



Appeal Decision

Site visit made on 24 May 2023

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 13 October 2023

Appeal Ref: APP/N2739/W/22/3311830

Hall Lane Stables, Hall Lane, Church Fenton, Tadcaster LS24 9RN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
- The appeal is made by Mr S Hudson and Ms R Harrison against the decision of Selby District Council.
- The application Ref 2021/0840/DOC, dated 7 July 2021, sought approval of details pursuant to condition No 2 of a planning permission Ref 2019/0564/FUL granted on 6 February 2020.
- The application was refused by notice dated 24 May 2022.
- The development proposed is discharge of conditions 02 (manure) of approval 2019/0564/FUL Section 73 application to vary condition 11 (number of horses) of permission 2009/0565/FUL (allowed on appeal 01 April 2011) for the erection of 3 blocks of 7 No. stables with tack room, erection of indoor riding area, construction of outdoor riding area and vehicle park and siting of a mobile home.
- The details for which approval is sought are a manure management plan.

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Nigel and Sarah Chester against Selby District Council¹. This application is the subject of a separate decision.

Procedural Matters

3. Planning permission was refused² and then granted on appeal³ on 1 April 2011 for 'erection of 3 blocks each of 7 loose boxes and tack/feed room; erection of indoor riding arena with lean-to for hay and bedding storage; construction of outdoor riding arena and vehicle park and use of land for siting residential caravan, in connection with the establishment of a horse livery and training centre'. Subsequently an application⁴ was submitted to vary condition 11 (number of horses) of 2009/0565/FUL which had limited the number of horses stabled at the site to 21, to not exceeding 27 (hereafter the S73 permission).

This application was approved and condition 2 of the permission required:

'A Manure Management Plan shall be submitted to and approved in writing by the Local Planning Authority within three months of the granting of this

¹ Since 1 April 2023, Selby District Council has become part of the new unitary authority of North Yorkshire Council.

² 2009/0565/FUL

³ APP/N2739/A/10/2134309

⁴ 2019/0564/FUL

permission. The submitted information shall include the following details:

- Frequency of disposal to storage facility and removal off site of manure and soiled bedding.
- Maximum volume of manure and soiled bedding to be stored within the facility at any time.
- Control of odour and flies.

Any works for such storage and disposal shall be completed within 6 months or a timescale to be agreed with Selby District Council and subsequently maintained in accordance with the approved details. No storage of manure and soiled bedding shall take place outside of the storage area approved under this condition.

Reason: To ensure that appropriate facilities are provided for the storage and removal of waste at the site in the interests of the amenity of surrounding occupiers and to preserve the character and appearance of the area in accordance with the requirements of policy ENV1 of the Selby District Local Plan.'

4. This appeal relates to the submission and agreement of required details pursuant to the condition imposed. It is not for me to reconsider the merits of the S73 permission, the wording of the condition or whether the condition is necessary. In this case, however, there is a dispute over the basis of the siting of the proposed manure heap, which appears on the evidence before me to be on land outside the red line boundary of the S73 permission.
5. The proposal to lay a concrete base, surrounded by a low upstand on the site of an existing manure storage area is operational development. This would be within the blue line, not the red line boundary of the approved site location plan associated with the S73 permission. There is, however, no planning permission for operational development outside 'the site', defined by the red line boundary. Therefore, I must dismiss the appeal on that basis and the proposal is refused.

Other Matters

6. The appellant has provided details of the planning history of the site as it effects the siting of the manure heap following the original grant of planning permission. A manure management plan and the operational use of such has been submitted. In addition, the views of the Environment Agency, which were sought by the appellant, have been provided, and the role and advice of various Council staff and advisers. Notwithstanding this, as the submitted details fall beyond the scope of the developable site as defined by the site location plan, the planning merits of this case cannot be considered.

Conclusion

7. For the reasons given above, I conclude that the appeal is dismissed.

M J Francis

INSPECTOR