

**Report Reference Number:** 2019/0539/FUL

**To:** Planning Committee  
**Date:** 9<sup>th</sup> October 2019  
**Author:** Irma Sinkeviciene (Planning Officer)  
**Lead Officer:** Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2019/0539/FUL	PARISH:	Barlow Parish Council
APPLICANT:	Dodsworth Joinery And Building Ltd	VALID DATE: EXPIRY DATE:	11th June 2019 6th August 2019
PROPOSAL:	Proposed erection of building to be used for storage/workshop facility on land adjacent		
LOCATION:	Land Adjacent To 2 Prospect Villas Barlow Common Road Barlow Selby North Yorkshire		
RECOMMENDATION:	REFUSE		

This application has been brought before Planning Committee as 10 letters of representation have been received which raise material planning considerations and Officers would otherwise determine the application contrary to these representations.

## 1. INTRODUCTION AND BACKGROUND

### Site and Context

- 1.1 The application site, which is broadly rectangular in shape and amounts to 630 square metres of unused paddock land, is located outside the defined development limits of Barlow. It is located immediately to the east of a pair of semi-detached properties, namely Prospect Villas, and falls within the ownership of No 2 Prospect Villas which is adjacent to the site. The site is separated from No 1 Prospect Villas by approximately 9 metres, and over 60 metres from Barlow Lodge to the north west and cottages to the east. Access is shown as utilising and widening of the existing field access track.
- 1.2 The land is generally flat, and the eastern and southern boundaries are marked by a low post and rail timber fence whilst the western boundary is marked by a hedge

and other vegetation. The northern boundary is where the access to the site is located from Barlow Common Road and partially consists of a row of vegetation.

## **The Proposal**

- 1.3 The application seeks full planning permission for a storage/workshop building which would be associated with Dodsworth Joinery and Building Ltd (suppliers and fitters of joinery products) whose office is registered at the dwelling located at No 2 Prospect Villas which is adjacent to the site on the west. The Design and Access Statement accompanying the application describes the proposal as consolidation of the business at this one site for improvement of both security and operational efficiency.
- 1.4 The proposal is for the erection of a steel framed storage building. The building would be 14 metres in depth and 9 metres in width. It would have roller shutter doors to the front elevation. To the ridge of its pitched roof it would measure approximately 4.5 metres. The building would have concrete block panels to the sides with green profiled steel sheet cladding to the upper portion of the sides and the roof. The building would sit to the rear of a compound measuring approximately 29 metres by 10 metres and bound by 2 metre high steel paling fencing painted green. There would be 2m high steel gates. The front boundary of the compound would line up with the front elevation of 2, Prospect Villas. A hawthorn hedge would be planted in a 2m buffer zone to provide some screening.
- 1.5 The objective of the proposal is stated to be the operational efficiency and security of the Dodsworth Joinery and Building Company Ltd. Presently, whilst this business is registered at 2, Poplar Villas much of its equipment is stored off site at rented accommodation. The central purpose is to consolidate the business at one site improving both security and operational efficiency. It is the applicant's intention to make the building and compound secure and also to install CCTV. The building would be used to store business tools, plant, trailers, and business materials along with the applicant's motor home. All the machinery would be portable with none fixed to the floor. It is stated there would thus be no use of the machinery within the building. Mr Dodsworth would expect to use the building personally for his business, loading and unloading materials according to the specific job he was involved with at the time.

## **Relevant Planning History**

- 1.6 The following historical application is considered to be relevant to the determination of this application.
- 1.7 Application (reference CO/2002/0113) for the erection of a two storey extension to form garage with bedroom over on the side elevation of 2 Prospect Villas, Barlow Common Road, Barlow was approved in July 2002
- 1.8 Application (reference 2018/0772/FUL) for the proposed erection of a storage building/workshop in association with joinery business at land adjacent to 2 Prospect Villas, Barlow Common Road, Barlow was withdrawn in September 2019

## **2. CONSULTATION AND PUBLICITY**

All immediate neighbours were informed by letter, a site notice has been erected, an advert placed in the local press and statutory consultees notified.

