

**Chief Executive Officer Urgent Decision Session – Planning:
Decision Record**

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| Planning Application: | 2019/0311/FUL – The Byre, Sweeming Lane, Little Fenton |
| Decision Maker: | Janet Waggott, Chief Executive |
| Other Officers Present at Remote Meeting: | Martin Grainger, Head of Planning, Ruth Hardingham, Planning Development Manager, Jenny Tyreman, Senior Planning Officer, Glenn Sharpe, Solicitor and Victoria Foreman, Democratic Services Officer |
| Title of Decision: | CEO Urgent Decision Session – Planning: 2019/0311/FUL – The Byre, Sweeming Lane, Little Fenton |
| Ward(s): | Appleton Roebuck and Church Fenton |
| Type of Decision: | <input type="checkbox"/> Key decision <input type="checkbox"/> Non key decision discharging (or connected to the discharge of) an Executive function <input checked="" type="checkbox"/> Specific delegation from Council or Committee <input type="checkbox"/> Grant of permission / licence <input type="checkbox"/> Affecting the rights of an individual <input type="checkbox"/> Awarding a contract or incurring expenditure which materially affects the financial position of the Council <input checked="" type="checkbox"/> Decision under urgency |
| Details of decision: | <p>Location: 2019/0311/FUL – The Byre, Sweeming Lane, Little Fenton</p> <p>Proposal: Proposed conversion of and extension to a stable/garage block to create a residential property, erection of a detached garage, erection of stables and creation of manege</p> <p>The application had been brought before the Chief Executive for consideration under urgency as the proposal was contrary to the requirements of the development plan (namely Criterion 1 of Policy</p> |

H12 of the Selby District Local Plan), but there were material considerations which would justify approval of the application. Furthermore, more than 10 letters of representation had been received which raised material planning considerations, and Officers would otherwise determine the application contrary to these representations.

The Chief Executive was informed that this was recommended as a 'minded to' decision as the application had needed to be advertised again due to some issues with the red edges of the site plan; as such, a decision notice could not be issued until the re-consultation period had passed on 8 April 2020.

With regards to the Officer Update Note, Officers explained that the Environment Agency had reviewed the submitted Flood Risk Information against the Standing Advice Note and had advised that there were no objections to the proposals in terms of flood risk, subject to an additional condition to ensure that finished floor levels were 300mm above ground level and 300mm of flood resilience measures were incorporated into the proposed development.

As part of the decision-making process the Planning Committee, including the Chair and Vice Chair, were consulted on the applications. These comments were collated and presented to the Chief Executive as part of her decision making.

Comments had been received from some Members of the Planning Committee, relating to a number of issues, such as the application being in the open countryside, a need for the proper monitoring of conditions 8 and 9 regarding the impact on neighbouring properties, and compliance with the condition on private use.

Some Members were of the opinion that the application should be refused due to environmental impacts as reasoned by the Environmental Health Officer, (i.e. odours, noise and light pollution associated with equestrian activity), the detrimental impact on the amenity of future and current users of the proposed dwelling from the proximity of the different aspects of equestrian use, the quality of design relating to inadequate separation distances between the proposed dwelling house, related stable and manege, and lastly, overdevelopment of the site, which some Members felt was a crowded mix between proposed dwelling house, large garage, stable block and relocated manege.

Members' comments had acknowledged that in order to address the matters highlighted above, Officers had introduced Condition 7; however, it was not considered by some Members that this solved the issues and was not enforceable. The size of the proposed garage and stable block were still disproportionately large and no evidence had been provided to demonstrate that the existing

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| | <p>building could not be used for employment in the first instance, as required by policy.</p> <p>In comparison, Some Members had expressed their agreement with the Officer recommendation as set out in the report.</p> <p>The Officer provided responses to the issues raised by Members and explained that there was no requirement for the applicant to demonstrate that the building, or its location, was unsuited to business use given the different approach taken in Policy SP2A (c), which was consistent with the NPPF. This approach had been supported by the Planning Inspectorate at appeal. The design and impact of the proposed development on the character and appearance of the area was considered to be acceptable for the reasons set out in the report.</p> <p>Officers also explained that the proposals were considered to be acceptable in terms of their relationship to neighbouring residential properties and in terms of the relationship of the proposed dwelling to the proposed horse related development, as detailed in the report. It was further demonstrated that relevant conditions had been attached to protect residential amenity, in line with recommendations from the Environmental Health Officer. These conditions were considered to meet the five tests set out in paragraph 55 of the NPPF, those being that they are necessary, relevant to planning and to the development permitted, enforceable, precise and reasonable in all other respects.</p> <p>The Planning Solicitor confirmed that the conditions as set out in the report and the Officer Update note were enforceable.</p> <p>The Chief Executive queried when the application had been received and if a decision on the scheme was overdue; Officers confirmed that several matters had required clarification from the applicant, and as such, had taken time to resolve.</p> <p>The Chief Executive, having considered the report, Officer Update Note and representations from Members and Officers in full, confirmed that she agreed with the Officer's recommendation of MinDED to Grant.</p> |
| <p>Resolution:</p> | <p>RESOLVED:</p> <p>MINDED TO GRANT, following the expiry of the consultation period on 8 April 2020 and subject to:</p> <ul style="list-style-type: none"> i. no new issues being raised; ii. the conditions set out in the Officer Report; and iii. the additional condition as set out in the Officer Update Note. |

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| Contact details for further information: | Planning Officer: Jenny Tyreman, Senior Planning Officer jtyreman@selby.gov.uk |
| Signed: | <i>Janet Waggott</i> Janet Waggott, Chief Executive |
| Date of Decision: | 1 April 2020 |