

Application Reference Number:	2025/0153.
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Application Type:	<i>Full.</i>
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Proposal Description:	<i>Demolition of existing dwelling (retrospective) and erection of 1no. detached dwelling with integral garages (custom/self-build).</i>
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Location:	<i>Hirst Cottage, Chapel Lane, Billingley, Barnsley, S72 0HZ.</i>
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Applicant:	<i>Mr Michael Soar.</i>
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Third-party representations:	<i>X9 Objections.</i>	Parish:	<i>Billingley.</i>
		Ward:	<i>Darfield.</i>

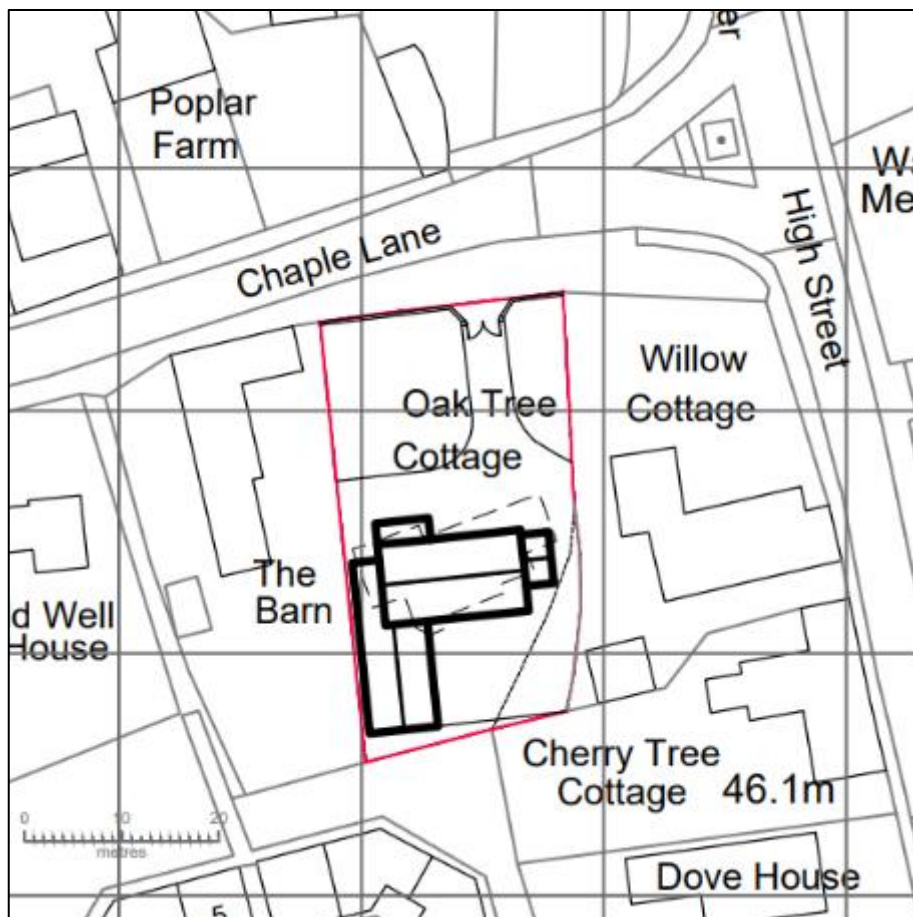
<p>Summary:</p> <p>The applicant is seeking retrospective planning permission for the demolition of the previous dwelling house.</p> <p>The applicant is seeking planning permission for the erection of a new detached dwellinghouse with integral garages.</p> <p>Having balanced all relevant material planning considerations, while objections have been received in respect of the proposal, it is considered that concerns have been appropriately addressed through the information and amendments provided. Great weight is attributed to conservation of the Billingley Conservation Area in accordance with paragraph 212 of the NPPF despite the less than substantial harm caused as a result of the unauthorised demolition of the previous dwellinghouse. However, the proposal would secure and reinstate the optimum viable residential use of the development site with a sympathetic design comprising appropriate scale and massing and appearance and materials and would likely result in acceptable potential impacts regarding residential amenity, visual amenity and green belt, highway safety, trees and biodiversity subject to any necessary conditions. The proposal is therefore considered to be in accordance with paragraphs 210(c), 219 and 154(d) of the NPPF as well as Local Plan Policies GB1, HE1, HE3, HE4, D1, GD1, POLL1, T4 and BIO1, and sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The collective weight attributed to these elements is considered to outweigh any potential disbenefits and departure from Local Plan Policy GB2 and the total loss of the previous dwellinghouse.</p> <p>Consequently, for the reasons given above, and taking all other matters into consideration, planning permission should be granted subject to any necessary conditions.</p> <p>Recommendation: Approve subject to conditions.</p>

