

COMMITTEE REPORT

Date: 8 February 2024 **Ward:** Strensall
Team: East Area **Parish:** Strensall With Towthorpe
Parish Council

Reference: 23/02117/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 104 storage
containers (use class B8) - retrospective (resubmission)

By: Mr Simon Dunn
Application Type: Full Application
Target Date: 10 January 2024
Recommendation: Refuse

1.0 PROPOSAL

1.1. Planning permission is sought for the siting of 104 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. The application has been called in by Councillor Healey on 8th December 2023.

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 surrounded by agricultural 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.

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. 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.

1.6. An application for 118 storage containers at this site was presented to Planning Committee A on 5th October 2023. The application was refused as recommended by the Planning Officer on the following grounds;

- Inappropriate development in the Green Belt
- Lack of very special circumstances
- Landscape harm
- Insufficient information regarding drainage.

1.7. Since the previous refusal, the following changes and additional information has been provided within this current application:

- The number of containers on site has been reduced by 14 (The Planning Statement states these were to be removed at the end of December 2023). The containers proposed to be removed are located close to the western boundary.
- Additional planting is to be undertaken to the boundaries (The Planning Statement states this was being undertaken mid November 2023).
- Further details of the farming operation and the impacts of loss of subsidies to the business.

1.8. The additional site history is also relevant:

- 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. There is a relevant, recent appeal on a site in Wigginton (22/00939/FUL - Land to The North East Of Roundabout, Wigginton Road, Wigginton, York YO32 2RH). This sought the use of land for a self-storage use with the siting of containers in connection with this use (retrospective). It was refused and dismissed on appeal (APP/C2741/W/22/3311678). 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. The Inspector emphasised that “Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”

2.0 POLICY CONTEXT

NATIONAL PLANNING POLICY FRAMEWORK

2.1. The revised National Planning Policy Framework (NPPF) was published in December 2023 and sets out the government’s planning policies for England and how these are expected to be applied.

2.2. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (section 38(6) Planning and Compulsory Purchase Act 2004).

2.3. The Statutory Development Plan for the City of York comprises the saved policies and key diagram of the otherwise revoked Yorkshire and Humber Plan Regional Spatial Strategy (2008) and any made Neighbourhood Plan.

2.4. 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 indicate that permission should be refused.

PUBLICATION DRAFT LOCAL PLAN (DLP 2018)

2.5. The Publication Draft Local Plan 2018 was submitted for examination on 25th May 2018. The examination is still ongoing with additional hearings expected to take place in early 2024. The Draft Plan policies can be afforded weight in accordance with paragraph 48 of the NPPF. Draft policies relevant to the determination of this application are:

SS2 – The Role of York’s Green Belt

DP2 – Sustainable Development

D1 – Placemaking

D2 – Landscape and Setting

GI2 - Biodiversity and Access to Nature

G12a - Strensall Common Special Area of Conservation (SAC)

ENV2 – Managing Environmental Quality

GB1 - Development in the Green Belt

ENV5 - Sustainable Drainage

T1 - Sustainable Access

STRENSALL NEIGHBOURHOOD PLAN

2.6 The Strensall Neighbourhood Plan (NP) 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 within the Neighbourhood Plan that are relevant to this proposal.

STRENSALL VILLAGE DESIGN STATEMENT

2.7 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: Policy 4.

3.0 CONSULTATIONS

INTERNAL

CYC Archaeologist

3.1 Do not wish to impose any archaeological condition.

CYC Ecologist

3.2 Natural England need to be consulted.

3.3 It is noted that section 6.14 of the Planning Statement highlights that 'the drainage system remains the same' with no increase in the yard area and subsequently no increase in surface water run-off. The Ecologist however notes with previous applications for this development, questions around whether water would be discharged into the drain alongside Towthorpe Moor Lane. Requests more information around drainage and discharge, as this will need to be assessed within the HRA.

CYC Landscape Architect

3.4 No objections to the proposed (retrospective) development. It is noted that some perimeter planting is already in place.

CYC Public Protection

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3.5 No objections.

CYC Flood Risk Management Team

3.6 The scheme has not changed and not had any further info/details as per the request in July 2023. It is not clear how the existing hard paved area is/was drained, therefore prior to determination we require a plan showing how the existing and proposed surface material, together with details of the existing and proposed surface water drainage arrangements.

