

**North Yorkshire Council**

**Community Development Services**

**Selby and Ainsty Area Constituency Planning Committee**

**12 JUNE 2024**

**ZG2024/0125/FUL – ERECTION OF REPLACEMENT MOWER SHED AT BIRCHWOOD LODGE, MARKET WEIGHTON ROAD, BARLBY**

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

**1.0 Purpose of the Report**

- 1.1 To determine a planning application for the demolition of an existing mower shed and the erection of a replacement mower shed at Birchwood Lodge.
- 1.2 The application has been brought to Planning Committee as it has been referred by the Division Councillor, Councillor Arthur, within the publicity period due to concerns raised regarding the impact on residential amenity, the adverse impact on the visual amenity and potential pollution issues.

**2.0 SUMMARY**

**RECOMMENDATION: That planning permission be GRANTED subject to conditions listed below.**

- 2.1. The application is seeking permission for the erection of a replacement building to be used to store a ride on lawnmower at Birchwood Lodge, Barlby.
- 2.2. The application site is located outside the development limits of any settlement and is, therefore, within the open countryside.
- 2.3. The application has been brought to Planning Committee as it has been called in by the Local Ward Councillor, Councillor Arthur, due to concerns raised regarding impact on residential amenity, adverse impact on the visual amenity and potential pollution issues. It is noted that three letters of representation were received, which raise the same concerns.
- 2.4. The proposal would include the demolition of the existing shed building and the erection of a replacement building. The proposed building would be set in further from the shared boundary and would have a similar height. However, the proposed building would be longer in length.
- 2.5. It is considered that the proposal is acceptable in principle and in all other regards. As such, the application complies with policies SP1, SP2 of the Core Strategy and policy ENV1 of the Local Plan as well as guidance within the NPPF.

Birchwood Lodge, Market Weighton Road, Barlby  
ZG2024/0125/FUL



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### **3.0 Preliminary Matters**

- 3.1. Access to the case file on Public Access can be found here:- [ZG2024/0125/FUL | Erection of replacement mower shed | Birchwood Lodge Market Weighton Road Barlby North Yorkshire YO8 5LE \(selby.gov.uk\)](https://www.selby.gov.uk/planning/2024/01/25/ful-erection-replacement-mower-shed-birchwood-lodge-market-weighton-road-barlby-north-yorkshire-yo8-5le)
- 3.2. There are 16 relevant planning applications for this application which are detailed below:
- 2021/0638/FUL (PERMITTED – 11/10/2021) Single storey B8 storage unit.
  - 2021/0349/FUL (PERMITTED – 11/10/2021) Erection of two buildings for use as E(g)(iii) industrial workshops following demolition of an existing building used for B8 storage.
  - 2021/0641/S73 (REFUSED – 02/09/2021) Section 73 application to vary conditions 08 (hours) and 09 (flights) of planning permission reference number 2018/1387/FUL Proposed Forming of new storage area, forming of new workshop and use of runway for any day of the week granted on 15 October 2019.
  - 2021/0107/FUL (PERMITTED – 13/04/2021) Erection of new workshop to replace temporary workshop.
  - 2020/1325/FUL (PERMITTED – 13/04/2021) Erection of new hangar.
  - 2020/0366/FUL (PERMITTED – 04/06/2020) Proposed erection of research and development building to replace an existing store building.
  - 2018/1387/FUL (PERMITTED – 15/10/2019) Proposed Forming of new storage area, forming of new workshop and use of runway for any day of the week.
  - 2017/0528/FUL (REFUSED – 10/11/2017) Proposed construction of hanger/storage building.
  - 2016/0141/COU (PERMITTED – 09/03/2017) Proposed change of use to form grass runway.
  - 2015/0763/FUL (PERMITTED – 11/09/2015) Proposed erection of 2m high fence.
  - 2015/0768/FUL (PERMITTED – 09/12/2015) Proposed conversion of building to allow disabled accommodation (amendment to previously approved application 2014/0959/FUL).
  - 2014/0959/FUL (PERMITTED – 12/03/2015) Proposed conversion of existing building to form manager's dwelling and conversion of existing building to disabled living accommodation.

- 2013/0349/DPC (DISCHARGED – 08/05/2013) Discharge of condition 2 (materials) to substitute previously approved materials of approval 2012/0248/COU for the change of use of existing buildings for use by Condor Projects Ltd (mix of uses comprising B1/B2/B8) following the demolition of some existing buildings.
- 2012/0926/DPC (PART-DISCHARGED – 23/11/2012) Discharge of condition 2 (materials) of approval 2012/0248/COU for the change of use of existing buildings for use by Condor Projects Ltd (mix of uses comprising B1/B2/B8) following the demolition of some existing buildings.
- 2012/0248/COU (PERMITTED – 21/05/2012) Proposed change of use of existing buildings for use by Condor Projects Ltd (mix of uses comprising B1/B2/B8) following the demolition of some existing buildings.
- 2007/0408/FUL (PERMITTED – 25/05/2007) Retention of livery stables.

