

North Yorkshire Council

Community Development Services

Selby and Ainsty Area Constituency Committee

10 MAY 2023

2022/1410/OUTM - OUTLINE APPLICATION FOR THE ERECTION OF UP TO 95 DWELLINGS, INCLUDING AFFORDABLE HOUSING, PUBLIC OPEN SPACE, LANDSCAPING, SUSTAINABLE URBAN DRAINAGE SYSTEM (SUDS) AND VEHICULAR ACCESS POINT FROM BARFF LANE INCLUDING ACCESS (ALL OTHER MATTERS RESERVED), AT LAND ADJACENT ST WILFRIDS DRIVE, BARFF LANE, BRAYTON, SELBY, NORTH YORKSHIRE

Report of the Assistant Director Planning – Community Development Services

1.0 Purpose of the Report

- 1.1 To determine an outline planning application including access, with all other matters reserved for erection of up to 95 dwellings on land adjacent to St Wilfrids Drive, Barff Lane, Brayton, North Yorkshire.
- 1.2 This application is reported to Committee because the Head of Planning considers this application to raise significant planning issues such that it is in the public interest for the application to be considered by Committee.

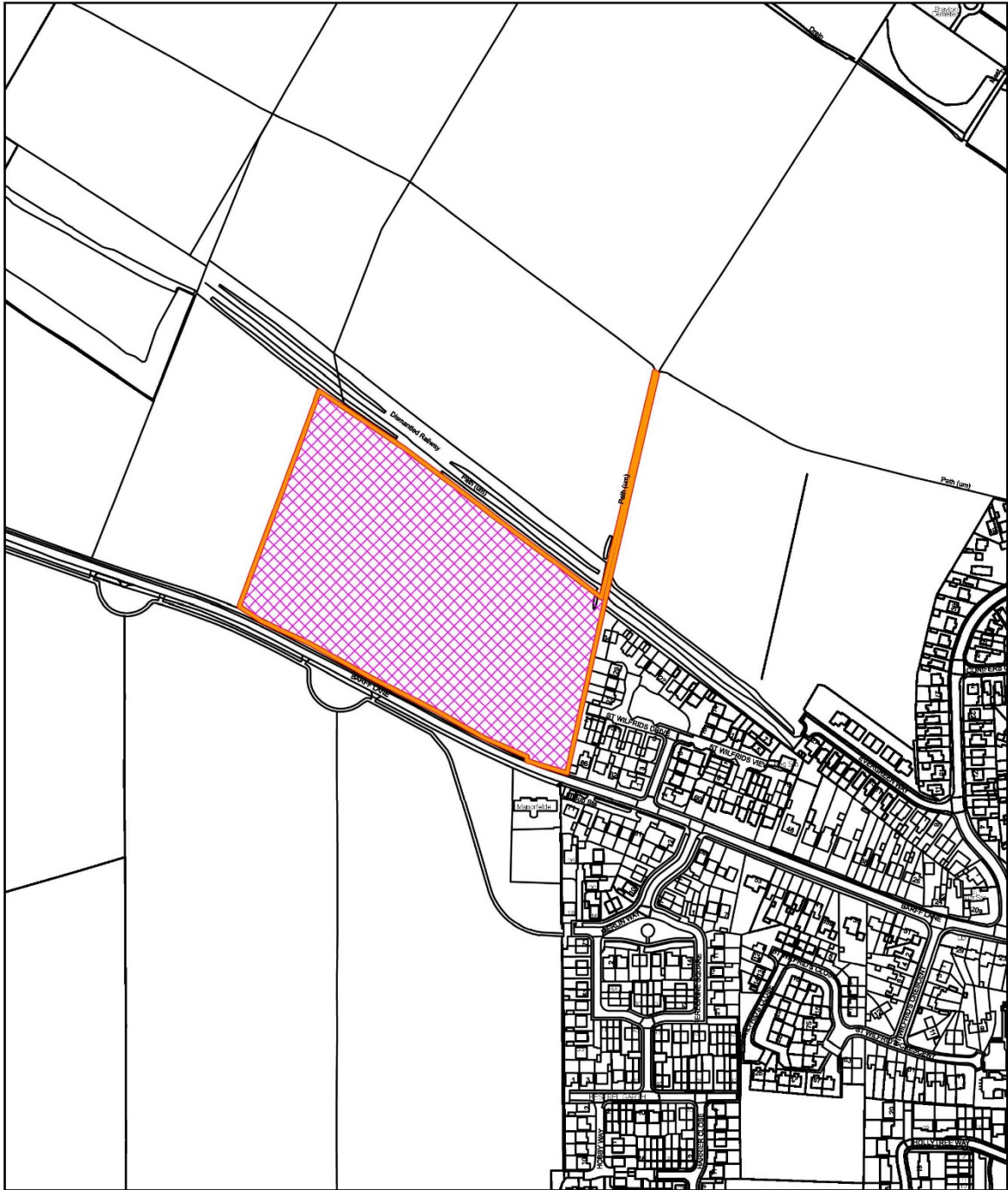
2.0 SUMMARY

RECOMMENDATION: That planning permission be REFUSED for the reasons set out below in Section 12.

- 2.1. This is an application for outline planning permission for up to 95 dwellings on a site currently in agricultural use to the west of Brayton. The application seeks access to be determined with all other matters reserved. The site is rectangular in shape with a track leading north running along the eastern boundary, hedgerows to the south (Barff Lane) and west and the former railway line (now wooded) to the north. The Framework Plan submitted with the application shows a single vehicular access to the site from Barff Lane and separate pedestrian access. Development would be arranged in blocks around the internal road layout. An area of public open space (to comprise a play area, community woodland and walking routes is shown to the west and north. The site lies outside of the development limit of Brayton within the open countryside. To the south and west of the site is a Locally Important Landscape Area (LILA) around Brayton Barff.
- 2.2. The proposal is unacceptable in principle as it would amount to substantial residential development in the countryside contrary to the spatial development strategy of the development plan. The proposal is not development of an appropriate scale and would result in disproportionate growth in the amount of housing in the village within the plan period, contrary to Policies SP2 and SP5. There has not been the required archaeological investigation of the site. The proposal would also result in the unnecessary loss of agricultural land. The proposal would generate additional

recreational pressure leading to the deterioration of ancient woodland at Brayton Barff contrary to the provisions of the development plan and NPPF. The scale and location of the site would result in an incongruous extension into open countryside, resulting in harm to the setting of Brayton Barff, the wider landscape and enjoyment of nearby PROWs. Insufficient information is contained within the Transport Assessment and Travel Plan to demonstrate that the proposal would not result in detrimental highway impacts and that sufficient sustainable travel infrastructure can be provided. Despite other matters being acceptable, and the positive impacts of housing delivery in a relatively sustainable location, there are significant negative impacts arising from the proposal that outweigh these to the extent it is recommended permission be refused for the reasons set out below.