- 2.1 **Parish Council** - No comments received.
- 2.2 **NYCC Highways Canal Rd** - The initial response raised concerns regarding the proposed parking arrangements and requested a plan showing vehicle swept paths for 7.5T vehicles and confirmation whether staff will be attending this site. A subsequent response stated that “original concerns have been addressed” and recommended conditions requiring construction of private access/verge crossings in accordance with the published Specification of the Highway Authority and additional requirements, the provision of visibility splays and provision of approved access, turning and parking areas.
- 2.3 **Yorkshire Water** - No comments received.
- 2.4 **Selby Area Internal Drainage Board** - No objection and recommends condition in relation to surface water drainage together with details of various consents required of the Board.
- 2.5 **Environmental Health**  
First consultation response - no concerns over noise, dust, disturbance to the applicant's property subject to linking occupancy of the property and proposed workshop via a suitably worded condition. Recommends a condition restricting hours of operation. Further information requested on the number of HGVs requiring access and recommends that in the event of high volumes numbers should be limited and/or access times restricted.

Second consultation Response - raised concerns that nearby sensitive receptors will experience loss of amenity, most notably from noise impact from open air storage. Advise that even with noise mitigation measures, (which could only be quantified by means of a Noise Impact Assessment), the LPA should consider the likely low existing background sound levels in this rural area and the typical noise sources associated with B8 use class which are notoriously difficult to control/mitigate, for example HGV movements, loading/unloading, fork-lift trucks, reversing alarms, raised voices, high-impact impulsive noise etc. In view of the above and in the absence of information provided by the applicant (HGV movements and noise assessment), EHO recommended refusal of this application.

Third consultation response- noted that the development would fall under both B2 and B8 use classes and the noise impact would likely be exacerbated under B2 permissions and confirmed that nearby sensitive receptors includes No 1 Prospect Villas, and also others in the vicinity given the scale and likely low existing background sound levels.

- 2.6 **Neighbour Summary** – All immediate neighbours were informed by neighbour notification letter, a site notice was erected and an advert place in the local press.

Ten letters of support have been received from members of the public stating that “this proposal will encourage employment within the area and proposes an appropriate building which will fit in visually and look no different than farm buildings in the area”.

### **3 SITE CONSTRAINTS**

#### **Constraints**

- 3.1 The site is located outside the defined development limits of Barlow and is therefore defined as open countryside. The site does not contain any protected trees and there are no statutory or local landscape designations. Similarly there is no Conservation Area designation or local listed buildings that are affected. The site is situated within Flood Zone 2.

#### 4 POLICY CONSIDERATIONS

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.
- 4.2 The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.
- 4.3 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options would take place early in 2020. 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 (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.
- 4.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

*"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**

- 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
- EMP2 – Location of Economic Development
- T1 – Development in Relation to the Highway
- T2 – Access to Roads

## **5 APPRAISAL**

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

- The Principle of the Development
- Design and Impact on the Character and Appearance of the Area
- Impact on Residential Amenity
- Highway Issues
- Flood Risk, Drainage and Climate Change

### **The Principle of Development**

- 5.2 The application site is located outside development limits of Barlow and is therefore in the open countryside. Relevant policies in respect to the principle of development and the presumption in favour of sustainable development includes Policies SP1, SP2 and SP13 of the Core Strategy, Policy EMP2 of the Selby District Local Plan, and the NPPF.
- 5.3 Policy SP2A (c) of the Selby District Core Strategy provides 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 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; or meet rural affordable housing need, or special circumstances.
- 5.4 Policy SP13 (C) of the Selby District Core Strategy states that in rural areas, sustainable development which brings sustainable economic growth through local employment opportunities or expansion of businesses and enterprise will be supported including for example the re-use of existing buildings and infrastructure and the development of well-designed new buildings.
- 5.5 Policy EMP2 of the Selby District Local Plan states that new development will be concentrated in and around Eggborough, Selby, Sherburn in Elmet and Tadcaster, and that encouragement will be given to the proposals for small-scale development in villages and rural areas in support of rural economy.
- 5.6 Paragraph 83 of the NPPF outlines that planning decisions should enable the sustainable growth and expansion of all types of businesses in rural areas, both through conversion of existing buildings and well-designed new buildings.

