

COMMITTEE REPORT

Date: 5 October 2023 **Ward:** Strensall
Team: East Area **Parish:** Strensall With Towthorpe
Parish Council

Reference: 22/01032/FUL
Application at: BHE Self Storage Self Storage Facility Lambshill
Towthorpe Moor Lane Strensall
For: Change of use of agricultural land to the siting of 118
storage containers (use class B8) - retrospective
By: Mr Simon Dunn
Application Type: Full Application
Target Date: 26 January 2023
Recommendation: Refuse

1.0 PROPOSAL

1.1 Planning permission is sought for the siting of 118 storage containers for use of the site as a self storage facility. The application is retrospective. The application is the result of a Planning Enforcement investigation.

1.2 The site falls within/adjacent to Strensall Common. Access to the site is from Towthorpe Moor Lane. The site has been used as a farm in the past and it appears that some agricultural activities are still ongoing. The site is surrounding by fields. There are dwellings to the north west and there is public access to the land to the north.

1.3 There is no consent for the large amount of hardstanding on site. It is intended that the storage containers would rest on this hardstanding. Officers are aware that the hardstanding was on site in 2015 as such it is outside the 4 year time period for enforcement action. From the site visit it appears that a number of vehicles, caravans etc were also being stored on site.

1.4 The sites is within the general extent of the City of York Green Belt. The site is adjacent to: a Site Of Special Scientific Interest; Special Area of Conservation; Priority Habitat for Lowland Heathland . The site is within the impact zones for Strensall Common Special Area of Conservation (SAC). The site is within Flood Zone 1.

1.5 Former Cllr Doughty has requested that the application be considered by committee when he was a ward Cllr. The request is made on the basis that Government policy has been encouraging diversification in farming. There was a previous planning approval for change of use for storage containers and the applicant should be given the opportunity to state their case for very special circumstances.

1.6 The proposed development does not comprise 'Schedule 1' or 'Schedule 2' 'Schedule 2' development of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

1.7 During the application process revised plans were received proposing a 2.1 metre high timber fence to the north and east boundaries and proposed tree and shrub planting to the north and east boundaries of the site.

1.8 RELEVANT PLANNING HISTORY

17/02175/FUL - Change of use of existing farm building to a secure, self-storage facility for 22 self-storage containers – Approved

17/01690/FUL - Change of use of part of farmyard to self storage facility with 22no. self storage containers – Withdrawn

15/00542/FUL - Erection of agricultural livestock building (resubmission) – Finally Disposed of

14/01468/FUL - Erection of agricultural livestock building – Refused on residential amenity and drainage grounds

11/02872/FUL - Extension to rear of existing farm building – Approved

11/00035/AGNOT - Extension to existing agricultural building – Refused

10/01466/FUL - Agricultural livestock building – Approved

10/01190/AGNOT - Agricultural building - Refused

1.9 RELEVANT APPEAL

22/00939/FUL - Land To The North East Of Roundabout, Wigginton Road, Wigginton, York YO32 2RH - Use of land for a self-storage use with the siting of containers in connection with this use (retrospective) – Refused.

Appeal APP/C2741/W/22/3311678 was dismissed, The Planning Inspector considered that the proposal would be inappropriate development in the Green Belt

and there would be harm to the character and appearance of the area and there were no 'very special circumstances' that outweighed the harm to the Green Belt.

2.0 POLICY CONTEXT

2.1 The Publication Draft York Local Plan (2018)

SS2 The Role of York's Green Belt

D1 Placemaking

D2 Landscape and Setting

GI2 Biodiversity and Access to Nature

G12a Strensall Common Special Area of Conservation (SAC)

GB1 Development in the Green Belt

ENV5 Sustainable Drainage

T1 Sustainable Access

2.2 Please see the Appraisal Section (5.0) of this report for national and local policy context.

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT

3.1 No objections, seek following conditions: provision of customer parking; details of vehicle access, design, and sightlines; required all areas to be used by vehicles to be positively sealed and drained; Access to be improved; turning areas to be provided in accordance with approved plans; method of works statement.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ECOLOGY OFFICER)

3.2 The development will be required to provide biodiversity enhancements; in accordance with Paragraph 174 (d) of the NPPF (2021) to contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures.