Land Adjacent St Wilfrids Drive, Barff Lane, Baryton
2022/1410/OUTM



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3.0 Preliminary Matters

- 3.1. Access to the case file on Public Access can be found here:- [2022/1410/OUTM | Outline application for the erection of up to 95 dwellings, including affordable housing, public open space, landscaping, sustainable urban drainage system \(SuDS\) and vehicular access point from Barff Lane including access \(all other matters reserved\) | Land Adjacent St Wilfrids Drive Barff Lane Brayton Selby North Yorkshire](#)
- 3.2. During the application amended ecological and highway impact assessment documents were submitted. There is no relevant planning history for the application site.

4.0 Site and Surroundings

- 4.1. The application site comprises a rectangular field to the north-west of Brayton. It is 4.35ha in size. Relatively flat, the site is in agricultural (arable) use. There is a track along the eastern boundary which runs north towards public footpath 35.12/10/2 which connects to Thorpe Willoughby. Dwellings on St Wilfrids Drive lie to the east. There are hedgerows to the south and west. To the north lies the former railway line, which is now treed. To the south of the site lies a footpath which links Merlin Way in the east to Brayton Barff.
- 4.2. The defined development limit for Brayton, which runs in a north/south direction across Barff Lane, lies approximately 165m to the east. The site lies outside of the development limit in open countryside. A Locally Important Landscape Area (LILA) lies to the south and west. Parts of Brayton Barff to the east of the site are classified as ancient woodland, and a site of importance to nature conservation (SINC). The site is in flood zone 1 for sea and river flooding.

5.0 Description of Proposal

- 5.1. Outline planning permission, with access to be determined, is sought for the erection of up to 95 dwellings. As submitted 10 units (10%) would be affordable homes however the applicant has since revised this to be provision of affordable homes as policy compliant. The density would be around 22 dwellings per hectare. A Framework Plan has been submitted in support of the proposal which shows a single site access, proposed internal distributor roads and cells for development. To the west and north land is set aside for landscaping, a Locally Equipped Area for Play and a SUDs basin. Access to the site would be 115m from the eastern edge of the development site with a separate pedestrian access 97m further west. The proposed access will link to the existing footpath to the south of Barff Lane and to footpath links within the site, including an indicative circular footpath to the west and north. A 2m wide footpath is proposed along the northern side of Barff Lane extending from the eastern edge. Visibility splays of 2.4 x 43m can be achieved in both direction at the proposed access.
- 5.2. Scale is a reserved matter however the Design and Access Statement indicates that proposed dwellings would be predominantly detached and semi-detached two storey

units.

- 5.3. Layout is a reserved matter. The Framework Plan submitted shows how the site could be developed and demonstrates that the site could support the proposed quantum of development and necessary infrastructure.

6.0 Planning Policy and Guidance

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:
- 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
 - Minerals and Waste Joint Plan (adopted 16 February 2022)

Emerging Development Plan – Material Consideration

- 6.3. The Emerging Development Plan for this site is:
- Selby District Council Local Plan publication version 2022 (Reg 19)

On 17 September 2019, Selby District Council agreed to prepare a new Local Plan. 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 (under Regulation 19 of the Town and Country Planning (Local Development)(England) Regulations 2012, as amended), including supporting documents, associated evidence base and background papers, was subject to formal consultation that ended on 28th October 2022. The responses have been considered and the next stage involves the submission of the plan to the Secretary of State for Examination.

In accordance with paragraph 48 of the NPPF, given the stage of preparation following the consultation process and depending on the extent of unresolved objections to policies and their degree of consistency with the policies in the NPPF, the policies contained within the emerging Local Plan can be given weight as a material consideration in decision making.

The site forms part of a larger site put forward in the call for sites that extended towards to the north and was rejected as a housing allocation under the emerging Local Plan, reference BRAY-G.

Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:
- National Planning Policy Framework 2021
 - National Planning Practice Guidance

- National Design Guide 2021
- Affordable Housing Supplementary Planning Document (AHSPD) 2014
- Developer Contributions Supplementary Planning Document (DC SPD) 2007

7.0 Consultation Responses

- 7.1. The following consultation responses have been received and have been summarised below.
- 7.2. **Brayton Parish Council:** Objection: Brayton Parish Council wish to object strongly against this proposal. We foresee many highways issues at this location and massive congestion on an already busy minor road. We believe these buildings would be out of character with the area and there is lack of infrastructure (Doctors/Schools/Public Transport etc) already in Brayton. Excessive traffic too near the ancient woodland of Brayton Barff is a concern.
- 7.3. **NYC Environmental Health:** Air quality and noise impact assessments are noted and conditions recommended regarding submission of a Construction Management Plan (including noise, vibration, dust and dirt), hours of working and piled foundations.
- 7.4. **NYC Landscape Architect:** Framework Plan presents a considered design. Harm results from location due to the impact it would have on the defined and compact nature of Brayton. Impact on views across fields to Brayton Barff, harmful to the sense of rurality and the countryside, contrary to Policy SP18.
- 7.5. **NYC Urban Design Officer:** Proposed development projects out into the countryside, it would be an incongruous extension to the village; general comments made on Parameters Plan.
- 7.6. **NYC Waste and Recycling:** Proposed layout needs to accommodate waste vehicles; bin presentation points are required at the end of private drives; on plot bin storage requirements are detailed; and the developer will be required to pay for bins.
- 7.7. **NYC Archaeologist:** High potential for the site to contain remains of the Iron Age and Romano-British period, request that a scheme of archaeological evaluation (geophysical survey followed by trial trenching where appropriate) be undertaken prior to determination.
- 7.8. **NYC Conservation Officer:** Application considered to have no impact on heritage assets. It would be viewed from the conservation area as an extension to the existing urban form.
- 7.9. **NYC Ecologist:** Concerns raised in December 2022 response about potential impacts of this application on Brayton Barff, a Site of Importance for Nature Conservation (SINC) and ancient woodland.

Brayton Barff is a well-known local landmark with a car park and open public access and is connected to the application site by a public footpath. The development of 95 new homes within 400 metres of the woodland will inevitably result in increased footfall

as new residents seek longer walks. Do not agree with the assessment that impacts on Brayton Barff would only be significant “at up to the Local level” (Ecological Impact Assessment paragraph 5.7). As the Barff is a SINC (i.e. a site of County-wide nature conservation importance) and predominantly ancient semi-natural woodland / irreplaceable habitat, negative impacts are potentially significant at a County level.