- 5.7 It is noted that all letters of support have the same contents stating that they “believe the proposal will encourage employment within the area and proposes an appropriate building which will fit in visually and look no different than farm buildings in the area”.
- 5.8 The proposal is for a construction of a new workshop/storage building which would be used for a joinery and building business. This type of business is not associated with agriculture or other land based rural businesses and does not have to be located in this rural location. Furthermore, there is no evidence to suggest it would support the rural economy, and the proposal does not include creation of employment opportunities as stated in the application form, and is not an expansion of business. As such and given the nature of the business proposed and its open countryside location, it is considered that the proposed scheme would be unsustainable development which would not bring sustainable economic growth. In addition to the above, the site is not identified in development plans as new employment development site and due to the nature of the business it is not considered that it would support rural economy.
- 5.9 According to the information submitted, the proposed building would also be used for a storage of the applicants motorhome and the proposed building would also partially be used as a large domestic garage sited outside the curtilage of the dwelling which also be contrary to Development Plan policies given its countryside location.
- 5.10 In this context, it is considered that the proposed development fails to comply with Policies SP1, SP2 and SP13 of the Core Strategy, Policy EMP2 of the Selby District Local Plan, and the NPPF.

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

- 5.11 Relevant policies in respect to the impact of development on character and appearance of the area are Policy ENV1 of the Selby District Local Plan, Policies SP13 (D), SP18 and SP19 of the Core Strategy and advice contained within the NPPF. Local Plan Policy ENV1 is broadly consistent with the aims of the NPPF and should therefore be given significant weight.
- 5.12 The Design and Access Statement supplied with the application assesses the context of the site, states that setting the building back will result in it only being seen at a distance when viewed from the A1041 to the west and will make building unobtrusive when viewed from Barlow Common Road. It also concludes that the building will not have a significant impact on the character of the local landscape, and that its scale would be appropriate for its location and to neighbouring buildings
- 5.13 The application site is a parcel of undeveloped land adjacent to the eastern boundary of the residential property located at Nr 2 Prospect Villas, and the proposal is for construction of a new storage/workshop building on the southern part of the site and a 2 metre high steel fence and gates close to the north, east and south of it.
- 5.14 The immediate area is characterised by a predominantly open landscape with some remote residential properties located close to a highway and partially screened from it by predominantly high hedges, timber fences and some trees. The lower hedge also runs alongside the Barlow Common Road. There are examples of agricultural buildings within the surrounding area, however, those are of a smaller size and

scale located to the rear of residential properties and well-screened from public views such the one to the south of Botany Bay Cottages located to the east of the site, or are located within the larger group of farm buildings such as a group to the rear of Barlow Lodge. Moreover, the erection of agricultural buildings in the countryside is accepted as being justified on locational grounds. The presence of genuine agricultural buildings in the surrounding countryside does not justify the erection of an industrial building designed to look like an agricultural building. Given this context, the proposed development would stand out as an over-dominant feature in otherwise open area and would therefore be intrusive in the landscape.

- 5.15 The proposed building would measure approximately 13.1 metres in depth, 9 metres in width, and approximately 5.1 metres above ground level to the ridge. The building proposed would be built of concrete block panel and green coloured profiled steel sheet cladding to roof and walls, and same type of cladding for the roof, and would have a green roller shutter door. It is also proposed to add a 2 metre high green steel fence and gates which would surround the site. Due to the design and materials proposed to be used, the building and the fence proposed would have an industrial character which is not characteristic to the open countryside.
- 5.16 The site is currently a part of a larger undeveloped open field. The proposal will introduce a new industrial building with an industrial compound within which vehicles or further storage of materials and equipment would occur. The industrial style fencing, the building and the compound will harmfully change the character of this part of the countryside.
- 5.17 Although the proposed building would be significantly set back from a highway and would have a new hawthorn hedge planted to the south and east elevation of it, it would be seen within the context of the open fields and a pair of isolated small-scale semi-detached properties, and would be highly visible due to its prominent location within the open countryside. It is therefore not considered that the proposed development would be of an appropriate scale to its location.
- 5.18 Taking into consideration all of the above and having considered the size, scale, siting, location and design of the proposed development, the fencing and the compound, it is considered that it would be unacceptable to its surroundings and would have a detrimental impact on the otherwise open countryside. The proposal therefore fails to comply with Policy ENV1 of the Selby District Local Plan, Policies SP13 (D), SP18 and SP19 of the Core Strategy and the NPPF.