CYC Highways

3.7 Requested further information;

- Submit drawings with customer parking – this should be able to accommodate large vehicles, with it being a self-storage facility;
- Turning within the development;
- Parking hardstand material and drainage;
- Widened site access – two vehicles should be able to pass each other at the site entrance; and
- Visibility splay.

EXTERNAL

Foss Internal Drainage Board

3.8 Hardstanding appears to have been constructed around 2017. It is not clear what drainage (if any) has been put in place. The IDB object to the application until further drainage details can be provided.

3.9 Following the submission of an email and drainage plan from the Applicant, the Foss IDB have updated their comments:

3.10 Strictly on the basis that the yard surface remains the same as when it was first installed in 2010 and no further drainage/pipework has been/is being installed, the Board will remove their previous objection. If the yard is extended or the material of the yard's surface changes, the Applicant would need to contact the IDB.

North Yorkshire Police

3.11 No concerns or issues to raise.

Parish Council

3.12 There are no significant changes to the previous application. The development is harmful to the greenbelt and there are no very special circumstances. The Parish Council fully supports City of York Councils decision 22/01032/FUL.

Natural England

3.13 No objection. Natural England considers that the proposed development will not have significant adverse impacts on designated sites.

3.14 Natural England notes that the HRA has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions.

4.0 REPRESENTATIONS

4.1 The application has been advertised via Site Notice and neighbour notification letter. One third party letter of support received from the MOD Senior Estates Surveyor on the following grounds;

- The applicant has been a Ministry of Defence (MOD) tenant farmer at Lambshill Strensall since 1994.
- In this time with the support of Natural England and the MOD the status of Strensall Common SSSI has been enhanced by the applicant so that it is recognised as one of the most special lowland heaths not only in this country but also Europe.
- With the new policy on farm support and the corresponding reduction of the basic payment scheme coming into effect and leading to the total removal by 2027 the MOD is encouraging its tenant farmers to consider diversification opportunities as a means of supplementing income lost.
- With the increase in costs for agricultural inputs and the disappearance of farm support, concerns regarding the long-term future for farming especially on marginal land such as Strensall Common need to be addressed.
- Against this background the diversification opportunity should be considered as a positive benefit to support farm income which will assist with maintaining the long-term management of Strensall Common. The site for the containers is a surfaced yard which is relatively well screened from the common and the highway. A lease agreement for the use will be put in place by the MOD to ensure the site is managed and controlled by the applicant to meet all current standards and obligations.

5.0 APPRAISAL

Key Issues

5.1. The key issues are as follows:

- Principle and Green Belt
- Visual Amenity and Impact on Landscape Character
- Ecology and Biodiversity
- Highways
- Residential Amenity
- Drainage
- The Case for Very Special Circumstances
- Public Sector Equalities Duty

PRINCIPLE AND GREEN BELT

Policy

5.2. 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.

5.3. Paragraph 143 of the NPPF states that 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.

5.4. 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 and should have regard to site specific features in deciding whether land should be regarded as Green Belt.

5.5. 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).

5.6. 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.

5.7. Additionally, when the site is assessed on its merits it is concluded that it serves two Green Belt purposes as set out in paragraphs 143(c) and (d), 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 and within policy GB1 of the Draft Local Plan (2018).

Assessment

5.8. The relevant local policy is GB1 and the relevant paragraphs of the NPPF are 152 and 155. A Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt unless it meets one of the exceptions set out in paragraph 154 of the NPPF. The proposal does not meet any exceptions set out in paragraph 154.

5.9. Certain other forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it as set out in paragraph 155 of the NPPF . The proposal does not meet any exception set out in paragraph 155.

5.10. The development is classed as inappropriate development in the Green Belt, which 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, is clearly outweighed by other considerations. Whether very special circumstances exist is assessed at paragraphs 5.33 – 5.35 below.

5.11. Turning to the impact on the Green Belt and openness, 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 development and remediability and the degree of activity generate.

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. 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 generate can impact on Green Belt openness. Whilst the proposed landscaping would in time create some element of screening, this would not mitigate the impact to the openness of the Green Belt. 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. The reduction in the number of containers by 14no. (from the previous refusal) does not mitigate against the harm identified above.

