sustainable Development and Climate Change
SP18 - Protecting and Enhancing the Environment
SP19 - Design Quality

Selby District Local Plan

- 3.8 The relevant Selby District Local Plan Policies are:

ENV1 - Control of Development
T1 - Development in Relation to Highway
T2 - Access to Roads

Appleton Roebuck and Acaster Selby Neighbourhood Plan

- 3.9 The relevant Neighbourhood Plan policies are:

DBE2	Respecting Traditional Building Design and Scale
DBE3	Green Infrastructure
DBE4	Drainage and Flood Prevention
EHL1	Maintaining Agricultural Land
ELH2	Conserving, Restoring and Enhancing Biodiversity
H1	New Housing Development Design and Scale,
H3	Car Parking

- 3.10 Supplementary Planning Documents

- Affordable Housing Supplementary Planning Document 2013
- Developer Contributions Supplementary Planning Document March 2007

4.0 APPRAISAL

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

- Whether the proposal would be inappropriate development in the Green Belt

- The effect on the openness of the Green Belt
- Character and appearance of the area
- Impact on Residential Amenity
- Highways
- Flood risk and drainage
- Nature conservation interests
- Affordable Housing
- Contaminated Land
- Building structures and reasons for demolition
- Other Matters
- If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.
- Conclusion

Principle of the development and whether the proposal would be inappropriate development in the Green Belt

- 4.2 Relevant development plan policies in respect of the principle of this proposal include Policies SP1 “Presumption in Favour of Sustainable Development”, SP2 “Spatial Development Strategy” and SP3 “Green Belts” of the Core Strategy (CS). Policy H12 of the Selby District Local Plan is also relevant.
- 4.3 In terms of the NP, the principle of the development is not inconsistent with the above mentioned policies . The design and impacts of the scheme are considered later in the report in relation to the above mentioned policies.
- 4.4 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.
- 4.5 The application site lies outside the development limits within countryside that is Green Belt. Policy SP2, criteria C states that, development in the countryside will be limited to certain exceptions which include the replacement of existing buildings. However, SP2 criteria requires development which is in the Green Belt to conform to Policy SP3 ‘Green Belts’ and National Green Belt Policies. SP3 aligns with the Green Belt policy in the NPPF. It can therefore in accordance with para 213 of Annex 1 of the NPPF be accorded significant weight. This sets out the fundamental aims of Green Belt land which are to prevent urban sprawl and keep land permanently open and that the essential characteristics of Green Belts are their openness and their permanence.
- 4.6 The NPPF provides that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt. It then goes on to set out a clear list of exceptions to this. It also makes clear that inappropriate development should not be approved unless ‘Very Special Circumstances’ (VSC) exist.
- 4.7 The limited exceptions are set out in paragraphs 145 and 146 of the NPPF. Paragraph 145 d) of the NPPF allows

“the replacement of a building provided the new building is in the same use and not materially larger than the one it replaces”

4.8 This application seeks retrospective consent to replace two agricultural buildings with dwellings which are a different use. The buildings now present on the site are materially larger than the ones they replace as the overall volume of each unit has increased by approximately 39%. Moreover, an additional new building has been erected which brings the overall volume increase to 43%. This level of increase cannot be regarded as not being materially larger. As such the development does not fall within the exception of 145 d) of inappropriate development in the Green Belt set out in the NPPF.

4.9 The applicants suggest that the development does comply with Green Belt Policy as the completed development is the same use as the previous approval and they do not consider it to be materially larger than the buildings replaced. However, the previous approval was not implemented. The development for which permission is retrospectively now sought now is the demolition of agricultural buildings and replacement with two dwellings.

4.10 The applicants have also submitted a landscape assessment in which it is suggested that the development could be considered to fall within the exception in paragraph 145 g) which includes;

“...limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use which would;

- Not have a greater impact on the openness of the Green Belt than the existing development or*
- Not cause substantial harm, to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing needs within the local planning authority area.”*

4.11 However, Annex 2 to the NPPF defines ‘Previously Developed Land’ and makes clear that it excludes land that is or was last occupied by agriculture or forestry buildings. The previous Prior Approval made clear the last use of the land and buildings was agricultural. As such the development does not fall within the exception of 145 g) of the NPPF.