Natural England/Forestry Commission standing advice on development and ancient woodland (Ancient woodland, ancient trees and veteran trees: advice for making planning decisions - GOV.UK (www.gov.uk) is a material consideration for local planning authorities. The Council must ensure that the proposed development would not result in deterioration of ancient woodland before granting permission. Given the distances involved, we are confident that direct impacts can be avoided provided normal good practice is followed in controlling dust, noise etc during construction. There is, however, potential for indirect effects associated with increased footfall such as dog fouling, disturbance of wildlife and soil compaction or erosion. Brayton Barff is already subject to heavy recreational pressure (the principal landowner estimates 20,000 visits per month) so there is clearly a risk of degradation if this pressure is increased without mitigation.

It is acknowledged that the applicant’s ecologists have considered potential impacts on the Barff and welcome the proposal to install and maintain dog waste bins both on site and along the footpath en-route, along with the provision of on-site open space and walkways. However, it is recommended that the applicant engages with the landowners (Yorkshire Water and Selby District Council), the local volunteer group Friends of Brayton Barff and other interested parties to discuss the potential for more comprehensive mitigation measures, e.g. funding to support local initiatives which help conserve the site or to control invasive Himalayan Balsam.

- 7.10. **Lead Local Flood Authority:** Testing suggests discharging surface water via infiltration is viable on site, additional testing required at proposed location of SUDs basin; peak flow control design can be provided at detailed design stage; volume control parameters, pollution control, designing for exceedances, climate change and urban creep, and maintenance requirements are provided. It is considered the submitted documents demonstrate a reasonable approach to the management of surface water on the site and a series of conditions are recommended.
- 7.11. **Local Highway Authority:** The Transport Assessment requires amendments regarding committed developments, use of local census data, detailed junction assessment and NYC road collision data; the Framework Travel Plan requires further matters to be address (timings, Travel Plan Co-ordinator, sustainable travel infrastructure and measures). Travel Plan aims, structure and monitoring proposals acceptable approach; Site Layout and connectivity; off -site mitigations (relocation of existing speed limit further west, street lighting, surfacing of PROW opposite, bus shelter provision) at the developer’s expense. Revised Travel Plan and Transport Assessment were submitted and have been considered by Highways – consider that there is still insufficient information contained within the Transport Assessment and Travel Plan to demonstrate that the proposal would not result in detrimental highway impacts and that sufficient sustainable travel infrastructure can be provided.

- 7.12. **NYC Arboriculturist:** No arboricultural objection; highway tree planting to be considered under reserved matters; recommends conditions regarding tree protection and landscaping.
- 7.13. **NYC Housing Strategy/Rural Enabling Officer:** As submitted the 10 units (10%) affordable housing proposed is not in line with policy, which aims for a maximum of 40%. No viability assessment to justify not meeting policy.

Response to confirmation that policy complaint affordable units is to be provided: Whilst the 40% Affordable Housing provision is policy compliant at present time but there are still the fundamental outstanding issues in terms of tenure and property size as the information has not been disclosed.

Tenure split and the type of housing being sought will be based on the Council's latest evidence on local need. This comes in the form of the HEDNA (2020) which advises that, as per NPPF 2019 – a minimum of 10% of the homes should be for affordable home ownership, but there is no evidence to increase this amount. In terms of rented accommodation, both social and affordable rent are required, with a need for social rent more prominent.

Note: from 28 June 2021, the definition of affordable housing now contains First Homes - the government's preferred discounted market tenure. First Homes should account for at least 25% of all affordable housing units delivered by developers through planning obligations (but will not apply to sites with full or outline planning permissions already in place or determined before 28 December 2021, or 28 March 2022 if there has been significant pre-application engagement).

The HEDNA also provides local need information relating to bedroom size. For rented accommodation, preference is towards 1 and 2 bedroom accommodation, with some 3 and few 4 bedroom requirements. For intermediate tenures, preference is 2 and 3 bedroom housing.

Asks that the affordable housing units are not grouped or clustered together, which they currently are but instead distributed evenly through the scheme. Similarly, the Council expects affordable housing to be built to the same high standard of design and amenity as market housing. Affordable housing units on developments should be of a similar quality to the open market housing and should be visually indistinguishable.

As result of comments above, is not able to comment on whether the proposal is acceptable without the relevant information and would ask for these to be provided to ensure its meet the affordable housing need in the locality.

- 7.14. **NYC Public Rights of Way:** There is a PROW or claimed PROW on or near the site and relevant provisions are set out.
- 7.15. **NYC Strategic Planning, Children and Young People's Service:** Based on the number of dwellings proposed a contribution is not sought.

- 7.16. **Contaminated land consultant:** Phase 1 report and proposed site investigation works are acceptable. Conditions are recommended regarding investigation of contaminated land; submission of a remediation strategy; verification of remediation works; and reporting of unexpected contamination.
- 7.17. **Yorkshire Water:** Recommend conditions relating to surface water drainage and disposal of foul water. Advice provided relating to waste water.
- 7.18. **North Yorkshire Fire and Rescue Service:** No objections/observations.
- 7.19. **North Yorkshire Police:** Response provides an overview of national and local policy, crime statistics, and provide design guidance. Recommend Secure by Design accreditation considered.
- 7.20. **NHS Humber and North Yorkshire Integrated Care Board:** A contribution of £111,964.00 is sought to fund works to primary healthcare facilities within approximately 1 mile of the proposed development to accommodate the needs of the future residents.
- 7.21. **Selby Area Internal Drainage District -** Recommend condition that any proposed SuDS or flow restriction have restricted flow measures or attenuation put in place prior to occupancy and within 3 months of progressing on site.

Local Representations

- 7.22. One hundred and forty-two local representations have been received of which 2 are in support and 140 are objecting. A summary of the comments is provided below, however, please see website for full comments.
- 7.23. Support:
- Area needs more housing
- 7.24. Objections:
- detrimental to Brayton Barff, especially its ancient woodland and ecology
 - detrimental to wildlife
 - increased noise (from construction and future use)
 - residential Amenity
 - increased traffic on Barff Lane, potential for accidents, road too narrow to support traffic volume, footpath only on one side of the road
 - increased parking on Barff Lane
 - loss of open fields, brownfield land should be developed first
 - insufficient infrastructure, public transport - insufficient school/doctor surgery capacity for development?
 - existing drainage in area inadequate; increased flooding; SuDS pumping station likely to be noisy and might interfere with Yorkshire Water pipes
 - potential for development to extend northwards
 - scale of development
 - need for more houses?
 - increased pollution

- impact on PROW
- will result in merger of Brayton and Thorpe Willoughby
- over development of Brayton
- impact visual amenity
- increased traffic pollution
- inadequate drainage in area
- bats in nearby hedgerow
- not allocated site, outside of development limit
- Selby DC has a 5-year HLS
- previous applications rejected opposite, so should this one
- loss of recreational value of land
- detrimental to character of the area
- loss of food producing land
- noise and disturbance to existing residents
- brownfield site need to be used first
- impact on Thorpe Willoughby as well, impact on services and infrastructure
- detrimental to landscape character
- unsustainable

8.0 Environment Impact Assessment (EIA)

- 8.1. The development proposed does not fall within Schedule 1 of The Environmental Impact Assessment Regulations 2017 (as amended). The development falls within Schedule 2 Category 10(b) Urban Development Projects but does not exceed the thresholds for screening. As such, an Environmental Statement is not required.

