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**Authority:** Selby District Council

**Type of consultation:** Planning Application

**Full details of application/consultation:**

2020/0502/FULM - Erection of new site utility sheds and garage, new disabled toilet together with 5 No log cabins |

**At land at:** Brickyard Cottages, Riccall Lane, Kelfield,

**Type of response:** Objection

**Date of Submission:** 30<sup>th</sup> September 2020

All responses or queries relating to this submission should be directed to the Secretary for the Trustees at the contact details shown above on this frontispiece.

All CPRE North Yorkshire comments are prepared by the charity using professional planners whose research and recommendations form the basis of this response in line with national CPRE policies.

External planning consultant used in this response:



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## Comment

CPRE North Yorkshire (CPRENY) welcomes the opportunity to comment on the above application.

In February 2019, the Government published an updated version of the National Planning Policy Framework (NPPF). This replaced the original 2012 and the revised 2018 documents. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application should be determined in accordance with the development plan unless material planning considerations indicate otherwise. The NPPF is, therefore, a material consideration which should be taken into account in determining this application.

The planning system should contribute to achieving sustainable development. The NPPF aims to deliver sustainable development through the implementation of its policies. Paragraph 11 sets out the requirements in terms of sustainable development.

Paragraph 213 of the NPPF clarifies that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Weight should be given to them according to their consistency with the NPPF. (The closer the policies in the plan to the policies in the Framework, the greater the weight that should be attributed).

The Development Plan relevant to this application consists of:

- The Selby District Core Strategy Local Plan (adopted October 2013); and
- Saved Policies of the Selby District Local Plan (adopted February 2005).

Paragraph 48 of the NPPF also sets out that decision-takers may also give weight to relevant policies in emerging plans according to (inter alia) "*the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given) and the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework (the closer the policies in the emerging plan to the policies in the framework, the greater the weight that may be given)*". The Council have commenced the production of a new Local Plan having terminated the production of the previous Site Allocations Local Plan. Due to the early stage in preparation, however, no weight can be attributed to this document for the purposes of decision-making.

CPRENY are of the opinion that the information submitted by the applicant is not in conformity with policies in the adopted Development Plan documents or the NPPF, therefore, should be refused.

The application site is situated on Riccall Lane between the settlements of Riccall and Kelfield, measuring approximately 2Ha. Orchard House Care Centre is to the east of the site and Brick Yard Cottages are a row of terraced dwellings to the immediate north of the site. The existing gated vehicular access to the eastern side of the cottages is to be retained and leads to an area of hard standing used for car parking. The large pond on the site, is used for coarse fishing. The proposed utility sheds, disabled toilet and garaging are to be positioned to the west of the site (behind the curtilages of Brick Yard Cottages) to be positioned alongside the car park with the 5 no log cabins positioned facing the lake, adjacent to each other along the western boundary.

The adopted Core Strategy Local Plan shows Riccall as a 'designated service village' in the settlement hierarchy. This means that the Council considers the settlement as being "*capable of accommodating additional limited growth*". Kelfield is a smaller settlement and as such is a 'secondary village with defined Development Limits'. The application site is outwith the development boundary of both settlements, and therefore, for the purposes of planning, is within the open countryside.

Policy SP2 sets the spatial strategy for the district, citing at Point A (b) that: *“Development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13; or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances.”* To satisfy this policy in relation to the proposed development contributing towards the local economy, the proposal must be in accordance with SP13. Section C of this policy offers some support for the proposal as an opportunity for rural tourism and leisure development, however, section D sets out that *“development should be sustainable and be appropriate in scale and type to its location, not harm the character of the area, and seek a good standard of amenity.”* This is helpfully clarified in the supporting text (para 6.38) which explains that *“employment development outside the Designated Service Villages will be carefully assessed against development management, environmental and highways criteria, to ensure proposals are sustainable and considerable weight is attached to safeguarding the character of the area and minimising the impact on existing communities.”*

Saved Policy RT11 from the Selby Local Plan (2005) is still in use and sets out occasions where new tourist accommodation will be permitted outside of development limits: *“1)[...] the proposal would represent the use of either;*

- i) A building of either architectural or historic interest, or;*
- ii) An existing structurally sound building which is suitable for its proposed function without major rebuilding or adaptation, or;*
- iii) An extension to an existing hotel or other form of accommodation;”*

The textual justification to this policy refers to the need for hotel accommodation alongside general ‘tourist accommodation’, therefore, the proposal would fall at the first part of this policy. The textual justification to the policy goes on to state that *“new accommodation will normally be associated with existing development rather than the open countryside. Where an entirely new development is proposed in the open countryside, the need for this location must be proven”* (para. 8.67). No such need at this location has been put forward by the applicant in the planning statement.

