



Report Reference Number 2019/0901/FUL

To: CEO Urgency Decision Session – Planning
Date: 24th June 2020
Author: Rebecca Leggott (Senior Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2019/0901/FUL	PARISH:	Selby Town Council
APPLICANT:	Mr John Wilson	VALID DATE:	7th February 2020
		EXPIRY DATE:	3rd April 2020
PROPOSAL:	Retrospective change of use of land to garden land, siting of a static caravan and laying of hardstanding		
LOCATION:	Field View Wistow Road Selby YO8 3LY		
RECOMMENDATION:	REFUSE		

This application has been brought before the CEO Urgency Decision Session as directed by the Head of Planning due to the level of objection. It is also noted that Ward Cllr J. Shaw- Wright has called the application in should officers be minded to approve the application.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1. The application site lies to the north west of Selby Town centre and part within the development limits and part within open countryside as identified within the Core Strategy.
- 1.2. The application site is formed by the large red line boundary, which wraps around the rear of No 62 and No.60 then extends north and into the field to the west of the newly formed dwelling known as No.64. The village development limits are easily identifiable with the northern boundary running parallel with the rear gardens of all the dwellings which front Wistow Road. No.64 splits and encroaches north, beyond this development limit and extends the built form to the north.

The Proposal

1.3 The proposals consist of a number of components these include:

- The change of use of land to residential garden;
- The siting of a static caravan; and
- The laying of hardstanding.

1.4 It is noted that the application form includes a proposal for the installation of a water harvesting tank. However, no information has been provided in respect of this despite being requested and officers have been unable to assess this element of the application. Therefore, the proposals for the installation of a water harvesting tank have been removed from the proposals.

1.5 It is noted that the main consent granted in 2003 (CO/2003/0520) for a detached dormer bungalow and this was later amended in 2017 (2017/0160/FUL). It is acknowledged that the development was commenced through the construction of the detached garage within the relevant time scales. Therefore, the 2003 application and subsequent amendments through the 2017 permission are extant.

1.6 In terms of the use of the land as garden, this is shown on the submitted red line plan and shows a 0.64hec area of land that exceeds that shown on the 2003 permission. This extends to the north and to the west and is predominantly laid to grass with hedgerows.

1.7 The static caravan is 12.26m x 3.9m and is located to the north east of the main dwelling and is said to be occupied by members of the applicant's family, however no further details have been provided. The agent states that the static caravan is ancillary to the main dwelling and not an independent unit of accommodation.

1.8 Finally, the proposals seek to retain the realignment of the access to Wistow Road which has moved further west, than the access as approved by application reference, 2006/0840/FUL. Additional hard standing has also been created to the rear around the retrospective static caravan.

Relevant Planning History

1.9 The following historical application is considered to be relevant to the determination of this application.

- 2018/0908/COU, Proposed change of use of land to create small touring caravan park for 21 pitches, Address: Land Adjacent to Number 64, Wistow Road, Selby, Decision: WDN, Decision Date: 20-DEC-18
- 2017/0160/FUL, Section 73 application to vary condition 04 (plans & specifications) to change the layout of property and garage of approval CO/2003/0520 for erection of detached dormer bungalow and detached garage to rear, 62 Wistow Road, Selby, Decision: PER, Decision Date: 03-MAY-17
- 2013/0091/DPC, Discharge of conditions 2 (materials) and 8 (landscaping) of approval 8/19/1474/PA (CO/2003/0520) for the erection of detached dormer

bungalow and detached garage to the rear of, 62 Wistow Road, Selby, YO8 3LY, Decision: COND, Decision Date: 28-MAR-13

- 2006/0840/FUL, Erection of a detached garage in the garden and re-alignment of access drive to the approved dwelling to the rear, 62 Wistow Road, Selby, Decision: PER, Decision Date: 29-AUG-06
- CO/2003/0520, Erection of detached dormer bungalow and detached garage to the rear of, 62 Wistow Road, Selby, Decision: PER, Decision Date: 05-SEP-03

2. CONSULTATION AND PUBLICITY

2.1. **NYCC Highways Canal Rd** - There are no local highway authority objections to the proposed development.

