



**Report Reference Number 2022/0880/COU**

**To: Planning Committee**  
**Date: 9<sup>th</sup> November 2022**  
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APPLICATION NUMBER:	2022/0880/COU	PARISH:	Appleton Roebuck Parish Council
APPLICANT:	Ms Becky O'Neill	VALID DATE:	20th July 2022
		EXPIRY DATE:	14th September 2022
PROPOSAL:	Change of use for temporary siting of a static caravan		
LOCATION:	Oakview Stables Daw Lane Appleton Roebuck York YO23 7BL		
RECOMMENDATION:	REFUSE		

This application has been brought before Planning Committee as more than 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 is located to the east of the Appleton Roebuck village and is distanced from it by approximately 450 metres and is located within the wider site operating as equestrian business known as 'Oakview Stables'. The site as outlined in red on the location plan consists of stable blocks and ancillary to it buildings surrounding the manège on the eastern side, a substantial hardstanding area in the north west corner and undeveloped enclosed land in the south west corner. The wider site outlined in blue and owned by the applicants is undeveloped land which appears to be used for the grazing of horses as noted from a site visit by a Case Officer.
- 1.2 The original approval for the stables CO/2000/0214 had a smaller red line area and did not include a large area to the west of the stables block, which was at the time outlined within the blue ownership line. Whilst it is noted that some surface material has been placed on part of this land to the west of the stable block, the authorised use of this area to the west of the stable block is agricultural and can be used for the grazing of horses.

- 1.3 The area where the temporary residential caravan is proposed to be sited is located within the field immediately to the west of the stables block just outside the approved stables site. This field is enclosed by a low post and rail timber fence and the wider site together with the rest of the land owned by the applicant as outlined on the submitted drawings are surrounded by the mature woodland area on the west, south and east with a row of mature trees and other vegetation separating the equestrian site and adjoining to it field from the public highway on the north. The application site itself includes access, the existing stable block with manège and part of the field adjacent to the stables on the west.
- 1.4 The site is located outside the defined development limits of any of the settlements and is therefore in the open countryside for planning purposes. The site is located within flood zone 1 and within the mineral safeguarding area.
- 1.5 The residential caravan is proposed to be sited temporarily (for a maximum of 3 years) in association with the existing equestrian business which would be occupied by the applicant and their family to support the established equestrian facility.

### **The Proposal**

- 1.6 The application is seeking planning permission for the change of use of the land for temporary siting (a maximum of 3 years) of a residential static caravan in association with the existing equestrian business.

### **Relevant Planning History**

- 1.7 The following historical application is considered to be relevant to the determination of this application.
  - Application CO/2000/0214 (8/79/150/PA) for the proposed erection of a new equestrian centre consisting of fourteen stables, associated tack, feed and hay stores and construction of all-weather menage at (now known as) Oakview Stables, Daw Lane, Appleton Roebuck was approved in April 2001.

## **2. CONSULTATION AND PUBLICITY**

- 2.1 **Parish Council** – The applicant made representation at the Parish Council meeting and explained the need for this application to support the existing business at the location. It was resolved to support this application as the local business brings employment to the area and the caravan will not be seen from the road.
- 2.2 **Environmental Health** – Have considered the information provided by the applicant and I have no comments to make.
- 2.3 **NYCC Highways** – No objections to the proposed change of use.
- 2.4 **Yorkshire Water Services Ltd** – No comments received during statutory consultation period.
- 2.5 **Ainsty (2008) Internal Drainage Board** – Given the size of this application, the Board's view is that it is likely to have minimal impact on any watercourses within the Board's district. Accordingly, the Board has no comment to make on the proposal. The Board's comments have been made following consideration of the information

provided by the applicant through the Planning Authority and should these details change the Board would wish to be re-consulted.

- 2.6 **Agricultural Consultant** (Clubleys Estate Agents) – Concluded that from the information provided it is impossible to conclude that there is an essential need for a rural worker to live on site in order to justify an isolated dwelling in the countryside. The details of the key comments and conclusions are included in the principal section of this report.