Site Description

This application relates to a large plot located on the south side of Chapel Lane close to the junction with High Street and is in the Green Belt and in the Billingley Conservation Area at the southern end of the village. This location is the historic core of the village as evidenced by the position of various historic buildings in the vicinity which includes the grade II-listed Poplar Farmhouse to the north, the grade II-listed Manor House to the east, and the grade II-listed Billingley Hall to the south-east. There is an unlisted War Memorial surrounded by iron railings in the road at the junction of Chapel Lane with High Street, and there are other historic but unlisted buildings within the locality. Many of these buildings show evidence of alteration and extension, but the historic significance and group value of them is clear.

The development site previously accommodated a two-storey detached dwellinghouse constructed of stone with a pitched slate roof. The west side of the dwellinghouse had been historically extended as approved by application B/88/0565/HR. The east side of the front elevation of the dwellinghouse benefits from a small porch extension. The dwellinghouse had also been extended to the rear, with the extension having an asymmetrical design also adjoining a rear conservatory. The dwellinghouse was fronted by a large garden with an existing driveway and turning head. The development site is bounded by a stone wall with highway trees beyond. The development site is largely level but is set below neighbouring dwellings on Well Lane Court.

The previous dwellinghouse has since been demolished and the development site cleared following the approval of various works under application 2024/0467. The demolition of the previous dwellinghouse was unauthorised.



Planning History

B/88/0565/HR	Extension to dwelling and erection of private garage.	Approved.
2024/0467	Removal of existing porch to north elevation and installation of new ground floor window with alterations to existing first-floor windows, removal of existing rear conservatory and extension and erection of new two-storey rear extension and single storey side and rear extension with alterations to existing roof, including increase in height, conversion of existing integral garage to habitable space, and raise height of front boundary wall and gate (Amended Plans and Description).	Approved.

Proposed Development

The applicant is seeking retrospective planning permission for the demolition of the previous dwelling house.

The applicant is seeking planning permission for the erection of a new detached dwellinghouse with integral garages.

The proposed dwellinghouse would measure approximately 10.6 metres (L) x 17.7 metres (W) x 8.1 metres (H) with an eaves height of approximately 5.0 metres.

The proposed dwellinghouse would feature an eastern projection with a height of approximately 7.0 metres. It would also feature a single storey rear (southern) projection measuring approximately 11.6 metres (L) x 6.7 metres (W) x 4.4 metres (H) with an eaves height of approximately 2.5 metres. The rear projection would form a double attached garage. There would also be a modest front (northern) projection with a height of approximately 3.5 metres and an eaves height of approximately 2.4 metres

The proposed dwellinghouse would be constructed of natural coursed stonework and natural stone ashlar heads, cills and quoins. The pitched and gable pitched roofs would be constructed of natural blue slate. Doors and windows would be aluminium and there would be two conservation roof lights to the rear.

The proposal also includes retrospective works to increase the height of the northern boundary wall and vehicular access gates and the erection of an eastern boundary wall with infill fence panels that were also previously approved.