4.12 The principle of demolition of the agricultural buildings and re-development for two dwellings in the Green Belt is contrary to Policies SP2D, SP3 and the NPPF as it includes development that does not fall within any of the exceptions listed in paragraphs 145 and 146 of the NPPF. The development is therefore clearly inappropriate development in the Green Belt.

4.13 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (VSC). Paragraph 144 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Impact on the openness of the Green Belt

- 4.14 The fundamental aim of the Green Belt Policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 4.15 The application must be considered on the basis of the original agricultural buildings as the starting point with no weight being attributed to the development having already occurred.
- 4.16 The main differences between the size of the agricultural buildings which were to be converted and the new buildings which have been erected are set out in the tables below. The measurements taken are measurements scaled from the plans provided.

BARN A	Original	New	Difference
Footprint	5.65m x 28m (158sqm)	7.4m x 28.8m (213 sqm)	55 sqm 26% increase
Height to Eaves	2.05 – 2.45m	2.5m	0.05-0.45m
Height to Ridge	3.4- 3.45m	4.4m	0.95-1m
Volume (Total measured Externally)	451 sqm	735 sqm	284 39% increase

BARN B	Original	New	Difference
Footprint	5.65m x 28m (158.sqm)	7.4m x 28.6m (212 sqm)	53.44 sqm 25% increase
Height to Eaves	2.0 – 2.4m	2.5m	0.1-0.5m
Height to Ridge	3.4- 3.45m	4.4m	0.95-1m
Volume (Total Measured externally)	446 sqm	730 sqm	284 sqm 39% increase

- 4.17 Although the differences on each dimension of the buildings are not extensive, overall, there is a material difference between the completed volume of the original buildings and the development which now exists at the site. The main changes are the 1 metre increase in the roof height and the 1.75m increase in width which, over a 28m length, amount to a significant volume increase. Each agricultural building has been increased in volume by around 39%. The new timber carport/garden store has a footprint of approximately 37 sqm with a total volume of 113 cubic metres. The overall total increase of built form on site, combining the increase in size of the two blocks together with the new car port, amounts to a 43% increase in built volume.
- 4.18 The increased roof pitch height and building width does increase the building bulk and make the buildings more visually prominent. They are taller and wider and slightly longer. In addition the new carport store adds further built form on the site. Constructed of timber under a pantile roof, the garage building is set at right angles to the two dwellings and adds a further building in the gap between the two dwellings where no previous building existed. The increased amount of built form is not minimal and does impact on the visual and spatial aspects reducing the openness in this part of the Green Belt.

- 4.19 It is therefore concluded that the development does have a materially greater impact on the openness of the Green Belt than the conversion scheme as previously approved. It fails to accord with a Green Belt purpose, namely to assist in safeguarding the countryside from encroachment.

Character and appearance of the area

- 4.20 The site is in open countryside to the south west of Acaster Malbis and formed part of the disused airfield to the east which has been partially reclaimed for agricultural use and is interspersed with scrub woodland with occasional light industrial uses and warehousing. The landscape is generally flat. The site itself is screened and contained to the west and south by hedgerows and trees. From the lane to the east the buildings are clearly visible through gaps in the hedgerows albeit from some distance. A public bridleway passes through the woodland belt to the west and is the closest publically accessible point.
- 4.21 The applicants have submitted a landscape and visual assessment appraisal which assesses the impacts on the landscape itself and on the visual amenity experienced by people. The report describes that the pattern of hedgerows and woodland which in part enclose the site. Generally the surrounding visual and landscape quality is eroded due to the former land use and sporadic pockets of industrial use. The landscape sensitivity to change is assessed as being low sensitivity.
- 4.22 The report summarises all visual receptors which surround the site from publicly accessible areas as being of medium sensitivity, as they are from a road and a Bridleway with restricted views. The, *the magnitude of change* has been assessed as either 'Low or Negligible', both to visual amenity and landscape character due the development replacing buildings of a similar scale and layout, and also forming a minor component of the wider view, and a minor alteration to the landscape character which introduce elements typical of the receiving landscape. The impact is considered to be mainly 'Neutral'. However, it indicates that improvements to the quality of the site have been brought about by the replacement of dilapidated buildings and that the site is visually contained by a framework of mature trees and hedgerows and that generally, as new planting matures this framework will be strengthened which will have a 'Beneficial' residual effect.
- 4.23 Much of the report states that site boundaries will be strengthened with additional planting of indigenous tree and hedgerow species, mitigating the visual impact of the development and improving the landscape quality of the locality. However, no landscaping scheme has been submitted with this application nor was a landscaping scheme offered or a requirement of the previous permitted development Prior Approval submission.
- 4.24 The quality and characteristics of the landscape in the vicinity of the application site are acknowledged and accepted. However, the impact assessment needs to be on the basis of the current landscaping without the benefit of the future establishment of new planting as indicated in the Landscape Assessment. The impact of the new construction, roof form materials and design and the increased building bulk are considered by your officers to be more visibly prominent from surrounding public views. Although views of the site are to a degree filtered and screened by trees from the west, the building forms are clearly visible from the public bridleway and through hedgerow gaps from some distance to the east.

