

North Yorkshire Council

Community Development Services

Selby and Ainsty Area Planning Committee

16 February 2026

ZG2025/1021/OUT - OUTLINE APPLICATION FOR CONSTRUCTION OF 7 NO DETACHED DWELLINGS FOLLOWING DEMOLITION OF EXISTING DWELLING (ALL MATTERS RESERVED) AT HIGHFIELD HOUSE, CHURCH FENTON LANE, ULLESKELF, LS24 9DW ON BEHALF OF MR & MRS ENGLEFIELD

Report of the Head of Development Management – Community Development Services

1.0 Purpose of the Report

- 1.1. To determine an application for outline planning permission for construction of 7 no detached dwellings following demolition of existing dwelling (all matters reserved) at Highfield House, Church Fenton Lane, Ulleskelf.
- 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 EXECUTIVE SUMMARY

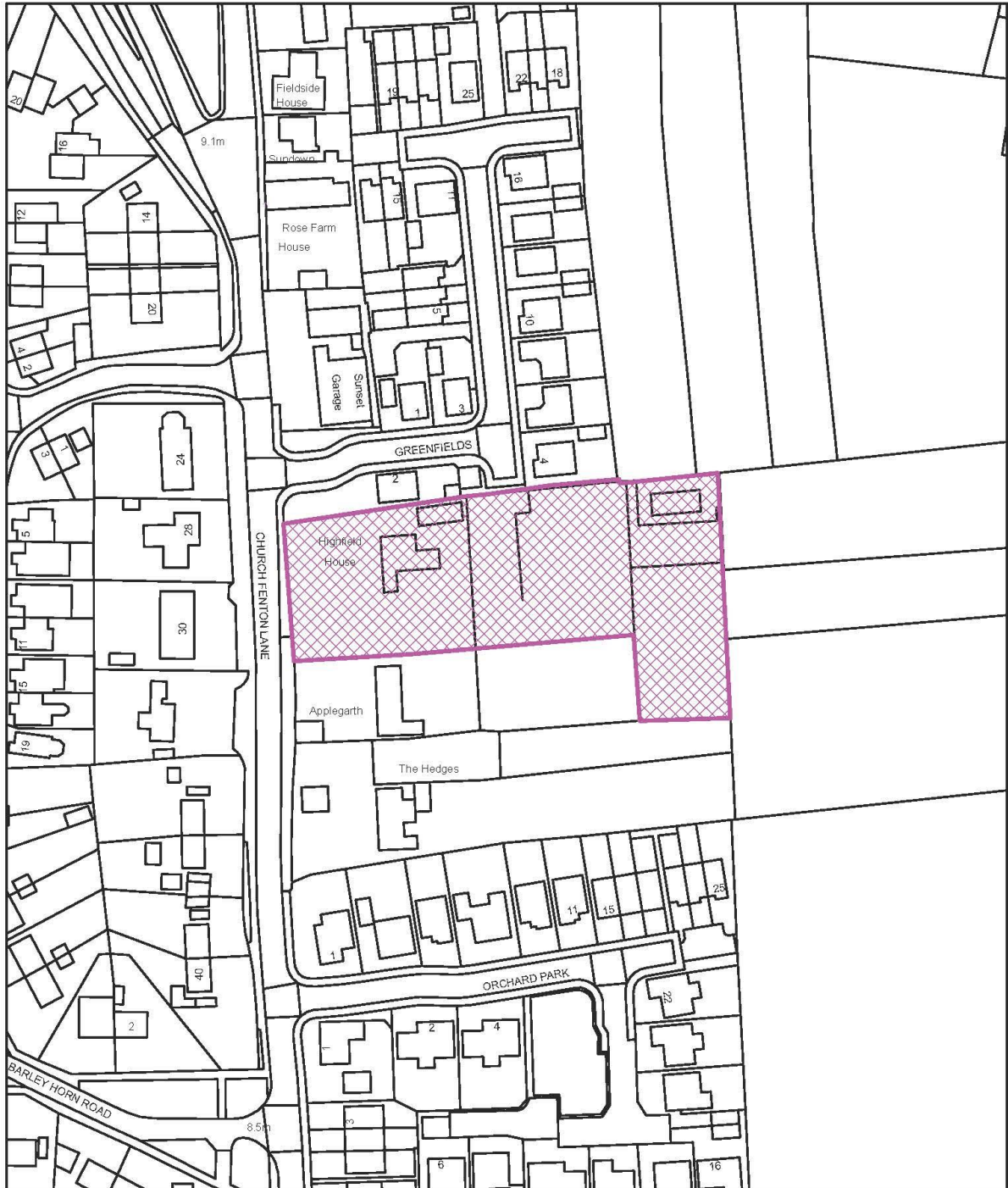
RECOMMENDATION: That planning permission be GRANTED subject to conditions listed below and the prior completion of a S106 agreement with terms as detailed in Paragraph 10.81 of this report.

- 2.1. This application seeks outline planning permission with all matters reserved for the construction of 7 No detached dwellings following demolition of existing dwelling. The site is located partly within and partly outside the defined Development Limits of Ulleskelf. This settlement is identified as a Designated Service Centre in the Selby District Core Strategy, where there is some scope for additional residential development on land lying within Development Limits and where it accords with Policy SP4 in terms of specified types of development. As the larger part of the application site lies outside of the Development Limits within countryside and would not be an appropriate form of development as set out in Policy SP2A(c). This would indicate that the principle of development is not acceptable, and that the application should be refused on policy grounds.
- 2.2. However, the Local Planning Authority cannot demonstrate a five-year supply of housing land as required by the NPPF. Although the principle of locating the majority of development towards towns, local service centres and designated service villages defined within Core Strategy Policy SP2 still carries weight, the absence of a five-year supply means it can no longer be required to locate residential development exclusively within the development limits of such settlements as required by Policy SP4. Policy SP5 is out of date and carries no weight because the housing need figure it contained is not calculated based on the required standard method. In this regard, the proposed development limits adjacent to

sustainable settlements designated in Policy SP2, are a starting point from where applications can be considered on their own merits. This should be done in accordance with paragraph 11d of the NPPF. Permission should be granted unless the proposal fails to satisfy the tests in NPPF paragraph 11d. It requires consideration of whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 2.3. On this basis, whilst the proposal is on the face of it contrary to Policy SP2 because it involves residential development in the countryside, the site is in a sustainable location and the proposal would provide housing that would represent a logical extension to this settlement. The application is in outline, but the description specifies that 7 dwellings are proposed which is considered to achieve appropriate density to ensure that the housing development makes an effective use of land.
- 2.4. It is considered that an acceptable scheme could be achieved on this site at the reserved matters stage in relation to the access, layout, scale, design, appearance and landscaping which would not result in any adverse impacts on nearby residential properties and would be acceptable in relation to the impacts on highway safety subject to conditions. The housing mix would be dealt with at reserved matters stage and could be delivered to comply with the HEDNA.
- 2.5. Further, the proposed development is considered to be acceptable in terms of flood risk and appropriate drainage arrangements can be achieved at the reserved matters stage. The proposal is also acceptable in relation to its impacts on nature conservation and protected species, land contamination and minerals and waste and is acceptable in relation to the mandatory Biodiversity Net Gain.
- 2.6. It is concluded that any harm identified due to the construction of residential development outside settlement boundary would not significantly and demonstrably outweigh the benefit of approving the proposed development in a sustainable location. The proposal benefits from the presumption in favour of sustainable development. Therefore, planning permission should be granted subject to conditions and the prior completion of a S106 agreement.

Highfield House, Church Fenton Lane, Ulleskelf
ZG2025/1021/OUT



©Crown Copyright and Database Rights 2024 Ordnance Survey AC0000825864.
Produced specifically for Planning and Building Control purposes only.
No further copies may be made.



