



Report Reference Number 2022/0622/FUL
Agenda Item No:

To: Planning Committee
Date: 7th December 2022
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Lead Officer: Hannah Blackburn (Planning Development Manager)

APPLICATION NUMBER:	2022/0622/FUL	PARISH:	Riccall Parish Council
APPLICANT:	Stones4Homes Ltd	VALID DATE: EXPIRY DATE:	3rd August 2022 28th September 2022
PROPOSAL:	Continued use of land for the storage, bagging and sale of building aggregates and landscaping products (e.g. paving stones) and retention of processing building and offices. (retrospective)		
LOCATION:	Stones4homes Ltd Riccall Airfield Market Weighton Road Barlby YO8 5LD		
RECOMMENDATION:	GRANT following expiration of the consultation period		

This application has been brought before Planning Committee as the proposal is contrary to the requirements of the development plan (namely Policy RIC/1 of the Selby District Core Strategy), but it is considered there are material considerations which would justify approval of the application.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site is part of the former airfield, used in the Second World War, and lies approximately 1.8km northeast of Barlby and 2.5km southeast of Riccall. It is approximately 500m north of the A163 Market Weighton Road and 300m south of Skipwith Common. Access is via Robinsons Lane. The airfield serves several other businesses, in particular, a large bottling plant, which was extended in 2016 and other open storage uses and service yards. To the south of the site is in agricultural use.

The Proposal

- 1.2 The application is seeking permission for the site to continue to be used for the storage, bagging and sale of building aggregates and landscaping products and for

the retention of 1no. storage Nissen hut-type building. The consent also seeks to retain 1no. container and 1no. portacabin that are stacked on top of each other that are used as offices.

- 1.3 The supporting information submitted as part of the application includes Google Maps images dated from 2002 to present. These show that the storage building was erected between May 2007 and September 2012. No further information has been submitted to confirm when exactly the building was erected. However, the satellite images suggest that the storage building was erected at least 10 years ago and would be immune from planning enforcement action. The images also show that the business has been operating since at least 2012. The image from July 2017 shows that the site was extended at the south-east corner.
- 1.4 The planning statement explains that: "There is considerable evidence in the form of Google images to suggest that the majority of the development to which the application relates has become immune from enforcement action due to the passage of time but there are small areas of land and the relocation of cabins (used as offices), within the Site where the position as to lawfulness is less clear. To avoid the complexities and potential confusion of establishing the lawfulness of some of the aspects of the development by way of an application for a Lawful Use/Lawful Development Certificate and of other developments by way of a separate application for planning permission, it has been decided to seek retrospective permission for the entirety of the current operations and use of the site."
- 1.5 This is accounted for in the consideration of the application and does provide for an important fallback position, if the certificates were pursued.

Relevant Planning History

- 1.6 The following historical application is considered to be relevant to the determination of this application.
- 2019/0973/DOC (COND – 13/01/2020) Discharge of conditions 03 (surface water drainage) & 04 (colour finish) 2016/1339/FULM Three phase extension to an existing warehouse facility with eventual demolition of the existing warehouse at Empty Unit, Riccall Airfield.
- 2016/1339/FULM (PER – 27/06/2017) Three phase extension to an existing warehouse facility with eventual demolition of the existing warehouse at Bottle Decoration Solutions Ltd, Riccall Airfield.
- 2014/0633/FUL (PER - 22/08/2014) Proposed construction a garage/store building principally for the purposes of storing lorries at Cropwise Ltd, Riccall Airfield.
- 2013/0377/FUL (WDN – 11/06/2013) Minor Alterations to existing offices and stores and erection of new store/garage building at Cropwise Ltd, Riccall Airfield.
- 2013/0258/FUL (PER – 20/05/2013) The construction and use of a garage/store at Hendersons of Selby Ltd, Riccall Airfield.
- 2008/0869/DPC (COND – 11/11/2008) Application to discharge conditions 2 and 5 of 2008/0446/MAJ at Riccall Airfield
- 2008/0446/FUL (PER – 30/07/2008) Erection of a factory/warehouse to produce ingredients for the pet food industry at Riccall Airfield.

2007/0590/FUL (PER – 21/02/2008) Erection of an industrial building for bagging, storing and distributing pre-cast concrete at Store on Riccall Common.

CO/2004/0518 (PER – 17/08/2004) Proposed erection of workshop & offices in connection with haulage use at Former Airfield.