There was additional information received from the applicant and Agricultural Consultant has been reconsulted and advised the LPA that whilst the additional information is noted, this does not change the original view.

There were further communications with the applicant who advised that they would provide details of 2022 accounts and provide the additional information prior to Committee meeting taking place. Once this information is received, the Case Officer will re-consult the Agricultural Consultant and will update Members at the time of the Committee on this matter.

- 2.7 **Public comments** – site notices were posted on 19<sup>th</sup> August 2022. There were 14 letters supporting the application received as a result of this advertisement supporting this application for the reasons as summarised below:

- Welfare of the horses that require 24 hour care and supervision
- Security of the site, equipment and horses
- Good access and location
- Thriving business which should be supported
- Provides employment to local young people and provides a well-managed environment to equestrian students from the local college where they can improve their skills - contributing to peoples development, careers and the economy
- The business is appropriate to the area
- The location of the stables is down a quiet road located discreetly behind hedging at all angles - causing no disturbance to the 3 neighbouring houses

### 3. **SITE CONSTRAINTS**

#### **Constraints**

- 3.1 The site is located outside the defined development limits of Appleton Roebuck and is therefore located in the open countryside. The site does not contain any protected trees and there are no statutory or local landscape designations. The site is situated within Flood Zone 1.

### 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 various documents including the Selby District Core Strategy Local Plan (adopted 22nd October 2013), those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy, the Minerals and Waste Joint Plan (adopted 16 February 2022), and the adopted neighbourhood plans of which the Appleton Roebuck and Acaster Selby Neighbourhood Development Plan is relevant.
- 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 took place early in 2020. Consultation on preferred options and additional sites took place in early 2021. The Pre-submission Publication Local Plan is currently subject to a period of formal consultation prior to submission to the Secretary of State for Examination. Given the stage of the emerging Local Plan, the policies contained within it are attributed no weight and as such are not listed in this report.
- 4.4 The National Planning Policy Framework (July 2021) (NPPF) replaced previous iterations of the NPPF. 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 2021 NPPF and in particular the sections listed below.
- 4.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

*“219. ....existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”*

#### **Selby District Core Strategy 2013 (SDCS)**

- 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 2005 (SDLP)**

- 4.7 The relevant Selby District Local Plan Policies are:
- ENV1 – Control of Development
  - ENV2 – Environmental Pollution and Contaminated Land
  - T1 – Development in Relation to the Highway
  - T2 – Access to Roads

#### **National Planning Policy Framework 2021 (NPPF)**

4.8 The relevant National Planning Policy Framework sections are:

Section 2 – Achieving sustainable development

Section 4 – Decision-making

Section 5 - Delivering a sufficient supply of homes

Section 9 – Promoting sustainable transport

Section 12 – Achieving well-designed places

Section 14 – Meeting the challenge of climate change, flooding and coastal change

Section 15 – Conserving and enhancing the natural environment

### **Minerals and Waste Joint Plan 2022 (MWJP)**

4.9 The relevant Minerals and Waste Joint Plan policies are:

S01 – Safeguarded Surface mineral resources

S02 – Developments proposed within Safeguarded Surface Mineral Resource areas

S06 – Minerals ancillary infrastructure safeguarding

### **Appleton Roebuck and Acaster Selby Neighbourhood Development Plan (ARAS NDP)**

4.10 The relevant ARAS NDP policies are:

- ELH1 – Maintaining agricultural land
- ELH2 – Conserving, restoring and enhancing biodiversity
- ELH4 – Historic Rural Environment
- DBE2 – Respecting traditional building design and scale
- DBE4 – Drainage and Flood Prevention

### **Appleton Roebuck Village Design Statement, February 2012**

4.11 The application site falls outside of the scope of Appleton Roebuck Village Design Statement.

## **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 open countryside
- Impact on residential amenity
- Highway issues
- Contamination issues
- Flood risk, drainage and climate change
- Nature conservation and protected species
- Contamination issues
- Affordable Housing
- Minerals and Waste