#### **4.0 Site and Surroundings**

- 4.1. The application site lies to the north of Market Weighton Road (A163) and is located approximately halfway between the settlements of Barlby, to the southwest, and North Duffield, to the northeast. The site is within open countryside and is known as Birchwood Lodge, which is home to Condor Engineering Group Limited. This is a small to medium sized light engineering company that has expanded and been redeveloped in recent years.
- 4.2. The site is accessed from the A163 to the west of 2 detached dwelling known as 1 & 2 The Oaks. To the west of the access also fronting the A163 is a dwelling known as Instow and a garage to the west.
- 4.3. The wider site wraps around all of the dwellings that front the A163, however the current red line application site is restricted to the site of the existing mower shed. This is a small parcel of land in the southeast corner of the wider Birchwood Lodge site. The application site contains an existing mower shed, driveway, serving Birchwood Lodge, and shared access, which serves Birchwood Lodge and 1 and 2 The Oaks.
- 4.4. The application site lies in Flood Zone 1 (low probability).

#### **5.0 Description of Proposal**

- 5.1. The application proposes the demolition of an existing mower shed (approx. 4.53m long x 4.98m wide x 2.75m max height) and the erection of a 'L'-shaped replacement mower shed (approx. 12m max length x 6.6m wide x 3m max height).
- 5.2. The proposed building would be constructed from corrugated sheeting. The building would have a pitched roof, 2 sets of double doors in the south facing elevation and a personnel door in the west facing elevation.

#### **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 Local Plan, adopted on 8 February 2005
  - Selby District Core Strategy Local Plan, adopted on 22 October 2013
  - Minerals and Waste Joint Plan, adopted 2022

Emerging Development Plan – Material Consideration

- 6.3. The Emerging Development Plan for this site is listed below. Given the stage of the emerging Local Plan, the policies contained within it are attributed limited weight and as such are not listed in this report.

- Selby New Local Plan

- 6.4. 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 Council undertook a consultation on a revised Regulation 19 Publication Local Plan in Spring 2024 and is currently considering comments prior to submission of the plan to the Secretary of State for Examination.

- 6.5. 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.

- North Yorkshire Local Plan

- 6.6. No weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

**7.0 Consultation Responses**

- 7.1. The following consultation responses have been received and have been summarised below.

- 7.2. **Cliffe Parish Council:** No objections.

7.3. **Barlby Parish Council:** No comments.

7.4. **Highways:** No objection.

7.5. **Internal Drainage Board:** No objection.

#### Local Representations

7.6. Three local representations have been received of which all raise objections. A summary of the comments is provided below, however, please see website for full comments.

7.7. Objections:

- Potential issues relating to noise and air pollution.
- Issues with overshadowing.
- Concerns over traffic.
- Concerns over the visual impact of the new shed due to its size being larger than the current shed which isn't visible from neighbouring gardens.
- The building is too big to be a mower shed.
- No drainage is shown, which means run off will water log neighbouring gardens.

### **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:

- Principle of development
- Design and Impact on the Character and Appearance of the Area
- Impact on Residential Amenity
- Impact on the Highway
- Drainage and Flood Risk

### **10.0 ASSESSMENT**

#### Principle of Development

10.1. The application site is located outside of the development limits of any settlement and, as such, is located within the open countryside as defined by the Selby District Local Plan 2005. The closest village to the application site is Barlby, which lies approximately 2.5km to the southeast of the site.

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 SP2A(c) of the Core Strategy states that *"Development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13; or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances."*
- 10.4. The application seeks permission for the demolition of an existing storage building and the erection of a single storey building to be primarily used to store a ride-on lawnmower. No further justification has been presented within the submission to demonstrate why the buildings is necessary, however its evident from the site visit and discussions with officers that the mower is required to cut and maintain the large grassed areas within the site which requires a ride on type mower and other mechanical equipment. The current building is cramped and the applicant requires a more useable space.
- 10.5. The replacement building would be in the same use as the existing building that would be replaced. The proposed development would, therefore, comply with Policy SP2A(c).

*Section 149 of The Equality Act 2010*

- 10.6. 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.
- 10.7. The proposed development would not result in a negative effect on any persons of or persons with The Equality Act 2010 protected characteristics.