2.2. **Yorkshire Water**– Yorkshire Water have raised no objections to the proposals subject to no digging below a depth of 1.5 metres and Yorkshire Water having 24/7 access to their assets on site.

2.3. **Selby Area Internal Drainage Board** - The IDB have raised no objections subject to a number of standard conditions to be attached to any planning consent granted.

2.4. **Environmental Health** – The EHO has raised no objections to the proposed development.

2.5. **North Yorkshire Bat Group** - No response within the statutory time period.

2.6. **Yorkshire Wildlife Trust** – No response within the statutory time period.

2.7. **County Ecologist** – The Ecologist has raised not objection to the proposed development.

2.8. **Parish Council** - Selby Town Council objects to this retrospective application. Applicants should have submitted a planning application prior to work commencing. Any objections from neighbouring properties to be taken into consideration Any considerations from Environment Agency, Environmental Health department and Highways Agency to be taken into account.

2.9. **Neighbour Summary** - All immediate neighbours were informed by letter and a site notice was erected. Resulting in 18 letters of objection being received raising concerns for:

- The garage is not listed in the application, so why have the drawings been provided?
- Extended residential curtilage outside development limits.
- Concerns the water harvesting tank is in fact a septic tank.
- If this application is approved this will encourage further applications for caravans.
- Concerns planning permission is being granted on this site which others in the area are being refused.
- The proposals are contrary to the development plan and there are no special circumstances.

- Residential garden:
 - Impact of the domestic appearance of the cut grass as opposed to agriculture.
 - Removed pd on this land would not reduce the impact.
- Highway Safety:
 - Pick up trucks and trailers accessing the site on a daily basis.
 - Gates not set far enough back from the highway for vehicles to pull off the highway causing traffic to back up on the highway, Wistow Road.
 - Access being located on a sharp bend.
- Drainage:
 - Miss use of the address 62 Wistow Road on the Flood Risk Assessment.
 - The application states that the caravan is connected to mains sewers. However, this is not the case.
 - Concerns for the additional drainage problems the caravan will present.
 - Why are soakaways needed when there is a water harvesting tank being proposed?
 - If the water harvesting tank is a septic tank and discharges directly into the nearby water course this will be a pollution threat.
- Static Caravan:
 - The application states that the building work was completed however work is ongoing to the caravan such as the balcony.
 - Concerns for the use of the static caravan as a separate residential unit and is located outside the defined development limits.
 - Concerns that the static caravan can be clearly seen day and night due to lights around it.
 - The static caravan is out of character with the surroundings and unsightly.

3. SITE CONSTRAINTS

3.1. The site is located part within and part outside the defined development limits of Selby.

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
- 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
- H14 – Extensions to Dwellings in the Countryside
- H15 – Extension of Curtilages in the Countryside

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 Safety
- Flood Risk and Drainage
- Nature Conservation and Protected Species

The Principle of the Development

5.2. Policy SP1 of the Core Strategy outlines that *“when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework”* and sets out how this will be undertaken. Policy SP1 is therefore consistent with the guidance in Paragraph 11 of the NPPF.