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 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 free from development, the absence of buildings, and relates to the quantum and extent of development and its physical effect on the site. The proposal would undoubtedly 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.

VISUAL AMENITY AND IMPACT ON LANDSCAPE CHARACTER

Policy

5.16. Chapter 12 of the NPPF gives advice on design, placing great importance to that design of the built environment. In particular, paragraph 135 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.

Assessment

5.17. The Local Planning Authority are unable to consider the extensive hardstanding which is immune to enforcement action as a result of the 4 year time limit set in section 171B of the Town and Country Planning Act 1990. The open location, set apart from the village 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.

5.18. The proposal 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 2.1m high fence is uncharacteristic in this setting. The Planning Statement states further planting is proposed (in addition to that proposed previously) however this is not shown on the plans.

5.19. It is considered that lighting may result in illumination beyond the natural pattern of development and may be atypical and out of character. Further lighting may also impact on local biodiversity and residential amenity. In the event the application were to be approved, this element could be controlled by condition to ensure a suitable lighting scheme is submitted and approved by the Local Planning Authority.

ECOLOGY AND BIODIVERSITY

Policy

5.20. Paragraph 180 of the NPPF requires planning decisions to contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Policies GI2 and GI4 of the Draft Local Plan (2018) reflect this advice in relation to trees, protected species and habitats.

5.21. 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.

5.22. 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 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 over-riding public interest and if necessary compensatory measures can be secured.

Assessment

5.23. The Applicant has submitted a report to inform a Habitats Regulations Assessment (dated September 2022) by Wold Ecology. The report is based on the previous application for 118no. containers.

5.24. The Ecologist requested additional information regarding drainage and confirms the application requires a Habitats Regulations Assessment and that Natural England need to be consulted. Natural England confirmed they had no objections. At the time of writing this report, the Ecologist had not yet provided an updated response following Natural England's comments. Members will be updated at committee.

HIGHWAYS

Policy

5.25. The NPPF encourages development that is sustainably located and accessible. Paragraph 114 of the NPPF requires that all development achieves safe and suitable access for all users. It advises at paragraph 115 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 116 requires development to 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.

5.26. Policy T1 of the Draft Local Plan (2018) supports the approach in the NPPF in that it seeks the safe and appropriate access to the adjacent adopted highway, giving priority to pedestrians and cyclists.

Assessment

5.27. The Planning Statement states the business (including the previously approved use of the shed for storage purposes) generates in the region of 30-35 car and van movements to and from the site on a daily basis. The Planning Statement argues the local highway network has been shown to be capable of accommodating this traffic over the years the site has been operating for storage purposes.

5.28. For this application the Highways Officer recommended further details be provided. In the previously refused application the Highways Officer had no objections but required improvements to the access with Towthorpe Moor Road. In the event this application were to be approved, these details could have been conditioned.

RESIDENTIAL AMENITY

Policy

5.29. 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.

Assessment

5.30 The proposal (subject to a lighting condition) is unlikely to impact on the residential amenity of the occupants of the nearby dwellings.

DRAINAGE

Policy

5.31 The NPPF requires that suitable drainage strategies are developed for sites, so there is no increase in flood risk elsewhere. Policy ENV5 of the Draft Local Plan (2018) 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.

Assessment

5.32 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. The Agent has submitted a drain map which states all surface water drains into the underground pipe network. The Flood Risk Management have reviewed the submission and note insufficient information has been submitted as it is still unclear regarding the surface material, pipe sizes, depths and where it ultimately drains too. Additionally insufficient details have been provided to demonstrate that a soakaway would be suitable in this location or that the drainage in place is formal.

5.33 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.

THE CASE FOR VERY SPECIAL CIRCUMSTANCES

5.34 Paragraphs 152-153 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.

5.35 The identified harm arising from the proposal is as follows:

- The proposal is inappropriate development in the Green Belt which is harmful by definition.
- There is a clear spatial and visual harm to the openness of the Green Belt.

- The development fails to protect the countryside from encroachment and to preserve the setting and special character of the city.
- The use will ultimately lead to a change in the character of the site, including increased traffic/parking, increased volume of people visiting/working at the units and general landscaping associated with the use.
- Landscape harm due to the change in the character and appearance of the area, arising from the storage units and boundary treatments, which would sit at odds with its immediate context and would detract from the rural context of the surrounding area. The proposal leads to the erosion of its rural character or coalescence of development that would undermine the prevailing open character and appearance.
- Inadequate drainage scheme presented which may have potential implications on the drainage network and local ecology.