- 4.25 Notwithstanding the above, the building designs do replicate the general form, position and design of the original buildings being long low single storey structures. The previous buildings were white rendered brick with a shallow corrugate sheet roof. The resulting buildings are a similar form of two long low single storey simple units positioned in parallel and occupying the same position as the previous buildings. They also have rendered walls. Although the roof is higher, the pantile materials are an aesthetic enhancement over the previous low pitch corrugate sheeting. Moreover, the simple design and form and quality of materials are an improvement on the original buildings whilst retaining much of their simplicity. The new carport and store do add more built form but are located behind the buildings and are well screened from the wider landscape by the tree belt to the west. The buildings are not overly domestic with no porches conservatories or chimneys. The substantial lengths of fencing around the site are at present prominent and new but are rural in design and appropriate for the location. The resulting building group is a visual improvement over the dilapidated agricultural buildings which existed.
- 4.26 Overall it is considered there is a Neutral Impact due to the positive impacts of the development being an aesthetic enhancement but due to the negative impacts of the increased building bulk being more visually prominent from public view points.
- 4.27 Although the buildings are larger, the difference is not considered so significant as to result significant harm to the character and appearance of the locality. Moreover, the simple design and form and quality of materials are an improvement on the original buildings whilst retaining much of their simplicity. The site is generally well screened and further indigenous screen planting could mitigate harm in the longer term although this would take time to establish. Overall it is concluded that subject to a landscaping scheme being implemented the development would not have a materially harmful impact on the character and form of the locality.
- 4.28 As such, it is considered that the development is acceptable with respect to design and the impact on the character of the area would accord with Policies DBE 2, DBE 3, H1, ELH 1, and ELH 2 of the AR&AS Neighbourhood Plan, Policies ENV1 (1) and (4) of Selby District Local Plan, Policies SP18 and SP19 of the Core Strategy and the advice contained within the NPPF in this respect.

Impact on Residential Amenity

- 4.29 The site is in a relatively isolated position and does not result in any loss of amenity in terms of overlooking, overshadowing or disturbance of the occupants of any existing nearby dwellings. The Parish Council refer to new fenestration and loss of privacy. However the nearest dwelling is the two storey barn nearer Broad Lane which is over 160 metres away.
- 4.30 In terms of amenity for the future occupants of the application site, there is adequate privacy between the two units due to the central boundary wall which has been erected. Each unit has its own private amenity area and adequate privacy and amenity can be achieved.
- 4.31 Potential noise and disturbance for future residents could occur from surrounding industrial uses. Condition 3 of the Prior Approval required (prior to development commencing) a noise survey to be undertaken and for noise levels within the garden areas of the dwellings not to exceed specified limits and for the buildings to be constructed to provide noise attenuation against external noise with specified

limits of internal noise levels to achieve. These approved works were to be retained for the lifetime of the development.

