

APPLICATION NO: F/YR22/0390/F

SITE LOCATION: Land North of 5-7 Askham Row

UPDATE

A further letter has been received stating that further domestic paraphernalia has been added to the site including a bench, fencing and ornamental planting.

The letter also states that the fencing erected does not class as permitted development as under Schedule 2, Part 2 of the 1995 Order, development rights are foregone as the use on site is unauthorised as stated within paragraph 3 (5) (b) of the GDPO:

The permission granted by Schedule 2 does not apply if—

- (a) in the case of permission granted in connection with an existing building, the building operations involved in the construction of that building are unlawful;*
- (b) in the case of permission granted in connection with an existing use, that use is unlawful.*

Officer response

The introduction of further domestic paraphernalia on site further contributes to the encroachment of the proposed domestic garden into the open countryside. As detailed within the officer report, the domestic garden area will urbanise the open countryside to the significant detriment of the character and visual amenity of the area. The introduction of such would also set a precedent which would result in the creation of further cumulative harm on the open countryside.

It is not clear from the further letter where the additional fencing is located however it should be noted that a 1.5 metre post and rail fence has been detailed on the submitted site plan enclosing the application site.

Resolution: No change to the recommendation which is to refuse the application as per Section 11 of Agenda item 15 on page 230.