- 5.3. The application site is mostly located outside the defined development limits of Selby, which is a Principle Town as identified within the Core Strategy. It should be noted that all proposals within this application are located outside the defined development limits as set out on the location and layout plan. The site lies within Flood Zone 1.
- 5.4. Policy SP2A (a) of the Core Strategy states *“The majority of new development will be directed to the towns and more sustainable villages depending on their future role as employment, retail and service centres, the level of local housing need, and particular environmental, flood risk and infrastructure constraints”*.
- 5.5. Policy SP2A (c) of the Core Strategy states that *“Development in the Countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and communities, in accordance with Policy SP13; or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances”*.
- 5.6. Policy SP2B of the Core Strategy states that, *“Land will be allocated for development in Selby ... through a Site Allocations Local Plan with preference to land of least environmental or amenity value based on the following ‘sequential approach’: 1. Previously developed land and buildings within the settlement; 2. Suitable greenfield land within the settlement; 3. Extensions to settlements on previously developed land; 4. Extensions to settlements on greenfield land.”*
- 5.7. Policy SP4(a) of the Core Strategy states that *“in order to ensure that development on non-allocated sites contributes to sustainable development and the continued evolution of viable communities, the following types of residential development will be acceptable in principle within Development Limits”. Further to this, “In Selby, Sherburn in Elmet, Tadcaster and Designated Service Villages – conversions, replacement dwellings, redevelopment of previously developed land, and appropriate scale development on greenfield land (including garden land and conversion/ redevelopment of farmsteads)”*
- 5.8. Policy SP4(c) of the Core Strategy states that *“...proposals will be expected to protect local amenity, to preserve and enhance the character of the local area, and to comply with normal planning considerations, with full regard taken of the principles contained in Design Codes (e.g. Village Design Statements), where available.”* Policy SP4(d) of the Core Strategy states that *“appropriate scale will be assessed in relation to the density, character and form of the local area and should be appropriate to the role and function of the settlement within the hierarchy”*.
- 5.9. Policy H15 of the Local Plan states that, *“Proposals to extend the curtilage of properties outside defined Development Limits will only be permitted if there is no significant adverse effect on the character and appearance of the surrounding countryside, and the proposed means of enclosure would be appropriate to the adjoining countryside. Any permission granted may be made conditional upon the removal of permitted development rights in relation to that part of the curtilage outside Development Limits.”*
- 5.10. The application seeks full planning permission for the following:
- The change of use of land to residential garden;
 - The siting of a static caravan; and

- The laying of hardstanding.

- 5.11. In considering the scheme, the proposals would be located outside the defined development limits. The proposals cause encroachment into the countryside and would significantly change the character of the entrance to the settlement and openness of the countryside.
- 5.12. The proposal does not meet any of the acceptable uses within Policy SP2A(c) of the Core Strategy, as it is not for rural affordable housing need and there are no further special circumstances demonstrated.
- 5.13. In respect of the static caravan, notwithstanding the applicant's submissions that this is an ancillary function to the main dwelling, its location lies within the open countryside and extends the development beyond the settlement boundary. The Planning Statement provided states that, this "is occupied by members of the applicant's family." The mobile home has two bedrooms, a bathroom, kitchen, living area and hallway and are designed for self-contained living. The planning statement argues that this is ancillary to the main dwelling as it is only occupied by members of the applicant's family. No further detail has been given in terms of what reliance the occupants have on the main dwelling. This therefore raises the issue of whether it is being lived in independently, particularly given its position, form, parking and general self-contained nature. The application, however, should properly be assessed on the basis of the application submission i.e. as ancillary to the main dwelling, and it is clear that even in this claimed ancillary form, it remains inappropriate development.
- 5.14. In respect of the extension of the residential curtilage, this requires consideration of Policy H15. Which requires an assessment of the impact on the character and appearance of the area. This will be assessed in the following sections of the report.
- 5.15. In considering all of the above, the proposals on a whole would be unacceptable in principle and are not in accordance with Policy's SP2 and SP4 and all other relevant local and national policy tests.