CO/2003/1068 (PER – 28/10/2003) Proposed formation of perimeter earth bund and 2.1m high steel palisade fencing and gates at Former Airfield.

CO/2003/0329 (PER – 11/06/2013) Proposed change of use of 1.9 ha of land to haulage, storage and vehicle maintenance at Former Airfield.

CO/1995/02864 (PER – 13/11/1995) Proposed Erection of An Extension To Storage Building at Blackwell And Priestly Ltd.

CO/1994/0326 (PER – 05/12/1994) Erection of two storey extension to office block at Blackwell Grain.

CO/1989/0407 (PER – 02/06/1989) Proposed erection of a building for use as offices, chemical store, workshop and garage for vehicles at the former airfield.

CO/1984/0298 (REF – 08/03/1985) Proposed siting of a residential caravan for use by security workers at Riccall Airfield

CO/1984/0297 (PER – 18/02/1985) Proposed renewal of consent for the use of land for the storage and breaking up of vehicles for export at Riccall Airfield.

CO/1981/02936 (PER – 12/08/1981) Renewal of permission for use of land for storage & breaking up of vehicles at The Airfield.

CO/1978/02933 (REF – 29/03/1978) Outline application for the erection of two houses for use in connection with existing business on site at Riccall Aerodrome.

CO/1977/02932 (PER – 23/11/1977) Storing and breaking up of vehicles for export at The Airfield.

2. **CONSULTATION AND PUBLICITY**

2.1 **Neighbour summary** – The application has been advertised by site notice resulting in no letters of representation being received.

2.2 **Riccall Parish Council** - No comments.

2.3 **NYCC Highways Canal Rd** - It is noted that the application is retrospective and as such the business has been operating for some time. The application form highlights that 4 car parking spaces are available on site and 10 staff are employed. Given the sites remote location it is likely that additional car parking could be required. The site is laid out and sited as such that should extra car parking be required, it could be accommodated without displacing onto the highway. It is also noted that 10 light goods vehicle spaces are available on site. With this in mind the Highway Authority has no objections to the retrospective application.

2.4 **Yorkshire Water** – No comments received.

- 2.5 **The Ouse & Derwent Internal Drainage Board** - No objections.
- 2.6 **Natural England** – Awaiting response.
- 2.7 **NYCC Ecology** – Awaiting response.

Surface Water

The Board initially responded to note that the site has stayed the same since July 2018 and so not propose to take enforcement action, at this stage, for the amount of water which is being discharged into the watercourse.

However, an objection was raised about the quality of water which is being discharged. This was on the basis that the photographs suggest that the building has no formal drainage system and likely just drains off the roof, onto the nearby grass and then onto the accessway.

On the basis of the further information provided, the Board has removed its objection.

Foul Sewage

The Board notes that the applicant uses a cesspit for the disposal of foul sewage. Given that this is an enclosed tank which is emptied on a regular basis, the Board have raised no objection to this element.

3. SITE CONSTRAINTS

Constraints

- 3.1 The application site is located outside the defined development limits of any settlements and is therefore located within the open countryside.
- 3.2 The application site is located within Flood Zone 1, which has a low probability of flooding.

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".
- 4.2 This is recognised in the National Planning Policy, at paragraph 11 of the NPPF, with paragraph 12 stating that the presumption in favour of sustainable development contained in paragraph 11 does not change the statutory status of the development plan as the starting point for decision making. It goes to state at paragraph 12 that where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations in a particular case indicate otherwise. The latest iteration of the NPPF dated July 2021 and this application has been considered against this version, in particular the sections listed below.
- 4.3 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).”

- 4.4 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 neither of which relate to the site.
- 4.5 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 2024. Consultation on issues and options took place early in 2020 and further consultation took place on preferred options and additional sites in 2021. The Pre-submission Publication Local Plan was subject to formal consultation that ended on 28th October 2022. The responses are currently being considered. Providing no modifications are proposed, the next stage involves the submission to the Secretary of State for Examination.
- 4.6 Paragraph 48 of the NPPF states that weight may be given to relevant policies in emerging plans according to: a) the stage of preparation; b) the extent to which there are unresolved objections to the policies; and, c) the degree of consistency of the policies to the Framework. Given the stage of the emerging Local Plan, the policies contained within it are attributed limited weight and as such are not listed in this report.