Design and Impact on the Character and Appearance of the Area

- 10.8. Relevant policies in respect to design and the impacts on the character of the area include Policies ENV1 (1), (4) and Policy SP19 of the Core Strategy.
- 10.9. Selby District Local Plan Policy ENV1 (1) requires development to take account of the effect upon the character of the area, with ENV1 (4) requiring the standard of layout, design and materials to respect the site and its surroundings. Local Plan Policy ENV1 is broadly consistent with the aims of the NPPF and should therefore be given significant weight.

- 10.10. The proposed building would be 'L' shaped and have a floorspace of 52.5 sq m. It would have a maximum length of 12 metres and maximum width of 6.6 metres. The main part of the building would measure 6.6 metres in length by 6.6 metres in width with a 5.4 metre by 3.3 metre projection to the rear. The proposed building would have a dual-pitched roof with eaves to 2.4 metres and a ridgeline to 3 metres. The proposed building would be constructed from corrugated sheet roof and wall panels with a matt grey finish.
- 10.11. The existing building has a floor area of 19.47 sqm and measures 4.5 metres in depth by 5 metres in width and has a mono-pitch roof with a maximum height of 2.7 metres.
- 10.12. In terms of volume, the existing building has a volume of approximately 59 cubic metres whereas the proposed building would have a volume of approximately 165 cubic metres. This would be a volume increase of approximately 280%. The volume increase is considerable; however, the building would be relatively low-level (ridge 3m) and would not be visually dominant due to its position. The design and materials proposed would be appropriate for a storage building of this nature. No additional landscaping is proposed and 2 self seeded birch trees are proposed to be removed.
- 10.13. With regard to the impact the proposed development would have on the character of the local area, the proposed development would replace an existing building of a similar scale in terms of height and width, though longer in length. The building would be set back by approximately 50 metres from Market Weighton Road and, as such, views of the building from the public highway would be very limited. The proposed building would be visible from the neighbouring dwelling, 2 The Oaks, however, views of building would mostly be mitigated by the 1.8 metre high close-boarded fence along the shared boundary. Furthermore, the proposed building would be set back by an additional 1.5 metres from the neighbouring residential boundary, which would lessen views of the proposed building further.
- 10.14. Given the above, it is it is considered that the proposal would not have a significant adverse impact on the character and appearance of the wider countryside and would, therefore, comply with Policy ENV1 of the Selby District Local Plan, Policies SP18 and SP19 of the Core Strategy and national policy contained within chapter 12 of the NPPF.

#### Impact on Residential Amenity

- 10.15. Relevant policies in respect of the effect upon the amenity of adjoining occupiers include Policy ENV1 (1) of the Selby District Local Plan and Policy SP4 of the Core Strategy. Significant weight should be attached to this Policy as it is broadly consistent with the aims of the NPPF to ensure that a good standard of amenity is achieved.
- 10.16. 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 and loss of light to neighbouring properties and whether oppression would occur from the size, scale and massing of the development proposed. It is noted that in terms of use, the building would be the same in nature as the existing building.



- 10.17. In considering potential for overlooking, the proposed building would be single storey only and would not have any windows. There are two sets of double doors in the southern elevation which is perpendicular to the boundary with No.2 The Oaks. However, there is a 1.8m high vertical timber fence on the boundary with the neighbouring property and there would be a separation distance of 3.5m between this fence and the proposed building. As such, it is not considered that there would be any potential for overlooking.
- 10.18. In considering any instances of overshadowing and oppression, three letters of representation were received during the consultation period. Concerns relating to overshadowing of neighbouring gardens were raised. The building sits mainly next to No.2 The Oaks. Whilst these comments are given due regard, it is noted that the proposed building would be relatively low level with a ridge height of 3 metres and an eaves height closest to the boundary of 2.4m. As set out above there is a 1.8m high boundary enclosure along the shared boundary between No.2 The Oaks and the proposed building would be set in from the boundary by 3.5 metres. Furthermore, the proposed building would be sited to the north-west of the closest neighbouring dwelling. It is not considered that the proposed building would result in any significant overshadowing.
- 10.19. In terms of outlook, the building is larger than the building it replaces in terms of volume and massing. Whilst the building is proposed to be set further away from the boundary with No.2 than the existing building, this increased size and the removal of self-seeded birch would mean that views of the building will be more apparent from neighbouring dwellings. However, this impact would not result in demonstrable harm to warrant a refusal in terms of its impact on outlook. Landscaping could be added by the affected properties within their own curtilage to screen the building and also space exists along the eastern boundary of the application site to add some landscaping to help mitigate and soften its impact, to replace the vegetation that is to be removed on this boundary. A hedge would provide some further screening and this can be achieved through condition.
- 10.20. It is also noted that the letters of representation have raised concerns over a potential increase in noise and air pollution. The proposal is for the replacement of an existing mower shed to store the applicant's existing ride on mower. It is not considered that this would result in any significant increase in noise or air pollution.
- 10.21. Having regard to the above, it is considered that the proposal would not have any significant adverse impact on the amenities of the occupiers of any neighbouring residential properties. The amenities of the adjacent residents would therefore be preserved in accordance with Policy ENV1 (1) of the Selby District Local Plan.
- 10.22. In light of the above, it has been demonstrated 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 or the right to life.