Design and Impact on the Character and Appearance of the Area

- 5.16. Relevant policies in respect to the impact of development on the character and appearance of the area include Policy ENV1 (1), (4) and (5) and H15 of the Selby District Local Plan, and Policies SP18 and SP19 of the Core Strategy. Further to this, relevant policies within the NPPF, include paragraphs 124, 127, 128, 130, 131.
- 5.17. The all the proposed development within this application is located outside the defined development limits and therefore located within the open countryside.
- 5.18. Prior to the development of the site, the land in question was an open grassed field, which provided a clear demarcation of the settlement boundary and open countryside. The 2003 approval sought to locate this development within the settlement boundary and limited the curtilage so as to not encroach into the countryside.
- 5.19. Overall, the proposals seek to retain a significant 0.64ha of land to the north and west of No.64 as its residential curtilage, as well as other development. This current proposal domesticates and 'opens up' the land, removing its once rural character, all of which is harmful to the character of the countryside.

- 5.20. Taking each element of the proposals in turn, in respect of the change of use of land to residential garden. In considering the impacts on the character and appearance of the surrounding countryside, the proposed means of enclosure would be appropriate to the adjoining countryside. The area of land in question has high boundary hedges and trees along the north and north west boundaries of the site. However, although it is noted there are some boundary hedges to the south and south west of the site, these consist of post and rail wooden fencing and low hedges. Therefore, the site is visible from public footpath and from the highway. Further boundary treatments cannot be conditioned for these boundary's due to implications this would have on visibility splays. Therefore, this element of the proposals is considered to have an unacceptable impact on the character and appearance of the area.
- 5.21. In considering the siting of the static caravan, although it is noted that this is set back from the highway, there are still a number of views of the static from the south west of the site, when entering the settlement. The static caravan, by virtue of its scale, design and appearance would be harmful to the countryside setting and be out of keeping with the rest of the surrounding area.
- 5.22. The applicant makes the claim that the caravan would have be permitted development had it have been within the residential curtilage. However, it should be noted that permitted development rights were removed for the lawful site by way of Class E and Class A to Schedule 2, Part 1. Therefore, even if stationed within a residential curtilage and used ancillary to the main dwelling, this could not be permitted development. Further to this permitted development rights were specifically removed from all previous applications for the site in in order to protect the character and appearance of the area. It was certainly not the intention of any of the applications for the whole of red line to be opened up as residential curtilage.
- 5.23. In considering the laying of hardstanding, this relates to the re alignment of the driveway further west than the approved drawings for application reference 2017/0160/FUL. It is also noted that application reference 2006/0840/FUL also included proposals to realign the access and only slightly different to what is on site and being applied for now. Officers at the time determined that, although the proposed realignment would be beyond the defined developments that this would not impact on the character and appearance of the area and open countryside and overall considered this to be acceptable. From a review of all relevant information and a site visit the same conclusion can be reached by officers with this application.
- 5.24. Overall, the proposal is not considered to be acceptable as it would have a significant detrimental impact on the character and appearance of the open countryside. Accordingly, having had regard to Policies ENV1(1), (4) and (5) and H15 of the Selby District Local Plan, and Policies SP18 and SP19 of the Core Strategy and paragraph 127 of the NPPF, it is considered that the proposal is unacceptable.

Impact on Residential Amenity

- 5.25. Relevant policies in respect of the impact of the proposal on residential amenity include Policy ENV1 (1) of the Selby District Local Plan.
- 5.26. Significant weight should be attached to Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF to ensure that a good standard of amenity is achieved for all existing and future occupants of land and buildings.

- 5.27. 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 size, scale and massing of the development proposed.
- 5.28. In respect of the change of use of the land to residential garden, it is not considered that this would pose any significant adverse impacts on overlooking or noise.
- 5.29. In respect of the sitting of the static caravan, given the separation distances, orientation of the static caravan and the scale of this all at ground floor level. It is not considered that this would pose any significant adverse impacts on overlooking, overshadowing or oppression.
- 5.30. In respect of the laying of hardstanding, it is not considered that this would pose any additional significant adverse impacts on overlooking or noise.
- 5.31. Overall, the proposals on a whole are considered acceptable in terms of residential amenity in accordance with Policy ENV1 (1) of the Selby District Local Plan and the advice contained within the NPPF.