9.0 Main Issues

- 9.1. The key considerations in the assessment of this application are:
- Principle of development
 - Loss of agricultural land
 - Minerals
 - Housing density and mix
 - Character and appearance
 - Flood risk, drainage and climate change
 - Access and highway safety
 - Impact upon nature conservation, protected species and ancient woodland
 - Affordable housing
 - Recreational open space
 - Contaminated land and ground conditions
 - Residential amenity
 - Heritage
 - Noise and air pollution
 - Education, healthcare, waste and re-cycling

10.0 **ASSESSMENT**

Principle of development

- 10.1. Core Strategy (CS) Policy SP1 of the Selby District Core Strategy Local Plan (2013) (CS) 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.
- 10.2. CS Policies SP2 and SP4 are the Spatial Development Strategy Policies that directs new development to the Market Towns and Designated Service Villages (DSVs), restricting development in the countryside. Policy SP2A(c) 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.
- 10.3. Emerging Local Plan Policies SG1 -Achieving Sustainable Development (Strategic Policy), SG2 - Spatial Approach (Strategic Policy) and SG3 - Development Limits (Strategic Policy) are relevant and are considered to be consistent with the aims of the NPPF. At present, the policies are afforded limited weight.
- 10.4. Brayton is defined in the Core Strategy as a Designated Service Village with a defined Development Limit, which has some scope for additional residential and small-scale employment to support rural sustainability.
- 10.5. This outline application is for 95 dwellings on land that is adjacent to, but outside of, the defined Development Limits of Brayton, as defined in the adopted development plan. The proposal is therefore contrary to Policy SP2A(c) of the Core Strategy and represents inappropriate development in the countryside. The wider edge of settlement relationship is assessed below.

Previous Levels of Growth and the Scale of the Proposal

- 10.6. CS policy SP5 designates levels of growth to settlements based on their infrastructure capacity and sustainability. This policy sets a minimum target of 2000 for DSVs as a whole, which, the most recent monitoring indicates has been exceeded by completions and permissions in these settlements as a whole. However, the CS does not set a minimum dwelling target for individual DSVs, so it is not possible at this point to ascertain exactly whether Brayton has exceeded its dwelling target.
- 10.7. As a guide, for the purpose of consultation only, the Council put forward various growth options for the DSVs as part of the development of PLAN Selby in 2014 and 2015 and at that time the research indicated minimum growth options of between 108-147 dwellings for Brayton. To date, Brayton has seen 245 (gross) dwellings built in the settlement since the start of the Plan Period (245 net) in April 2011 and has extant

gross approvals for 11 dwellings (11 net), giving a gross total of 256 dwellings (256 net). Taking into account the range of growth options identified for this settlement, the scale of this individual proposal, at 95 dwellings, is not considered to be appropriate to the size and role of a settlement designated as a Designated Service Village, when considered in isolation. However, the individual scale of the proposal must also be considered in terms of the cumulative impact it would have with the previous levels of growth in this settlement that have occurred since the start of the plan period.

Relation of the Proposal to the Development Limit

- 10.8. The site is located in the countryside and outside of Development Limits, Core Strategy Policy SP18 aims to protect the high quality and local distinctiveness of the natural and man-made environment; therefore it is important to determine the impact the proposed scheme has on its surroundings. The site is located beyond the Development Limits and within the open countryside, the proposal is contrary to SP2A(c) (Spatial Development Strategy) of the Core Strategy. As such, the proposal represents a departure from the Development Plan and it must be determined whether the benefits of the scheme outweigh the harms and the conflict with policy.
- 10.9. The proposal constitutes a major residential development in the countryside which fails to satisfy any of the permissible exceptions for development in such locations. Furthermore, the release of this major residential development site on an individual basis would not represent limited further growth anticipated by the Core Strategy, and taken cumulatively with other residential developments in Brayton would represent a disproportionate share of the overall growth envisaged in the designated service villages which would cause significant harm to the spatial strategy that underpins the Core Strategy. The proposal is contrary to Policies SP2 and SP5 of the Core Strategy.
- 10.10. In respect of sustainability, the village has a church, a primary school, two public houses, a community centre with adjacent plating fields, a butchers and a Tesco Express. It also benefits from bus services to Selby. In terms of access to services and facilities and a choice of mode of transport, despite the site being located outside the defined development limits of the settlement, the site may be considered as being in a sustainable location with alternatives to car-based travel.

Section 149 of The Equality Act 2010

- 10.11. Under Section 148 of the Equality Act 2010 Local Planning Authorities must have due regard to the following when making decisions: (i) eliminating discrimination, harassment and victimisation; (ii) advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (iii) fostering good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are: age (normally young or older people), disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.
- 10.12. The development of the site for residential purposes would not result in a negative effect on any persons or on persons with The Equality Act 2010 protected characteristics and could in the longer term have a positive effect.

Loss of agricultural land

- 10.13. The site is currently in use for agriculture (arable). Policy SP18 of the Core Strategy seeks to sustain the natural environment by steering development to areas of least agricultural quality.
- 10.14. NPPF paragraph 174 requires decisions should contribute to and enhance the natural and local environment by b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land. Policy SP18 is consistent with the NPPF and is given significant weight. Emerging Local Plan Policy SG4 - Development in the Countryside (Strategic Policy) is considered consistent with the NPPF, but at present is given limited weight.
- 10.15. Agricultural land is classified using grades 1, 2, 3a, 3b, 4 and 5. Best and most versatile agricultural land is defined as land in grades 1, 2 and 3a of the Agricultural Land Classification. The Yorkshire and Humber agricultural land classification indicates the site is grade 3 ‘good to moderate’ agricultural land. It does not differentiate between grades 3a and 3b. The application does not include an agricultural land quality assessment. The site is assumed to be BMV. The site area means Natural England is not a statutory consultee for the loss of agricultural land. The conflict with the spatial development strategy means the loss of best and most versatile agricultural land would be unnecessary. Such loss would result in minor harm to the agricultural economy in the area as well as food self-sufficiency. The loss of agricultural land is contrary to Core Strategy Policy SP18 and NPPF paragraph 174 b).

