

**North Yorkshire Council**  
**Community Development Services**  
**Strategic Planning Committee**

**11 JULY 2023**

**2023/0074/FULM - CONSTRUCTION OF EXTENSIONS TO THE DESPATCH CHILLER  
AND DRY AGED CHILLER AT DOVECOTE PARK, BANKWOOD ROAD, STAPLETON**

**Report of the Assistant Director Planning – Community Development Services**

**1.0 Purpose of the Report**

- 1.1 To determine a planning application for the construction of extensions to the dispatch chiller and dry aged chiller at Dovecote Park, Bankwood Road, Stapleton.
- 1.2 This application has been reported to Committee due to the application being defined as a departure from the adopted Development Plan for which the Secretary of State must be consulted and where it is intended to recommend approval.

**2.0 SUMMARY**

**RECOMMENDATION: That planning permission be GRANTED subject to conditions listed below and referral to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2021, as per paragraph 4 (a) - the proposed development is inappropriate development in the Green Belt and consists of or includes the provision of a building or buildings where the floor space created by the development is 1,000 square metres or more.**

- 2.1. This is an application for full planning permission for construction of extensions to the dispatch chiller and dry aged chiller at Dovecote Park, Bankwood Road, Stapleton. The 5.4-hectare site comprises an existing beef and venison production facility and employs a large workforce. The site is located within an open countryside and Green Belt location and consists of large modern industrial steel-clad buildings which are well screened from public vantage points due to the undulating nature of the surrounding landscape.
- 2.2. The proposed development is inappropriate development within the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt.
- 2.3. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. No other harm arising from the proposal has been identified.
- 2.4. In this instance, it is considered that very special circumstances have been demonstrated which clearly outweigh the harm to the Green Belt by reason of its inappropriateness. It is therefore recommended that planning permission be granted, subject to conditions and referral to the Secretary of State.



### **3.0 Preliminary Matters**

- 3.1. Access to the case file on Public Access can be found here:- [2023/0074/FULM | Construction of extensions to the despatch chiller and dry aged chiller | Dovecote Park Bankwood Road Stapleton Pontefract West Yorkshire WF8 3DD \(selby.gov.uk\)](https://www.selby.gov.uk/2023/0074/FULM).
- 3.2. The current owners have been operating the site since November 1997 and have made considerable investment through various planning permissions over recent years. Some applications have had to be referred to the Secretary of State due to their size following the Local Planning Authority consistently regarding that very special circumstances have been demonstrated. The most significant and recent planning permissions are detailed below:
- 2021/0655/FULM – Construction of a new tray store building. Decision - Granted 08 September 2021.
  - 2019/0995/FULM - Erection of a new beef protein building (7.5 x 18.1m), extension to the existing fat processing plant (3.5m x 5m) and erection gas tank (10.6m x 3.1m) (retrospective). Granted 06 February 2020.
  - 2018/1111/FULM - Proposed construction of an extension to the existing facility to provide a new burger production building. Granted 14 March 2019.
  - 2018/0450/FULM - The proposed erection of a new dry aged chiller and extension to the fat processing room and retrospective extensions to the venison lairage facility. Granted 15 February 2019.
  - 2017/0283/FUL Extensions to the established commercial premises at Dovecote Park to provide a new tray storage facility, venison lairage facility, dray aged chiller and a replacement site office. Granted 22 May 2017.
  - 2010/1301/FUL - Application for extensions to the existing Dovecote Park complex, including a new car park and car park access. Granted 11 April 2011.
- 3.3. The remaining planning history dating back to 1975 refers to various new buildings, alterations, extensions to buildings, plant infrastructure, advertisements, welfare facilities and car parking, all of which is a result of the sites continued growth and expansion.