3.3 The Block Plan indicates new tree and shrub planting along the north and north east boundaries of the site. It is considered that this new planting would address the requirement for biodiversity enhancements. However, it is unclear whether this planting has yet been undertaken. As this is a retrospective planning application and the majority of the storage facilities are now in place and in use, it is considered that the proposed enhancements should already have been provided in accordance with

Paragraph 174 (d) of the NPPF (2021). Evidence of the proposed planting is therefore required in support of this application.

3.4 Furthermore, as alterations to the central agricultural building have already been carried out, it is unclear if protected species, such as nesting birds, have been impacted. It is therefore recommended that bird nesting boxes and bat roosting boxes are provided within the site boundary. This should include, but not be limited to, four wall mounted nesting boxes suitable for birds that often make use of agricultural buildings – swallows and martins. A further two general purpose bat roosting boxes should be installed in mature trees within the site boundary.

3.5 It is unclear from the information provided whether additional lighting has been installed. It is recommended that the existing and proposed tree lines around the boundaries of the site are left 'dark zones' to ensure they remain attractive to light sensitive species, such as bats. All new bat and bird boxes should not be illuminated by external lighting, to increase the likelihood of use.

3.6 Satisfied with the submitted Habitats Regulations assessment.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ARCHAEOLOGY)

3.7 No comments, do not consider any significant archaeological deposits have been impacted by this change of use.

LEAD LOCAL FLOOD AUTHORITY

3.8 It is not clear how the existing hard paved area is/was drained, therefore prior to determination of the application we require a plan showing the existing and proposed surface material, together with details of the existing and proposed surface water drainage arrangements.

PUBLIC PROTECTION

3.9 A change of use to light commercial use can result in various different activities taking place that may have a greater impact than the proposal of a storage facility. Request following condition: restricted to self-storage facility only. This application is for significantly more units than originally applied for and as during winter the evenings get darker earlier and this site is within a site of special scientific interest, which would mean lighting should be minimal. Request following condition: If external lighting is installed a full Lighting Impact Assessment should be submitted

3.10 Request following condition: hours of operation restricted to 08.00 to 18.00

EXTERNAL CONSULTATIONS

STRENSALL AND TOWTHORPE PARISH COUNCIL

3.11 Object, inappropriate development in the greenbelt, which affects the openness of the greenbelt and there are no special circumstances to justify exemption . In light of the decision to refuse 22/00939/FUL dated 21 July 2022 for thirty- eight containers and the reason for refusal - their impact on the green belt. The Parish Council believes that the Lambshill application should be refused for similar reasons.

POLICE ARCHITECTURAL LIAISON OFFICER

3.12 No objections

FOSS INTERNAL DRAINAGE BOARD

3.13 Object until further drainage details can be provided. The writer has looked at historical images of the site on Google Earth and it appears that before 2016, a lot of the area where the containers are now located had cattle on. The hardstanding then appears to have been constructed around 2017. It is not however clear what drainage (if any) has been put in place. Drawing details should be in accordance with the Planning Practice Guidance hierarchy for the management of surface water.

4.0 REPRESENTATIONS

4.1 No representations have been received.

5.0 APPRAISAL

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York comprises the Poppleton Neighbourhood Plan (2017), Rufforth Neighbourhood Plan (2018), Earswick Neighbourhood Plan (2019), Huntington Neighbourhood Plan (2021), and the Minster Neighbourhood Plan (2022) and the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt. These are policies YH9(C) and Y1 (C1 and C2) which relate to York's Green Belt and the key diagram insofar as it illustrates general extent of the Green Belt. The policies state that the detailed inner and the rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas. The RSS defines the outer boundary of the Green Belt as being "about six miles" (10km) from York city centre. The site is approximately 6.9 km from the city centre.

STRENSALL NEIGHBOURHOOD PLAN

5.2 The Strensall Neighbourhood Plan was adopted in 2023. Full weight can be given to the policies contained in the NP; which is the statutory Development Plan for this application. There are no policies that are relevant to this proposal.

STRENSALL VILLAGE DESIGN STATEMENT

5.3 The village design statement was approved on 3 March 2015 as a draft Supplementary Planning Document (SPD) to the City of York Council's draft Local Plan. The relevant policy is: 4.

PUBLICATION DRAFT YORK LOCAL PLAN (2018)

5.4 The Publication Draft Local Plan 2018 was submitted for examination on 25 May 2018. It has now been subject to full examination. Modifications were consulted on in February and September 2023 following full examination.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

5.5 The planning policies of the National Planning Policy Framework as published are a material consideration in the determination of this planning application. The presumption in favour of sustainable development set out at paragraph 11 of the NPPF does not apply when the application of policies relating to Green Belt, and habitats sites (and those listed in paragraph 181) indicate that permission should be refused.