Selby District Core Strategy Local Plan

- 4.7 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

- 4.8 The relevant Selby District Local Plan Policies are:
- ENV1 - Control of Development
 - T1 - Development in Relation to Highway
 - EMP9 - Expansion of Existing Employment Uses
 - RIC1 - Land at former airfield for storage/distribution

Minerals and Waste Local Plan

- 4.9 The relevant Minerals and Waste Local Plan Policies are:
- S01 - Safeguarding mineral resources

S02 - Developments proposed within Minerals Safeguarding Areas
S07 – Consideration of applications in Consultation Areas
D13- Consideration of applications in Development High Risk Areas

National Planning Policy Framework

4.10 The relevant National Planning Policy Framework Chapters are:

Chapter 2 – Achieving sustainable development
Chapter 4 – Decision making
Chapter 6 – Building a strong, competitive economy
Chapter 9 – Promoting sustainable transport
Chapter 11 – Making effective use of land
Chapter 12 – Achieving well-designed places
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
Chapter 15 – Conserving and enhancing the natural environment
Chapter 17 – Facilitating the sustainable use of minerals

5. APPRAISAL

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

- Principle of Development
- Design and Impact on Character of the Area
- Residential Amenity
- Impact on Highways
- Flood Risk, Drainage, Climate Change and Energy Efficiency
- Ecology
- Minerals and Waste

Principle of Development

- 5.2 The application site is located outside the development limits of any settlement and, as such, is located within the open countryside. The former airfield does, however, have a special policy designation under RIC/1.
- 5.3 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 14 of the NPPF.
- 5.4 There are a number of other policies that are relevant within the development plan. These include Core Strategy policies SP2, SP13, SP15, SP18 and SP19. The main thrust of these policies is that development in the open countryside will generally be resisted unless it involves the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes and well-designed new buildings. Proposals of an appropriate scale which would diversify the local economy may also be acceptable. These are detailed below:
- 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 where it will enhance or maintain the vitality of rural 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 This proposal is not for the replacement of buildings or extension of an existing business, as the business is well established albeit it without planning permission. The business is therefore regarded as being new for planning permission purposes. Nevertheless, officers have regard to the time in which it has been operating and the fallback position identified within the planning statement. The potential for a certificate of lawfulness to be established represents a significant fallback and material planning consideration. In terms of the remaining policy tests within SP 2 in terms of design, the current building on site isn't of any special design however it is fit for purposes and not dissimilar to other industrial buildings on the wider site. In terms of the impact on the local economy, the site does employ 10 persons full time.

5.7 Policy SP13 states that in rural areas sustainable development on both greenfield and previously developed sites which brings sustainable economic growth through local employment opportunities or expansion of businesses and enterprise will be supported including rural tourism and other small scale rural development. SP13 C specifically states:

In rural areas, sustainable development (on both Greenfield and Previously Developed Sites) which brings sustainable economic growth through local employment opportunities or expansion of businesses and enterprise will be supported, including for example (of relevance to this application)

1. The re-use of existing buildings and infrastructure and the development of well-designed new buildings

2. The redevelopment of existing and former employment sites and commercial premises

5.8 In this case the proposal is the reuse of the former infrastructure that was once associated with the airfield and does create local employment and utilise an allocated employment site.

5.9 Policy EMP9 of Selby District Local Plan supports the expansion of existing industrial businesses outside development limits, subject to four criteria which includes, highways, character and appearance of the area, design and loss of agricultural land. These points are discussed further in the report. Again, this isn't the expansion of an existing business as, whilst it has been present for over 10 years in some capacity, it did not have permission. It is therefore a new business, and a consolidation of the businesses within the wider airfield allocation.

5.10 Policy RIC/1 of the Selby District Local Plan states; "Land at the former Airfield, Riccall Common, as defined on the Inset Proposals Map, is allocated for storage and distribution use (Class B8). Proposals must be related to the expansion requirements of existing agriculture related businesses."

5.11 The proposal does not accord with the allocated requirements of policy RIC/1 as the storage use is not related to the expansion requirements of existing agriculture related businesses. However, the use of the airfield has changed somewhat since its original allocation, with planning permission for the application site to be used for the storage, bagging and sale of building products was granted in 2008 under permission

2007/0590/FUL. This was only for some part of the site; however other storage uses have since been permitted on the wider site that are not agriculture related. Also, the use of the site is now well established. Moreover, the more recent applications have seen further diversification of the area. This includes the adjacent site, which was granted permission for the erection of a warehouse for the storage and distribution of bottles (2016/1339/FULM).