### **Principle of the development**

- 5.2 The application site is located outside the defined development limits of Appleton Roebuck and is therefore located in the open countryside in policy terms. Relevant policies in respect to the principle of development and the presumption in favour of sustainable development includes Policies SP1 and SP2 of the SDCS and advice contained within the NPPF.
- 5.3 Policy SP1 of the SDCS 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. SP1 also advises, amongst other things, that where there are no policies relevant to the application the Council, should grant planning permission unless material considerations indicate otherwise taking into account whether specific policies in the NPPF indicate that development should be resisted.
- 5.4 Policy SP2A of the SDCS is the Councils Spatial Development Strategy setting out the hierarchical approach to future development directing the majority to the more sustainable locations. SP2 c) 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.
- 5.5 The scheme must also be assessed in terms of the principle of development against paragraph 80 of the NPPF, as it seeks to establish the principle of a dwelling in an isolated location.
- 5.6 Paragraph 78 of the NPPF states that in rural areas, planning policies and decisions should be responsive to local circumstances with paragraph 80 stating that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:
- a) there is an essential need for a rural worker, including those taking majority control of farm business, to live permanently at or near their place of work in the countryside
  - b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets,
  - c) the development would re-use redundant or disused buildings and enhance its immediate setting,
  - d) the development would involve the subdivision of an existing residential building; or
  - e) the design is of exceptional quality, in that it:
    - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas and
    - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.
- 5.7 The application details indicate that approval for the temporary siting of a static caravan for 3 years is sought to provide security and welfare to the facility while a full application is prepared for a permanent dwelling. The site contains an established equestrian facility and adjacent agricultural field. The business originally ran as a

livery yard and for freelance instruction. It has diversified into the, selling of horses nationally and internationally, and the applicant also runs a breeding programme with the business being based at Oakview Stables. The proposal is for a siting of a residential static caravan within the Oakview Stables site which would be occupied in association with this business temporarily for a maximum of 3 years by the applicant/owner of the site and their family to manage this rural business. The proposed static caravan would therefore provide a dwelling on site which would be occupied by the equestrian worker.

- 5.8 The submitted Business Justification Report dated September 2022 outlines that Oakview Stables are the base for the applicant's horse related business. The report outlines that the Oakview Stables has been owned and run by the applicant for over 20 years and that there is also approximately 1.52 ha of grassland adjacent to this facility which is used by the stables for grazing horses. It further lists the buildings and fixed equipment and explains that there are 2 full-time and 3 part-time employees in addition to the applicant and outlines the daily duties required to be fulfilled as well as additional duties related to administration, management and schooling side of the business. It also briefly explains the matters related to stocking and future plans and includes financial statements.
- 5.9 The Report also outlines that the applicant currently resides in Appleton Roebuck along with her son and aging parents and that there is no dwelling associated with the business and no available dwellings in the immediate vicinity which are available or suitable to serve the business. The Report continues to argue that for a nearby dwelling to be suitable, it would need to be within sight and sound of the animals, especially when care is required as a result of an emergency and that due to the business growing, living away from the stables is no longer sustainable and that the applicant does not feel safe going alone or sending a member of staff during the night hours.
- 5.10 The Report further argues that the breeding, rearing and keeping of horses generates a functional need for the on-site residential presence of a skilled equine worker and that there in emergency situations, CCTV is of little assistance as the screen cannot be monitored for 24 hours a day. The Report therefore concludes that due to the nature of the equestrian business run by Ms O'Neill, there is a clear functional need for her to have a temporary dwelling on site that is within sight and sound of the animals and that the enterprise has been profitable in recent years whilst the applicant has been trying to grow the business. It further argues that and by living on site, the applicant will be able to invest in this business and continue to grow it, and that the creation of a temporary dwelling on site is essential.
- 5.11 Council's Agricultural Consultant has been consulted who fully reviewed available information and advised as follows:
- The information provided appears to be inconsistent and there are significant omissions,
  - No accounts have been provided for the year ending 5th April 2022 and those that have been provided are incomplete,
  - No projections and no business plan have been provided to show how the business has, or expects to evolve,
  - The business shows a profit but includes government funding greater than the amount of profit.
  - During the inspection the agricultural consultant was informed that the Applicant "had horses at Easingwold, Northallerton, Thirsk, Durham and Peterborough". However, none of this was mentioned in the information

provided and there was no details within the submitted information showing how this involves the Applicant's business and how this integrates with the Appleton Roebuck site