### **4.0 Site and Surroundings**

- 4.1. Dovecote Park lies to the north of Bankwood Road in an open countryside and Green Belt location and consists of a modern industrial sized specialist beef and venison production facility. The facility originated from the farm/abattoir at Beech House Farm and has grown considerably in recent years. The 5.4-hectare site employs a large workforce and consists of large modern industrial steel-clad buildings set in a screened rural landscape.
- 4.2. The topography of the land running from Bankwood Road (the entrance of the complex) to the northern edge of the site at the adjacent property of Home Farm has an undulating character. From the entrance at Bankwood Road the land rises and then dips where the main complex of buildings are located. From the main complex of buildings, the land significantly rises again. The topography of the land running from west to east has an undulating character where the main complex building is located in the hidden dip of the land.
- 4.3. From the south of the site at the entrance, the boundary treatment is high natural stone walling with a plantation of large mature deciduous trees which screens the highest part of the existing buildings. Surrounding the main complex of buildings there are high mature evergreen trees.

## **5.0 Description of Proposal**

- 5.1. This application seeks full planning permission for the construction of extensions to the dispatch chiller and dry aged chiller.
- 5.2. The extension to the dispatch chiller would be in the form of an infill extension to the northern elevation. The proposed extension would measure a maximum of 36.5 metres in width by 25.3 metres in depth and would have a mono-pitched roof to a maximum height of 11.3 metres above ground level. Materials used in the external construction would match those of the existing buildings at the site to which it would adjoin, being profiled metal cladding for the walls and profiled metal sheeting for the roof.
- 5.3. The extension to the dry aged chiller would be to its northern elevation and would measure 18.1 metres by 7.2 metres and would have a flat roof extending over the existing dry aged chiller building to a maximum height of 5.2 metres above ground level. Materials used in the external construction would match those of the existing dry aged chiller, being horizontal timber cladding.

## **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 22 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.

### Guidance - Material Considerations

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

## **7.0 Consultation Responses**

- 7.1. The following consultation responses have been received and have been summarised below.
- 7.2. **Parish Council:** No response.
- 7.3. **Archaeologist:** No objections. Although the area is of archaeological interest, the small scale of the proposal within the existing factory complex is unlikely to have a significant impact on archaeological remains.
- 7.4. **Conservation Officer:** No response.
- 7.5. **Contaminated Land Consultant:** No objections.
- 7.6. **Designing Out Crime Officer:** No comments.
- 7.7. **Ecologist:** The site is of low ecological value. The area of the site within which the extensions are proposed is hard standing with existing industrial buildings which are considered to be unsuitable for species such as bats. There is a low risk of nesting birds using the buildings on site and as such the Applicant is advised to check prior to commencement of development for nesting birds, or to undertake the proposed works outside of the nesting season.
- 7.8. **Environment Agency:** No response.
- 7.9. **Environmental Health:** Unlikely that the proposed development would result in any adverse impact on the nearest residential properties when in operation. However, construction work associated with the proposed development has the potential to have an adverse impact by way of noise on residential properties closest to Dovecote Park to the northeast. Therefore, it is recommended a construction hours condition is attached to any planning permission granted.
- 7.10. **Health and Safety Executive:** No comments.
- 7.11. **Landscape Architect:** No response.
- 7.12. **Local Highway Authority:** No objections.
- 7.13. **Local Lead Flood Authority:** No objections.
- 7.14. **North Yorkshire Fire and Rescue Service:** No objections.
- 7.15. **Public Right of Way Officer:** No response.
- 7.16. **Vale of York Clinical Commissioning Group:** No response.
- 7.17. **Waste and Recycling Officer:** No response.
- 7.18. **Yorkshire Water:** No response.
- 7.19. **Yorkshire and Humber Internal Drainage Boards:** No response.

### Local Representations

- 7.20. The application was advertised by a press notice and posting of site notices. No local representations have been received as a result of the public consultation.

### **8.0 Environment Impact Assessment (EIA)**

- 8.1. The development proposed does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environment Statement is therefore required.