- 4.32 The applicant has submitted a Noise Assessment. It is considered that the main noise impacts at this site will be due to road traffic on Broad Lane to the East, other nearby industrial uses and from the potato store to the South. Therefore, the assessment of noise impact for this development has been undertaken by comparing predicted internal noise levels within properties against the criteria within BS8233:2014 (Sound Insulation and noise reduction for buildings) which suggests appropriate criteria and limits for different situations. It suggests suitable internal noise levels within residential, dwellings and also suggests noise limits for external areas such as gardens.
- 4.33 The assessment took daytime and night time noise measurements to establish typical external ambient and background noise levels at the site. Predominantly the noise was from road traffic on Broad Lane. However, although noise levels were taken on 3 occasions, the external plant items on the northern façade of the potato store were not operational and it is understood the stores use and the use of the plant items are seasonal for potato harvest. The Parish Council's concerns in this respect are noted however, in order to assess the impact, noise data was taken from another potato store and the values used in this assessment and corrected for the distance from the dwellings.
- 4.34 It concludes that the site is subject to medium risk from noise and advises that planning conditions are appropriate. It is advised the development should take account of the noise risk and reflect good acoustic design principles in the layout of dwellings and the use of space. In terms of the site layout and design, when setting internal floor plans consideration should be given to focusing non-habitable uses towards the main sources of noise and placing habitable rooms (e.g. living rooms and bedrooms) on façades facing away from the main sources of noise. It is not expected however, that noise should be a barrier to the development. It is also recommended that, when setting external amenity spaces consideration should be given to focusing these communal outdoor spaces away from the main sources of noise where possible.
- 4.35 Notwithstanding the above, the noise assessment report is written as if the development had not yet occurred. The report was submitted for the discharge of conditions prior to development under the Prior Approval permission. The applicants have been asked to provide an updated assessment to address whether the development that has occurred meets the required noise mitigation requirements. An update will be given at the meeting if further information has been received.
- 4.36 Subject to the above and the inclusion of any mitigation measures which may be needed to the design and layout, screening or landscaping the scheme is considered to provide an acceptable level of residential amenity for the future occupants.
- 4.37 It is therefore considered that the proposal would not result in any significant impact on neighbouring properties and provide an adequate standard of amenity for future occupants in accordance with Policy ENV1 (1) of the Selby District Local Plan and SP19 (k) of the Core Strategy.

Highways

- 4.38 The proposal utilises an existing vehicular access from Broad Lane. This is the same access that was proposed in the prior approval and no highway objection was received. In this case, NYCC Highways have no objections to the proposal and no conditions recommended.
- 4.39 There is adequate space about the dwellings to park. There is also a car port provided. As such, it is considered that the scheme is acceptable and in accordance with policies H3 of the NP, ENV1(2) and T1 of the Local Plan, Policy SP19 of the Core Strategy and Paragraph 39 of the NPPF with respect to the impacts on the highway network.

Flood risk and drainage

- 4.40 The site is in Flood Zone 2. "The aim is to steer new development to Flood Zone 1 (areas with a low probability of river or sea flooding). Where there are no reasonably available sites in Flood Zone 1, local planning authorities in their decision making should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2 (areas with a medium probability of river or sea flooding), applying the Exception Test if required.
- 4.41 Only a small corner of the site is within Flood Zone 2 with the majority of the site and the two buildings sitting within Flood Zone 1. The Environment Agency was consulted on the Prior Approval application who indicated no objection to the proposed change of use. Standard mitigation measures were advised for any development within Zone 2.
- 4.42 A drainage system has been laid with foul water discharging to a mini package treatment works into a soakaway. Surface water also discharges into a soakaway. The applicants indicate that there is no additional demand placed on the local water course and no additional flooding will be created as a result of the development. Yorkshire Water makes no comments on the proposals. The IDB don't object and recommend conditions regarding discharge of surface water and discharge rates.
- 4.43 (Subject to no adverse comments from the above) It is considered the proposal would be acceptable in terms of flood risk and drainage and therefore accords with DBE4 of the NP, Policies SP15, SP16, SP19 of the Core Strategy, and the advice contained within the NPPF.

Nature conservation interests

- 4.44 The work at the site has been done and the development is substantially complete. The County Ecologist advises a bat survey should be undertaken prior to determination if there is still work to do. As this is not the case and the original buildings re demolished a survey is not needed. This does not retrospectively remove the applicant's responsibilities for the protected species under the Wildlife and countryside act.
- 4.45 As such it is considered that the proposed would not now harm any acknowledged nature conservation interests and therefore accord with the requirements of the Habitats Regulations 2010, and ELH2 of the NP, ENV1(5) of the Selby District Local Plan, Policy SP18 of the Core Strategy and the NPPF.