Minerals

- 10.16. The site is identified on the Coal Authority interactive map as lying within a low-risk area for which the standing advice is to impose an informative to draw this risk to the developer’s attention. There is no conflict with the Minerals and Waste Joint Plan.

Housing density and mix

Density

- 10.17. Saved Policy H2B of the Local Plan states “Proposals for residential development will be expected to achieve a minimum net density of 30 dwellings per hectare to ensure the efficient use of land. Higher densities will be required where appropriate particularly within the market towns and in locations with good access to services and facilities and/or good public transport. Lower densities will only be acceptable where there is an overriding need to safeguard the existing form and character of the area or other environmental or physical considerations apply.”
- 10.18. Core Strategy paragraph 7.80 states “The quality of design in its local context is more important than relying on a minimum housing density figure to benchmark development....Therefore, the Council does not propose to set a development density figure in this strategic plan”. Policy SP19 states residential development should “Positively contribute to an area’s identity and heritage in terms of scale, density and layout”.

- 10.19. NPPF paragraph 124 requires that decisions should support development that makes efficient use of land. Paragraph 125 encourages consideration of minimum densities “where there is an existing or anticipated shortage of land for meeting identified housing needs”.
- 10.20. Emerging Local Plan Policy SG9 - Design (Strategic Policy) and Policy HG6 (Creating the Right Type of Homes (Strategic Policy) are considered consistent with the NPPF and can be given limited weight.
- 10.21. The erection of 95 dwellings on 4.35 hectares is a density of equates to a density of 22 dwellings per hectare. The minimum density requirement in Policy H2B conflicts with the design led approach in Policy SP19. Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted which is Policy SP19. NPPF paragraph 125 is not engaged because of the robust five-year housing land supply. The proposed indicative housing density is appropriate in these circumstances.

Housing Mix

- 10.22. It is considered that the proposal could achieve an appropriate housing mix at reserved matters stage as identified in the SHMA, in accordance with Policy SP8 and the NPPF.

Character and appearance

- 10.23. CS Policy SP18 requires the high quality and local distinctiveness of the natural and man-made environment will be sustained by: 1. Safeguarding and, where possible, enhancing the historic and natural environment including the landscape character and setting of areas of acknowledged importance.
- 10.24. A Locally Important Landscape Area (LILA) lies directly to the south and west of the application site.
- 10.25. NPPF paragraph 174 requires policies and decisions should contribute to and enhance the natural and local environment by (a) protecting and enhancing valued landscapes (in a manner commensurate with their statutory status or identified quality in the development plan).
- 10.26. Emerging Local Plan Policy NE1 - Protecting Designated Sites and Species (Strategic Policy), Policy NE2 - Protecting and Enhancing Green and Blue Infrastructure (Strategic Policy), Policy NE3 - Biodiversity Net Gain (Strategic Policy), Policy NE4 - Protecting and Enhancing Landscape Character (Strategic Policy) and Policy NE6 - Protecting and Enhancing Trees, Woodland and Hedgerows are considered to be consistent with the NPPF and can be afforded limited weight.
- 10.27. A Framework Plan and Landscape and Visual Impact Assessment (LVIA) have been submitted to support the application. The existing edge to Brayton is abruptly marked by recent housing development, however the settlement is clearly defined and relatively

compact in its form. The proposed development would extend built form out in a westward direction as a “finger” into the countryside. The Framework Plan shows landscaping at the western edge of the site. The proposed pedestrian link to the PROW to the north is within the ownership of the application and proposed infill and replacement hedgerows and trees are shown to Barff Lane. In principle these proposals would reduce the visual impact of the proposal and present a less harsh edge to the settlement than currently exists on Barff Lane.

- 10.28. The site’s location disrupts the clarity and coherence of the belt of farmland that separates and defines Brayton and Thorpe Willoughby, and also informs the context and setting of Brayton Barff. The scale and form of the proposed development would be clearly visible from Barff Lane and the footpath to the south of the site, as well as disruptive to other PROWs in the vicinity and on Brayton Barff. The village edge would be brought closer to Brayton Barff.
- 10.29. The site lies adjacent to the LILA (locally important landscape area) for Hambleton Sandstone Ridge that includes Brayton Barff. The flat fields beyond the LILA, due to their openness and contrasting flatness have an important role in the setting and context of Brayton Barff, due to contrasting topography, vegetation, land use, and landscape detail and are important in how Brayton Barff is viewed and understood from the surrounding area.
- 10.30. The LVIA suggests that the site ‘relates more strongly to the adjacent settlement than it does to the wider landscape to the west and southwest associated with Brayton Barff’ however it is considered that the open arable nature of the application site and its location within a clearly defined arable landscape is very much part of the countryside, not part of the village.
- 10.31. The scale and location of the site would result in it being viewed from the PROW to the north, especially on the approach eastwards towards Brayton, and in winter-time built form and lighting would be visible. This would result in harm to the rurality of the footpath and enjoyment of the footpath by users.
- 10.32. The scale, form and location of the proposal would result in an incongruous extension of built form into the countryside and would result in landscape harm, in particular to the setting of Brayton Barff and to the enjoyment of and rurality of the PROW to the north, contrary to Policy SP18.

Flood risk, drainage and climate change

- 10.33. The application site is located within Flood Zone 1 (Low Risk) and the proposal is supported by a Flood Risk Assessment. Drainage is proposed to be via infiltration with a Sustainable Urban Drainage System (SuDs) basin to be created to the north-west of the site. Selby Internal Drainage Board and Yorkshire Water raise no objection and recommend conditions relating to a restricted rate of discharge and foul and surface water drainage.

Access, transport and highway safety

- 10.34. Core Strategy Policies SP15 and SP19 require development proposals to minimise traffic growth by providing a range of sustainable travel options and to be accessible to all users.
- 10.35. Saved Local Plan Policies ENV1, T1 and T2 require development to be well related to and to take account of existing highway infrastructure and existing traffic capacity, that any new access does not impact on highway safety and can be provided in an acceptable location and to acceptable highway standards. Local Plan Policy T7 encourages the provision of cycle routes and parking and Policy VP1 supports the provision of parking spaces/facilities.
- 10.36. Paragraphs 104, 108, 110-112 of the NPPF require transport issues to be considered at the earliest stages of development proposal, promotes sustainable transport modes and accessibility.
- 10.37. Emerging Local Plan Policy IC1 - Infrastructure Delivery (Strategic Policy) and Policy IC6 - Sustainable Transport, Highway Safety and Parking (Strategic Policy) are considered consistent with the NPPF and can be accorded limited weight.
- 10.38. The application seeks approval of a single vehicular access to the site and a separate pedestrian access. A new footway along the north of Barff Lane is also proposed. The Highway Authority assessed the submitted Transport Assessment and Travel Plan and requested amendments. Revised documents have been submitted and the Highway Authority re-consulted. Notwithstanding the changes made the Highway Authority consider that the documents are still insufficient in terms on detail on provision of sustainable travel infrastructure. Potential capacity issues have also been identified for the A19 Brook Street/Gowthorpe signal controlled junction that require further consideration. A re-run of the full traffic impact assessment is also required as a further major planning application has been submitted within the vicinity which needs to be taken into account.
- 10.39. In the absence of the required information, it is considered that insufficient information is contained within the Transport Assessment and Travel Plan to demonstrate that the proposed development would not result in detrimental highway impacts and that sufficient sustainable travel infrastructure can be provided, contrary to Core Strategy Policies SP15, SP19 and Local Plan Policies ENV1, T1 and T2 and NPPF paragraph 104.