### **9.0 Main Issues**

- 9.1. The key considerations in the assessment of this application are:
- The Principle of the Development
  - Impact on the Openness of the Green Belt and the Purposes of Including Land Within the Green Belt
  - Design and Impact on the Character and Appearance of the Area
  - Impact on Residential Amenity
  - Impact on Highway Safety
  - Flood Risk and Drainage
  - Other Issues
  - Consideration of Very Special Circumstances

### **10.0 ASSESSMENT**

#### Principle of Development

- 10.1. The application site is located outside the defined development limits of any settlement and is located within land designated as Green Belt.
- 10.2. Policy SP1 of the Core Strategy outlines that *"when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework"* and sets out how this will be undertaken. Policy SP1 is therefore consistent with the guidance in Paragraph 11 of the NPPF.
- 10.3. Policy SP13 of the Core Strategy states that in rural areas, sustainable development which brings sustainable economic growth through local employment opportunities or expansion of businesses and enterprise will be supported, including (amongst other things) the development of well-designed new buildings. In all cases development should be sustainable and be appropriate in scale and type to its location, not harm the character of the area, and seek a good standard of amenity.
- 10.4. Likewise the Selby District Local Plan has an overarching employment growth policy - Policy EMP9 'Expansion of Existing Employment Uses in the Countryside'. This policy states *"Proposals for the expansion and/or redevelopment of existing industrial and business uses outside development limits and established employment areas, as defined on the proposals map, will be permitted provided: 1) The proposal would not create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity; 2) The nature and scale of the proposal would not have a significant adverse effect on the character and appearance of the area, or harm acknowledged nature conservation interests; 3) The proposal would achieve a high standard of design, materials and landscaping which complements existing buildings; and 4) Proposals involving expansion onto adjoining land would not result*

*in the loss of best and most versatile agricultural land and the site would be well related to existing development and well screened and/or landscaped.”*

10.5. The above policies are overarching considerations which allow for the continued growth of rural enterprises outside the defined development limits of settlements. However, given the site’s location, the key consideration is the assessment of national Green Belt policy.

10.6. Policy SP2A (d) of the Core Strategy states:

*“In Green Belt, including villages washed over by the Green Belt, development must conform with Policy SP3 and national Green Belt policies”.*

10.7. Policy SP3B of the Core Strategy states:

*“In accordance with the NPPF, within the defined Green Belt, planning permission will not be granted for inappropriate development unless the applicant has demonstrated that very special circumstances exist to justify why permission should be granted”.*

10.8. The decision-making process when considering proposals for development in the Green Belt is in three stages, and is as follows:

- a) It must be determined whether the development is appropriate or inappropriate development in the Green Belt.
- b) If the development is appropriate, the application should be determined on its own merits.
- c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies and the development should not be permitted unless there are very special circumstances which clearly outweigh the harm to the Green Belt by reason of its inappropriateness, and any other harm identified.

10.9. Paragraph 149 of the NPPF states that the construction of new buildings should be regarded as inappropriate in the Green Belt other than for specified exceptions, including [amongst other things]:

- *“c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building”;*
- *and*
- *“g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development”.*

10.10. In terms of paragraph 149 (c), a number of extensions and new buildings to the Dovecote Park complex have been granted and implemented over the years. The Local Planning Authority’s approach has always been that cumulatively, these extensions and new buildings would result in disproportionate additions over and above the size of the original farm complex. The proposed extensions to the dispatch chiller and dry aged chiller, would again, cumulatively, result in disproportionate additions over and above the size of the original buildings. The proposed development would therefore not fall under this exception.

10.11. In terms of paragraph 149 (g), the Local Planning Authority does not consider this exception to be met and has consistently taken this approach with previous applications. This is because the extent of the extensions and new buildings

previously allowed go beyond what would be regarded as limited infill and have cumulatively had a greater impact on the openness of the Green Belt than the original farm complex. The proposed development would therefore not fall under this exception.

- 10.12. Having regard to the above, the proposal would therefore comprise inappropriate development within the Green Belt.
- 10.13. Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 10.14. Paragraph 148 of the NPPF states that substantial weight should be given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 10.15. This report will go on to identify if there is any other harm resulting from the proposals before considering the very special circumstances and weighing these in the planning balance.

*Section 149 of The Equality Act 2010*

- 10.16. Under Section 149 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.
- 10.17. The proposed development of the site would not result in a negative effect on any persons or on persons with The Equality Act 2010 protected characteristics.

