

Application Reference Number:	2024/0984		
Application Type:	Full		
Proposal Description:	Erection of agricultural building		
Location:	Land to east of Cat Hill Lane, Hoylandswaine, Barnsley		
Applicant:	Mrs Rachel Smith		
Third-party representations:	34 from three rounds of consultation	Parish:	Penistone
		Ward:	Penistone East

Summary:

This planning application seeks full planning permission for the erection of an agricultural building to the east of Cat Hall Lane in Cat Hill, Hoylandswaine.

The site falls within Green Belt as allocated by the adopted Local Plan. Development comprising the erection of an agricultural building in the Green Belt is considered appropriate development in the Green Belt.

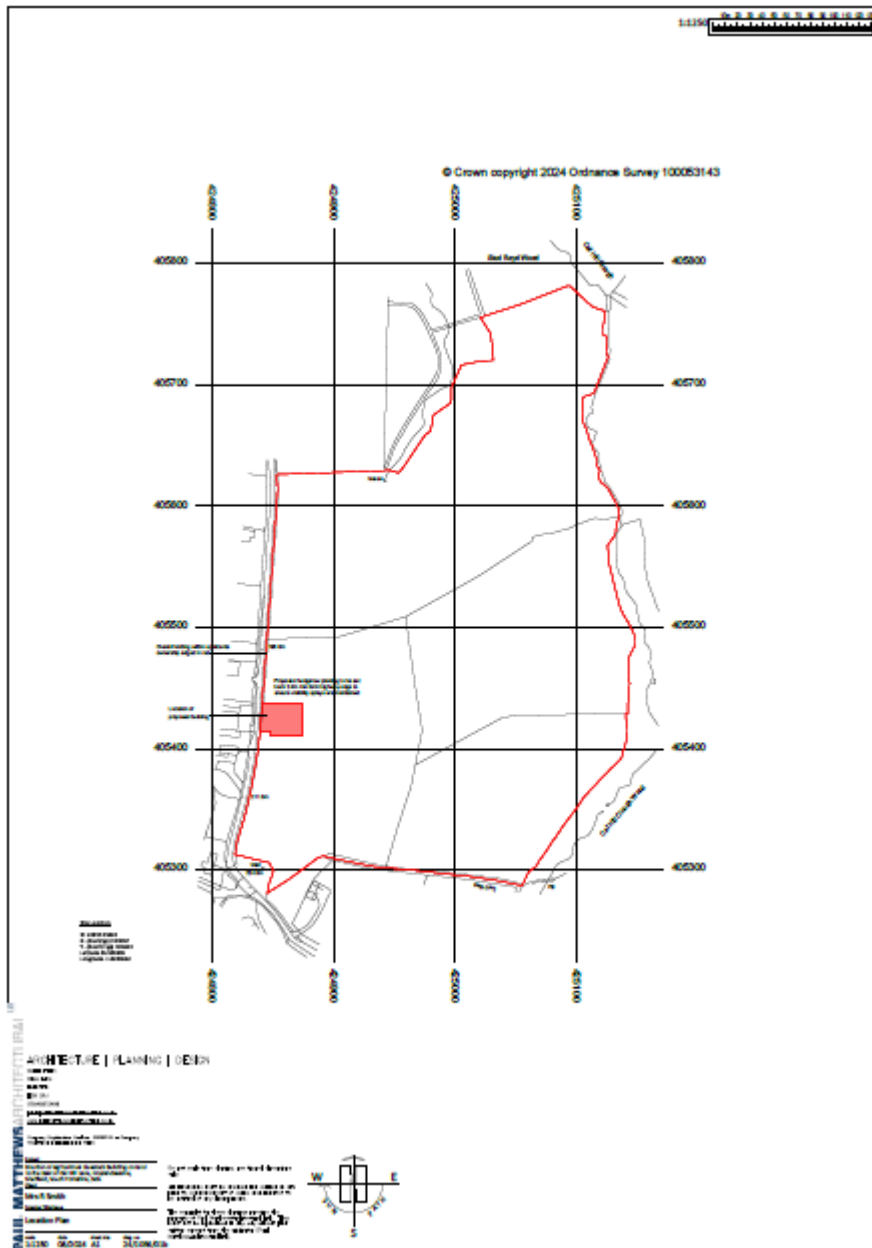
The proposal would not significantly harm visual amenity, residential amenity, flood/drainage risk and highway safety and is therefore recommended for approval and is considered acceptable in policy terms. Under the provisions of the National Planning Policy Framework (NPPF), the application is considered to be an acceptable and justified form of development within the Green Belt.