### **Impact on Residential Amenity**

- 5.19 Relevant policies in respect of the effect upon the amenity of adjoining occupiers include Policy ENV1 (1) of the Selby District Local Plan. Significant weight should be attached to this Policy as it is broadly consistent with the aims of the NPPF to ensure that a good standard of amenity is achieved.
- 5.20 The key considerations in respect of residential amenity are considered to be the potential of the proposal to result in overlooking of neighbouring properties, overshadowing of neighbouring properties and whether oppression would occur from the sheer size, scale and massing of the development proposed.
- 5.21 Given the separation distance from the nearest residential properties, and due to the size, scale and design of the proposed development, it is not considered that it

would result in adverse effects of overlooking, overshadowing or overbearing of neighbouring properties.

- 5.22 The Design and Access Statement supplied with the application states that the building would largely be used for storage rather than as workshop and that no machinery will be permanently located within the building. However, the proposal is for storage/workshop and there is no planning control over the machinery related to this trade they could potentially use there in the case the application is approved. The application does not state that the use would be limited to storage neither does it state that it will not be used as a workshop. The applicant's business is in the construction industry and is to supply and fit joinery products. It is therefore possible that products may be made on site and brought in parts or whole to building sites.
- 5.23 It is also noted that the applicant requested a condition linking occupancy of the dwelling owned by the applicant, namely No 2, with the use of the proposed development. However, although imposition of such a condition would prevent future loss of amenity to occupants of 2 Prospect Villas from living next to an unrelated business use, it is also noted that there is another residential property within the vicinity of the site, the adjoining semi-detached dwelling namely No 1 Prospect Villas, the amenity of which would be adversely affected by the proposal due to proximity to the site and the scale and nature of the proposal.
- 5.24 The Environmental Health Officer (EHO) has also raised concerns that nearby sensitive receptors, including but not limited to No 1 Prospect Villas, will experience loss of amenity, most notably from noise impact due to the scale, likely low existing background sound levels in this rural area, and the typical noise sources associated with B2 and B8 use class which are notoriously difficult to control/mitigate.
- 5.25 The EHO also noted that there was no additional information submitted on a number of HGVs requiring access to the site and recommended to limit the numbers of HGVs and/or restrict access times for them. However, although the operational times could be restricted via a condition, the vehicle or operational movements within the site during those hours cannot be controlled via planning if the application is granted. As such, it was not considered necessary or appropriate to seek further clarification on the amount and types of vehicles intended to be used on site. However, it is considered that the proposal would increase the type and number of traffic movements within the area which would have a harmful impact on the neighbouring properties.
- 5.26 Given all of the above, it is considered that the that the proposal would cause significant adverse impact on the residential amenity of the neighbouring properties and as such would be contrary to Policy ENV1 of the Selby District Local Plan.

### **Highway Issues**

- 5.27 Relevant policies in respect to highway safety include Policies ENV1, T1 and T2 of the Selby District Local Plan and requirement (c) set out in Policy SP19 of the Core Strategy. These policies should be afforded substantial weight as they are broadly consistent with the aims of the NPPF.
- 5.28 NYYC Highways requested some additional information as follows:
- Plans showing vehicle swept paths for the 7.5T vehicles
  - The proposed parking arrangements

- Requested confirmation of whether staff will be attending this site for collections etc.

5.29 Following the receipt of the above information NYCC Highways confirmed that original concerns have been addressed and raised no objection subject to conditions requiring construction of access to the site in accordance with the published Specification of the Highway Authority and additional requirements outlined in the recommended condition, provision of visibility splays and provision of approved access, turning and parking areas. They have also recommended adding informatives relating to a separate licence being required from the Highway Authority and relating to liability for a range of offences under the relevant acts for any activity on the development site that results in the deposit of soil, mud or other debris onto the highway.

5.30 Notwithstanding the fact that the proposal is unacceptable in principle and that it would have a harmful impact on the open countryside, taking into consideration all of the above and the size, scale and nature of the proposed development, the scheme is considered acceptable in terms of its impact on a highway safety and is therefore in accordance with Policies ENV1, T1 and T2 of the Selby District Local Plan and requirement (c) set out in Policy SP19 of the Core Strategy, and the NPPF.