5.36 The Agent concludes that the proposal is not inappropriate development in the Green Belt, however has also put a case forward of very special circumstances as set out within 5.14 – 5.23 of the Planning Statement. It is noted the Planning Statement is expanded upon from the previous refusal. The following case for very special circumstances has now been put forward;

a) Farm diversification scheme

- The Basic Payment Scheme for farmers is due to be phased out by 2027. The Government states farmers must adapt and not be reliant on subsidies.
- The applicant farms land in York under strict Conservation grazing principles, including for the MOD and CYC. The applicant farms Strensall Common and Worlds End for the MOD (572ha) and parcels of land in CYC ownership (117.85ha). The subsidy payment for the York conservation grazing came to approximately £138,000 per annum. When faced with the loss of these subsidies, the Applicant needed to diversify and created a self storage business.
- Customers like the security and familiarity of storing their goods and belonging on a working farm.
- Passive and active security.
- High demand locally and the business has been a success.
- After paying rent and business rates the storage business generates £108,000 per annum (replacing the money from lost subsidies).

b) Sustainable form of development

- Reduces the need for local people and businesses to travel to meet their storage needs. The containers are re-purposed, second hand containers

purchased from a local supplier. More sustainable than erecting a building for storage purposes.

c) Farming of Strensall Common and the Strays of York

- The storage business subsidises the environmental stewardship of the Common and Strays financially.
- In operational terms, due to the potential for problematic interaction of members of the public with a military training area and livestock, a farm employee is needed at Lambs Hill 24 hours a day in order to respond to issues such as dogs worrying cattle or sheep, livestock escapes etc. The income created by the storage business pays for this member of staff.

D) Fall – back

- The entire site could be filled with agricultural storage (such as bales of silage, machinery, straw storage etc) without the need to apply for planning permission and that if the containers were filled with agricultural materials, they would be considered permitted development.

5.37 In response, the Local Planning Authority notes the following;

- In relation to very special circumstance A and C, the NPPF sets out that decisions should enable the development and diversification of agricultural business. Paragraph 89 of the NPPF 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 subject to.
- Moderate weight is attached to the diversification of the farm business, however it is not considered that the farm diversification outweighs the harm to the Green Belt and the other specified harms set out above. Additionally planning permission lies with the land, rather than the applicant, further raising concerns that the benefits (conservation farming in York) could not be secured in the event this application were to be approved and the application site sold to a third party.
- Employment generation (for a scale of development such as this) would be fairly limited and the economic benefits would arise from any similar development in a different (non-green belt) location and therefore carries limited weight and would not amount to very special circumstances necessary to justify the proposed development.
- In relation to very special circumstance B, the agent advises that the customers are from the local area, 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.

- Limited weight is given to the re-purposing of the storage units, especially given that they could instead be re-purposed in non-green belt locations.
- In response to very special circumstance D, 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 104 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

5.38 To conclude on these matters and in light of the lack of any benefits of the development identified 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, 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 harm to the Green Belt in accordance with paragraph 153 of the NPPF.

PUBLIC SECTOR EQUALITIES DUTY

5.39 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 relevant protected characteristic and persons who do not share it.

5.40 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 the 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.

5.41 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.

5.42 Officers have given due regard to the equality implications of the proposals in making this 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 seeks the change of use of agricultural land for the siting of 104 storage containers (use class B8) to be used as a self storage facility at Lambshill on Towthorpe Moor Lane in Strensall. The proposal is retrospective. This is a revised application following a recent refusal for 118 storage containers at this site (refused on green belt grounds, landscape grounds and insufficient drainage information).

6.2 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 152 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.

6.3 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 of the landscape and the lack of drainage information identified in this report.

6.4 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. Refusal is therefore recommended on three grounds.

7.0 RECOMMENDATION: Refuse

1 The application site is within the general extent of the Green Belt. In accordance with paragraph 152 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 (adverse impact on landscape character and visual amenity and insufficient drainage information) 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 NPPF and policy GB1 of the Draft Local Plan (2018).

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 NPPF and

Policies D1 and D2 of the 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 173 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 of the 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:

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