1:1,250
Do not measure from plan

3.0 Preliminary Matters

- 3.1. Access to the case file on Public Access can be found here: [Documents for reference ZG2025/1021/OUT: Public Access](#)
- 3.2. No changes have been made to the application during the life of the application but some additional information in relation to Arboricultural impacts has been provided following initial consultation responses.
- 3.3. The following relevant planning history has been identified for the application site:
- CO/1976/27109 (8/64/13/PA) – outline application for residential development – REFUSED 28.04.1976
- CO/1988/1469 (8/64/72/PA) – proposed erection of first floor extension to existing dwelling – GRANTED 28.07.1988
- CO/1990/1243 (8/64/72A/PA) – proposed erection of a stable to the rear – GRANTED 14.11.1990
- 3.4. Planning history for the land to the south of the site:
- 2016/0892/FUL – proposed erection of residential development of 30 units – GRANTED 11.12.2017
- 2017/1339/DOC – discharge of conditions 03 (Materials), 05 (Landscaping Scheme), 06(Groundworks), 07(Carriageway and Footway/Footpath), 08 (Access or Egress), 09 (Travel Plan), 10 (Construction Method Statement), 11 (Noise), 12 (Energy Efficiency), 15 (Piped Discharge of Surface Water), 16 (Management & Maintenance), 17 (Risk Assessment), 18 (Remediation), 19 (Verification Report) and 23 (External Lighting) of approval 2016/0892/FUL Proposed erection of residential development of 30 units – Condition decision letter confirming that the requirements of conditions have been met issued on 20.02.2018
- 3.5. Planning history for the land to the north of the site:
- 2016/0926/FUL – proposed residential development comprising 28 dwellings, areas of amenity space, landscaping and associated infrastructure following demolition of existing nursery building – GRANTED 12.04.2017
- 2017/0474/DOC – discharge of conditions 04 (foul drainage), 08 (external lighting), 11 (Construction Method Statement), 14 (highway drawings), 17 (surface water), 18 (Noise Assessment), 20 (crime prevention), 21 (obscure glazing), 23 (ground floor slab details), 24 (site investigation report), 25 (investigation and risk assessment) and 26 (remediation scheme) of planning permission 2016/0926/FUL for residential development of 28 No dwellings – Condition decision letter confirming that the requirements of conditions have been met issued on 15.11.2017

4.0 Site and Surroundings

- 4.1. The application site is located partly within and partly outside the defined development limits of Ulleskelf, which is a Designated Service Centre as identified in the Selby District Core Strategy. It is located within the eastern part of the village, to the east of Church Fenton Lane and is accessed from it. The site contains a detached two-story dwelling of traditional design which has been extended over the years. This dwelling is set back from a highway sited within a substantial plot with a paddock land beyond the rear garden to the east. The boundaries of the site consist of predominantly mature hedgerow with some timber post and

rail/mesh fencing around the adjacent paddock land. The red line area of the site is just over 0.4 hectares.

- 4.2. The site is located in Flood Zone 1 and lies within the sand gravel safeguarding area. Whilst there are trees within the site, none are protected by TPO nor does it have any statutory designations.
- 4.3. There is a small residential estate to the north of the site which was built following planning approval 2016/0926/FUL, two residential properties facing highway sited within substantial plots to the south and a small residential estate further south of these properties which was built following planning approval 2016/0892/FUL. There are also residential properties to the west of the site across the Church Fenton Lane. To the east of the site is an open undeveloped field stretching up to Bell Lane.

5.0 Description of Proposal

- 5.1. This application seeks outline planning permission with all matters reserved for construction of 7 No detached dwellings following demolition of existing dwelling.
- 5.2. Indicative plans have been submitted with this application which demonstrate how the site could be developed if this outline planning permission is granted. It outlines that 2 dwellings could be fronting Church Fenton Lane and that a new shared access could be created for those dwellings and that the other 5 dwellings could be constructed further into the site and accessed via an extended existing access.
- 5.3. The red line area includes the garden land of the existing property known as Highfield House and paddock land with stables building adjacent to the east of it. The agricultural field to the east of the site and a strip of land connecting this field to Church Fenton Lane (between the properties known as Applegarth and The Hedges) lie within the ownership of the applicant.
- 5.4. It is shown on the indicative layout plan that the strip of land on the eastern edge of this field owned by the Applicant could be used for Biodiversity Net Gain (BNG) but it is not indicated in the submission what the remaining field would be used for. It has been indicated that a financial contribution would be paid towards the provision of off-site Recreational Open Space.

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 – SDCS (adopted 22nd October 2013)
 - Those policies in the Selby District Local Plan – SDLP (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 – MWJP (adopted 16 February 2022) –

Emerging Development Plan – Material Consideration

6.3. The Emerging Development Plan for this site is listed below.

- Revised Publication Selby Local Plan 2024 (Reg 19)
- North Yorkshire Local Plan

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. From 8 March to 19 April 2024 the Council held a six-week consultation on the Pre-Submission Revised Publication Selby Local Plan. The responses have been considered.

On 17th January 2025, a report was taken to the Selby and Ainsty Area Committee and Development Plans Committee recommending that work on the emerging Selby Local Plan is ceased. A report was taken to North Yorkshire Council's Executive on 4 February and then North Yorkshire Council's Full Council on 26 February with the same recommendation which has been agreed.

Having regard to the above, there is no emerging local plan to consider, but some weight may be given to the evidence base.

No weight can be given to the North Yorkshire Local Plan at the current time as it is at an early stage of preparation.

Guidance - Material Considerations

6.4. Relevant guidance for this application is:

- National Planning Policy Framework (December 2024)
- National Planning Practice Guidance
- National Design Guide
- Developer Contributions Supplementary Planning Document (DC SPD) 2007
- Ulleskelf Village Design Statement, February 2012
- Housing and Economic Development Need Assessment (HEDNA), October 2020

The Government began a consultation exercise on a new draft of the NPPF in December 2025, which is currently underway. One of the proposed changes is to introduce a less restrictive approach to the development which is well-related to or is within the existing settlements. Policy S4 of the draft NPPF means that development within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects and policy S5 (j) means that development which would address an evidenced unmet need (including where LPA cannot demonstrate a five-year supply of deliverable housing sites) and where the development proposals would be well-related to an existing settlement and be of scale which can be accommodated taking into account the existing and proposed availability of infrastructure should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects.

Whilst draft proposed changes to national policy can be treated as a material consideration, officers are of the view that given that this is only subject to consultation and represents a shift from current policy, no more than negligible weight should be given to the suggested changes.

7.0 Consultation Responses

- 7.1. The following consultation responses have been received and have been summarised below.
- 7.2. **Parish Council:** note that only three of the proposed seven dwellings fall within the defined development limits of the village, with the remainder located outside those limits. Council considers it important to highlight concern regarding the potential precedent this could set for future, larger-scale applications on adjacent land. Whilst Members recognise that detailed design will be subject to reserved matters, it is observed that the indicative layout suggests dwellings of reasonable size that could provide suitable family homes. The Council is keen that, should the application proceed, the focus remain on delivering housing that supports family occupation and reflects local need. However, given that the proposal extends beyond the established development limits and that the application provides limited detail at this stage to enable a full assessment of its acceptability, the Parish Council wishes to record these observations for consideration by the Local Planning Authority.
- 7.3. **Affordable Housing:** For small sites below the 10 dwellings threshold a commuted sum in lieu of on-site provision of affordable housing will be sought. This is an outline application for seven homes. Consequently, there is a requirement for a commuted sum. The following calculation has been used for schemes of 2-9 dwellings: $(A-B) \times 10\%$ proportion of total dwellings where A is the market value of a dwelling, B is the transfer value of a dwelling to RP. Requested for a Housing Strategy team to be informed of any further amendments to plans.
- 7.4. **Ainsty IDB:** advised that if Yorkshire Water is content with the proposal to dispose of the foul water into the mains foul sewer and is satisfied that the asset has the capacity to accommodate the flow, then the Board would have no objection to this arrangement and raised no objections subject to a condition requiring surface and foul drainage works to be agreed prior to commencement of the development.
- 7.5. **Ecologist:** advised that impacts from development are expected to be minor, primarily relating to loss of medium distinctiveness trees and potential disturbance to roosting bats and nesting birds, which can be mitigated through retention of key trees where possible, timing of vegetation clearance, and provision of biodiversity enhancements such as native planting and bat/bird boxes. Also advised that the likely absence of roosts within the surveyed structures was concluded, and no further bat-specific surveys or mitigation are required. As a precaution, works should cease, and a licensed ecologist consulted if bats are encountered during development. In line with NPPF guidance, the incorporation of bat-friendly features within the new development is recommended to deliver biodiversity enhancement. Therefore, concluded that they are satisfied that avoidance and mitigation measures for habitats and species can be secured through a CEcMP and a sensitive lighting strategy which avoids light spill onto boundary vegetation.

In relation to the BNG advised that they are satisfied that the Statutory Biodiversity Metric has been completed accurately and the baseline habitat plan within the BNG Assessment is consistent with the metric. Noted that post development calculations are based on the Illustrative Site Plan and that at this stage, the development is expected to deliver a 10.07% net gain in area habitats and 12.82% in linear habitats (hedgerows), meeting the statutory requirement. However, also noted that the layout plan shows that an area set aside for BNG is currently outside the red line boundary which means that it either should be included in the metric as an offsite area and secured accordingly through a section 106 agreement and registered on the Natural England Biodiversity Gain Site register or the area should be included within the red line boundary to allow it to be considered onsite. Advised that confirmation is needed prior to determination as to whether the BNG will be included all onsite or offsite secured through the use of a section 106 agreement. Also advised that at the reserved matters stage, the applicant should provide a finalised layout showing retained

and enhanced habitats, detailed planting plans and an updated BNG assessment to demonstrate continued compliance with the objectives of the PEA and BNG assessment.