### **Flood Risk and Drainage**

5.31 Relevant policies in respect to flood risk include Policies SP15, SP19 of the Core Strategy, and paragraphs 149,150,155,156, 157, 158, 163 of the NPPF

5.32 The application site is part located 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.

5.33 Paragraph 155 of the NPPF states that *“Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere”*.

5.34 Paragraph 158 of the NPPF states that *“The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding”*.

5.35 Paragraph 159 of the NPPF states that *“If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidance”*.

- 5.36 Paragraph 163 of the NPPF states that *“When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood risk assessment<sup>50</sup>. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that: a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location; b) the development is appropriately flood resistant and resilient; c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate; d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan”*. Footnote 50 states *“A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3”*. The NPPG provides further guidance on how to undertake a flood risk assessment.
- 5.37 The application proposes construction of a storage/workshop building partially within Flood Zone 2. Even though only a small part of the application site is located within Flood Zone 2 (south east corner) and a safe access and egress during the flooding can be achieved without having to use the area of Flood Zone 2 due to the location of the Flood Zone 2, part of the building would be sited within it. As such, the proposal is not considered to exempt from the Sequential Test and Exception Test. However, this has not been provided by the applicant.
- 5.38 A document titled ‘Flood Risk Assessment’ has been submitted with the application. This sets out that most of the site is in Flood Zone 1 but part of it is located within Flood Zone 2, and that about 25% of the area the building is proposed to be built on is located in Flood Zone 2. It also sets out that the proposed building is for storage and workshop which gives it a similar status, in flood risk terms, as an agricultural building which would be exempt from needing a flood risk assessment. It proceeds to set out that the part of the building being in Flood Zone 2 may flood in the 1 in 100 year event, *“but the ‘risk’ is not transferred into a risk to life as the use of the building is storage and workshop and will therefore on result in infrequent occupancy”*. The document concludes that the building will create insignificant displacement during a flood event and that there will be negligible impact on other buildings in this flood zone. This information is acknowledged, however, having regard to national policy set out in the NPPF and national guidance set out in the NPPG, it is considered that the submitted Flood Risk Assessment does not comply with the requirements set out in national policy and guidance and therefore the submitted Flood Risk Assessment does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.
- 5.39 In terms of surface and foul water drainage, the application form states that there will be no foul drainage connection as there is no need for it, and that the surface water would be disposed of via the existing water course.
- 5.40 Internal Drainage Board and Yorkshire Water Services have been consulted on this application. Yorkshire Water Services have not commented on this application and it is therefore assumed that they do not object to the proposals on the basis of the information submitted. Internal Drainage Board raised no objections in principle providing that if surface water is to be discharged into any watercourse within the drainage district, consent from the IDB would be required and would be restricted to 1.4 litres per second per hectare on greenfield runoff. As such and given the

information relating to drainage provided, the proposal is considered to be appropriate in terms of its impact on drainage.

- 5.41 Having regard to the above, the proposed development is not considered to be acceptable in terms of flood risk but is considered to be acceptable in terms of drainage, taking into account national policy contained within the NPPF, national guidance contained within the NPPG and the Selby District flood Risk Sequential Test Developer Guidance Note dated March 2019.