Impact upon nature conservation, protected species and ancient woodland

- 10.40. Local Plan Policy ENV1 requires account is taken of the potential loss, or adverse effect upon, significant wildlife habitats.
- 10.41. The foreword to Core Strategy Policy SP2 states the protection and enhancement of biodiversity and natural resources is a basic principle of national planning guidance, which can also influence the location of development. Policy SP18 requires the high quality and local distinctiveness of the natural and man-made environment will be sustained by promoting effective stewardship of the District's wildlife by a) safeguarding international, national and locally protected sites for nature conservation, including

SINCs, from inappropriate development. b) Ensuring developments retain, protect and enhance features of biological and geological interest and provide appropriate management of these features and that unavoidable impacts are appropriately mitigated and compensated for, on or off-site. c) Ensuring development seeks to produce a net gain in biodiversity by designing-in wildlife and retaining the natural interest of a site where appropriate.

- 10.42. NPPF paragraph 174 requires decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity value in a manner commensurate with their statutory status or identified quality in the development plan; minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 180 requires when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons (For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat) and a suitable compensation strategy exists. Natural England and Forestry Commission 'standing advice' for ancient woodland emphasises this policy and requires consideration of direct and indirect effects. The advice notes the latter includes "increasing damage to habitat, for example trampling of plants and erosion of soil by people accessing the woodland or tree root protection areas; and increasing damaging activities like...the impact of domestic pets".
- 10.43. The development plan policies listed in 10.38-10.39 above are consistent with the NPPF and are given significant weight.
- 10.44. Emerging Local Plan Policy NE1 - Protecting Designated Sites and Species (Strategic Policy), Policy NE3 - Biodiversity Net Gain (Strategic Policy), Policy NE4 - Protecting and Enhancing Landscape Character (Strategic Policy) and Policy NE6 - Protecting and Enhancing Trees, Woodland and Hedgerows are considered to be in accordance with the NPPF and can be afforded limited weight.
- 10.45. Brayton Barff lies to the south-west of the application site and is connected to the application site by a public footpath. It is considered that the development of 95 dwellings within 400 metres of the woodland will inevitably result in increased footfall to the Barff as new residents seek longer walks. The Barff is a SINC (i.e. a site of County-wide nature conservation importance) and is predominantly ancient semi-natural woodland/irreplaceable habitat - negative impacts resulting from the proposal are potentially significant at a County level, not the local level suggested within the EclA.
- 10.46. Natural England/Forestry Commission standing advice on development and ancient woodland states that Local Planning Authorities must ensure that proposed

development would not result in deterioration of ancient woodland before granting permission. Although the Ecologist is confident that direct impacts can be avoided provided normal good practice is followed in controlling dust, noise etc during construction, the principal concern is the potential for significant impacts on the ancient woodland at Brayton Barff SINC. This proposal is one of three applications for new housing within easy walking distance of Brayton Barff that are with the Local Planning Authority for consideration, totalling over 400 dwellings. It is second closest of the three sites.

- 10.47. The ancient woodland at Brayton Barff is already subject to a high level of recreational pressure, which has a deleterious impact on the habitat through soil compaction and loss of natural vegetation. This is largely due to the sheer volume of footfall, resulting in the widening of paths, the proliferation of informal tracks and the creation of extensive bare areas. The standing advice confirms, "Where a proposal involves the...deterioration of ancient woodland...you should not take account of the existing condition of the ancient woodland...when you assess the merits of the development proposal. Its existing condition is not a reason to give permission for development." Additional effects are likely to include disturbance of wildlife and nutrient-enrichment associated with dogs defecating and urinating. The EclA proposes mitigation measures in the form of provision and continual management of dog waste bins within the development and along the footpath to the Barff and states that "the development is not anticipated to result in any significant residual negative effects on important ecological features". The Council's Ecologist does not agree.
- 10.48. In response to the Ecologist's comments the applicant has informally proposed creation of a circular walk linking the site to the existing PROW to the north. Whilst this would go towards reducing pressure on the Barff, due to the site's proximity and footpath links there would remain increased footfall at the Barff resulting from the proposal.
- 10.49. The proposal would result in the deterioration of irreplaceable habitat due to increased recreational pressure upon ancient woodland at Brayton Barff SINC and there are no wholly exceptional reasons to support the proposal and a suitable compensation strategy does not exist. The proposal is contrary to Policy ENV1 of the Selby District Local Plan, Policies SP2 and SP18 of the Core Strategy, NPPF paragraph 180c and the standing advice of Natural England.

Affordable housing

- 10.50. Policy SP9 Affordable Housing seeks to achieve a 40/60% affordable/general market housing ratio within overall housing delivery; in pursuit of this aim, the Council will negotiate for on-site provision of affordable housing up to a maximum of 40% of the total new dwellings on all market housing sites at or above the threshold of 10 dwellings (or sites of 0.3 ha) or more; the tenure split and the type of housing being sought will be based on the Council's latest evidence on local need; and an appropriate agreement will be secured at the time of granting planning permission to secure the long-term future of affordable housing. In the case of larger schemes, the affordable housing provision will be reviewed prior to the commencement of each phase. The actual amount of affordable housing, or commuted sum payment to be provided is a matter

for negotiation at the time of a planning application, having regard to any abnormal costs, economic viability and other requirements associated with the development.