Recommendation:

Approve subject to conditions

Site Description

The site is located in a rural area on the outskirts of Cat Hill, Hoylandswaine to the east of Cat Hill Lane adjacent Cat Hill Farm. The site is accessed via a gate from Cat Hill Lane. The land connected with the site extends to approximately 27.5 acres and is in sole ownership of the applicant. The site slopes away from the road to the north. Cat Hill Clough and an area of mature woodland is set to the east. Dwellings are present on Cat Hill Lane to the west of the site.



Proposed Development

The applicant seeks permission for the erection of an agricultural building to measure 12.4 meters by 18.3 meters with a total height of 5.25 metres. The materials used will be concrete panels with timber Yorkshire Boarding and profile sheeting (olive green). The roof covering will be profile steel sheeting (albatross gey) with a solar array.

Justification and a business description have been submitted in support of the proposal as part of the planning statement with some sections picked out below:

Relevant Policies

The Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Barnsley consists of the Barnsley Local Plan (adopted January 2019). The Local Plan review was approved at the full Council meeting on 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering its objectives. This means no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review. The next review is due to take place in 2027 or earlier if circumstances, require.

Local Plan Allocation – Green Belt

To the extent that development plan policies are material to an application for planning permission the decision on the application must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004).

In reference to this application, the following policies are relevant:

Policy SD1: Presumption in favour of Sustainable Development – States that proposals for development will be approved where there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents. Development will be expected to be compatible with neighbouring land and will not significantly prejudice the current or future use of neighbouring land. Policy GD1 below will be applied to all development.

Policy GD1: General Development – Development will be approved if there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents. Development will be expected to be compatible with neighbouring land and will not significantly prejudice the current or future use of neighbouring land.

Policy D1: High quality design and place making – Development is expected to be of a high-quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and other features of Barnsley.

Policy GB1: Protection of Green Belt - Green Belt will be protected from inappropriate development in accordance with national planning policy

Policy BIO1: Biodiversity and Geodiversity – Development will be expected to conserve and enhance the biodiversity and geological features of the borough.

Policy Poll1: Pollution Control and Protection – Development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air, surface water and groundwater, noise, smell, dust, vibration, light or other pollution which would unacceptably affect or cause a nuisance to the natural and built environment or to people.

Policy T4: New Development and Transport Safety – New development will be expected to be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement.

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance

In December 2024, The Government published a revised National Planning Policy Framework ("NPPF") which is the most recent revision of the original Framework, published first in 2012 and

updated a number of times, providing the overarching planning framework for England. It sets out the Government's planning policies for England and how they are expected to be applied.

The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions. This revised document has replaced the earlier planning policy statements, planning policy guidance and various policy letters and circulars, which are now cancelled.

Central to the NPPF is a presumption in favour of sustainable development which is at the heart of the framework (paragraph 10) and plans and decisions should apply this presumption in favour of sustainable development (paragraph 11). The NPPF confirms that there are three dimensions to sustainable development: economic, social and environmental; each of these aspects are mutually dependent. The most relevant sections are:

- Section 2 - Achieving sustainable development
- Section 4 - Decision making
- Section 6 - Building a strong, competitive economy
- Section 12 - Achieving well-designed places
- Section 13 - Protecting Green Belt land

In respect of this application, relevant paragraphs include:

Paragraph 88: Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses;

Paragraph 153: Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 154: Development in the Green Belt is inappropriate unless one of the following exceptions applies:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in

continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.

h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- i. mineral extraction;
- ii. engineering operations;
- iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;
- v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

Furthermore, the National Design Guidance (2019) is a material consideration and sets out ten characteristics of well-designed places based on planning policy expectations. A written ministerial statement states that local planning authorities should take it into account when taking decisions.

Supplementary Planning Documents:

In line with the Town and Country Planning (Local Planning) (England) Regulations 2012, Barnsley has adopted twenty eight Supplementary Planning Documents (SPDs) following the adoption of the Local Plan in January 2019. The most pertinent SPD's in this case are:

- Biodiversity

The adopted SPDs should be treated as material considerations in decision making and are afforded full weight.

Consultations

The LPA's Biodiversity Officer was consulted and raised no objections subject to conditions.

The LPA's Forestry Officer was consulted and raised no objections.

Highways Development Control (DC) were consulted and raised no objections subject to conditions.

Highways Drainage were consulted and raised no objections.

Penistone East Ward Councillors were consulted and objected to the application for the following summarised reasons;

- Concentration of agricultural buildings in the locality
- Development being in the Green Belt
- Development not in keeping with the locality
- Visual impacts of the development

Penistone Town Council were consulted and raised no objections.

Pollution Control were consulted and raised no objections subject to conditions.

Public Rights of Way were consulted and raised no objections subject to an informative.

Yorkshire Water were consulted and raised no objections subject to conditions.

Representations

The application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015. Neighbour notification letters were sent to surrounding properties, and a site notice erected at the site.

36 objections were received from three rounds of public consultation. It is noted some of the objections are from the same residence as well as one individual with multiple objections from multiple addresses.