#### Impact on the Highway

- 10.23. Policy in respect of highway safety and capacity is provided by Policies ENV1(2), EMP9 (1) and T1 of the Selby District Local Plan, Policy SP19 of the Core Strategy. It is considered that these policies of the Selby District Local Plan should be given significant weight as they are broadly in accordance with the emphasis within the NPPF.
- 10.24. The proposed development would use the existing site access. The application form states that there would be no changes to the existing access or parking on site. The Local Highway Authority were consulted on the application and made raised no objection.
- 10.25. It is therefore considered that the proposal would not result in a detrimental impact on the existing highway network in accordance with Policies EMP9 (1), ENV1 (2) and T1 of the Selby District Local Plan.

#### Drainage, Flood Risk and Climate Change

- 10.26. Policies SP15, SP16 and SP19 of the Core Strategy require proposals to take account climate change and energy efficiency within the design.
- 10.27. The application site is located in Flood Zone 1 (low probability of flooding). No foul water discharge is necessary. The application form suggests the surface water will be discharged to the pond within the site. No details of this have been provided and therefore this is controlled by a planning condition. Yorkshire Water and the Internal Drainage Board (IDB) were consulted on the proposal. Both made no comment on the proposal.
- 10.28. Given the above, it is considered that the proposal accords with Policies SP15, SP16 and SP19 of the Core Strategy Local Plan, and the NPPF.

#### Minerals and Waste

- 10.29. The Development Plan includes the Joint Minerals and Waste Local Plan, which contains policies to safeguard land for future extraction of minerals and disposal of waste. Given the developed nature of the site and its location close to residential properties, it is unlikely that granting of permission for this building would prejudice any future proposals in this regard.

### **11.0 PLANNING BALANCE AND CONCLUSION**

- 11.1. Having had regard to the development plan, all other relevant local and national policy, consultation responses and all other material considerations, it is considered that the proposed development would not have a detrimental effect on the character and appearance of the area or residential amenity of the occupants of neighbouring properties, highways safety or flood risk and drainage. The application is therefore considered to be in accordance with Policies ENV1, T1 and T2 of the Selby District Local Plan, Policies SP1, SP13 and SP19 of the Core Strategy, and the advice contained within the NPPF.

### **12.0 RECOMMENDATION**

12.1 That planning permission be GRANTED subject to conditions listed below:

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:

(05) 01 Rev A                      Plans and Elevations                      Dated 13/02/2024

Reason:

For the avoidance of doubt.

03. The materials to be used in the construction of development hereby permitted shall match the existing materials as stated on the application form received by the Local Planning Authority on 7 February 2024.

Reason:

In the interests of visual amenity and in order to comply with Policy ENV1 of the Selby District Local Plan.

04. Prior to the commencement of development, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. It shall include details of screening on the eastern boundary of the site. The approved scheme shall be implemented in its entirety within the first available planting season following the construction of the development hereby permitted. All trees, shrubs and bushes shall be adequately maintained in accordance with the agreed scheme and during that period all losses shall be made good as and when necessary. The scheme shall be retained and managed in accordance with the approved landscape management plan for the lifetime of the development.

Reason:

In the interests of visual amenity and in order to comply with Policies SP17, SP18 and SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan.

05. No development approved by this permission shall be commenced until the Local Planning Authority has approved a scheme for the disposal of surface water. The

Any such scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use.

The following criteria should be considered for the disposal of surface water:

- The suitability of soakaways, as a means of surface water disposal, should first be ascertained in accordance with BRE Digest 365 or other approved methodology.
- If soakaways are not feasible, then the Board may consider a proposal to discharge surface water to a watercourse (directly or indirectly).
- Discharge from "greenfield sites" taken as 1.4 litres per second per hectare (1:1 year storm). Storage volume should accommodate a 1:30 year event with no surface flooding and no overland discharge off the site in a 1:100 year event. A 30% allowance for climate change should be included in all calculations. A range of durations should be used to establish the worst-case scenario.

Reason:

To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding.

**Target Determination Date:** 14.06.2024

**Case Officer:** Jac Cruickshank

**Appendix 1:** Site Layout Plan