- 10.51. This policy is supported by the Affordable Housing Supplementary Planning Document (2014).
- 10.52. NPPF paragraph 64 permits affordable housing to be sought on major developments such as this. Paragraph 65 requires at least 10% of the total number of homes to be available for affordable home ownership (as part of the overall affordable housing contribution from the site). A minimum of 25% of all affordable housing units secured through developer contributions should be First Homes in accordance with the Affordable Housing Update Written Ministerial Statement published on 24 May 2021.
- 10.53. Policy SP9 does not reflect the Ministerial Statement for First Homes so is out of date in this respect but does provide a broad basis for securing affordable housing. It is given some weight.
- 10.54. Emerging Local Plan Policy HG7 - Affordable Housing (Strategic Policy) is considered to be in accordance with the NPPF and can be afforded limited weight.
- 10.55. As submitted the application stated that 10 (10%) affordable dwellings were to be provided as part of the proposal, with no justification (viability assessment) to support this. Following comments received by the Housing officer, the applicant has since confirmed that policy compliant affordable housing provision would be provided but no further details have been provided. At 40% of the proposal that would equate to 38 dwellings.
- 10.56. The Housing Officer has commented that whilst the 40% Affordable Housing provision is policy compliant at present time there are outstanding issues of tenure and property size as the information has not been disclosed. Both social and affordable rented are required, with a need for social rent more prominent. At least 25% of all affordable housing units delivered should be First Homes (the government's preferred discounted market tenure). The Housing Officer has also provided comments on the positioning of affordable units within any site layout and that they should be indistinguishable from market units.
- 10.57. As the application is in outline, the further details requested by the Housing Officer relating to unit size, location within the site and appearance would be sought and assessed at reserved matters in the event of any planning consent being granted. It is considered however that affordable housing at 40% could be secured through appropriate Section 106 agreement and would be compliant with Core Strategy Policy SP9.

Recreational open space

- 10.58. Policy RT2 requires the proposal to provide recreational open space at a rate of 60sqm per dwelling on the following basis "provision within the site will normally be required unless deficiencies elsewhere in the settlement merit a combination of on-site and off-site provision. Depending on the needs of residents and the total amount of space

provided, a combination of different types of open space would be appropriate in accordance with NPFA standards.”

- 10.59. The Developer Contributions Supplementary Planning Document 2007 provides further guidance on the provision of open space.
- 10.60. Emerging Local Plan Policy IC3 - Protection and Creation of New Open Space, Sport and Recreation Provision (Strategic Policy) is considered to be in accordance with the NPPF and be afforded limited weight.
- 10.61. The planning statement states that the proposal will include 1.48ha of open space including informal and formal open space comprising an equipped children’s play area and a community orchard. It is also proposed to create a path to connect the development to the PROW (Public footpath 35.12/10/2) which runs east-west to the north of the site.
- 10.62. The Framework Plan shows this open space to be to the north and west of the site. At 14,800sqm (1.48ha) the proposed open space exceeds the 5,700sqm required for 95 dwellings under Policy RT2. The applicant has submitted draft Section 106 Heads of Terms which includes provision of on-site informal open space and LEAP and agreement of long- term maintenance and management of the areas. The securing of appropriate size and type of open space could be resolved via a Section 106 agreement.

Contaminated land and ground conditions

- 10.63. Policy ENV2 of the Local Plan states “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.” Part B of the policy allows contaminated land conditions to be attached to permissions.
- 10.64. CS Policies SP18 and SP19 (k) seeks to prevent development from contributing to or being put an unacceptable risk from unacceptable levels of soil or water pollution or land instability. These policies reflect and are consistent with national advice in paragraphs 174(e) and 185 of the NPPF.
- 10.65. The application is supported by a Phase 1 contaminated land assessment. The contaminated land consultant confirms the preliminary investigation of land and proposed site investigation works are acceptable. Conditions are recommended regarding investigation of contaminated land; submission of a remediation strategy; verification of remediation works; and reporting of unexpected contamination.
- 10.66. In light of the above, it is considered that the proposal would not breach Convention rights contained in the Human Rights Act 1998 in terms of the right to health and right to private and family life.

Residential amenity

- 10.67. Relevant policies in respect of the effect upon the amenity of adjoining occupiers include Policy ENV1. Significant weight is given to this policy as it is broadly consistent with NPPF paragraph 130 (f) which seeks to ensure a high standard of amenity for existing and future users.
- 10.68. Emerging Local Plan Policy SG9 - Design (Strategic Policy) is considered consistent with the NPPF and can be afforded limited weight.
- 10.69. 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.
- 10.70. The nearest dwellings to the site are on St Wilfrid's Drive to the east. A track runs north-south along the eastern site boundary separating existing from proposed development. Layout is a reserved matter, and it is considered that the site is of sufficient size to allow for dwellings to be laid out to provide adequate separation distances between new and existing dwellings to avoid overlooking and loss of privacy. It is also considered that there is sufficient space to ensure adequate separation distances and acceptable level of residential amenity between proposed units. It is considered that sufficient residential amenity can be achieved for existing and future residents in accordance with policy ENV1(1) of the Local Plan and the NPPF.
- 10.71. In light of the above, it is considered that the proposal would not contravene Convention rights contained in the Human Rights Act 1998 in terms of the right to private and family life.

Heritage Assets

Archaeology

- 10.72. Policy ENV28 requires that where development proposals affect sites of known or possible archaeological interest, the District Council will require an archaeological assessment/evaluation to be submitted as part of the planning application; where development affecting archaeological remains is acceptable in principle, the Council will require that archaeological remains are preserved in situ through careful design and layout of new development; where preservation in situ is not justified, the Council will require that arrangements are made by the developer to ensure that adequate time and resources are available to allow archaeological investigation and recording by a competent archaeological organisation prior to or during development.
- 10.73. NPPF paragraph 194 requires that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. The development plan policy is consistent with the NPPF and is given significant weight.

- 10.74. Emerging Local Plan Policy SG13: Planning Applications and the Historic Environment (Strategic Policy) is considered consistent with the NPPF and afforded limited weight.
- 10.75. The LPA archaeologist requires an archaeological investigation to be carried out and assessed prior to determination. A geophysical survey has since been submitted and is with the LPA archaeologist for assessment. Until it can be confirmed that the survey is acceptable, the proposal is contrary to Policy ENV28 and the NPPF.

Designated Heritage Assets

- 10.76. The site does not lie within a conservation area. The site lies approximately 1km from the Grade I listed St Wilfrid's Church and Grade II listed The Vicarage, which do lie within the village conservation area. There is intervening built development between the site and these designated heritage assets and as such it is not considered that the proposed development would result in harm to those assets. There is no conflict with Policy SP18 or the NPPF nor national policy contained in the NPPF. As such, the proposal is accordance with the duties placed upon the Authority by the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 66 and 72 as they relate to planning applications affecting listed buildings and conservation areas respectively.