Impact on the Openness of the Green Belt and the Purposes of Including Land Within the Green Belt

- 10.18. In addition to the above, an assessment of whether there is any further harm to the Green Belt is required. Paragraph 137 of the NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Openness is not defined in legislation or policy, but the Courts have confirmed that it can include, though is not limited to, an assessment of:

- spatial and visual aspects;
- the duration of development and its remediability;
- the degree of activity likely to be generated.

- 10.19. Whilst the proposed development would extend the existing buildings adding additional built form and volume, it would be sited within the context of an existing complex of buildings. One of the extensions would be an infill extension to the main building at the site, while the other would be an extension to an outlying building at the site. Both would be closely related to the existing built form at the site and would be finished externally with matching materials to the existing buildings to which they would adjoin. As such, the proposed extensions would not appear as isolated



additions and would relate well to the existing mass of buildings at the site. Due to the size, siting and design of the proposed extensions and the relationship of the site to its surroundings, effectively hidden in a dip in the land, the proposed development is not considered to have a significant detrimental impact on the openness of the Green Belt.

- 10.20. Paragraph 138 of the NPPF states that the Green Belt serves five purposes, those being: a) to check the unrestricted sprawl of large built-up areas; b) to prevent neighbouring towns from merging into one another; c) to assist in safeguarding the countryside from encroachment; d) to preserve the setting and special character of historic towns; and e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 10.21. Given the nature and extent of the proposed development, it is not considered it would conflict with any of the purposes of including land within the Green Belt.
- 10.22. Having regard to the above, the proposed development is considered not to result in any further harm to openness over and above the identified definitional harm and nor would it conflict with any of the purposes of including land in the Green Belt. On these points, the application accords with Policy SP3 and policy contained within the NPPF (specifically paragraphs 137 and 138).

#### Design and Impact on the Character and Appearance of the Area

- 10.23. Saved Policies ENV1 (1) and (4) and EMP9 (2), (3) and (4) of the Selby District Local Plan, Policy SP19 of the Core Strategy and paragraph 130 of the NPPF set out the considerations with regards to design quality and the impact on the character and appearance of the area. Furthermore, saved Policy ENV15 of the Selby District Local Plan sets out considerations with regards to development within Locally Important Landscape Areas and sets out *“Particular attention should be paid to the design, layout, landscaping of development and the use of materials in order to minimise its impact and to enhance the traditional character of buildings and landscape in the area.”*
- 10.24. The proposed extensions would be well related to the existing buildings at the site and would be finished with appropriate external materials. The design of the proposed extensions is acceptable and the proposed development would not have any adverse impact on the character and appearance of the area, being appropriate in the context of its located within a Locally important Landscape Area.
- 10.25. Having regard to the above, the proposed development is considered to be in accordance with saved Policies ENV1 (1) and (4) and EMP9 (2), (3) and (4) of the Selby District Local Plan, Policy SP19 of the Core Strategy and national planning policy contained within the NPPF (specifically paragraph 130).

#### Impact on Residential Amenity

- 10.26. Saved Policies ENV1 (1) and EMP9 (1) of the Selby District Local Plan set out the considerations with regards to the impact on residential amenity. Paragraph 130 of the NPPF emphasises that planning policies and decisions should ensure that developments create a high standard of amenity for existing and future users.
- 10.27. Given the use, size, siting and design of the proposed extensions and their relationship (including separation distances) to neighbouring residential properties, it is not considered that the proposed development would result in any significant adverse effects of overlooking, overshadowing or oppression so as to adversely affect

the residential amenities of the occupiers of any neighbouring residential properties once constructed and brought into use.

- 10.28. However, following consultation with the Council's Environmental Health Officer, it is considered that construction work associated with the proposed development would have the potential to have an adverse impact on residential amenities of the occupiers of neighbouring residential properties to the north east, by way of noise. It is therefore recommended that a construction hours condition is attached to any planning permission granted.
- 10.29. Subject to the aforementioned condition, it is considered the proposals are acceptable in respect of their impact on residential amenity in accordance with saved Policies ENV1 (1) and EMP9 (1) of the Selby District Local Plan and national planning policy contained within the NPPF (specifically paragraph 130).
- 10.30. On this basis, 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.