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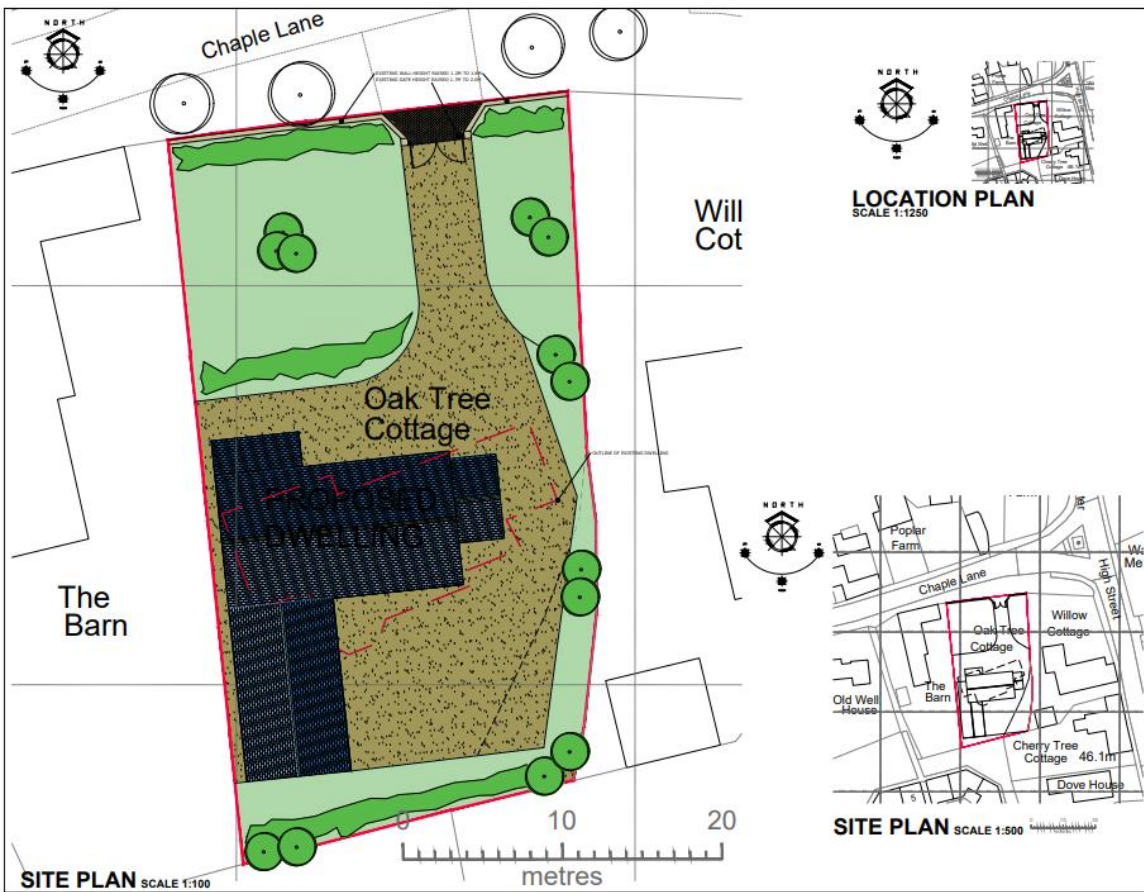
Project:
OAK TREE COTTAGE (HIRST COTTAGE)
CHAPLE LANE
BILLINGLEY
S72-0HZ

Client:
MR M. SOAR

Date:
AUG 2025

Scale:
AS INDICATED

Rev:
2025/114 01 B



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Relevant Policies

The Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires development 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 a full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering on 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, which is due to take place in 2027, or earlier, if circumstances require it.

The development site is allocated as Green Belt in the adopted Local Plan and is located within the Billingley Conservation Area. The following Local Plan policies are relevant in this case:

- *Policy SD1: Presumption in favour of Sustainable Development.*
- *Policy GB1: Protection of Green Belt.*
- *Policy GB2: Replacement, extension and alteration of existing buildings in the Green Belt.*
- *Policy HE1: The Historic Environment.*
- *Policy HE2: Heritage Statements and General Application Procedures.*
- *Policy HE4: Developments affecting Historic Areas or Landscapes.*
- *Policy H4: Residential Development on Small Non-allocated Sites.*
- *Policy D1: High quality design and place making.*
- *Policy GD1: General Development.*
- *Policy POLL1: Pollution Control and Protection.*
- *Policy T3: New Development and Sustainable Travel.*
- *Policy T4: New Development and Transport Safety.*
- *Policy BIO1: Biodiversity and Geodiversity.*