Therefore, concluded that confirmation of whether BNG is intended to be provided wholly onsite or part onsite/offsite would be required and if provided all onsite, the habitat types and scale of the BNG would be considered significant and as such long-term management is required to be legally secured. The recommended conditions include 1) submission of a Construction Ecological Management Plan (CEcMP), 2) submission of a Species Enhancement Plan, 3) sensitive lighting strategy, 4) submission of a Habitat Monitoring and Management Plan (HMMP) for the BNG onsite delivery and 5) onsite Biodiversity Net Gain implementation and long-term management for 30 years.

Upon receipt of the updated metric noted that the metric confirms that the onsite and offsite works will achieve net gains of 12.4% in area habitat units and 14.96% in hedgerow units and confirmed that this revised metric, and the accompanying report are sufficient to allow the application to be determined, with a s106 being agreed to secure the offsite area of land. Also confirmed that they are satisfied that the habitat creation works proposed for the offsite area are achievable within the 30-year period.

- 7.6. **Environmental Health:** raised no objection in principle to the proposed development. However, to safeguard the amenity of existing residents, recommended conditions in relation to 1) Construction Environmental Management Plan, 2) working hours restriction and 3) piling and ground compaction works.
- 7.7. **Local Highway Authority:** noted that this is an outline application with all matters reserved therefore the LHA accept that all layouts can be altered but have some comments to make. Firstly, the indicative proposal is for 5 (out of 7) dwellings to use the existing access currently in place for Highfield House and that the proposed access would only be permitted due to for 5 dwellings and no additional dwellings should utilise this access. Also, the information in relation to 1) visibility splays, 2) parking, 3) refuse storage/collection and 4) details of access would be required to be provided at the reserved matters stage. Therefore, recommended conditions in relation to 1) visibility splays, 2) pedestrian visibility splays, 3) details of access, 4) new and altered private access requirements, 5) construction phase management plan for small sites.
- 7.8. **NY Scientific Team (contamination):** accepted the conclusions of the phase 1 report that a site investigation, including gas monitoring is to be carried out to quantify the risks on site to future residents and recommended a set of phased conditions in relation to 1) investigation of land contamination, 2) submission of a remediation strategy, 3) verification of remediation works and 4) reporting of unexpected contamination and informative in relation to exportation of topsoil for residential gardens.
- 7.9. **Tree Officer:** advised that the proposed layout has been designed to limit the impacts to trees in the most part and that there are no structures or hard surfacing proposed within the RPA of retained trees which is welcome and the proposed tree loss within the site is considered acceptable due to general size and condition of those proposed for removal, there are no Category B or A trees proposed for removal. However initially recommended that the position of dwelling closest T21 is altered as per their detailed advice and that conditions are included in any approval in relation to 1) submission of tree protection scheme, 2) implementation of the agreed tree protection scheme prior to development and 3) no works to be carried out within the protected areas.
- 7.10. **Yorkshire Water:** initially objected to the disposal of surface water to mains sewer however following clarification received from the Applicant's Agent advised that there are no objections subject to recommended conditions.

Local Representations

7.11. 20 local representations have been received of which 1 in support and 19 in objection. A summary of the comments is provided below, however, please see website for full comments.

7.12. Support:

- no detriment to the surrounding area or highway safety,
- the village requires additional housing,
- well-located development
- likely to contribute to village's growth and to more amenities being added to the village due to it

7.13. Objections:

- outside development limits and would set a precedent
- highway safety and impacts on traffic and condition of the roads
- not affordable
- insufficient facilities, educational provision and infrastructure
- insufficient drainage capacity
- poor public transport links
- overlooking, overbearing and loss of light to neighbouring properties
- impacts of noise and disturbance
- scale of development disproportionate to the size of the plot
- no need for further housing growth
- impacts on flood risk
- impacts on protected species and hedgehog habitat
- impacts of piling on existing homes due to composition of the ground
- trees removed prior to application
- impacts on the character of the area

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
- Loss of agricultural land
- Impacts on character and appearance of the area
- Residential amenity
- Highways
- Impact upon nature conservation and protected species
- Biodiversity net gain
- Flood risk, drainage and climate change
- Land contamination
- Minerals
- Affordable housing
- Recreational open space
- S106 legal agreement

10.0 **ASSESSMENT**

Principle of Development

- 10.1. 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 the Development Plan so far as material to the application unless material considerations indicate otherwise.
- 10.2. Policy SP1 of the Selby District Core Strategy Local Plan 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 the NPPF.
- 10.3. Policy SP2 of the Core Strategy sets out the long-term spatial hierarchy for the distribution of future growth within the district to deliver sustainably located development, focusing development firstly in the Principal Town of Selby, then in the Local Service Centres, followed by Designated Service Villages (DSVs). In DSVs, proposals for development on non-allocated sites must meet the requirements of Policy SP4. Policy SP4(a) states that conversions, replacement dwellings, redevelopment of previously developed land, and appropriate scale development on greenfield land (including garden land) are acceptable types of development in principle.
- 10.4. The Core Strategy designates Ulleskelf as a DSV. Core Strategy with paragraph 4.12 stating that "villages which are considered capable of accommodating additional limited growth have been identified as 'Designated Service Villages'". With regard to DSVs, paragraph 4.27 states:
- "The overriding strategy of concentrating growth in Selby and to a lesser extent in the Local Service Centres means that there is less scope for continued growth in villages on the scale previously experienced. However, there is insufficient capacity to absorb all future growth in the three towns without compromising environmental and sustainability objectives. Limited further growth in those villages which have a good range of local services (as identified above) is considered appropriate".*
- 10.5. Policy SP2A(c) goes on to consider development in open countryside. It says:
"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."
- 10.6. The western part of the site lies within the Development Limits of this DSV as identified in the Local Plan 2005, but the majority of the site (eastern part) lies outside. However, as the Development Limits for Ulleskelf run through the application site, it can be considered to be closely related to the settlement.
- 10.7. In accordance with Core Strategy policies SP2A(a) the settlement has some scope to accommodate additional residential growth to support rural sustainability. Further, development of the part of the site that lies within the Development Limits would accord with the types of appropriate development set out in Policy SP4 as it would constitute development on previously developed land and appropriate scale development on greenfield land (including garden land).

- 10.8. However, the majority of the application site is not within the Development Limits of Ulleskelf and as such, Policy SP2A(c) is relevant. This seeks to restrict the types of development that are acceptable in open countryside outside Development Limits. The proposed residential development is not considered to fall within any of the types listed in the policy.
- 10.9. As such, whilst the part of the site which is within the defined Development Limits of Ulleskelf is considered to be in broad accordance with SP2A(a) and SP4, the part of the development which would lie outside of the limits in open countryside and consists of the majority of the application site is considered to be contrary to Policy SP2A(c).
- 10.10. In light of the above policy context, the proposals for residential development are, overall, considered to be contrary to Policy SP2A of the Core Strategy, which is attributed substantial weight indicating that the proposal should be refused unless material considerations indicate otherwise.

Housing supply requirements

- 10.11. The NPPF is a material consideration. In this context, currently there is a lack of a five-year housing land supply in the Selby legacy area, due to the increase in housing requirements arising from the NPPF (December 2024) and as such applications are required to make decisions in accordance with Paragraph 11d of the NPPF (December 2024).
- 10.12. Paragraph 11d states that in terms of decision-making and the presumption in favour of sustainable development:

“d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”

- 10.13. Footnote 7 lists those “assets of particular importance” as: habitats sites (and those sites listed in paragraph 189) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change. These assets do not apply to the application site and, as such, there is no strong reason for refusing the development.
- 10.14. Therefore, it is considered that the scheme accords with the NPPF when taken as a whole as discussed further in this report. The development is in a sustainable location, partly within and partly outside though adjacent to the Designated Service Village, would represent a logical extension to this settlement and would provide housing. The application is in outline, but the description specifies that 7 dwellings are proposed which is considered to achieve appropriate density to ensure that the housing development makes an effective use of the land. In this context, it is considered under Paragraph 11d of the NPPF that the principle of development on the site should be supported subject to satisfying Paragraph 11d ii.