#### Impact on Highway Safety

- 10.31. Saved policies ENV1 (2), EMP9 (1), T1 and T2 of the Selby District Local Plan set out the considerations with regards to the impact on highway safety.
- 10.32. The existing access at the site would not be altered as part of the proposals and sufficient turning, parking and manoeuvring areas would remain at the site following the construction of the proposed extensions. The Local Highway Authority has been consulted on the application and has raised no objections to the proposed development.
- 10.33. Having regard to the above, it is considered that the proposals are acceptable in respect of their impact on highway safety in accordance with saved policies ENV1 (2), EMP9 (1), T1 and T2 of the Selby District Local Plan and national planning policy contained within the NPPF.

#### Flood Risk and Drainage

- 10.34. The most up-to-date policy in relation to flooding matters is the overarching principles set out in the Core Strategy and Chapter 14 of the NPPF.
- 10.35. The application site is located within Flood Zone 1, which has a low probability of flooding.
- 10.36. A Flood Risk Assessment including a SuDS Statement has been submitted in support of the application. The Environment Agency, Local Lead Flood Authority, local Internal Drainage Board and Yorkshire Water have been consulted on the application. No objections have been received from any of these consultees. As the proposed extensions would be located on areas of existing impermeable hardstanding, the impermeable area of the site should not be increased and the proposed development would utilise existing surface water drainage systems – to soakaways at the site.
- 10.37. Having regard to the above, it is considered that the proposals are acceptable in respect of their impact on flood risk and drainage in accordance with the overarching principles set out in the Core Strategy and national planning policy contained within the NPPF.

## Other Issues

### *Ecological Considerations*

- 10.38. The site is of low ecological value. The proposed extensions would be located on existing areas of hardstanding within an existing complex of buildings which are considered to be unsuitable to support species such as bats. There is a low risk of nesting birds using the existing buildings on site and as such the Applicant is advised to check prior to commencement of development for nesting birds, or to undertake the proposed works outside of the nesting season. This can be included as an informative to any planning permission granted. The Ecologist has been consulted on the application and raises no objections to the proposed development, which is considered to be in accordance with saved Policies ENV1 (5) and EMP9 (2) of the Selby District Local Plan, Policy SP18 of the Core Strategy, national planning policy contained within the NPPF.

### *Land Contamination*

- 10.39. The proposed development would not result in a change in the sensitivity on site in relation to the presence of contamination. Furthermore, the proposed development would be unlikely to introduce any new contamination sources or pathways to the site and so no new pollutant linkages would be created. The Council's Contaminated Land Consultant has been consulted on the application and raise no objections to the proposed development, which is considered to be in accordance with saved Policy ENV2 of the Selby District Local Plan and national planning policy contained within the NPPF. On this basis, it is considered that the proposal would not contravene Convention rights contained in the Human Rights Act 1998 in terms of the right to health and right to private and family life.

### *Minerals and Waste*

- 10.40. The application site is located within a Surface Minerals Safeguarding Area for building stone and limestone. However, as the application is for extensions to existing buildings, it constitutes 'exempt development' and no further consideration of this matter is required. The proposal complies with Policies S01, S02 and S07 of the Minerals and Waste Joint Plan.

## Consideration of Very Special Circumstances

- 10.41. It has been determined earlier in this report that the proposal is inappropriate development in the Green Belt, which is by definition harmful to the Green Belt. No other harm has been identified. Therefore, it is necessary to consider whether other considerations exist that taken together or individually fulfil the very special circumstances necessary to clearly outweigh the harm to the Green Belt by reason of its inappropriateness. Such very special circumstances need to be unique and compelling.
- 10.42. The Applicant has put forward the following considerations as a case for very special circumstances, which in summary, includes the following:
- The existing facility at the site supplies beef and venison products to clients including Burger King, Waitrose, Aldi, Marks & Spencer, Hello Fresh and Hawksmoor restaurants.
  - The need for the development and operational considerations. The current dispatch chiller is not large enough to meet operational needs - the proposed extension would allow the business to operate more efficiently by increasing the size of the dispatch chiller to be able to store more products for onward

transportation to clients. The current dry aged chiller is not large enough for operational needs - the current cost of living crisis has seen increased demand for dry aged beef as people buy this to eat at home rather than going out to restaurants. The proposed extension would enable the increased demand for this product to be met.