- Looking after breeding mares does create a requirement for an on site presence, however, this may only be for short periods in the year, particularly if there are only a very limited number of breeding mares.
- Looking after high value horses and dealing with sale of these animals can add to the essential need, as can looking after high value horses on livery but none of this is detailed or quantified within the information provided. Security requirements, in general, can also add to the need.
- In addition to the "essential need" there should also be sufficient information provided to show that this is, or can become, a robust sustainable business which can support the labour required. No information has been provided to show this.

The Council's Agricultural Consultant therefore concluded that from the information provided it is impossible to conclude that there is an essential need for a rural worker to live on site in order to justify an isolated dwelling in the countryside.

5.12 After the above comments were made, the applicant provided additional information as follows:

- Clarifying that the foaling programme has not recently commence but has been ongoing for 20 years and is spread throughout the year to assist with workload
- Provided some additional information and clarification related to accounts and payments and clarified that the accounts are directly from the accountant and are treated as complete. Also, advised that the accounts to April 2022 are not yet available and once the accountant has prepared them, they will be made available,
- The horses mentioned to be in Easingwold, Northallerton, Thirsk, Durham and Peterborough are applicant's private horses that are kept off site which is not relevant to the business case.
- Also referred to the information within the submission in relation to some other queries raised by the Councils' Agricultural Consultant.

5.13 The information provided by the applicant has been forwarded to the Council's Agricultural Consultant for review. Whilst he has not provided any formal comments in relation to this, he confirmed via an email to the Council that the this does not change his original conclusion that from the information provided it is impossible to conclude that there is an essential need for a rural worker to live on site in order to justify an isolated dwelling in the countryside.

5.14 Officers consider that there is no reason to disagree with the conclusions of the Council's Agricultural Consultant and therefore accepts that the essential need for a rural worker to live permanently on site has not been demonstrated in this instance. The scale and extent of the breeding programme is not provided. Moreover, there is insufficient information and clarity on the scale and extent of business, particularly in relation to the extent of the breeding program on site or the source and level of the income generated, to conclude that an essential functional need exists to justify a permanent presence on this site all year or that the business is sustainable and viable at present or the future. Furthermore, the proposal is for a change of use of land for the temporary (a maximum of 3 years) siting of a residential static caravan. Policy SP2A(c) is silent on changes of use of land and is therefore contrary to this policy.



5.15 Having reviewed all of the above, it is therefore considered that a proposal for a change of use of land for the siting of a temporary residential accommodation would be contrary to the requirements set out in paragraph 80 of the NPPF due to the proposals failing to demonstrate the essential need for a rural worker to live permanently on site. The proposal would also be contrary to Policy SP2 of the SDCS due to this policy being silent on changes of use. As such, the proposal would be unacceptable in principle contrary to Policies SP1 and SP2 of the SDCS and with the NPPF.

### **Design and impact on the character and appearance of the open countryside**

5.16 The application site is located in the open countryside and relevant policies in respect to the impact of development on character and appearance of the area and the impact on the quality of a landscape are Policy ENV1 of the SDLP, Policy SP19 of the SDCS, Policies DBE2 and ELH4 of the ARASNDP and advice contained within the NPPF.

5.17 SDLP Policy ENV1 (1) requires development to take account of the effect upon the character of the area, with ENV1 (4) requiring the standard of layout, design and materials to respect the site and its surroundings. SDLP Policy ENV1 is broadly consistent with the aims of the NPPF and should therefore be given significant weight.