Sustainability

- 10.15. Paragraph 11 of the NPPF (December 2024), sets out the presumption in favour of sustainable development in determining applications and that Local Plans are the key to delivering sustainable development that reflects the vision and aspirations of local communities as such development that does not accord with an up-to-date plan will not normally constitute sustainable development. However, Paragraph 12 of the NPPF (December 2024), makes clear that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. When a planning application conflicts with an up-to-date plan permission should not normally be granted.
- 10.16. In respect of sustainability, the village contains a public house, a post office, a village hall and children's playground. Also, Ulleskelf benefits from train service to York and Leeds and this line is currently undergoing upgrade as part of TransPennine Route Upgrade project. In addition, there is a school bus service to Kirk Fenton CE School and Tadcaster Grammar School and a limited bus service to Sherburn in Elmet and Wetherby (Service 492) which links Ulleskelf to those settlements through a 2 hourly service Monday to Saturday with a bus stop being very close to the application site. First bus from the village to Sherburn in Elmet leaves at 07:40 and the last bus back from Sherburn in Elmet arrives back at 17:38. Similarly, first bus from the village to Wetherby leaves at 9:03 and the last bus back from it arrives at 16:30. In terms of access to services and facilities and a choice of mode of transport., then the Council considers that the settlement does have some level of services and the site can be considered as being in a fairly sustainable location with some alternatives to car based travel. NPPF paragraph 84 which restricts isolated dwellings does not apply, nor does paragraph 91 which relates to main town centre uses.
- 10.17. Paragraph 8 of NPPF outlines that there are three overarching objectives which are interdependent and need to be considered in assessing whether a scheme is sustainable development, i.e. the economic objective, social objective, and an environmental objective. Paragraph 9 notes that planning policies and decisions should play an active role in guiding development towards sustainable solutions but in doing so should take account of local circumstances to reflect the character needs and opportunities of each area. With Paragraph 10 stating that "sustainable development should be pursued in a positive way and is at the heart of the framework is the presumption in favour of sustainable development", under Paragraph 11.
- 10.18. It is noted that the following benefits would arise from the proposed development as outlined in the Planning Statement submitted with the application:
- Economic*
- 10.19. The proposal would generate short-term employment opportunities in both construction and other sectors linked to the construction market. Whilst not mentioned in the Planning Statement, it is also noted that the proposal will bring additional residents to the area who in turn will contribute to local economy through supporting the existing local facilities.
- Social*
- 10.20. The site will deliver market housing to meet an identified need in the area as set out in the HEDNA. The site is also able to be delivered and contribute to the five-year housing land supply. In addition, a financial contribution would be made towards recreational open space for existing and future residents of the village.

Environmental

- 10.21. The proposal will consider environmental issues such as climate change, ecology and biodiversity. The development would also incorporate renewable and local carbon energy use measures.
- 10.22. Having taken into account all of the above, the site is considered to be in a sustainable location (partly within and partly outside the Designated Service Village) and given that Paragraph 11d is engaged as a result of the housing land supply position, development on the site is considered acceptable subject to other technical matters being appropriately addressed.

Previous levels of growth

- 10.23. Whilst there has been some growth in Ulleskelf, however, in the context of the increased housing land requirements arising from the NPPF then there is a need to release sites for development which are deemed to be in a sustainable location. This is an opportunity that should be supported in the context of Paragraph 11d, notwithstanding levels of growth the settlement has already incurred. The growth of the Designated Service Village is preferable to growth of lower ranking settlements and as such all opportunities should be considered in the context of the guidance in the NPPF.

Conclusion

- 10.24. The proposal would provide 7 dwellings in place of a single residential property and partially on a greenfield site to boost the five-year housing land supply and would provide economic, social and environmental benefits. All the above factors weigh in favour of the development. Whilst there are some negative aspects to the development, given that Paragraph 11d of the NPPF is engaged as a result of the housing land supply position, the adverse impacts of granting the permission would not significantly and demonstrably outweigh the benefits of the scheme, when assessed against the Framework taken as a whole, as set out within the following sections of the report, with the primary importance being sustainable housing provision. It is therefore considered that this site is acceptable for new residential development subject to there being no technical issues that weigh against the scheme.

Section 149 of The Equality Act 2010

- 10.25. 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.
- 10.26. 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

- 10.27. Whilst the western side of the application site contains an existing dwelling and land within its curtilage, the eastern half of the application site as outlined in red on the submitted plans is a paddock land. Policy SP18 seeks that the high quality and local distinctiveness of natural and manmade environments will be sustained by, amongst other things, steering development to areas of least environmental and agricultural quality. The NPPF advises that decisions should contribute to and enhance the natural environment by recognising the

economic and other benefits of the Best and Most Versatile Land (BMVL) (land in Grades 1, 2 and 3a). Natural England must be consulted on development proposals that are both: likely to cause the loss (or likely cumulative loss) of 20ha or more of BMV land not in accordance with an approved development plan. The site is just over 0.4ha in size. As the site is not in accordance with an approved development plan, and the site is less than 20ha in size, there is no requirement to consult Natural England on the proposal.

- 10.28. The proposal would result in the loss of agricultural land. The land within the application site is classified as Grade 2 (Very Good) in accordance with the Natural England Agricultural Land Classification. However, this mapping is intended for strategic and regional purposes only and is stated to be not sufficiently accurate for assessment at the field or site scale. The application has not been supported by an Agricultural Land Assessment, which demonstrates that the land is not Best Most Versatile (BMV) agricultural land, therefore it is assumed that the proposal would result in the loss of BMV agricultural land. The scale of loss of best and most versatile agricultural land would result in minor harm to the agricultural economy in the area as well as food self-sufficiency.
- 10.29. The loss of agricultural land is contrary to Core Strategy Policy SP18 and NPPF paragraph 187 b) and this must be weighed in the planning balance. However, in this case, the scale of loss of agricultural land is limited and is outweighed by the benefits of the provision of housing.

Impacts on the character and appearance of the area

- 10.30. In order to assess 'visual amenity' it is necessary to consider the layout, form, density, design and landscaping as these factors that can impact on the character of the area. These are governed by policy ENV1 of the SDLP and SP19 of the SDCS. Section 12 of the NPPF also puts significant emphasis on good design. Church Fenton also has a village design statement (Church Fenton VDS) which is to be considered.
- 10.31. The plans submitted are for indicative purposes only (with the application being outline with all matters reserved) and the proposal is for the demolition of existing dwelling and construction of 7 dwellings on the land outlined in red. The access, layout, scale, appearance and landscaping of the site is not for determination at this stage and will be considered at the reserved matters stage if the application was to be approved. However, the broad issues are discussed further in this section given the description of the proposal clearly stating that seven dwellings are proposed on this site and taking into account the indicative layout drawing provided.
- 10.32. The site currently contains one dwelling with its substantial garden within the western part and fenced off sections of the field to the east of the dwelling, which appear to be used for growing vegetables and as a paddock land. One of the fenced off areas contains a stables building. To the east of the application site as outlined in red on the plans is an undeveloped agricultural field. There are some trees within the site, predominantly scattered along its boundaries and there is a hedge present along its northern, western and southern boundaries.
- 10.33. To the north of the site are residential properties located on Greenfields, to the south are two residential properties sited within substantial plots and further south beyond them is a small residential estate located on Orchard Park. To the west across the Church Fenton Lane is a residential area and to the east is an undeveloped land extending up to Bell Lane.
- 10.34. The site is located within the southern part of the village and falls within the Character Area 4: Church Fenton Lane in the Ulleskelf VDS. The VDS outlines that this area is characterised by 2 storey 1980s detached houses of individual design concealed by hedges and trees on the east side and by 1980s style bungalows of similar size but built with variety of materials on the west side. It further states that on the west side the simple rectangular footprint with gable roofs give commonality, and that a low stone and brick wall and hedges

mark the front boundaries. It is also noted that since the adoption of this VDS two small residential estates were built east of Church Fenton Lane and this would also need to be taken into account when considering the layout, design and appearance of the scheme at the reserved matters stage.