Affordable Housing

- 4.46 In the context of the West Berkshire High Court decision it is considered that there is a material consideration of substantial weight which outweighs the policy requirement for the commuted sum. It is therefore considered that having had regard to Policy SP9 and the PPG, on balance, the application is acceptable without a contribution for affordable housing.

Contaminated Land

- 4.47 A phase 2 Ground Investigation report was submitted with this and the original application. The Councils contamination consultants were consulted on the original Prior Approval and conditions were imposed requiring, prior to development, an investigation and risk assessment (condition 6), a remediation scheme (condition 7 & 8) and safeguards in the event contamination was found (condition 9).
- 4.48 Further information was submitted under ref 2017/1101/DOC to discharge these conditions and was found to be acceptable. The conditions were discharged subject to seeing a verification report confirming that the agreed remedial works have been carried out following completion of the remedial works. Confirmation is also needed that no other contamination was found in order to discharge condition 9. As such there would only be a need to re-impose condition 8 and 9 on this application.
- 4.49 The proposal is therefore considered to be acceptable in regards to contamination subject to these conditions and is therefore in accordance with Policy ENV2 of the Local Plan.

Building Structures and reasons for demolition

- 4.50 A Conversion Report (Dudleys Structural and Civil Consultants- 05/11/2014) was submitted with the original Prior Approval. This report concluded the following main points;
- The roof of both blocks is in poor condition and will require complete replacement.
 - The main building walls are in reasonable structural condition and can be strengthened and repaired with partial rebuilding or insertion of steel stitching pins across the cracks in accordance with the sketch sheet attached. Wholesale demolition of the buildings is not required.
 - The buttresses will require repair and rebuilding to maintain their structural integrity.
 - The cross walls should not be removed without replacement strengthening as these provide lateral stability to the buildings. They should be tied to the main outside walls with steel straps.
 - A new ground floor slab will be required suitably reinforced and insulated to meet current building regulations.
- 4.51 The applicant has made the following summary points as explanation of the demolition;
- The walls to the building whilst initially appearing sturdy and true were found, on closer inspection, to be badly decayed, cracked, fragile and unstable – badly affected by the trees and their roots and the poor condition of the

underlying slab (weak, thin and with little cement). The bricks had badly blown due to frost attack and water damage resulting from the poor condition of the roof. The brick work was no longer cohesive and was unstable. As work commenced to carefully remove the tree roots/stumps several of the walls collapsed. Strengthening and repair of the original brickwork was not possible.

- The felt roof was in terrible condition and had been leaking badly. It needed to be replaced with a new tiled roof. The steel trusses were rotten, unrepairable and fell apart upon removal. The underlying slab was not strong enough to support a replacement tiled roof and associated structures.
- Upon removal of the original roof it was apparent that the brick buttresses were in poor condition and were totally rotten due to water damage. They became unstable, had no structural integrity and were not repairable or useable.
- Due to years of decay there was no option to strengthen the internal structures of the building by attachment to the main outside walls as these walls had collapsed – the building was unsafe.

Officer Comment

- 4.52 It is clear from the structural report that the building were capable of re-use but that care needed to be taken and that repair work was necessary to ensure its stability.
- 4.53 It is clear from the applicant's report that as works progressed the building destabilised and collapse became inevitable.
- 4.54 There is nothing to suggest that the building was intentionally demolished and rebuilt. However, it is not clear whether; given the advice in the structural survey, adequate care was taken in the clearance of the overgrown vegetation at site with the use of mechanical equipment, to prevent the building from collapsing.

Other Matters

- 4.55 The applicant has submitted a case to justify the demolition of the original structures which they consider amount to very special circumstances. These are set out below:
- It is stated that a number of years passed since the original approval before applicant implemented/completed the development during which time the building had fallen into further disrepair.
 - The redevelopment is very similar to the part Q Prior Approval with similar scale mass and form.
 - The use of more traditional materials gives a more aesthetic converted stable/barn type appearance softening their impact in the open countryside.
 - The connecting wall between the two completed units has been retained
 - The access road is improved in appearance with a loose gravel surface following a 'farm track' type appearance
 - The buildings will comply with current building regulations and are described as efficient, sustainable and minimise carbon footprint.