These objections have been summarised below with the following being material planning considerations. Repeat objections and points have not been counted numerically and only each new point summarised below.

- Access
- Agricultural waste
- Building out of place with locality
- Building will be highly prominent
- Drainage impacts
- Earthworks
- Encroachment into countryside
- Green Belt
- Height of development would be greater than presented
- Highly prominent location
- Highway safety
- Impact on the highway
- Impact on listed buildings
- Impact on pedestrians
- Impact on PROW
- Impact on visual amenity
- Inconsistencies in use of building
- Lack of business case
- Lack of screening
- Land is established for grazing
- Land will need to be levelled
- Large area of hardstanding will be needed
- Light pollution
- Loss of privacy
- Materials out of character
- Mains water supply
- Muck heaps
- Need for the building
- No excavation into the hillside
- Noise and disturbance
- Other access available on the site
- Openness
- Overlooking

- Parking
- Plans are misleading
- Proposal equates to a working farm
- Proximity to neighbouring properties
- Size and scale too large
- Surface water
- Visibility of building
- TPO trees
- Traffic intensification
- Water contamination
- Water storage
- Wildlife and natural habitats

Further points that were raised that are not material planning considerations are below.

- Animal welfare
- Applicant is not local
- Building could be used as an indoor equine arena
- Connection with neighbouring addresses
- Consultation not long enough
- Historic use of the land
- Horses kept on the land currently
- Importing of construction materials
- Intention to develop livery gallops
- Land is unfit for purpose
- Loss of view
- Near a natural spring
- No geotechnical assessment
- Not notified of application
- Property values
- Rights of access
- Security
- Solar panels
- Trees and shrubbery around the fields have been cut back
- Unsightly fencing

Assessment

The main issues for consideration are as follows:

- The acceptability of agricultural development
- The impact on visual amenity and the character of the area and Green Belt
- The impact on neighbouring residential properties
- The impact on the highway network and highways standards
- The impact on drainage
- The Impact on ecology

For the purposes of considering the balance in this application the following planning weight is referred to in this report using the following scale:

- Substantial
- Considerable
- Significant
- Moderate

- Modest
- Limited
- Little or no

Principle of Development

The site is located within an area designated as Green Belt where the construction of certain new buildings is classed as inappropriate development which, by definition, is harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight is given to any harm to the Green Belt and very special circumstances do not exist unless the potential harm to the Green Belt and any other harm is clearly outweighed by other considerations. One of the exceptions to this are buildings for agricultural purposes which this development would fall into and as such the building would not be classed as inappropriate development in this circumstance. This weighs significantly in favour of the proposal.

Local Plan Policy GB1 states that the Green Belt will be protected from inappropriate development in accordance with the NPPF to which paragraph 154 of the NPPF states that, amongst others, buildings for agricultural purposes are considered appropriate development within the Green Belt. Paragraph 154 does not require an assessment on the impact of openness as to whether it would be classed as inappropriate or not. The agricultural use is therefore acceptable in principle, subject to design, size and location. This weighs significantly in favour of the proposal.

Paragraph 88 of the NPPF also states that planning policies and decisions should enable: ‘the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, new buildings and the development and diversification of agricultural and other land-based rural businesses’.

Justification has been submitted in support of the proposal as part of the planning statement. The building will be used for livestock housing (sheep/lambs) and for the storage of hay (winter supplement feed). Some straw (bedding) for lambing and over wintering will be bought in and also stored internally within the proposed building. The applicant has an established agricultural business and the building will be used to shelter livestock and for lambing purposes and is therefore justified. This weighs moderately in favour of the proposal.

Design, Visual Amenity and Impact upon the Green Belt

Local Plan Policy D1 states that *“development is expected to be of high-quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and features of Barnsley”*. The proposed building is of a simple traditional agricultural style construction akin to the other modern agricultural buildings around the borough.

The design and materials are considered to fit in well with the rural landscape. The proposed building is a purpose-built agricultural design with partially open sides, constructed of stone with a sheet roof. The elevations are to be clad with Yorkshire Timber Boarding. The building is of a similar size to other agricultural buildings in the area and is limited in size and height to what is necessary for the agricultural operations on what is a large site.

The location of the barn would be visible from public viewpoints and will have some prominence within the street scene of Cat Hill Lane however this is not deemed to have a significantly detrimental impact. Whilst the barn would be prominent in the open landscape, the access is existing and given the proposed use of the building it is not considered to have a harmful impact upon the openness of the Green Belt. It is noted that although agricultural buildings and residential dwellings are located in the immediate street scene these are to the west of Cat Hill Lane unlike the proposed building which is to the east. The proposed building would be the only building in the viewpoint from Cat Hill Lane however as noted above the agricultural building is of typical construction.