- 10.35. Having reviewed the indicative layout plan it is noted that it shows that two dwellings would be located at the frontage and accessed via a new access and that the remaining 5 dwellings would be to the east of those frontage dwellings and would be accessed via an existing access which would be extended eastwards. It is therefore considered that an acceptable layout can be achieved at the reserved matters stage which would not be harmful to the character of the surrounding area.
- 10.36. The site is just over 0.4 hectares and as a result of the proposal would have a density of approximately 17.5 dwellings per hectare. The proposal would therefore result in a slightly denser development than that immediately south of the south and west of Church Fenton Lane but would be less dense than that to the north or further south of the site. As such, the density as shown on the indicative plan would not appear uncharacteristic. In addition, as noted from a site visit and Google Maps imagery search, the built form in the form of residential properties, surrounds the site on the north, west and south and the proposed dwellings would not extend further into the fields on the east than those on the Orchard Park to the south separated from the site by two detached properties sited within substantial plots and as such the development would be viewed within this context. Therefore, it is considered that development of seven dwellings on this plot would not appear out of character, especially when considering residential properties within the immediate vicinity subject to appropriate access, layout, scale, appearance and landscaping being achieved at the reserved matters stage.
- 10.37. The indicative layout plan suggests that the existing access on the north would be extended eastwards to serve 5 dwellings and that a new access off Church Fenton Lane would be created to the south of it which would be shared between two properties fronting Church Fenton Lane and shows how all 7 dwellings could be laid out on the site. The approach to utilising the existing access is supported, however, there are some concerns about the creation of the new access which is likely to have some visual impacts due to the need to remove large sections of hedgerow which currently positively contributes to the character of the surrounding area in order to achieve appropriate visibility.
- 10.38. However, it is noted that the indicative layout plan is for illustrative purposes only and full details of the layout, appearance, scale, access and landscaping of the proposed dwellings would need to be submitted at the reserved matters stage for consideration. Should the details not be acceptable at that stage, they would need to be amended, or the reserved matters application refused to ensure no adverse impact on the character and appearance of the area. This may mean the size and scale of the dwellings proposed at the site and the layout would need to be given careful consideration.
- 10.39. In terms of the design of the dwellings and materials used for their construction, then it should be noted that the VDS outlines that in this character area, to the east of Church Fenton Lane, the architectural style is that of 2 storey 1980s dwellings and the materials vary at this location. There are examples of red brick, render and stone within the area with roofs finished with both pantiles and slate. This would need to be taken into account when designing the dwellings.
- 10.40. As such, it is considered that a scheme could be achieved through the reserved matters stage that would be in keeping with the character and appearance of the area so as to be of a similar scale to properties within the vicinity, with appropriate space surrounding the dwellings, and that could respect the existing built form of the area with appropriate landscaping scheme to ensure that the proposed development would not have a significant adverse impact on the character and appearance of the area in accordance with Policy

ENV1 (1) and (4) of the SDLP, Policies SP4 and SP19 of SDCS and the advice contained within the Section 12 of the NPPF.

Residential amenity

- 10.41. Relevant policies in respect of the effect upon the amenity of adjoining occupiers include Policies ENV1 (1) and ENV2 of the SDLP. Significant weight should be attached to this policy as it is broadly consistent with the aims of the NPPF to ensure that a good standard of amenity is achieved.
- 10.42. 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. Similarly, consideration needs to be given to whether existing surrounding residential development would give rise to the potential for overlooking of the proposed dwellings, overshadowing of the proposed dwellings, and whether oppression would occur from the size, scale and massing of existing neighbouring properties. Furthermore, consideration is given to the provision of an appropriate level of good quality external amenity space for future occupiers and suitable boundary treatments between existing and proposed dwellings.
- 10.43. The comments made in relation to the impacts on the amenities of adjoining occupiers are noted. However, the access, layout, siting, size, scale, design and appearance of the dwellings and landscaping are reserved for subsequent approval at the reserved matters stage. Based on the size and location of the application site and its relationship to neighbouring properties, the application site is considered to be capable to accommodate seven residential properties without resulting in adverse impacts on the residential amenities of neighbouring properties in terms of overlooking, overshadowing and/or overbearing. Also, the site has capacity to provide adequate amenity space to the proposed residential properties.
- 10.44. Upon review of the indicative layout plan, there are concerns about potential impacts of noise and disturbance on the properties to the north of the site's boundary (located on Greenfields) due to the use of access adjacent to their southern boundaries by 5 new properties as proposed. However, it is considered that an appropriate noise mitigation scheme could be negotiated at the reserved matters stage.
- 10.45. In terms of potential impacts of noise generated during construction, the Environmental Health Officer has been consulted and advised that they have no objections in principle. This is subject to conditions requiring submission of a Construction Management Plan and a detailed schedule for the piling and ground compaction works and a condition restricting working hours in order to safeguard the amenities of occupiers of the surrounding dwellings. Upon review, it is considered that given the scale of the development proposed and the relationship of the site with the neighbouring properties, it is considered reasonable and necessary to attach the aforementioned conditions in order to adequately mitigate any such impacts.
- 10.46. It is considered that a scheme which would not contravene Convention rights contained in the Human Rights Act 1998 in terms of the right to private and family life could be achieved at the reserved matters stage.
- 10.47. Having taken into account all of the above, it is considered that an appropriate scheme could be achieved at the reserved matters stage, which would not result in any significant detrimental impacts on the residential amenities of the occupiers of the existing or proposed dwellings in accordance with Policies ENV1(1) and ENV2 of the SDLP, Policy SP4 (c) of the SDCS and the advice contained within the Paragraph 135 (f) NPPF.

Highways

- 10.48. Relevant policies in respect of highway safety include Policies ENV1 (2), T1 and T2 of the SDLP. Significant weight should be attached to those policies as they are broadly consistent with the aims of the NPPF which requires to ensure that safe and suitable access is achieved for all users.
- 10.49. Paragraph 116 of the NPPF states that “*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios*”.
- 10.50. The application seeks outline planning permission for the erection of seven dwellings following the demolition of the existing dwelling with all matters reserved. It is however noted that there is an existing access to the application site on the north which is directly off Church Fenton Lane, and it is shown on the indicative plan that this access would be utilised for the 5 dwellings and that a new access off Church Fenton Lane would be created to the south of the existing access which would be shared by the 2 properties fronting Church Fenton Lane.
- 10.51. Concerns raised by the objectors regarding highway safety and parking are noted and highway safety matters are addressed further in this section of the report. Notwithstanding this, the access, the size of the dwellings and details of layout of the site are reserved matters and as such, the parking arrangements would need to be considered in full at the reserved matters stage if this application is approved.
- 10.52. Local Highway Authority has been consulted on the proposals who reviewed the proposed indicative scheme and advised that whilst it is noted that the details of access are reserved, no more than 5 dwellings would be allowed to be accessed via this existing access. LHA also advised that reserved matters submission would have to include information on the visibility splays for both vehicles and pedestrians, access, parking, refuse storage/collection and recommended conditions in relation to these matters. LHA also recommended a condition requiring a Construction Management Plan to be submitted. Upon review, and having considered the nature of the proposals and the location of the site, it is considered reasonable and necessary to add conditions as recommended.
- 10.53. Therefore, subject to the aforementioned conditions, it is considered that a scheme could be designed with an appropriate access, appearance, layout, scale and landscaping at reserved matters stage to ensure no adverse impact on highway safety is caused in accordance with policies ENV1 (2), T1 and T2 of the SDLP and the advice contained within the NPPF.

Impact upon nature conservation and protected species

- 10.54. Relevant policies in respect of nature conservation and protected species include Policy ENV1 (5) of the SDLP and Policy SP18 “Protecting and Enhancing the Environment” of the SDCS. Significant weight should be attached to SDLP Policy ENV1 as it is broadly consistent with the aims of the NPPF as set out in Section 15.
- 10.55. Protected species include those protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2017. The presence of protected species is a material planning consideration.
- 10.56. It is noted that the application site is not a protected site for nature conservation, however the proposals include the demolition of the existing dwelling on the site. Preliminary Ecological Appraisal Report reference ER-8628-01A dated 29 August 2025 and Bat Emergence Survey Report reference ER-8628-03 dated 26 August 2025 was submitted with the application which were reviewed by the Council’s Ecologist.

- 10.57. The Council's Ecologist noted that the Preliminary Ecological Appraisal (PEA) identified no statutory or non-statutory designated sites within or immediately adjacent to the site, and no functional connectivity to nearby protected areas. Habitats on-site are predominantly of low or very low distinctiveness, comprising modified grassland, managed gardens, and bare ground, with scattered trees of medium distinctiveness providing the highest ecological value. No irreplaceable or high distinctiveness habitats were recorded. Therefore, the Council's Ecologist advised that overall, impacts from the development are expected to be minor, primarily relating to loss of medium distinctiveness trees and potential disturbance to roosting bats and nesting birds, which can be mitigated through retention of key trees where possible, timing of vegetation clearance, and provision of biodiversity enhancements such as native planting and bat/bird boxes. It was also noted that the likely absence of roosts within the surveyed structures would mean that no further bat-specific surveys or mitigation are required. Therefore, the Council's Ecologist recommended that, as a precaution, works should cease, and a licensed ecologist consulted if bats are encountered during development and advised that in line with Paragraph 187 of the NPPF guidance, the incorporation of bat-friendly features within the new development is recommended to deliver biodiversity enhancement. In conclusion, the Council's Ecologist is satisfied that avoidance and mitigation measures for habitats and species can be secured through a Construction Ecological Management Plan CEcMP and a sensitive lighting strategy which avoids light spill onto boundary vegetation.
- 10.58. As such, and having taken into account all of the above, it is considered that the proposals are acceptable in relation to their impacts on nature conservation and protected species subject to recommended mitigation measures being adhered to and subject to recommended conditions related to the submission of a CEcMP and lighting strategy.
- 10.59. Therefore, the proposals are considered to be acceptable in relation to their impacts on nature conservation and protected species and accord with Policies ENV1 of the SDLP, Policy SP18 of the SDCS and the NPPF.