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

In December 2024, the Government published a revised NPPF which is the most recent revision of the original Framework, first published in 2012 and updated several times, providing the overarching planning framework for England. The NPPF 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. The 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 (paragraph 10) and plans and decisions should apply this presumption in favour of sustainable development (paragraph 11). There are three dimensions to sustainable development: economic, social and environmental; each of these aspects are mutually dependent. The following NPPF sections are relevant in this case:

- *Section 2: Achieving sustainable development.*
- *Section 4: Decision-making.*
- *Section 5: Delivering a sufficient supply of homes.*
- *Section 9: Promoting sustainable transport.*
- *Section 12: Achieving well designed places.*
- *Section 13: Protecting Green Belt land.*
- *Section 15: Conserving and enhancing the natural environment.*
- *Section 16: Conserving and enhancing the historic environment.*

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 this guidance into account when taking decisions.

Supplementary Planning Guidance

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 following SPDs are relevant in this case:

- *Biodiversity and Geodiversity (Adopted March 2024).*
- *Design of Housing Development (Adopted July 2023).*
- *Heritage Impact Assessment (Adopted May 2019).*
- *Parking (Adopted November 2019).*
- *Trees and Hedgerows (Adopted May 2019).*
- *Walls and Fences (Adopted May 2019).*

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

Planning (Listed Buildings and Conservation Areas) Act 1990

- *Section 16: Decision on application.*
- *Section 66: General duty as respects listed buildings in exercise of planning functions.*
- *Section 72: General duty as respects conservation areas in exercise of planning functions.*

Other material considerations

- *South Yorkshire Residential Design Guide 2011 (SYRDG).*
- *Billingley Conservation Area Appraisal.*

Representations

This application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015 (as amended).

Any neighbour sharing a boundary with the site has been sent written notification and the application has been advertised on the Council website.

A total of eight representations were received from seven addresses during the original consultation stage comprising eight objections.

A 21-day re-consultation exercise was undertaken due to amended plans, amended application form and change to Agent.

A site notice was posted nearby expiring 05th December 2025 and a press notice was used expiring 12th December 2025.

A total of six representations were received from four addresses during the re-consultation process. The representations comprised six objections.

A total of four addresses responded to both the original consultation and the re-consultation.

The concerns raised are summarised as follows:

- Impact on residential amenity through overshadowing and loss of light, loss of outlook and privacy, and increased noise and disturbance and light spill.
- Impact on visual amenity through significant harm to the character and appearance of the property and conservation area.
- Impact on visual amenity through an increasingly modern appearance.
- Impact on biodiversity.
- The proposal sets and undesirable precedent.
- The building should not have been demolished and should be re-built as it was.
- Application defects.
- Insufficient details on drainage strategy.
- Concerns regarding how the project is being managed with no signage or safety equipment.
- Behaviour of individuals.
- Party Wall Act.

While all concerns are acknowledged only those which are material planning considerations can be taken into account.

The Party Wall Act is not a material planning consideration and is a civil or legal matter.

Whether or not it is felt that the proposal sets an undesirable precedent is not a material planning consideration as each application is considered on its own merits.

Drainage would be considered during future regulatory stages (Building Regulations Approval).

Concerns regarding the management of the project such as no provision of signage or appropriate safety equipment is not a material planning matter but are covered by other relevant legislation.

The behaviour of individual(s) while concerning cannot be controlled by the local planning authority and is therefore, not a material planning consideration.

Consultations

Local Ward Councillors	<i>No comment(s) received.</i>
Biodiversity Officer	<i>No objection(s) subject to condition(s).</i>
Conservation Officer	<i>No objection(s) subject to condition(s).</i>
Forestry Officer	<i>No objection(s) subject to condition(s).</i>
Highway Drainage	<i>No objection(s).</i>
Highways Development Control	<i>No objection(s) subject to condition(s).</i>
Public Rights of Way (PROW)	<i>No objection(s) subject to informative(s).</i>
Yorkshire Water Services Ltd	<i>No comment(s) received.</i>

Planning Assessment

For the purposes of considering the balance in this application, the following planning weight is referred to in this report using the following scale unless the NPPF establishes a specific weight:

– Substantial

- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little or no

Principle of Development and Green Belt Assessment

The applicant is seeking retrospective planning permission for the demolition of the previous dwelling house.