5.18 Policy SP19 requires that "Proposals for all new development will be expected to contribute to enhancing community cohesion by achieving high quality design and have regard to the local character, identity and context of its surroundings including historic townscapes, settlement patterns and the open countryside. Both residential and non-residential development should meet the following key requirements:  
A) Make the best, most efficient use of land without compromising local distinctiveness, character and form;  
B) Positively contribute to an area's identity and heritage in terms of scale, density and layout.

5.19 ARAS NDP Policies DBE2 and ELH4 also require consideration of the impact of schemes on the character of the settlement and the relationship to the surrounding area.

5.20 NPPF makes it clear that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development.

5.21 The application site contains the wider site currently occupied by the equestrian business known as 'Oakview Stables' and part of the adjacent agricultural field. There is an existing access to this site with areas for access, parking and manoeuvring of vehicles which is covered with surfacing materials, a centrally located manège with a stable block surrounding it on the east, south and west, and a part of an enclosed field adjacent to the west of the stables block. The proposal is for the change of use of land for the siting of caravan for the temporary residential use (for a maximum of 3 years).

5.22 The development would be set within the enclosed part of the field which is immediately adjacent to the wider operating equestrian business site. The equestrian site and field adjacent to it are located to the south of the public highway known as Daw Lane and is enclosed by the mature woodland area on the south, east and west, and a row of mature trees and other vegetation on the north along the Daw Lane. The

proposed caravan will be sited on land adjacent to the existing stable block building and would be viewed within the context of the existing buildings and other structures associated with the use of the site. It would also be sited close to the southern edge of the site and would therefore be significantly set back from the Daw Lane. Glimpses of the proposed caravan could be caught at the point where the access is and through gaps in planting along Daw Lane, particularly during winter months. However, although the proposed development would be located within the open countryside, it would be adequately screened from public views and would be viewed within the context of the operating equestrian site and the buildings and structures present within it and would not appear visually intrusive in the landscape.

- 5.23 There were no details of the design of the proposed caravan apart from the indication on the drawings that it would be 3 berth static caravan with a footprint of approximately 11 metres by 3.7 metres. Whilst no details of the external appearance have been provided, given the nature of the proposal for a siting of a caravan, its scale, design and appearance could be secured via a condition to ensure it falls within the definition of a caravan. The caravan is intended to be a temporary solution with the intention to apply for a permanent dwelling in the future. Generally, the design of caravans (static or mobile) would not be appropriate in terms of design as permanent homes in the open rural countryside. However, as a temporary dwelling, it would be acceptable in the context of this rural business site. Having taken into account the above stated factors, combined with the siting of the temporary dwelling within a well-screened site, it would not appear obtrusive or particularly out of place and mitigation in the form of screening could be achieved through a condition.
- 5.24 In addition to the above, whilst it is noted that the application site as outlined in red is of a substantial size, it is shown on the proposed block plan drawing that the proposed caravan would be sited within the small part of the adjacent field which would be enclosed by a 1.2 metre post and rail fence. The proposed enclosed area surrounding the proposed caravan would serve private amenity space for the future occupiers and is likely to contain domestic paraphernalia on it. However, the proposed area is small and is immediately adjacent to the caravan and nearby equestrian buildings, there are no other buildings or structures proposed within it and it would be enclosed with appropriate to the open countryside location fencing in the form of low post and rail fence which can be secured via a condition. Furthermore, the proposed private amenity space could be limited to the enclosed area as shown on the plans via a condition to ensure that the residential use does not encroach further into the fields.
- 5.25 Given the above and the location of the site combined with the nature and siting of the proposal, it is considered that the proposal would not have any significant adverse impact on the character and appearance of the site or the surrounding area and would therefore not conflict with Policy ENV1 of the SDLP, Policy SP19 of the SDCS, Policies DBE2 and ELH4 of ARAS NDP and the advice contained within the NPPF subject to aforementioned conditions.