Biodiversity Net Gain

- 10.60. Planning Permissions in England are deemed to be granted subject to the general Biodiversity Gain Condition as set out by Schedule 7A, paragraph 13 of the Town and County Planning Act 1990 (TCPA) as amended by Schedule 14, Part 2, paragraphs 13, 14 and 15 of the Environment Act 2021. This is a pre-commencement condition.
- 10.61. This application is supported by a completed BNG metric, Biodiversity Net Gain Assessment report reference ER-8628-06 dated 30th September 2025 and Biodiversity Net Gain Assessment (Baseline) report reference ER-8628-04c dated 30th September 2025.
- 10.62. The Council's Ecologist has advised that they are satisfied that the Statutory Biodiversity Metric has been completed accurately and the baseline habitat plan within the BNG Assessment is consistent with the metric. However, given the area for the BNG provision falls outside the application red line boundary, it was requested that clarification be provided as to whether the BNG will be included onsite or offsite, to be secured through the use of a section 106 agreement. Further, at the reserved matters stage, the applicant should provide a finalised layout showing retained and enhanced habitats, detailed planting plans and an updated BNG assessment to demonstrate continued compliance with the objectives of the PEA and BNG assessment.
- 10.63. The clarification has been sought from the Applicant's Agent who advised that the BNG will be provided offsite on land in the ownership of the Applicant and that the applicant is happy to enter into a S106 agreement to secure this provision.

- 10.64. The Ecologist noted that the area of land outside the redline boundary in the applicant's ownership will be used for BNG and that this area should be reflected in the baseline and post development metric as 'offsite' which will require the metric to be updated which should be completed prior to determination to reflect the onsite and offsite baselines separately. The Ecologist also confirmed that they are satisfied that the applicant intends to secure the offsite BNG area via a s106 agreement with North Yorkshire Council which will facilitate the registration with Natural England.
- 10.65. The updated metric has been provided and has been reviewed by the Council's Ecologist who noted that the metric confirms that the onsite and offsite works will achieve net gains of 12.4% in area habitat units and 14.96% in hedgerow units and confirmed that this revised metric, and the accompanying report are sufficient, with a s106 being agreed to secure the offsite area of land. The Ecologist also confirmed they are satisfied that the habitat creation works proposed for the offsite area are achievable within the 30 year period. As such and subject to appropriate conditions and the legal agreement securing off-site contributions, the BNG matters are considered acceptable.
- 10.66. Having taken into account all of the above, it is considered that the proposals are acceptable in relation to the mandatory BNG subject to appropriate conditions and a legal agreement securing off-site contributions. The proposals are therefore in accordance with the Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) with respect to BNG.

Flood risk, drainage and climate change

- 10.67. The application site is fully located in Flood Zone 1 which is assessed as having less than 0.1% (1 in 1000) annual probability of flooding. According to Surface Water Map on Government's website, there is a low chance of surface water flooding. As such and given that the site is less than one hectare, no sequential test or Flood Risk Assessments are required.
- 10.68. In terms of surface and foul water drainage, whilst it is indicated in the application form that surface water would be disposed of via sustainable drainage systems, in the email received from the Agent on the 18th November 2025, it is outlined that the evidence as presented in that email, and attached to it, confirms that soakaways are not viable on the application site and, with no watercourses in the immediate area, discharge to the YW sewer with appropriate attenuation is the only viable option. In relation to foul water disposal, no information has been provided.
- 10.69. Yorkshire Water and Ainsty IDB have been consulted. Ainsty IDB advised that they noted that soakaways do not appear to be viable on this occasion and that it is proposed to dispose of surface water via mains sewer and that the nearby mains surface water sewer appears to discharge into the Board maintained watercourse known as Dorts Dyke. Accordingly, the Board advised that approval will be required from the Board for the amount of water to be discharged in addition to any consent required from Yorkshire Water and therefore raised no objections subject to a condition requiring drainage works to be agreed.
- 10.70. In terms of foul water discharge, Yorkshire Water raised objections in their initial response however following clarification received from the Applicant's Agent on the 18th November 2025, advised that the information provided is considered acceptable and confirmed that curtilage surface water may discharge to public surface water sewer at a restricted rate which should not to exceed 3.5 litres per second. Yorkshire Water therefore raised no objections subject to conditions a) requiring the site being developed with separate systems of drainage for foul and surface water on and off site and b) agreeing surface water disposal works prior to piped discharge of surface water from the application site. As such and given

the information relating to drainage provided, the proposal is considered to be appropriate in terms of its impact on drainage. Having taken into account the above, it is therefore considered that an acceptable scheme for the disposal of surface and foul drainage could be achieved by a way of suitable conditions.

- 10.71. In light of the above, the proposed development is considered to be acceptable in terms of flood risk and drainage subject to conditions, taking into account of policy SP15 of the SDCS, national policy contained within the Section 14 of the NPPF and national guidance on flood risk.

Land contamination

- 10.72. The application site is not identified as potentially contaminated land however the proposals are to introduce residential properties which would lead to introduction of receptors sensitive to contamination. Relevant policies in respect of land contamination include Policies ENV1 and ENV2 of the SDLP and Policy SP19 "Design Quality" of the SDCS.
- 10.73. The application is supported by a Preliminary Investigation of Land report reference C31013A prepared by Dunelm Geotechnical and Environmental dated October 2025. The Council's Contaminated Land Consultant reviewed the submission and advised that they accept the conclusions of the phase 1 report that a site investigation, including gas monitoring is to be carried out to quantify the risks on site to future residents and recommended a set of conditions in relation to a) investigation of land contamination, b) submission of a remediation strategy, c) verification of remediation works and d) reporting unexpected contamination and an informative in relation to topsoil importation for domestic gardens.
- 10.74. Having considered the proposals, it is considered that a scheme which would not contravene Convention rights contained in the Human Rights Act 1998 in terms of the right to health could be achieved at the reserved matters stage.
- 10.75. It is considered that the proposal would be acceptable in respect of land contamination subject to aforementioned conditions and is, therefore, in accordance with Policies ENV1 and ENV2 of the SDLP, Policy SP19 of the SDCS and the advice contained within the NPPF at Paragraphs 196 to 201.

Minerals

- 10.76. The application site is located within sand gravel safeguarding area. Relevant policies in relation to the NYCC Minerals and Waste Plan 2022 are S01, and S02, which reflect the national policy in the Chapter 17 of the NPPF and seek to protect future mineral resource extraction by safeguarding land where the resource is found and avoiding such land being sterilised by other development.
- 10.77. The application is for seven dwellings within the enclosed parcel of land associated with the residential property known as Highfield House, as such, in this specific instance it is not considered that minerals assessment is required nor it is considered that the location of the development would be acceptable for any minerals or waste use and would not impact the safeguarding area or allocated sites in proximity to the proposed development. The Minerals & Waste team have also been contacted who confirmed that minerals extraction is not acceptable in this location due to the reasons stated above.
- 10.78. As such, the proposed development is therefore considered acceptable in relation to this matter and no further consideration, or conditions are required.

Affordable housing

- 10.79. SDCS policy SP9 and the accompanying Affordable Housing Supplementary Planning Document (SPD) sets out the affordable housing policy context for the District. Policy SP9 outlines that for schemes of less than 10 units or less than 0.3ha, a fixed sum will be sought to provide affordable housing within the District. However, the NPPF is a material consideration and states at paragraph 65 –

‘Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount’.

- 10.80. Major development is defined in Annex 2: Glossary as “For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more”. The application is for the erection of seven dwellings on a site of less than 0.5ha. In addition, it is considered that 7 dwellings is the maximum that could be provided on this site due to the constraints such as shape of site, trees and density being appropriate to area. As such in the light of the West Berkshire Decision and paragraph 65 of the NPPF, it is not considered that affordable housing contributions as required by Policy SDCS SP9 C can be sought on this application.

Recreational open space

- 10.81. 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.”
- 10.82. The Developer Contributions Supplementary Planning Document 2007 provides further guidance on the provision of open space.
- 10.83. The NPPF at paragraphs 96 and 98 advises that decisions should aim to achieve healthy places which enable and support healthy lifestyles, especially where this would address identified local health and well-being needs for example through the provision of safe and accessible green infrastructure and the provision and use of shared spaces such as open spaces. Paragraph 103 reinforces the importance of access to open space, sport and physical activity for health and wellbeing. Policies should be based on robust and up to date assessment of needs and opportunities for new provision. Policy RT2 is considered consistent with the NPPF and is given significant weight.
- 10.84. In this case given the size of the site, a commuted sum is necessary. This can be spent to either upgrade existing public open space or contribute towards providing new public open space. The Parish Council has been contacted in order to get a confirmation as to whether there are any plans for the improvements in their area however they advised that the Parish Council meeting where priorities for the upcoming year would be discussed in on the 12th February and the Members would be updated on the outcome during the meeting.
- 10.85. The Developer Contributions Supplementary Planning Document costs this at £991 per dwelling for upgrading existing public open space or £1095 per dwelling for the provision of new public open space. Whilst to date there is no confirmation from the Parish Council as to what the contributions could be used for, following discussions with the Applicant’s Agent it was agreed that a contribution for the provision of new off-site open space could be made in

the sum of £7665 based on seven dwelling being proposed as per the description of the development. This requirement to contribute towards Open Space will be controlled within the legal agreement. Recreational open space matters are therefore acceptable subject to conditions and a S106 agreement.