The applicant is seeking planning permission for the erection of a new detached dwellinghouse with integral garages.

This application follows the approval of various works under application 2024/0467. This permission became void following the unauthorised demolition of the previous dwellinghouse. Contact with the Applicant and Agent from the Local Planning Authority and Planning Enforcement ensued. A formal planning application was submitted, and various proposal iterations were considered. Ultimately, the proposals were considered unacceptable. Consequently, the Applicant sought the services of a new Agent, and a new amended proposal was submitted which is under consideration.

Paragraph 153 of the NPPF states that when considering any planning application(s), LPAs should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. 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 resulting harm is outweighed by other considerations.

Paragraph 154(d) of the NPPF sets out that development in the Green Belt is inappropriate unless one of the following exceptions applies: the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

The original building is shown most clearly on a 1960 OS map. Due to the absence of further detailed historical records, the original floorspace is taken to be approximately 168.25m² measured externally over two storeys.

The resulting floorspace of the proposal approved under application 2024/0467 was approximately 369.23m². While this would have resulted in more than a doubling of the original building contrary to Local Plan Policy GB2, the extent in which the limit would have been exceeded was by approximately 32.73m² or 19%. As such, the proposal approved under application 2024/0467 was not considered to result in disproportionate additions in accordance with paragraph 154(c) of the NPPF.

The resulting floorspace of the current proposal would be approximately 367.27m². While this would also result in more than a doubling of the original building contrary to policy GB2, the extent in which the limit would be exceeded would be approximately 30.77m² or 18%. Given that the resulting floorspace of the current proposal would be less than previously approved under application 2024/0467, it is not considered that the proposal would not result in a new building that would be materially larger than the one that could have been created if 2024/0467 had been implemented in accordance with the relevant planning permission. As such it is not considered that the proposal would have any greater impact on the openness and character of the Green Belt compared to the scale of the building that was previously approved.

Notwithstanding the above, the proposed dwellinghouse would be erected in an existing residential plot in an existing residential settlement. As such, the proposal is also in accordance with Local Plan Policy GB1.

Paragraph 210 of the NPPF establishes in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Appendix 2: Glossary in the NPPF establishes that a Designated Heritage Asset is: A World Heritage Site; Scheduled Monument; Listed Building; Protected Wreck Site; a Registered Park and Garden; Registered Battlefield; or Conservation Area designated under the relevant legislation.

In this instance the proposal affects the Billingley Conservation Area which is a designated heritage asset.

Paragraph 212 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to its conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm to the asset's significance amounts to substantial harm or less than substantial harm, or total loss.

Paragraph 213 of the NPPF establishes that any harm to, or loss of, the significance of a designated heritage asset (from its alteration, destruction, or from development within its setting), should require clear and convincing justification.

Paragraph 215 of the NPPF establishes that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 219 of the NPPF establishes that local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve elements of setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Paragraph 220 of the NPPF establishes not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm (paragraph 214) or less than substantial harm (paragraph 215) as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.

Paragraph 221 of the NPPF states local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

In this instance, the proposal relates to the loss of a dwellinghouse within the Billingley Conservation Area. Under application 2024/0467 it was accepted that the rear of the previous dwellinghouse had undergone much change and did not contribute markedly to the conservation area group value. The most historic part of the previous dwellinghouse was its north front elevation. Consequently, the loss

of the previous dwellinghouse is considered to lead to less than substantial harm of the conservation area, although it remains a deeply regrettable action.

The proposal put forward now would secure and reinstate the optimum viable residential use of the development site. Therefore, it is considered that the harm and loss would be outweighed by the benefit of bringing the site back into use.