Balancing Whether Very Special Circumstances (VSC) exist sufficient to outweigh the harm to the Green Belt by inappropriateness

- 4.56 It is clear that what is proposed is inappropriate development in the Green Belt. The main issue to assess is whether any of the above matters taken individually or collectively, amount to the VSC necessary to outweigh the harm to the Green Belt through inappropriateness.
- 4.57 What constitutes very special circumstances (VSC), will depend on the weight of each of the factors put forward and the degree of weight to be accorded to each is a matter for the decision taker. Firstly, it is to determine whether any individual factor taken by itself outweighs the harm. Secondly to consider whether, a number of factors ordinary combine to create VSC.
- 4.58 The weight to be given to any particular factor will be a matter of degree and planning judgement. There is no formula for providing a ready answer to any development control question on the green belt. Neither is there any categorical way of deciding whether any particular factor is a 'very special circumstance' and the list is endless but the case must be decided on the planning balance qualitatively rather than quantitatively.
- 4.59 Prior Approval was previously granted for the conversion of the buildings to dwellings. However, this is not a fall-back position as the buildings no longer exist.
- 4.60 The contribution of two dwellings to the housing market is of some benefit. However, the contribution arising from the provision of two dwellings is very limited in relation to the overall housing needs of the district and is not considered sufficient to constitute VSC. Moreover, there is no benefit over and above the previously approved conversion scheme which also would have provided two dwellings.
- 4.61 The appellant considers the design and materials of the proposal and the construction methods to be a visual improvement. However, the design of the resulting dwelling is only different to the conversion scheme in relation to size. The design is basically the same and there is little difference visually in design terms. The dwellings which have been constructed have the same appearance only larger. Therefore there is no benefit to the redevelopment scheme over the conversion. In terms of the impact on the character and appearance of the area, the overall impact has been concluded to be neutral.
- 4.62 The new dwellings are stated to be sustainable, with a low carbon footprint and to improve overall energy efficiency. However, there is nothing to suggest this would not have been achieved through the conversion of the agricultural buildings. The same benefits could have been achieved albeit in a smaller resulting dwelling. The Moreover, the stated improvements in energy efficiency have not been quantified. For example there is no detailed professional comparison in terms of energy demand and CO2 emissions on why the newly constructed dwellings would be more beneficial than conversions. As such there is no evidence to substantiate this claim.
- 4.63 For VSC to exist the harm by reason of inappropriateness needs to be "*clearly outweighed*". It is not enough simply to show that the harm and the countervailing considerations are in balance or marginally providing improvement to the site.
- 4.64 The above considerations and minor benefits are not considered either individually or collectively to '*clearly outweigh*' the harm, by reason of inappropriateness and the

harm to the openness of the Green Belt. As such they do not amount to very special circumstances that would outweigh the definitional harm to the Green Belt.

5.0 CONCLUSION

- 5.1 The proposed development of the site for a two new dwellings is considered to be inappropriate development in the Green Belt as it does not fall within any of the exceptions listed in paragraphs 145 and 146 of the NPPF. As such, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The applicant has not demonstrated any Very Special Circumstances' either collectively or individually sufficient to outweigh the definitional harm to the Green Belt. The proposal thereby fails to accord with Policy SP2 (d) and SP3 of Selby District Core Strategy and with the NPPF.

6.0 RECOMMENDATION

This application is recommended to be refused for the following reason:

- 01 The site lies within the designated Green Belt in the adopted Selby District Core Strategy wherein there is a presumption against development for purposes other than those categories specified in paragraphs 145 and 146 of the National Planning Policy Framework. The development involves the construction of a new building in the Green Belt, does not fall within any of the exceptions set out in paragraphs 145 and 146 of the NPPF and represents inappropriate development in the Green Belt and should not be permitted unless there are very special circumstances to justify the development. In addition to the harm associated with inappropriateness, the development would result in harm to the openness of the Green Belt.

Inappropriate development should not be approved in the absence of very special circumstances. Very special circumstances to clearly outweigh the resultant Green Belt harm have not been demonstrated. The proposal therefore fails to meet the requirements of policies SP2 (d) and SP3B of the Core Strategy, which require accordance with National Green Belt Policy within the NPPF.

Legal Issues

Planning Acts

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

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.

Equality Act 2010

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

Financial Issues

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

Conclusion

As stated in the main body of the report.

Background Documents

Planning Application file reference 2019/0124/FUL and associated documents.

Contact Officer: Fiona Ellwood, Principal Planning Officer

Appendices: None