## **6 CONCLUSION**

- 6.1 The application seeks full planning permission for the erection of building to be used for storage/workshop facility on land adjacent to 2 Prospect Villas, Barlow Common Road, Barlow to consolidate the business at this site.
- 6.2 The application site is located outside the defined development limits of Barlow which is a Secondary Village as identified within the Core Strategy and is therefore located within the open countryside. The proposal would not constitute any of the types of development of that area acceptable in principle under Policies SP2 and SP13 of the Core Strategy and Policy EMP2 of the Selby District Local Plan. The proposal is therefore contrary to the above policies and hence the overall Spatial Development Strategy for the District.
- 6.3 In terms of the impact on the open countryside and character of the area, the proposal would stand out as an over-dominant feature of an industrial character with the uncharacteristic to the open countryside boundary treatment and be inappropriate in scale to its location. As such and due to its size, scale, siting, fencing and outside compound and location, it would be prominent within the open countryside and would be intrusive in the landscape. It is therefore considered the proposal would cause harm to the character and appearance of the area and an open countryside and would be contrary to Policy ENV1 (1) and (4) of the Selby District Local Plan, Policies SP13, SP18 and SP19 of Core Strategy and the NPPF.
- 6.4 In terms of the impact on residential amenity of the neighbouring occupiers, the proposal could generate unacceptable levels of noise and disturbance to the residents of the neighbouring properties due to the proposed use of the site and the building for the purposes of the joinery and building business. Given the nature and scale of the proposal combined with the likely low existing background noise levels in this rural area, it is considered that the proposal would adversely affect amenities of the neighbouring properties and as such would be contrary to Policy ENV1 of the Selby District Local Plan.
- 6.5 The application site is located within Flood Zone 2 and the NPPF states that all proposals located in Flood Zone 2 and 3a require a Sequential Test to determine whether there are any reasonably available sites at less risk of flooding that could accommodate the development. For development located within the open countryside, the Sequential Test should be undertaken at a District wide level. The applicant has failed to submit information to demonstrate that the Sequential test can be met. The proposed development is therefore considered to be unacceptable in terms of flood risk and contrary to the NPPF.
- 6.6 The application site is located within Flood Zone 2 and the NPPF states that all proposals located in Flood Zone 2 and 3a require a Site Specific Flood Risk Assessment. The submitted Flood Risk Assessment does not comply with the

requirements set out in national policy and guidance and therefore the submitted Flood Risk Assessment does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. The proposed development is therefore considered to be unacceptable in terms of flood risk and contrary to the NPPF.

## **7 RECOMMENDATION**

This application is recommended to be REFUSED for to the reasons below:

- 7.1 The application site is located outside development limits and is therefore within the open countryside. The proposal would not constitute any of the types of development acceptable in principle in the countryside nor would it improve or contribute to the local rural economy, it would therefore fail to comply with the aims of Policies SP1, SP2 and SP13 of the Core Strategy and with Policy EMP2 of the Selby District Local Plan and with the NPPF. The proposal is therefore contrary to the above policies and hence the overall Spatial Development Strategy for the District.
- 7.2 The proposal would introduce an intrusive prominent development of an industrial character uncharacteristic and harmful to the open rural character of this part of the countryside due to its size, scale, siting, boundary treatment and use of an open industrial compound contrary to the aims of Policy ENV1 (1) and (4) of the Selby District Local Plan, Policies SP13, SP18 and SP19 of Core Strategy and the NPPF.
- 7.3 The proposal is likely to generate unacceptable levels of noise and disturbance to the residents of the neighbouring properties due to the proposed use of the site and the building for the purposes of storage and workshop for the joinery and building business together with the comings and goings of vehicles associated with the use. Given the nature and scale of the proposal combined with the likely low existing background sound levels in this rural area, it is considered that the proposal would adversely affect the amenities of the neighbouring properties and as such would be contrary to Policy ENV1 of the Selby District Local Plan.
- 7.4 The application site is located within Flood Zone 2 and the NPPF states that all proposals located in Flood Zone 2 and 3a require a Sequential Test to determine whether there are any reasonably available sites at less risk of flooding that could accommodate the development. For development located within the open countryside, the Sequential Test should be undertaken at a District wide level. The applicant has failed to submit information to demonstrate that the Sequential test can be met. The proposed development is therefore considered to be unacceptable in terms of flood risk and contrary to the NPPF.
- 7.5 The application site is located within Flood Zone 2 and the NPPF states that all proposals located in Flood Zone 2 and 3a require a Site Specific Flood Risk Assessment. The submitted Flood Risk Assessment does not comply with the requirements set out in national policy and guidance and therefore the submitted Flood Risk Assessment does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. The proposed development is therefore considered to be unacceptable in terms of flood risk and contrary to the NPPF.

## **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 2019/0539/FUL and associated documents.

**Contact Officer:** Irma Sinkeviciene (Planning Officer)

[isinkeviciene@selby.gov.uk](mailto:isinkeviciene@selby.gov.uk)

**Appendices:** None