

Key points for comments

Background

Planning law requires that planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The starting point is therefore the policies contained within the adopted development plan:

- Selby District Core Strategy Local Plan¹ (CSLP - adopted October 2013); and
- The saved policies of the Selby District Local Plan² (SDLP - adopted February 2005).

Just because a development plan is 'old', does not mean it can be disregarded.

Material planning considerations include national planning policy and guidance:

- National Planning Policy Framework³; and
- National Planning Practice Guidance⁴.

Emerging draft development plans can be material considerations, but the weight that can be given to them depends on a number of things, including on how far through the process of preparation they are and the level of objection to the proposals within them. Given the council did not submit the draft Selby Local Plan for examination and is proposing to hold another consultation on an amended draft Local Plan very limited weight (if any) should be given by the council to the proposals within the last draft of the plan.

Planning considerations

Issues such as loss of a view, impact on property values of legal issues such as rights of access, are not matters that the council can take into account of when determining planning applications. Planning issues include:

- Overlooking/loss of privacy
- Loss of light or overshadowing
- Insufficient or too much parking
- Highway safety
- Traffic levels/ road capacity
- Noise
- Negative effects on listed buildings
- Layout and density of building
- Design, appearance and materials
- Disabled persons' access
- Previous planning decisions (including appeal decisions)
- Impact on the natural environment e.g. important habitats and species and landscape impact.

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https://www.northyorks.gov.uk/sites/default/files/fileroot/planning_migrated/planning_policy/CS_Adoption_Ver_OCT_2013_REDUCED.pdf

² <https://www.northyorks.gov.uk/planning-and-conservation/planning-policy/planning-policy-your-local-area/selby-planning-policy/selby-development-plan/selby-district-local-plan-2005/selby-district-local-plan-part-1>

³ <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

⁴ <https://www.gov.uk/government/collections/planning-practice-guidance>

Main objection reasons relevant to both applications

- The former Selby district area can demonstrate over 5 years' worth of housing land supply⁵ therefore the current housing policies contained in the development plan are not out of date and must be given full weight in the assessment of the planning applications.
- Principle of residential development outside the defined development limits. (Conflicts with the requirements of the development plan - CSLP policies SP2 and SP5).
- The developments would result in disproportionate additions to the village and when added to the level of development that has taken place in recent years, would result in too high a level of housing growth that was proposed for the village. (Conflicts with the requirement of CSLP policies SP2 and SP5).
- The size of the proposed developments does not reflect the character of the village and its setting, extending development into the open countryside. (Conflicts with CSLP policies SP18 and SP19, SDLP policies ENV15, ENV20 and ENV21).
- Lack of ability for new residents to access key services/ facilities and employment by means other than the private car. (Conflicts with CSLP policy SP19 and SDLP policy T9).
- Need for residential development to be served by the required infrastructure e.g. school places and health care provision (CSLP policy SP12 and SDLP policy CS6).

Additional planning issues for Gateforth Lane

- Highway safety – proximity to the primary school and two nurseries and impacts at school drop off and pick up times. Limited visibility from the junction with the A63. (Conflicts with CSLP policy SP19, SDLP policies ENV1 and T1).

Additional planning issues for Manor Farm

- Impact of the proposed access on the setting of the grade II listed Garth House – national planning policy requires any harm to, or loss of, the significance of a designated heritage asset, including that within its setting, to have clear and convincing justification.
- Highway safety – inadequate access for a major housing development. (Conflicts with CSLP policy SP19 and SDLP policies ENV1 and T1).

⁵ <https://democracy.selby.gov.uk/documents/s17124/Report%202022-2027%20Five%20Year%20Housing%20Land%20Supply%20Report.pdf>