Saved Policy RT12 is limited to touring caravan and camping sites so is not relevant to the determination of this application.

The documentation submitted alongside the proposals does not show dedicated parking areas for the log cabins although the application forms sets out that there will be 10 spaces. It is, therefore, assumed that visitors will share the existing car park with fishing visitors. Nor does the Planning Statement submitted in support of the application provide information regarding the operating times of licenses for the pond, as such, it is difficult to ascertain the number of visitors likely to be on site at any one time and thus determine accurately whether there will be a detrimental impact on the residential properties adjacent to the site with reference to noise and air quality. The planning statement sets out that there will be *“no adverse impact upon the existing levels of amenity at neighbouring existing properties”*. However, no assessment has been presented to determine whether this is the case. CPRENY consider that the positioning of utility sheds next to the properties, alongside an increased number of vehicles, increased built footprint will impact on the amenity of residents. The submitted floorplan of the cabin shows one design illustrating two double bedrooms. It is, therefore, assumed that all 5 cabins will be the same, thus potentially allowing for 20 people on site for accommodation purposes plus non-residential visitors to the pond at any given time. Furthermore, it is unclear as to whether 10 car parking spaces is sufficient provision for likely numbers of people.

Whilst the pond is open for fishing, it is assumed (as no information is presented) that this is likely limited to mainly daytime hours. Fishing is a relatively quiet activity and therefore visitors are likely to spread out along

the perimeter of the pond. The presence of 5 log cabins alongside the requirement for utility buildings for maintenance of the pond suggests that noisier activities will occur on site. Furthermore, no information is presented to illustrate whether the log cabins will be available for 12 months of the year of seasonal usage, therefore, it remains unknown as to whether residents will get a break period from potential noise sources.

The fact that the site exists with a curtilage alongside an existing development does not mean that the development of the site is considered acceptable in principle as set out in the applicant's planning statement. The uses of the site and neighbouring land and totally independent of each other and therefore there is no set precedent as the statement seems to incorrectly imply. CPRENY thus refutes the applications conclusion that the proposed development would *"form an integral part of this collection of residential properties."*

The site itself is heavily shrubbed and wooded, particularly in the area to be used by proposed log cabins and sheds. The submitted ecological assessment has not commented on potential habitat loss or surveyed species which may be found on site, other than make comment regarding bats and newts. CPRENY are surprised that an arboricultural assessment has not been completed and suggest that the Local Planning Authority should require one prior to determining the proposal. The applicants have stated in the Planning Statement that *"landscaping on site is established"* and the proposed site plan offers minimal information regarding what is to be retained, although shows area of grassed lawn areas surrounding each log cabin.

*Image 1: extent of shrub/tree-cover to be lost on application site*



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CPRENY does not consider that the proposals are compatible with paragraph 170 of the NPPF which requires decisions to *"contribute to and enhance local environment by minimising impacts on and providing net gains for biodiversity"*, amongst other aspects including *"recognising the intrinsic character and beauty of the countryside"*. The applicant has not considered the impact on the countryside at all in the Planning Statement.

The Planning Statement does not consider any planning policies, other than specifically in relation to a flood risk assessment.

With reference to meeting the requirements of Core Strategy Policy SP13, CPRENY do not consider sufficient information has been submitted to the Council to ascertain that a detrimental impact to both the local residences adjacent to the proposed site or the character of the environment at this location will not be detrimentally impacted. As such, CPRENY consider that the application should be refused.

In conclusion, CPRENY believe that the applicant has submitted insufficient and inadequate information to aid

the determination of this proposal. No evidence has been presented to show that a detrimental harm will not occur because of the proposals on the amenity of nearby residences or the countryside, including biodiversity habitats. Further clarification is required in terms of this impact, hours of operating and on highways matters including car parking. It is considered that the proposals in their current form are contrary to local and national planning policy and therefore should be refused.

CPRENY reserve the right to comment further should additional information or further applications be submitted in relation to this site.