S106 Legal Agreement

10.86. The following Heads of Terms have been agreed with the applicant for this application.

- off-site contribution for the Recreational Open Space (£7665 - as per Selby District Developer Contributions SPD)
- provision of on-site and off-site BNG within the land owned by the Applicant, including on- and off-site post-intervention metric, habitat creation and enhancement plan, Habitat Management and Monitoring Plan (HMMP) covering a 30-year management period starting from completion date of the creation/enhancements and a monitoring fee of £2662.

10.87. It is considered that the above S106 Heads of Terms are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development and as such complies with the Community Infrastructure Levy (CIL) Regulations 2010.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1. The proposal for residential development partly within and partly outside the settlement boundaries and whilst the part of the development which is within the development limits is considered to broadly comply with policies SP2A (a) and SP4 of the SDCS, the part of the proposals which falls outside the settlement boundary does not constitute any of the forms of development set out under SP2A(c). In light of the above policy context, the proposals for residential development are considered, overall, to be contrary to Policy SP2A of the Core Strategy, which is attributed substantial weight indicating that the proposal should be refused unless material considerations indicate otherwise.
- 11.2. Paragraph 11 d) is engaged as a result of the housing land supply position. The site does not have any “assets of particular importance”, and it is considered that the scheme accords with the NPPF when taken as a whole. The development is in a sustainable location partly within and partly outside of a Designated Service Village and would represent a logical extension to this settlement and would provide housing. The application is outline but the description specifies that 7 dwellings are proposed which is considered to achieve appropriate density to ensure that the housing development makes an effective use of land. This is afforded substantial weight.
- 11.3. It is considered that an acceptable scheme could be achieved on this site at the reserved matters stage in relation to the access, layout, scale, design, appearance and landscaping which would not result in any adverse impacts on nearby residential properties and would be acceptable in relation to the impacts on highway safety subject to conditions. This is afforded moderate weight.
- 11.4. The proposed development is considered to be acceptable in terms of flood risk and appropriate drainage arrangements can be achieved at the reserved matters stage. The proposal is also acceptable in relation to its impacts on nature conservation and protected species, land contamination and minerals and waste and is acceptable in relation to the mandatory BNG. This is afforded moderate weight.
- 11.5. As such and having taken into account all of the above, it is not considered that the harm identified due to the construction of residential development partly within and partly outside the settlement boundary would significantly and demonstrably outweigh the benefit of

approving the proposed development in a sustainable location and the application should therefore be approved in accordance with Paragraph 11 of the NPPF.

12.0 RECOMMENDATION

- 12.1. That planning permission be GRANTED subject to conditions listed below and prior completion of a S106 agreement with terms as detailed in Table 1.

Recommended conditions:

1. Applications for the approval of the reserved matters shall be made within a period of three years from the grant of this outline permission and the development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

2. Approval of the details of the (a) access, (b) layout, (c) external appearance of the development, (d) the scale of the development and (e) landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority, and as required by Section 92 of the Town and Country Planning Act 1990.

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

LDS 2604/01/001 – Location Plan
BA25267AIA – Tree Protection Plan

Reason: For the avoidance of doubt.

4. The existing trees, as indicated on the Drawing No BA25267AIA (Tree Protection Plan), shall be retained.

Reason: To ensure that the trees are retained and in the interests of local amenity in accordance with policy ENV1 of the Selby District Local Plan 2005.

5. Before any materials are brought onto the site or any development is commenced, the developer shall submit an agreed specification for root protection area (RPA) fencing and ground protection measures in line with the requirements of British Standard BS 5837: 2012 Trees in Relation to Construction – Recommendations, or any subsequent amendments to that document, to be installed around the trees or shrubs or planting to be retained, as indicated on an approved plan and for the entire area as specified in accordance with BS 5837:2012. The developer shall maintain such fences and ground protection until all development the subject of this permission is completed.

Reason: To ensure retention of the trees and to secure incorporation of existing trees into the development in accordance with policy ENV1 of the Selby District Local Plan and Policy SP19 of the Selby District Local Plan.

6. No operations shall commence on site in connection with the development hereby approved (including any demolition work, soil moving, temporary access vehicles or construction machinery) until the root protection area (RPA) and ground protection works required by the approved tree protection scheme (above) are in place and subsequently retained during the construction period.

Reason: To ensure retention of the trees and to secure incorporation of existing trees into the development in accordance with policy ENV1 of the Selby District Local Plan and Policy SP19 of the Selby District Local Plan.

7. No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved root protection area scheme. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority.

Reason: To ensure retention of the trees and to secure incorporation of existing trees into the development in accordance with policy ENV1 of the Selby District Local Plan and Policy SP19 of the Selby District Local Plan.

8. The landscaping and layout reserved matters application(s) shall include details of landscaping (both hard and soft landscaping and boundary enclosures), and management and maintenance details, for approval in writing by the Local Planning Authority. The landscaping shall be carried out in accordance with the approved details in full prior to the last occupation of any dwelling hereby permitted and shall thereafter be managed and maintained in accordance with the approved details. Any element of the landscaping buffer that is removed, dies, is seriously damaged or diseased within 10 years of planting shall be replaced with a similar species within the next available planting season.

Reason: In accordance with Policies SP18 and SP19 of the Selby District Core Strategy.

9. No site preparation, demolition, or construction activities shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include specific measures to control and mitigate noise, vibration, lighting, dust, and dirt emissions, with particular regard to protecting the amenity of nearby residential properties. The development shall thereafter be carried out in accordance with the approved CEMP.

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 North Yorkshire Council's Policy's SP19 and ENV2.

10. No work associated with the approved development, including demolition or preparatory activities, shall be conducted outside the hours of 08:00 to 18:00 from Monday to Friday, and 08:00 to 13:00 on Saturdays. No work shall occur on Sundays, Bank Holidays, or National Holidays. These working hours must be strictly adhered to and incorporated into the Construction Environmental Management Plan (CEMP) to ensure compliance and minimise disruption to the surrounding community. Any variation to these hours shall be agreed in writing with the Local Planning Authority in advance.

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 North Yorkshire Council's Policy's SP19 and ENV2.

11. No piling or ground compaction works shall take place until a detailed schedule of such works has been submitted to and approved in writing by the Local Planning Authority. The schedule shall identify the locations and timing of the works and include mitigation measures to minimise noise, dust, and vibration impacts on nearby residential properties. The approved measures shall be implemented in full and maintained throughout the duration of the piling and compaction works.

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 North Yorkshire Council's Policy's SP19 and ENV2.

12. There must be no access or egress by any vehicles between the highway and the application site at Highfield House, Church Fenton Lane until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety in accordance with policies ENV1, T1 and T2 of the Selby District Local Plan, policy SP19 of the Selby District Core Strategy and the NPPF.

13. There must be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) at Highfield House, Church Fenton Lane until full details of the following have been submitted to and approved in writing by the Local Planning Authority:

- vehicular, cycle, and pedestrian accesses;
- vehicular and cycle parking;
- vehicular turning arrangements including measures to enable vehicles to enter and leave the site in a forward gear; and,
- loading and unloading arrangements.

No part of the development must be brought into use until the vehicle access, parking, manoeuvring and turning areas at Highfield House, Church Fenton Lane have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development in accordance with policies ENV1, T1 and T2 of the Selby District Local Plan, policy SP19 of the Selby District Core Strategy and the NPPF.

14. The development must not be brought into use until the access to the site at Highfield House, Church Fenton Lane has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the crossing of the highway verge and/or footway must be constructed in accordance with the approved details and/or Standard Detail number E50 and the following requirements:

- Any gates or barriers must be erected a minimum distance of 6 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.
- Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway must be constructed and maintained thereafter to prevent such discharges.
- The final surfacing of any private access within 6 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
- Measures to enable vehicles to enter and leave the site in a forward gear.

All works must accord with the approved details.

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users in accordance with policies ENV1, T1 and T2 of the Selby District Local Plan, policy SP19 of the Selby District Core Strategy and the NPPF.

15. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited, to arrangements for the following:

- details of any temporary construction access to the site including measures for removal following completion of construction works
- wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- the parking of contractors' site operatives and visitor's vehicles;
- areas for storage of plant and materials used in constructing the development clear of the highway;
- details of site working hours; and
- contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason: In the interest of public safety and amenity in accordance with policies ENV1, ENV2, T1 and T2 of the Selby District Local Plan, policy SP19 of the Selby District Core Strategy and the NPPF.

16. The development shall be carried out in accordance with the mitigation measures and recommendations set out in the Preliminary Ecological Appraisal Report reference ER-8628-01A dated 29 August 2025 and Bat Emergence Survey Report reference ER-8628-03 dated 26 August 2025.

Reason: In the interests on nature conservation interest and in order to comply with policy ENV1(5) of the Selby District Local Plan 2005, policy SP18 of the Selby District Core Strategy 2013, The Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010.

17. Prior to commencement of the development hereby approved, a Construction Ecological Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. It shall address habitat and species protection during site clearance and construction in line with the recommendations in the Preliminary Ecological Appraisal (PEA) and measures to eradicate Invasive Non-Native Species (INNS). Once approved, all works shall be carried out in accordance with the submitted details.

Reason: In the interests on nature conservation interest and to ensure works are compliant with protections in place for legally protected species and habitats and species of principal importance in order to comply with policy ENV1(5) of the Selby District Local Plan 2005, policy SP18 of the Selby District Core Strategy 2013, The Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010.

18. Prior to occupation of the development hereby approved, a Species Enhancement Plan detailing the measures for species enhancements set out in the PEA and bat survey including but not limited to bat boxes, bird boxes/bricks and fence gaps for hedgehogs and ongoing maintenance of these features shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To provide compensation and enhancement for legally protected species and species of principal importance in order to comply with policy ENV1(5) of the Selby District Local Plan 2005, policy SP18 of the Selby District Core Strategy 2013 and Paragraph 187 d) of the NPPF.

19. Prior to first occupation of the development hereby approved, a sensitive lighting strategy demonstrating how external lighting will avoid light spill onto boundary habitats, thus minimising impacts on bat foraging and commuting routes, shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the scheme shall be carried out in accordance with any such approved scheme.

Reason: To provide protection for legally protected species and species of principal importance in order to comply with policy ENV1(5) of the Selby District Local Plan 2005, policy SP18 of the Selby District Core Strategy 2013 and Paragraph 187 d) of the NPPF.

20. The habitat creation and enhancement measures approved via the deemed biodiversity gain condition for this planning permission shall be completed within the first planting season following completion of the development. Within 3 months of this occurring, a report evidencing it and providing the exact date the enhancements were completed shall be submitted to the Local Planning Authority for approval in writing.

Reason: To ensure biodiversity gain measures are carried out and to enable the Local Planning Authority to accurately measure the 30 year management and monitoring period required for biodiversity net gain in accordance with the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024.

21. No development hereby approved shall commence until the scheme for the disposal of surface and foul water has been submitted to and approved in writing by Local Planning Authority.

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

22. Once approved, the scheme for the disposal of surface and foul water shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use.

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

23. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.

Reason: In the interest of satisfactory and sustainable drainage.

24. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to the means of discharging to the public sewer network at a rate not to exceed 3.5 litres per second.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal.

25. Prior to development (excluding demolition), a site investigation and risk assessment, including a complete gas risk assessment must be undertaken to assess the nature, scale and extent of any land contamination and the potential risks to human health, groundwater, surface water and other receptors. A written report of the findings must be produced and is subject to approval in writing by the Local Planning Authority. It is strongly recommended that the report is prepared by a suitably qualified and competent person.

Reason: To ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination in order to comply with policies ENV1 and ENV2 of the Selby District Local Plan 2005.

26. Where remediation works are shown to be necessary, development (excluding demolition) shall not commence until a detailed remediation strategy has been submitted to and approved by the Local Planning Authority. The remediation strategy must demonstrate how the site will be made suitable for its intended use and must include proposals for the verification of the remediation works. It is strongly recommended that the report is prepared by a suitably qualified and competent person.

Reason: To ensure that the proposed remediation works are appropriate and will remove unacceptable risks to identified receptors in order to comply with policies ENV1 and ENV2 of the Selby District Local Plan 2005.

27. Prior to first occupation or use, remediation works should be carried out in accordance with the approved remediation strategy. On completion of those works, a verification report (which demonstrates the effectiveness of the remediation carried out) must be submitted to and approved by the Local Planning Authority. It is strongly recommended that the report is prepared by a suitably qualified and competent person.

Reason: To ensure that the agreed remediation works are fully implemented and to demonstrate that the site is suitable for its proposed use with respect to land contamination. After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990.

28. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and, if remediation is necessary, a remediation strategy must be prepared, which is subject to approval in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation strategy, a verification report must be submitted to and

approved by the Local Planning Authority. It is strongly recommended that all reports are prepared by a suitably qualified and competent person.

Reason: To ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination in order to comply with policies ENV1 and ENV2 of the Selby District Local Plan 2005.

Target Determination Date: 24.02.2026

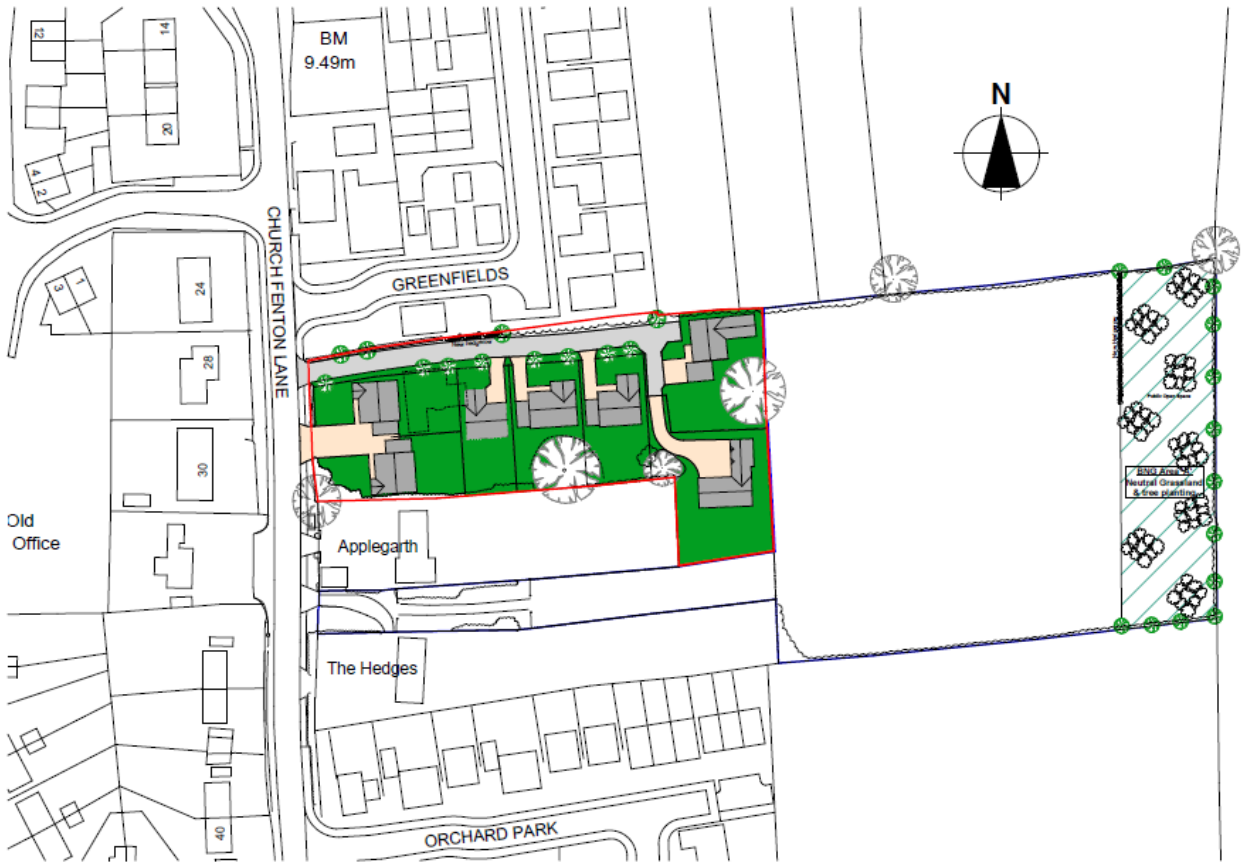
Case Officer: Irma Sinkeviciene

APPENDICES:

Appendix 1: Indicative Site Plan

Appendix 2: Tree Constraint Plan

Appendix 1: Indicative Site Plan



Appendix 2: Tree Constraints Plan