### **Impact on Residential Amenity**

- 5.26 Relevant policies in respect of the effect upon the amenity of adjoining occupiers include Policies ENV1 (1) and ENV2 of the SDLP. Significant weight should be attached to these policies as it is broadly consistent with the aims of the NPPF to ensure that a good standard of amenity is achieved.
- 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 sheer size, scale and massing of the development proposed. Similarly, consideration needs to be given to whether existing surrounding residential development would give rise to the potential for overlooking of the proposed dwellings, overshadowing of the proposed dwellings, and whether oppression would occur from the size, scale and massing of existing neighbouring properties. Also, consideration needs to be given to any impacts of noise and disturbance arising from the existing use of the wider site.

- 5.28 Given the distance of the application site away from any of the neighbouring residential properties, it is not considered that it would cause any impacts on residential amenities of any of the neighbouring properties.
- 5.29 Environmental Health Officer (EHO) has been consulted who advised that they have considered the information provided by the applicant and have no comments to make.
- 5.30 The proposed residential caravan would be sited adjacent to the existing operational equestrian site and it is proposed to be occupied by a rural worker who would operate the site as noted in the earlier sections of this report. As such, whilst some impacts of noise and disturbance could be caused to the future occupiers of the proposed caravan, those impacts can be adequately mitigated via a condition linking occupancy of the static caravan with the adjacent equestrian business.
- 5.31 Given all of the above, subject to aforementioned condition and given the siting, size and scale of the proposed development and its relationship with the neighbouring properties and the equestrian site, it is considered that no adverse effects would be caused to the amenities of any of the neighbouring properties or the future occupiers of the proposed caravan. The proposal would therefore be in accordance with policies ENV1 (1) and ENV2 of the SDLP.

### **Highway Issues**

- 5.32 Relevant policies in respect to highway safety include Policies ENV1, T1 and T2 of the SDLP, requirement (c) set out in Policy SP19 of the SDCS and Policy H1 of the ARAS NDP. These policies should be afforded substantial weight as they are broadly consistent with the aims of the NPPF.
- 5.33 The proposal is for the siting of caravan for the temporary residential use for a rural worker and the access and existing parking would be utilised for this development. NYCC Highways Officer has been consulted and raised no objections to the proposal.
- 5.34 As such and given the nature, siting and scale of the proposal, and location of the site, it is therefore not considered that the proposed scheme would have an adverse impact on highway safety. As such, the proposal is considered to be in accordance with Policies ENV1, T1 and T2 of the SDLP and Policy SP19 of the SDCS with respect to impact on the highway.

### **Contamination issues**

- 5.35 Policy ENV2 (A) states that proposals for development which would give rise to, or would be affected by unacceptable levels of noise, nuisance, contamination or other environmental pollution including groundwater pollution will not be permitted unless satisfactory remedial or preventative measures are incorporated as an integral

element in the scheme and such measures should be carried out before the use of the site commences.

- 5.36 The site is not identified as potentially contaminated land however the proposed residential use is sensitive to land contamination. Whilst the Contaminated Land Officer has not been consulted, the proposal is for the siting of the static caravan and no groundworks are proposed. As such and having taken into account the scale and nature of the proposal, it is considered that any contamination matters can be adequately dealt with via a recommended condition.
- 5.37 The proposal would therefore be acceptable in terms of contamination issues and would accord with policy ENV2 (A) of the SDLP and the NPPF.