- 5.12 Whilst the proposal does not accord with RIC/1, the proposal reuses a brownfield site, creates employment and economic growth on part of a site that has a variety of similar non-agricultural type uses. Furthermore, the length of time that the business has been operating with the potential for a certificate of lawfulness is a significant material consideration. Therefore, the above material considerations significantly diminish the weight that should now be given to the specific policy requirement of reserving the airfield for storage and distribution uses in connection with agricultural related business. Consequently, it is considered that the development proposed for general purpose storage is acceptable.
- 5.13 Given the above, the proposal is considered to accord with the Core Strategy and policies within the NPPF with limited weight given to the allocation RIC/1.

Design and Impact on the Character and Form of the Area

- 5.14 The application is seeking permission for the site to continue to be used for the storage, bagging and sale of building aggregates and landscaping products and for the retention of 1no. storage building.
- 5.15 The application site is located approximately 360 metres to the north of Market Weighton Road and is accessed by a road that serves the industrial estate. The immediate area consists of several light industrial and storage and distribution businesses. The wider area is predominantly agricultural in nature. The storage building is a semi-cylindrical hut, which measures 24.8 metres in length by 12 metres in width. The building has a maximum height of 5.5 metres and is finished in galvanised sheeting. The office is sited at the front of the site and is a dark grey container, with a portacabin positioned on top of the office with an external staircase. This is a relatively sizeable structure that is slightly higher than the storage building, however, it has no impact on the character of the wider industrial estate.
- 5.16 With regard to the impact the business use and storage building has on the character of the local area, the scale, bulk and mass of the storage buildings would resemble units found elsewhere on the industrial estate. The building is largely obscured from view within the estate by the Portacabins to the front of the site. There are also limited views of the building from Market Weighton Road due to the separation distance between the highway and the site and also from the trees lining this part of the main highway. It is considered that the building and wider use relates well to its surroundings and does not look out of place within the estate.
- 5.17 Policy EMP9 seeks new proposals to achieve a high standard of design and not have a significant adverse effect on the character and appearance of the area. The buildings are designed for a specific purpose for storage and for vehicles to move around them freely, thus the scope to seek a scale and design other than that proposed would not be appropriate in this location.
- 5.18 Policy EMP9 (4) refers to proposals not expanding into adjoining agricultural land which this proposal would not, given it lies within an existing site within an allocated

industrial estate. Furthermore, the policy seeks proposals to be well screened and landscaped.

- 5.19 It is therefore considered that the proposed development would accord with Policies EMP9 (2) and (3) and ENV1 (1) and (4) of the Selby District Local Plan and Policies SP4 and SP19 of the Core Strategy.

Residential Amenity

- 5.20 Relevant policies in respect to impacts on residential amenity include Policies ENV1 (1) and EMP9 (1) of the Local Plan. Policy ENV1(1) should be afforded significant weight given that it does not conflict with the NPPF.
- 5.21 The site is located a significant distance from any houses with neighbours on the estate being commercial operations of various scale and nature. There would therefore be no adverse harm to residential amenity. The proposal is therefore in accordance with Policy ENV1 of the Selby District Local Plan.

Impact on Highways

- 5.22 Policy in respect of highway safety and capacity is provided by Policies ENV1(2), EMP9 (1) and T1 of the Selby District Local Plan, Policy SP19 of the Core Strategy. It is considered that these policies of the Selby District Local Plan should be given significant weight as they are broadly in accordance with the emphasis within the NPPF.
- 5.23 The application form states that there are 4no. car parking spaces on site and 10no. staff are employed. NYCC Highways were consulted on the application and raised no objections.
- 5.24 It is therefore considered that the proposal would not result in a detrimental impact on the existing highway network in accordance with Policies EMP9 (1), ENV1 (2) and T1 of the Selby District Local Plan.

Flood Risk, Drainage, Climate Change and Energy Efficiency

- 5.25 Policies SP15, SP16 and SP19 of the Core Strategy require proposals to take account climate change and energy efficiency within the design.
- 5.26 The application site is located in Flood Zone 1 (low probability of flooding).
- 5.27 No comment has been received from Yorkshire Water. The Drainage Board raised objections in their first response as concerns were raised over the lack of information regarding the provision of silt traps. The applicant subsequently submitted additional information as requested and the IDB have removed their objection to the scheme.
- 5.38 It is therefore considered that the proposal is in accordance with Policies SP15, SP16 and SP19 of the Core Strategy Local Plan, and the NPPF, subject to condition.

Ecology

- 5.39 Policy ENV1(5) states that proposals should not harm acknowledged nature conservation interests or result in the loss of open space of recreation or amenity

value, or which is intrinsically important to the character of the area. These policies should be given significant weight as they are consistent with the NPPF.