OPENNESS AND PURPOSES OF THE GREEN BELT

5.6 The NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that, the essential characteristics of the Green Belt are its openness and permanence. The Green Belt serves 5 purposes:

- o to check the unrestricted sprawl of large built-up areas;
- o to prevent neighbouring towns merging into one another;
- o to assist in safeguarding the countryside from encroachment;
- o to preserve the setting and special character of historic towns;
- o and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

5.7 In line with the decision of the Court in *Wedgewood v City of York Council* [2020], and in advance of the adoption of a Local Plan, decisions on whether to treat land as falling within the Green Belt for development management purposes may

take into account the RSS general extent of the Green Belt, the 2005 DCLP, the 2018 Draft Plan, insofar as can be considered against paragraph 48 of the NPPF (2019) and should have regard to site specific features in deciding whether land should be regarded as Green Belt.

5.8 The site is located within the general extent of the York Green Belt as described in the RSS. In addition to the saved policies YH9(C) and Y1 (C1 and C2) of the Regional Spatial Strategy which relate to York's Green Belt, the site is identified as falling within greenbelt in the proposals maps of the Development Control Local Plan (2005) and draft Local Plan (2018).

5.9 The site is not identified in the City of York Local Plan - The Approach to the Green Belt Appraisal (2003) which the Council produced to aid in the identification of those areas surrounding the City that should be kept permanently open. However, whilst this document identifies key important areas, which do not include this site, it leaves large areas of countryside as similarly not being of particular importance and it does not set out that all that remaining land within the extent of the Green Belt is necessarily suitable for development or that it has no Green Belt purpose.

5.10 Additionally, when the site is assessed on its merits it is concluded that it serves two Green Belt purposes, namely assisting in safeguarding the countryside from encroachment and helping to preserve the setting and special character of York. As such, the site should be treated as lying within the general extent of the York Green Belt and the proposal falls to be considered under the restrictive Green Belt policies set out in the NPPF.

5.11 The NPPF (paragraph 147) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 150 of the NPPF allows certain forms of development providing they preserve its openness and do not conflict with the purposes of including land within it, these include material changes of use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds) (e).

5.12 The hardstanding area that the proposal would stand upon does not have planning permission. However from aerial maps officers contend that the hardstanding has been in place for over 4 years and as such is no longer subject to enforcement action.

5.13 Planning Policy Guidance refers to a number of matters that the courts have identified can be taken into account in assessing openness, which include: spatial and visual aspects, duration of the development and remediability, and the degree of activity generated. As such, storage containers where they are substantial in size and/or number and are frequently in the same place or there is a greater degree of regular activity generated can impact on Green Belt openness. The proposed tree

belt in time, would create an element of screening but does not mitigate the impact to the openness of the greenbelt. Spatially, the containers have an effect on the openness of the Green Belt by virtue of their footprint, height and overall massing. the introduction of the containers has reduced the openness of the Green Belt in spatial terms.

5.14 Visually, the mature hedgerow along the boundary with the highway does provide an element of screening to views from the south. However, the containers remain prominently visible through gaps in the trees from west. Furthermore, they remain fully visible from the north. The 2.1 metre high close boarded timber fence that has been erected to the northern boundary of the development is of a domestic appearance and appears jarring and incongruous in this location, it provides a solid barrier which draws attention to the proposed development. The development is considered to significantly reduce openness in visual terms. The development has resulted in a loss of both spatial and visual openness of the Green Belt.

5.15 The fundamental purpose of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The concept of 'openness' in this context means the state of being freed from development, the absence of buildings, and relates to the quantum and extent of development and its physical effect on the site. The proposal gives rise to harm to the green belt by reason of inappropriateness which should not be approved except in very special circumstances. Additionally, the proposal would result in harm to the openness and permanence of the Green Belt. It also conflicts with the Green Belt purposes of preventing encroachment into the countryside. The NPPF states that local planning authorities should ensure that substantial weight is given to any harm to the green belt. 'Very special circumstances' will not exist unless the potential harm to the green belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Whether very special circumstances exist is assessed at paragraphs [5.30 – 5.37] below.

HABITATS REGULATIONS

5.16 A Habitats Regulations Assessment (HRA) refers to the several distinct stages of Assessment which must be undertaken in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) to determine if a plan or project may affect the protected features of a habitats site before deciding whether to undertake, permit or authorise it. European Sites identified under these regulations (such as Strensall Common) are referred to as 'habitats sites' in the NPPF.