Noise and air pollution

- 10.77. Core Strategy Policies SP18 and SP19 (k) seek to prevent development from contributing to or being put at unacceptable risk from unacceptable levels of air or noise pollution. These policies reflect and are consistent with advice in paragraph 174(e) of the NPPF.
- 10.78. Environmental Health has considered the air quality assessment and noise impact assessment. Regarding air quality subject to the proposed mitigation measures set out in that report being incorporated into the Construction Environmental Management Plan (relating to dust, dirt, noise and vibration), and conditions covering hours of working and piled foundations, the proposed development is not considered to adversely affect residential amenity.
- 10.79. The noise assessment submitted identifies that the properties built closest to Barff Lane may exceed the accepted internal noise levels stated in BS 8233: 2014. The assessment details potential noise attenuation measures, however, as the layout plan for the site has not yet been finalised it is not possible to determine what specific attenuation will be required and which properties will require these measures. In the event of consent being granted, once the layout for the site has been finalised, this would need to be incorporated into a revised noise assessment and specific details for which properties will require noise attenuation and how this will be achieved will need to be included.
- 10.80. Subject to the above and suitable mitigation through reserved matters approval and planning conditions, it is considered that the proposal would not breach Convention rights in the Human Rights Act 1998 in particular the right to health and the right to private and family life.

Other matters - Education, healthcare, waste and re-cycling

- 10.81. There is no contribution required towards education.
- 10.82. NHS Humber and North Yorkshire Integrated Care Board seek a contribution of £111,964.00 to fund capacity improvements at Primary Care Facilities within mile of the site to accommodate the additional population created by the proposed development.
- 10.83. The LPA will seek a Section 106 agreement or unilateral undertaking to provide at the developers cost two 240 litre wheeled containers and two 55 litre recycling boxes per dwelling. The reserved matters application would need to accommodate waste and recycling access, collection and storage facilities.
- 10.84. These contributions are justified and would need to be secured on a per dwelling basis and with appropriate triggers for payment. The Infrastructure Funding Statement 2020/21 sets out CIL receipts will be prioritised for improvements to the strategic highways network; strategic flood mitigation measures; and healthcare provision. Healthcare impacts may still be mitigated via this method therefore care must be taken to prevent the same piece of mitigation being funded twice.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1. The proposal would constitute a major residential development in the countryside which fails to satisfy any of the permissible exceptions for development in such locations. Furthermore, the release of this major residential development site on an individual basis would not represent limited further growth anticipated by the Core Strategy, and taken cumulatively with other residential developments in Brayton would represent a disproportionate share of the overall growth envisaged in the designated service villages which would cause significant harm to the spatial strategy that underpins the Core Strategy. There are no development plan policies that support the principle of development nor are there material considerations within the NPPF or elsewhere, such as emerging Local Plan policies with sufficient weight, that indicate the proposal should be supported.
- 11.2. The conflict with the spatial development strategy and the scale and distribution of housing policies means the loss of best and most versatile agricultural land would be unnecessary. Such loss would result in minor harm to the agricultural economy in the area as well as food self-sufficiency.
- 11.3. Archaeological investigation is required prior to development to ascertain the impact of the proposal on below ground heritage assets. This has not been undertaken.
- 11.4. The proposal would result in the deterioration of irreplaceable habitats due to increased recreational pressure upon ancient woodland at Brayton Barff SINC and there are no wholly exceptional reasons to support the proposal and a suitable compensation strategy does not exist.

- 11.5. The scale and location of the site would result in an incongruous extension into open countryside, resulting in harm to the setting of Brayton Barff, the wider landscape and enjoyment of nearby PROWs.
- 11.6. The site is in a relatively sustainable location for residential development with a range of services and facilities, and alternatives to car travel available, however there is insufficient information provided to demonstrate that the proposal will provide sufficient sustainable travel infrastructure for future residents, nor is there sufficient information provided to demonstrate that the proposal will not result harm to highway safety.
- 11.7. Flood risk and drainage matters are acceptable subject to conditions. Housing density is acceptable and housing mix can be addressed at reserved matters. Affordable housing at policy compliant levels can be secured through legal agreement. There is no detriment to existing residential amenity and future residential amenity will be dealt with at reserved matters. Open space provision, maintenance and management can be secured through legal agreement. Environmental pollution and contamination are acceptable subject to condition. The need for developer contributions could be resolved by s106 agreement.
- 11.8. The application promotes economic benefits including job creation, construction spend, resident spend, new homes bonus, council tax revenue, section 106 and CIL contributions. Suggested social benefits include increased housing supply and delivery, including affordable housing and open space provision. Environmental benefits would include biodiversity and landscape gains, dwellings built to building regulation requirements that contribute towards carbon savings and the climate change agenda. The applicant considers there to be significant social, economic and environmental benefits arising from the proposal. These suggested benefits are given moderate positive weight but are not considered to outweigh the significant harm that has been identified.
- 11.9. Therefore, on balance, it is concluded that the proposal is unacceptable in planning terms and conflicts with local and national planning policies as outlined below.

12.0 RECOMMENDATION

- 12.1 That planning permission be REFUSED for the following reasons:
- i. The proposal constitutes a major residential development in the countryside which fails to satisfy any of the permissible exceptions for development in such locations. Furthermore, the release of this major residential development site on an individual basis would not represent limited further growth anticipated by the Core Strategy, and taken cumulatively with other residential developments in Brayton would represent a disproportionate share of the overall growth envisaged in the designated service villages which would cause significant harm to the spatial strategy that underpins the Core Strategy. The proposal is contrary to Policies SP2 and SP5 of the Core Strategy.
 - ii. The conflict with the spatial development strategy means the loss of best and most versatile agricultural land would be unnecessary. Such loss would result in minor harm to the agricultural economy in the area as well as food self-

- sufficiency. The loss of agricultural land is contrary to Core Strategy Policy SP18 and NPPF paragraph 174 b).
- iii. Archaeological investigation of the site has not taken place to assess the impact of the proposal on possible below ground heritage assets, contrary to Policy ENV24 and NPPF paragraph 194.
 - iv. Insufficient information is contained within the Transport Assessment and Travel Plan to demonstrate that the proposed development would not result in detrimental highway impacts and that sufficient sustainable travel infrastructure can be provided, contrary to Core Strategy Policies SP15, SP19 and Local Plan Policies ENV1, T1 and T2 and the NPPF
 - v. The proposal would result in the deterioration of irreplaceable habitat due to increased recreational pressure upon ancient woodland at Brayton Barff SINC and there are no wholly exceptional reasons to support the proposal and a suitable compensation strategy does not exist. The proposal is contrary to Policy ENV1 of the Selby District Local Plan, Policies SP2 and SP18 of the Core Strategy, NPPF paragraph 180c and the standing advice of Natural England.
 - vi. The scale, form and location of the proposal would result in an incongruous extension of built form into the countryside and would result in landscape harm, in particular to the setting of Brayton Barff and to the enjoyment of and rurality of the PROW to the north, contrary to Policy SP18 of the Core Strategy and NPPF paragraph 174.

Target Determination Date: 17.05.2023

Case Officer: Linda Drake, linda.drake@northyorks.gov.uk

Appendix A – Development Framework Plan