A number of objectors have raised concerns about the visual impact of the development, and have provided plans and a report raising concerns over its visual impact. The proposed building would be in a field that doesn't currently have any significant buildings on it. The agent has positioned the building next to an existing access to avoid the need for a long access track to be built on the field which would impact on its character. The building is also on the opposite side of the road from an existing barn and other buildings so when viewed from the east it would have the backdrop of these buildings to help assimilate it into its surroundings. The barn would be visible from the road due to its proximity to it but it would be mainly vehicular traffic that would see it as there are no formal footways along the road and the traffic would see other similar agricultural buildings in this vicinity. In terms of public rights of way the nearest one is to the south of the site approximately 100m away from the proposed building. The land level for the public right of way is also higher than the application site so, due to the distance and land levels, views from this public right of way would not be significantly affected. Concerns have also been expressed about whether there is a need for a high platform or a larger area to accommodate the building. These concerns have been put to the agent who has confirmed that the floor slab will be more or less at ground level and that the scheme can be built within the red edge application site. The agent has also shown proposed planting within the site to aid a softening of the building. These factors can all be controlled by suitable conditions.

Agricultural buildings such as the one proposed, are a feature of the rural landscape and it is considered that the proposed building would not have any significant detrimental impact upon the character or visual amenities of the Green Belt or the surrounding area. As discussed above they are an acceptable use in the Green Belt as defined by the NPPF and the Local Plan. The proposal is therefore acceptable in terms of visual amenity and impact upon the Green Belt, in accordance with policies GB1 and D1 of the Local Plan.

Residential Amenity and Pollution Control

The building is located approximately 36 meters from the nearest residential properties to the northwest and southwest; it is therefore considered that the location of the barn would be located a sufficient distance from the nearest residential properties to not significantly impact on the amenity of these residents. This is largely because the proposed agricultural building is located approximately 26 metres away from the closest other agricultural building located directly adjacent the highway. This building is located in between the closest residential properties. Therefore, the precedent for agricultural buildings in this residential setting has already been set. It is also noted this is a sparse residential setting with the closest other residential properties being located over 100 metres away. This weighs significantly in favour of the proposal.

Pollution Control have not objected to the application and have requested a condition in relation to muck piles to reduce their impact. In terms of animal waste and smells, the site is set in a rural location where agricultural operations are expected and are already existing, the building is set away from neighbouring dwellings which have closer agricultural buildings so this should not cause any significant impact in accordance with Local Plan Policy POLL1. This weighs moderately in favour of the proposal.

Highways Safety

There will be little impact upon highway safety. During the course of the application the proposed agricultural building was relocated within the site which resulted in the proposed means of access also being changed; it is now proposed to utilise an alternative existing access point some 100 metres plus further north along Cat Hill Lane. Within the vicinity of this proposed access, Cat Hill Lane has a generally straight horizontal alignment which affords greater visibility than the previously proposed means of access, the change is therefore welcomed from a highways point of view.

As per the previous proposals, the means of access includes the provision of a compacted crushed stone access track which would serve the agricultural building. The proposed section of hedgerow along the Cat Hill Lane site frontage is to be set back a minimum of 2.4 metres from the edge of

public highway in order to retain the current level of visibility. In view of the above, the proposals are considered acceptable from a highway's perspective, and the proposal is deemed acceptable regarding highways safety. This weighs significantly in favour of the proposal.

Drainage

The location of the building was moved at the start of the application process due to comments from Yorkshire Water. With regard the amended location and drainage of the site and flooding, Highways Drainage and Yorkshire Water have been consulted and have no objections. The building is located within Flood Zone 1 where there is the lowest probability of flooding, therefore there should not be any significant impact upon drainage or flood risk from the proposed building. This weighs significantly in favour of the proposal.

Ecology

The applicants have provided a biodiversity assessment as part of their submission. There are no TPO trees affected by the proposal and, subject to the standard Biodiversity Net Gain Assessment, the Council's biodiversity officer is satisfied the proposal would not have a detrimental impact on wildlife or ecology at the site.

Planning Balance and Conclusion

For the reasons given above, and taking all other matters into consideration, the proposal complies with the relevant plan policies and planning permission should be granted subject to necessary conditions. Under the provisions of the NPPF, the application is considered to be an acceptable and justified form of development within the Green Belt which supports an existing agricultural use. The proposal would not significantly harm the openness of the Green Belt, visual amenity, residential amenity, flood/drainage risk and highway safety and is therefore recommended for approval.

Recommendation

Approve subject to conditions

Justification

STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015

In dealing with the application, the Local Planning Authority has worked with the applicant to find solutions to the following issues that arose whilst dealing with the planning application:

- Re-location of the agricultural building
- Biodiversity discussions

Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering objections, the determination of the application and the resulting recommendation. It is considered that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home and his correspondence.