5.17 The National Planning Policy Guidance (NPPG) sets out that all planning applications 'which are not directly connected with, or necessary for, the conservation management of a habitat site, require consideration of whether the plan or project is likely to have significant effects on that site. This consideration –

typically referred to as the 'Habitats Regulations Assessment screening' – should take into account the potential effects both of the plan/project itself and in combination with other plans or projects. Where the potential for likely significant effects cannot be excluded, a competent authority must make an appropriate assessment of the implications of the plan or project for that site, in view of the site's conservation objectives. The competent authority may agree to the development only after having ruled out adverse effects on the integrity of the habitats site. Where an adverse effect on the site's integrity cannot be ruled out, and where there are no alternative solutions, the development can only proceed if there are imperative reasons of overriding public interest and if the necessary compensatory measures can be secured.

5.18 The applicants have submitted a shadow screening assessment during the application process. The Ecology Officer has advised they are satisfied with the report. The application was considered in light of the assessment requirements of regulation 63 of the Conservation of Habitats and Species Regulations 2017 by City of York Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations. Having carried out a 'screening' assessment of the project, the competent authority has concluded that the project would not be likely to have a significant effect on any European site, either alone or in combination with any other plans or projects (in light of the definition of these terms in the 'Waddenzee' ruling of the European Court of Justice Case C – 127/02) and an appropriate assessment is not therefore required.

BIODIVERSITY

5.19 Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. Paragraph 174 of the NPPF requires planning decisions to contribute to and enhance the natural and local environment by, inter alia, minimising impacts on and providing net gains for biodiversity. Draft Local Plan (2018) policies reflect this advice in relation to trees, protected species and habitats.

5.20 If the development is considered acceptable the biodiversity enhancement required by the Ecology Officer could be sought via a condition.

HIGHWAYS

5.21 The NPPF encourages development that is sustainably located and accessible. Paragraph 110 requires that all development achieves safe and suitable access for all users. It advises at paragraph 111 that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Further, paragraph 112 requires development to, inter alia, give priority first to

pedestrians and cycle movements and create places that are safe, secure and attractive thereby minimising the scope for conflicts between pedestrians, cyclists and vehicles. Policy T1 of the 2018 draft Local Plan supports the approach of the NPPF in that it seeks the safe and appropriate access to the adjacent adopted highway, giving priority to pedestrians and cyclists.

5.22 The supporting information states the proposed development generates in the region of 30 – 35 car and van movements to and from the site on a daily basis. The Highways team have confirmed that they have no objections however they do require improvements to the access with Towthorpe Moor Road.

VISUAL AMENITY AND CHARACTER

5.23 Chapter 12 of the NPPF gives advice on design, placing great importance to that design of the built environment. In particular, paragraph 130 of the NPPF states that planning decisions should ensure that development, inter alia, will add to the overall quality of the area, be visually attractive, sympathetic to local character and history and have a high standard of amenity for existing and future users. This advice is reflected in Policies D1 and D2 of the 2018 Draft Local Plan and, therefore, these policies can be given weight.

5.24 Unable to consider the extensive hardstanding which is immune to enforcement action. The open location, set apart from the village would make the storage containers more apparent. The change in the character and appearance would sit at odds with its immediate context and would detract from the rural context of the surrounding area. The proposals could not be integrated satisfactorily into the landscape without some erosion of its rural character or coalescence of development that would undermine the prevailing open character and appearance.

5.25 The agent has confirmed that no external lighting is proposed or required for the proposed business. It is noted at the site visits that flood lights had been attached to the building which are typical if it was an agricultural operation. Any further lighting would potentially result in illumination beyond the natural pattern of development and would be atypical and out of character. If the development is considered acceptable it is considered necessary to condition that details any further lighting are submitted to the CYC to ensure a sensitive lighting scheme given the green belt location, the potential impact to ecology and the occupants of the nearby housing.

RESIDENTIAL AMENITY

5.26 The NPPF seeks a good standard of amenity for all existing and future occupants, and that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are sympathetic to local character and history, including the surrounding built

environment and landscape setting. Policies D1 and ENV2 of the 2018 Draft Local Plan seek to ensure that development proposals do not unduly affect the amenity of nearby residents in terms of noise disturbance, overlooking, overshadowing or from overbearing structures.