- The lack of alternative viable sites and the scope for disaggregation. It would not be realistic or efficient to provide these facilities at an alternative site and disaggregate the business operations.
- Employment opportunities. The proposed development would be expected to provide a further six job opportunities at the site, which is already a large employer within the Authority area.

## **11.0 PLANNING BALANCE AND CONCLUSION**

- 11.1. The proposal would comprise inappropriate development within the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt.
- 11.2. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. No other harm arising from the proposal has been identified.
- 11.3. In terms of matters weighing in favour of the proposals, the existing facility at Dovecote Park is a major supplier of beef and venison products to large scale clients across the country. The proposed extensions to the dispatch chiller and dry aged chiller would enable the facility to more efficiently and meet shifting demands for products. The proposed development would result in a modest increase in employment opportunities at a site which is a major employer within the Authority area.
- 11.4. Having regard to matters weighing in favour of the proposals, it is considered that they would, in this instance, clearly outweigh the harm to the Green Belt by reason of inappropriateness when attributing the substantial weight to such harm so as to amount to very special circumstances to justify inappropriate development within the Green Belt.
- 11.5. The proposed development would be in accordance with Policies SP1, SP2, SP3, SP13, SP15, SP18 and SP19 of the Core Strategy, saved Policies ENV1, ENV2, ENV15, EMP9, T1 and T2 of the Selby District Local Plan and national planning policy contained within the NPPF.
- 11.6. The application requires referral to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2021 prior to any decision being made as per paragraph 10 of the Direction. This is because the proposed development is inappropriate development in the Green Belt and consists of or includes the provision of a building or buildings where the floor space created by the development is 1,000 square metres or more (paragraph 4 (a) of the Direction). As per paragraph 12 of the Direction, where a Local Planning Authority is required to consult the Secretary of State, they shall not grant planning permission on the application until the expiry of a period of 21 days beginning with the date which the Secretary of State tells the Authority in writing that they have received the referral. If, before the expiry of the 21-day period referred to in paragraph 12, the Secretary of State has notified the Authority that he does not intend to issue a direction under section 77 of the Town and Country Planning Act 1990 in respect of that application, the Authority may proceed to determine the application.

## 12.0 **RECOMMENDATION**

12.1 That planning permission be GRANTED subject to conditions listed below and the outcome of the referral of the application to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2021, as per paragraph 4 (a) - the proposed development is inappropriate development in the Green Belt and consists of or includes the provision of a building or buildings where the floor space created by the development is 1,000 square metres or more:

01. The development for which permission is hereby granted shall be begun within a period of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

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

- OXF10242 1 - Local Plan
- P02 Rev A – Proposed Layout Plan
- P04 Rev A – Dry Aged Store Elevations and Floor Plans as Proposed
- P06 – Dispatch Chiller Elevation and Floor Plans as Proposed

Reason: For the avoidance of doubt.

03. No work relating to the development hereby approved, including works of demolition or preparation prior to building operations, shall take place other than between the hours of 08:00 hours and 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays or Bank or National Holidays.

Reason: To protect the residential amenity of the locality during construction and to comply with the National Planning Policy Framework (NPPF), the Noise Policy Statement for England (NPSE) and Selby District Council's Policy's SP19 and ENV2.

**Target Determination Date:** 31.08.2023

**Case Officer:** Jenny Tyreman, [jenny.tyreman@northyorks.gov.uk](mailto:jenny.tyreman@northyorks.gov.uk)

**Appendix A – Proposed Layout Plan**