Highway Safety

- 5.32. Policy in respect of highway safety is provided by Policies ENV1 (2), T1 and T2 of the Selby District Local Plan, Policy SP19 of the Core Strategy and paragraphs 34, 35 and 39 of the NPPF. The policies of the Local Plan referred to above should be afforded significant weight as they do not conflict with the NPPF.
- 5.33. The proposed scheme benefits from an existing access which from a review of google earth was in situ on 5th July 2007. Furthermore, it is considered that there is sufficient space available on site for parking two cars on site.
- 5.34. Having consulted with NYCC Highways, they have raised no objections to the proposed development specifically in respect of the laying of hardstanding and have suggested no conditions.
- 5.35. It is therefore considered that the proposal is acceptable in terms of highway safety in accordance with Policies ENV1 (2), T1 and T2 of the Local Plan and the advice contained within the NPPF.

Flood Risk and Drainage

- 5.36. Policies SP15, SP16 and SP19 of the Core Strategy require proposals to take account of flood risk, drainage, climate change and energy efficiency within the design.
- 5.37. It is noted that in complying with the 2013 Building Regulations standards, the development will achieve compliance with criteria (a) to (b) of Policy SP15(B) and criterion (c) of Policy SP16 of the Core Strategy. It is also considered that, taking into account the size, scale and nature of the proposal, it would be not necessary or appropriate for the proposal to meet the other requirements of these policies.
- 5.38. 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, but where development is necessary, making it safe without increasing flood risk elsewhere. Local Plans should be supported by Strategic Flood Risk Assessment and

develop policies to manage flood risk from all sources, taking account of advice from the Environment Agency and other relevant flood risk management bodies, such as lead local flood authorities and internal drainage boards. Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change.”

- 5.39. The submitted Flood Risk Assessment (FRA) identifies that the application site is located within flood zone 3 and is confirmed to be located within flood zone 3 on the Environment Agency's flood zone maps. Land in Flood Zone 3a is regarded as having a 1 in 100 or greater annual probability of river flooding; or Land having a 1 in 200 or greater annual probability of sea flooding. Buildings used as dwellings are considered to be "more vulnerable" in terms of flood risk. "More vulnerable" uses in flood Zone 3a are normally required to meet the Sequential and Exceptions tests. However, the static caravan is being applied for as ancillary to the main dwelling house and therefore the sequential and exceptions test does not apply in this instance.
- 5.40. In respect to the disposal of foul and surface water it is noted that in the submitted flood risk assessment states that, “There does not appear to be any formalised drainage supporting the site. It is considered that the site currently drains by infiltration and evaporation.”
- 5.41. Further to this, the proposals present the rainwater harvesting tank as a method of dealing with surface water from the roof of the mobile home and the use of permeable materials as a way of dealing with the driveway. However, insufficient information has been provided in respect of this water harvesting tank and was subsequently removed from the application description.
- 5.42. In terms of disposing foul water the arrangements are to be as existing, as stated within the application form. Therefore, there are no changes to the disposal of foul water via the existing network to the mains sewers.
- 5.43. In considering this, Yorkshire Water and IDB have been consulted and have not raised objections subject to the attachment of a number of conditions.
- 5.44. Notwithstanding the insufficient information provided in respect of the water harvesting tank. Given there are alternative methods of surface water drainage available and no objections being raised by Yorkshire Water and the IDB. Officers could reasonably condition details of foul and surface water drainage to be provided. It should be noted that this would not include proposals such as a water harvesting tank as this type of development would require full planning permission
- 5.45. On the basis of the above, notwithstanding the water harvesting tank and subject to conditions the proposals would be considered to be acceptable in terms of drainage and flood risk and therefore the proposals accord with Policies SP15, SP16, SP19 of the Core Strategy, and paragraphs 158, 159 and 160 of the NPPF.