5.27 The proposal (subject to conditions for a lighting scheme) is unlikely to impact on the amenity of the occupants of the nearby dwellings.

DRAINAGE

5.28 The NPPF requires that suitable drainage strategies are developed for sites, so there is no increase in flood risk elsewhere. Publication Draft York Local Plan (2018) Policy ENV5 (Sustainable Drainage) advises that discharge from new developments should not exceed the capacity of receptors and water run-off should, in relation to existing runoff rates, be reduced.

5.29 The proposal would stand on extensive area of hardcore, the compaction of which would make it impermeable which would be exacerbated by the siting of the storage units. As previously mentioned the hardstanding area is now immune from planning enforcement action, whilst the submitted information states that the hardstanding may drain to a soakaway/underground/pipe, insufficient details have been provided to demonstrate that a soakaway would be suitable in this location, or that the hardstanding area has formal drainage. The site is adjacent to Strensall Common, the Habitats Regulations Assessment for the Local Plan sets out that Common is particularly vulnerable to changes to the local hydrological regime. Therefore, on the basis of the lack of information, officers are unable to assess if the proposed method of drainage is acceptable in this location.

ASSESSMENT OF THE CONSIDERATION OF VERY SPECIAL CIRCUMSTANCES

5.30 Paragraphs 147-148 of the NPPF advise that permission should be refused for inappropriate development in the Green Belt unless other considerations exist that clearly outweigh the potential harm to the Green Belt and any other harm so as to amount to very special circumstances. Substantial weight is to be given to any harm to the Green Belt in the balancing exercise.

5.31 The agent contends that the development is not inappropriate development in the Green Belt. However the agent has put forward the following considerations in support of the application:

- Applicant could use the containers for agricultural storage and would not require planning permission

5.32 The agent contends that the development could be undertaken as permitted development and this should be considered a fall-back position.. The application is for containers for commercial storage, not agricultural storage and the application is judged on this basis. Officers would question whether the scale of farming activities on the site would require this extent of storage. In addition if the applicant required that level of agricultural storage we would not be assessing an application for the change of use for the majority of the agricultural yard and one of the agricultural buildings to be used for domestic/commercial storage. Officers do not consider that the use of 118 containers for agricultural storage is a realistic fall-back. Therefore this is considered to have limited weight and does not amount to the very special circumstances necessary to justify the proposed development.

- The development is a sustainable form of development.

5.33 The agent advises that the business customers are mainly from the local area (Strensall, Wiggington, and Haxby), although no details were submitted to confirm this statement. It is accepted that users of storage containers are realistically likely to access the site via vehicle rather than public transport. However similar considerations would apply to many other locations not within the Green Belt and therefore this is considered to have limited weight and does not amount to the very special circumstances necessary to justify the proposed development.

- By being sited on a working farm this provides security for the storage units

5.34 Storage unit businesses usually have security in place whether that is typically in the form of someone on site or CCTV. It was noted at the site visit that the site did have CCTV. The location of the units on a farm is not considered to infer any additional security that would be typical on non-green belt locations. The security of the site is considered to have no weight and does not amount to the very special circumstances necessary to justify the proposed development.

- Farm diversification, the storage business financially subsidises the environmental stewardship of the Common and the City Strays

5.35 The NPPF sets out that decisions should enable the development and diversification of agricultural business. Para 85 sets out that it will be important to ensure that development is sensitive to its surroundings. Policy EC5 (Rural Economy) of the Draft Local Plan (2018) supports appropriate farm and rural diversification activity. As set out above sections it is not considered that the development is sensitive to its surroundings. The agent advises that 1600 acres/647 ha at Strensall and 300 acres/121 ha of the Strays in York are farmed from this site. From the proposed plans it would appear that an agricultural shed and an area of hardstanding (outside of the red line of the application) would be used for the agricultural business. The diversification for the agricultural business is considered

to have moderate weight, however it is not considered that the farm diversification outweighs the harm to the Green Belt and the other specified harms set out above.

5.36 The agent advises that BHE Self Storage has created one full-time job and two part-time jobs since it commenced operations. It is not clear if this from the application site or in combination with their other site near Helmsley. However, such a benefit would arise from any similar development in a different location and therefore would have limited weight and would not amount to very special circumstances necessary to justify the proposed development.