- 5.40 The application site lies approximately 300 metres from Skipwith Common, which has been identified as a National SSSI, National Wildlife Site, International Wildlife Site and International Special Area of Conservation. The application site itself lies within a SSSI Impact Risk Zone, which requires Natural England to be consulted on Large non-residential developments outside existing settlements/urban areas where net additional gross internal floorspace is > 1,000m² or footprint exceeds 0.2ha.
- 5.41 The County Council's Ecologist and Natural England have been consulted on the scheme and comments are currently awaited.
- 5.42 Given the application is retrospective, the significant period of time elapsing since the erection of building (erected between May 2007 and September 2012), and the separation distance between the site and Skipwith Common, it is considered unlikely that the proposal would cause harm to the designated nature site. As such, subject to the responses from NYCC Ecologist and Natural England, it is officer's opinion that the development accords with ENV1 and the advice contained within the NPPF.

Minerals and Waste

- 5.43 The application site is located within an area identified for the safeguarding of mineral resources, specifically Brick Clay and Sand and gravel. Relevant policies in relation the NYCC Minerals and Waste Plan 2022 are S01, S02 and S07, which reflect advice in Chapter 17 of the NPPF, and seek to protect future mineral resource extraction by safeguarding land where the resource is found and avoiding such land being sterilised by other development. The plan also identifies the site as falling within a Coal Mining Development Area to which Policy D13 applies.
- 5.44 However, the application site is contained within a larger area of land that has been developed for some time and the application is retrospective for the development of land that has been operating for some time, with a potential fall-back of a lawful use being established for part of the site. The continued use of the site would not prejudice or sterilise the site for future mineral resource extraction. In addition, given the proximity to Skipwith Common, it is unlikely that the site would be considered appropriate for mineral extraction because of the potential impacts on nature conservation.
- 5.45 In terms of Policy D13, again, the proposal involves the use of land which is in the exemption list and no new buildings are proposed only the retention of existing buildings. Therefore, an informative note should be included on any decision.
- 5.46 Taking the above into account, it is considered that the proposal would not be contrary to the aims of the Minerals and Waste Plan. An informative is recommended to draw the applicant's attention to the location of the site in a coal mining area.

6. CONCLUSION

- 6.1 Having had regard to the development plan, all other relevant local and national policy, consultation responses and all other material planning considerations, it is considered that the development does not accord with the allocation within RIC/1, as the proposal does not relate to storage for an agricultural business.

- 6.2 It has, however, been demonstrated that the use is accords with other Core Strategy policies, which encourage growth and the wider industrial estate now has a variety of non-agricultural uses, given limited interest for agricultural uses was established from the year 2000.
- 6.3 The site also has a historical permission for part of the site to be used for a similar purpose and the use has been mainly established on the site for the last 10 years, which represents a material consideration in terms of fall back. Consequently, it is considered that the proposed used for general purpose storage is acceptable. The material considerations referred to above have indicated that a determination other than in accordance with the development plan would be appropriate in this instance.
- 6.2 The proposal is also considered acceptable in respect of matters concerning design, impact on the highways, drainage character and appearance of the area and residential amenity. The application is therefore considered to be in compliance with national and local planning policies.

7. RECOMMENDATION

This application is recommended to be GRANTED following expiration of the consultation period and subject to the following conditions:

01. The development hereby permitted shall be carried out in complete accordance with the plans/drawings listed below:

Drawing No. S4H/01 A	Location Plan & Drainage Plan	Dated 28/10/2022
Drawing No. S4H/02	Elevations	Dated 03/08/2022

Reason:

For the avoidance of doubt.

02. Any outside storage of materials of equipment shall not be stacked or deposited on the site above a height of 4 metres measured from ground level.

Reason:

In the interests preserving the character and appearance of the area in accordance with Policies ENV1 (1), (4) and EMP9 (1) of the Selby District Local Plan, Policy SP13 of the Core Strategy (2013).

03. The use of the site hereby permitted shall be for B8 uses only with and retails sales from the site being ancillary only.

Reason:

To ensure the development remains as per its original intention as a B8 storage facility in accordance with Policies SP2 of the Core Strategy and RIC/1 of the Local Plan.

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

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

10 Background Documents

10.1 Planning Application file reference 2022/0622/FUL and associated documents.

Contact Officer: Jac Cruickshank (Senior Planning Officer)

Appendices: None