Nature Conservation and Protected Species

- 5.46. Policy in respect to impacts on nature conservation interests and protected species is provided by Policy ENV1(5) of the Local Plan, Policy SP18 of the Core Strategy and paragraphs 170, 172 and 175 of the NPPF.
- 5.47. In respect to impacts of development proposals on protected species planning policy and guidance is provided by the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2017 (as amended) and the NPPF. The presence of a protected species is a material planning consideration. In addition, Policy ENV1(5) require proposals not to harm acknowledged nature conservation interests.
- 5.48. The application site is no located within close proximity of any sites protected for nature conservation. Furthermore, comments have been sought from NYCC Ecology who have raised no objections to the proposed development.
- 5.49. Having had regard to all of the above, it is concluded that the proposal is acceptable in respect of nature conservation and protected species and is in accordance with Policy SP18 of the Core Strategy and ENV1(5) of the Local Plan and paragraphs 170, 172 and 175 the NPPF.

CONCLUSION

- 5.50. The proposals are for the change of use of land to residential garden, the siting of a static caravan, and the laying of hardstanding.
- 5.51. The laying out of hardstanding is considered acceptable in all aspects. However, the change of use of land to residential garden and static caravan outside development limits is unacceptable in principle and also in respect of the design and impact on the character and appearance of the area.
- 5.52. In considering the proposed scheme on a whole. Whilst the proposed development is not considered to have a detrimental effect on, residential amenity, highway safety, flood risk, drainage, or ecology, the proposed scheme would not be acceptable in terms of the character and appearance of the open countryside.
- 5.53. Having had regard to the development plan, all other relevant local and national policy, consultation responses and all other material planning considerations, the proposals are considered as being unacceptable in principle, due to conflict with Core Strategy Policy SP2. The proposals are also unacceptable in respect of the impacts on the character and appearance of the countryside, due to the appearance of the static caravan and the openness of the land proposed for residential garden.
- 5.54. The application is therefore considered to be contrary to Policies ENV1, ENV2 and H15 of the Selby District Local Plan, Policies SP1, SP2, SP4, SP18 and SP19 of the Core Strategy and the advice contained within the NPPF.

6. RECOMMENDATION

6.1. This application is recommended to be refused for the following reasons: -

1. The proposed development significantly encroaches into open countryside, where in accordance with the overall Spatial Development Strategy for the District, development will be restricted to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new

buildings of an appropriate scale, which would contribute towards and improve the local economy and communities, in accordance with Policy SP13; or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances. The proposal does not comprise any of the types of development that are acceptable in principle under Policy SP2A (c) of the Core Strategy and therefore the proposal is unacceptable in principle and contrary to Policy SP2A (c) of the Selby District Core Strategy and hence the overall Spatial Development Strategy for the District.

2. The application site provides the entrance to the settlement where the countryside meets the residential urban form. The proposed change of use to domestic garden land and the siting of a static caravan in this location, would be harmful to this character, particularly due to the open nature of the site and views from Wistow Road. The caravan would create an incongruous feature in the landscape by virtue of its sitting, scale and appearance and the proposal would visibly encroach the residential character into the countryside and relate poorly to the remainder of the residential character along Wistow Road. The proposal would have a significant detrimental impact on the character and appearance of the area and fails to comply with Policies ENV1 (1), (4) and (5) of the Selby District Local Plan, and Policies SP18 and SP19 of the Core Strategy and paragraph 127 - 130 of the NPPF as the proposal would not add to the overall quality of the area or be sympathetic to local character.

7. LEGAL ISSUES

7.1. Planning Acts

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

7.2. 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.

7.3. 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.

8. FINANCIAL ISSUES

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

9. BACKGROUND DOCUMENTS

- 9.1. Planning Application file reference 2019/0901/FUL and associated documents.

Contact Officer: Rebecca Leggott (Senior Planning Officer)

Appendices:

Appendix 1 - Site Images, 2019/0901/FUL