### **Flood Risk, Drainage and Climate Change**

- 5.38 The application is located in Flood Zone 1, which is at low probability of flooding and as such and given the size of the site and that there was no evidence found that the site is identified as having any issues listed in footnote 55 of the NPPF, a site-specific flood risk assessment is not required in this instance.
- 5.39 In terms of drainage, the application form states that surface water would be disposed of via soakaway and no details of foul drainage were provided. Yorkshire Water and Ainsty IDB have been consulted on this application. No comments were received from Yorkshire Water, and Ainsty IDB advised that given the size of this application, the Board's view is that it is likely to have minimal impact on any watercourses within the Board's district, and accordingly, the Board had no comment to make on the proposal. As such and given that such matters are also covered by a separate legislation, it is therefore considered that the proposed drainage arrangements are acceptable.
- 5.40 Policy SP15 (B) states that to ensure development contributes toward reducing carbon emissions and are resilient to the effect of climate change schemes should where necessary or appropriate meet 8 criteria set out within the policy. Having had regard to the nature and scale of the proposal, it is considered that its ability to contribute towards reducing carbon emissions, or scope to be resilient to the effects of climate change is so limited that it would not be necessary and, or appropriate to require the proposals to meet the requirements of criteria of SP15 (B) of the Core Strategy. Therefore, having had regard to Policy SP15 (B) it is considered that the proposal is acceptable.
- 5.41 As such, notwithstanding the fact that the proposal is unacceptable in other respects, it is therefore considered that the proposal is acceptable in terms of flood risk, drainage and climate change and is in accordance with Policy ENV1 (3) of the SDLP, Policies SP15 and SP19 or the SDCS, Policy DBE4 of ARAS NDP and the advice contained within the NPPF.

### **Nature Conservation and protected species**

- 5.42 Protected Species include those protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010. The presence of protected species is a material planning consideration. Relevant policies relating to nature conservation include Policy ENV1 (5) of the SDLP and Policy SP18 of the SDCS.

- 5.43 The application site is not a protected site for nature conservation and is not known to support any protected species or any other species or habitat of conservation interest. Whilst there is a woodland area adjacent to the site, the area where the caravan is proposed to be sited is a grasses agricultural field with some trees forming part of the woodland along its southern boundary and it is not anticipated that any trees will be affected as a result of the proposal. Furthermore, given the existing land use of the adjacent equestrian site and temporary nature of the proposal, it is not considered that any protected species will be impacted by the proposals.
- 5.44 Given the above, it is considered that the proposal would not harm any acknowledged nature conservation interests and is therefore in accordance with policy ENV1 (5) of the SDLP, Policy SP18 of the SDCS and the advice contained within the NPPF.

### **Minerals and Waste**

- 5.45 The application site is located within a Surface Minerals Safeguarding Area. However, as the application is a for the change of use of land, it constitutes 'exempt development' as set out in paragraph 8.55 of the Minerals and Waste Joint Plan and no further consideration of this matter is required. The proposal therefore complies with Policies S01, S02 and S06 of the Minerals and Waste Joint Plan 2022.

## **6. CONCLUSION**

- 6.1 The application seeks permission for the change of use of land to site a temporary residential static caravan for the residential purposes for a period of maximum of 3 years.
- 6.2 The application site is located outside the defined development limits of Appleton Roebuck and is therefore within the open countryside. Having reviewed all of submitted information and consultation responses, it is therefore considered that the proposal would be contrary to the requirements set out in paragraph 80 of the NPPF due to the proposals failing to demonstrate the essential need for a rural worker to live permanently on site. The proposal would also be contrary to Policy SP2 of the Selby District Core Strategy 2013 due to this policy being silent on changes of use. As such, the proposal would be unacceptable in principle contrary to Policies SP1 and SP2 of the Selby District Core Strategy 2013 and the NPPF.
- 6.3 Notwithstanding the fact that the proposal is unacceptable in principle and is contrary to a number of policies the scheme is considered acceptable in terms of its impact on the character and appearance of the open countryside, residential amenities, impacts on the highway, contamination, ecology, flood risk and drainage and mineral and waste.

## **7. RECOMMENDATION**

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

1. The application site is located outside the defined development limits of Appleton Roebuck and is therefore within the open countryside. It is considered that the proposal would be contrary to the requirements set out in paragraph 80 of the NPPF due to the proposals failing to demonstrate the essential need for a rural worker to live permanently on site. The proposal would also be contrary to Policy SP2 of the Selby District Core Strategy 2013 due to this policy being silent on

changes of use. As such, the proposal would be unacceptable in principle contrary to Policies SP1 and SP2 of the Selby District Core Strategy 2013 and 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 2022/0880/COU and associated documents.

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

**Appendices: None**