5.37 Therefore, in light of the lack any benefits of the development identified by the applicant or by officers that would either individually or collectively clearly outweigh the harm to the Green Belt by reason of inappropriate development, harm to openness of the Green Belt and harm to two of the purposes of the Green Belt and the harm to visual amenity and character and the lack of drainage information, it is considered that the very special circumstances necessary to justify the proposal do not exist. In this assessment substantial weight is given to the harms to the Green Belt in accordance with paragraph 148 of the NPPF.

PUBLIC SECTOR EQUALITIES DUTY

5.38 Section 149 of the Equality Act 2010 contains the Public Sector Equality Duty (PSED) which requires public authorities, when exercising their functions, to have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

5.39 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

5.40 The PSED does not specify a particular substantive outcome, but ensures that the decision made has been taken with “due regard” to its equality implications.

5.41 Officers have given due regard to the equality implications of the proposals in making its recommendation. There is no indication or evidence (including from consultation on this application) that any equality matters are raised that would outweigh the material planning considerations.

6.0 CONCLUSION

6.1 The application site is located within the general extent of the York Green Belt and serves two of the Green Belt purposes set out in the NPPF - protecting the countryside from encroachment and to preserve the setting and special character of the city. As such it falls to be considered under paragraph 147 of the NPPF which states inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm are clearly outweighed by other considerations. National planning policy dictates that substantial weight should be given to any harm to the Green Belt.

6.2 In addition to the harm to the Green Belt by reason of inappropriateness, it is considered that the proposal would have a harmful effect on the openness of the Green Belt when one of the most important attributes of Green Belts are their openness, and that the proposal would undermine the Green Belt purposes. Substantial weight is attached to the harm that the proposal would cause to the Green Belt. The harm to the Green Belt is added to by the harm to visual amenity and character, and the lack of drainage information identified in this report.

6.3 It is not considered that there are benefits arising from the proposal that clearly outweigh these harm so as to amount to very special circumstances necessary to justify an exception to Green Belt policy.

7.0 RECOMMENDATION: Refuse

1 The application site is within the general extent of the Green Belt as set out in Policy Y1 of The Yorkshire and Humber Plan - Regional Spatial Strategy. In accordance with paragraph 147 of the National Planning Policy Framework (NPPF), the proposed development constitutes inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The proposal conflicts with the essential characteristics of Green Belts (their openness and their permanence) and the purposes of including land within the Green Belt by resulting in encroachment of development into the countryside, and to preserve the setting and special character of the city.

The Local Planning Authority has concluded that there are no other considerations that clearly outweigh the harm to the Green Belt and other harms (visual amenity and character, sustainable drainage) when substantial weight is given to the harm to the Green Belt. Very special circumstances do not exist to justify the proposal. The proposal is therefore contrary to Section 13 of the National Planning Policy Framework and policy YH9 of the Yorkshire and Humber Plan and also conflicts with Publication Draft York Local Plan (2018) Policy GB1 Development in the Green Belt).

2 The change in the character and appearance would sit at odds with its immediate context and would detract from the rural context of the surrounding area. The proposals could not be integrated satisfactorily into the landscape without some erosion of its rural character or coalescence of development that would undermine the prevailing open character and appearance. The 2.1 metre high close boarded timber fence that has been erected to the northern boundary of the development is of a domestic appearance and is considered jarring and incongruous in this location. Therefore, it is considered that the proposal would unacceptably harm the character and appearance of the area and fails to take the opportunities available for improving the character and quality of an area and would not respect or enhance the local environment, and therefore would conflict with Section 12 of the National Planning Policy Framework and Policies D1(Placemaking) and D2 (Landscape and Setting) of the Publication Draft Local Plan 2018 which similarly expect proposals to respect or enhance the local environment.

3 Insufficient information has been submitted with the application to demonstrate that an acceptable means of surface water drainage can be achieved in this location. As such the proposed development would conflict with paragraph 167 of the NPPF which states that Local Planning Authority should ensure that flood risk is not increased elsewhere. In addition, by virtue of the lack of information the proposal conflicts with Policy ENV5 (Sustainable Drainage) of the Publication Draft Local Plan (2018), Section 4.1.c of the City of York Council Strategic Flood Risk Assessment (2013), the City of York Council Sustainable Drainage Systems Guidance for Developers (2018), and Section 14 of the NPPF. It is not considered that these matters could reasonably be addressed through the imposition of planning conditions.

8.0 INFORMATIVES: Notes to Applicant

1. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- Requested additional information

Contact details:

Case Officer: Victoria Bell

Tel No: 01904 551347