While the proposal would be contrary to Local Plan Policy GB2 in that the proposal would result in more than a doubling of the original building, the proposal is not considered to constitute a materially larger replacement dwellinghouse than could have been constructed under the previous permission and therefore, for reasons set out above, the potential disbenefits of departing from Local Plan Policy GB2 would be outweighed by other considerations.

Local Plan Policy H4: Residential developments on small non-allocated sites establishes proposals for residential development on sites below 0.4ha will be allowed where the proposal would comply with other relevant policies in the Local Plan. Such sites make a valuable contribution to the housing supply, and sites in towns and villages can offer good opportunities for providing houses where other people already live, near to existing shops and services. Developing these sites can reduce the need to provide new sites outside of settlement boundaries. As such, we will allow small scale residential development within towns and villages in line with other policies, including those protecting peoples living conditions, road safety and design.

All new dwellings must ensure that living conditions and overall standards of residential amenity are provided or maintained to an acceptable level, for existing and new and future residents, including visual amenity and highway safety.

Considering the above, the proposal is considered acceptable in principle on balance and subject to an assessment of the following matters.

Impact on Design, Heritage and Visual Amenity

Sections 16(2), 66(1), and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving a listed building and a conservation area or its setting or any features of special architectural or historic interest which it possesses.

This application relates to a large plot located on the south side of Chapel Lane close to the junction with High Street and is in the Green Belt and in the Billingley Conservation Area at the southern end of the village. This location is the historic core of the village as evidenced by the position of various historic buildings in the vicinity which includes the grade II-listed Poplar Farmhouse to the north, the grade II-listed Manor House to the east, and the grade II-listed Billingley Hall to the south-east. There is an unlisted War Memorial surrounded by iron railings in the road at the junction of Chapel Lane with High Street, and there are other historic but unlisted buildings within the locality. Many of these buildings show evidence of alteration and extension, but the historic significance and group value of them is clear. Consequently, the Council's Conservation Officer was consulted.

The Officer states that the proposal has seen several iterations including informal amendments that were submitted for discussion. It was added that following the approval of a previous scheme which included part retention and conversion, the building was demolished in its entirety contrary to those approved plans and permission granted under 2024/0467 and resulted in its total loss. This resulted in harm to the conservation area which was extremely regrettable.

Subsequent iterations of the proposal following demolition included increases to the overall size and footprint and introduced various incongruous design elements. These were objected to due to a lack of sympathy with the character of the conservation area and the lack of mitigation.

The Officer states that the current revision is more sympathetic and addresses the main concerns raised previously. An amended Heritage Statement was submitted, and while it is noted that it refers

to a previous design and therefore, does not technically fully relate to the current proposal scheme, it does quantify the value and significance of the previous dwellinghouse, the impact of its loss, the character of the conservation area, and reflects on concerns raised previously. Notwithstanding this, an updated planning statement was submitted, which is entirely new and notes:

“The amended scheme fully takes on board the concerns raised in respect of the initial scale and design. The redesign aligns the scale and appearance of the proposed dwelling more closely with the previously approved extension scheme. The following key amendments have been made:

- *Front gable omitted, restoring the vernacular appearance, form and scale of the front elevation.*
- *The garage projection reduced back to a double garage, with the room above and dormer windows omitted.*
- *Appropriate detailing added to the fenestration (quoins, windows surrounds etc.).*
- *Position and footprint very similar to the approved extension scheme.*

The scale, position and appearance of the proposed dwelling as amended now fully reflect and respect the grain and appearance of the conservation area. The historic relationship between the building and Chapel Lane is maintained, with the generous set back and large front garden space retained.”

The Officer notes that the loss of the original dwellinghouse was obviously harmful. However, in their view the current proposal is sympathetic to the character of the conservation area and does generally reflect the scale and appearance of the scheme approved under 2024/0467. The scale and massing, materials, and architectural detailing are considered less grandiose than previous iterations and more akin to the local vernacular. It is acknowledged that the current design does include a full height (cart type) glazed opening that would normally reflect that of a modern barn conversion and therefore, is more agricultural in style and less domestic when compared against the appearance of the previous dwellinghouse. However, there are many examples of such features elsewhere in the conservation area and therefore, on balance, it is felt that it would be incorrect to insist that the proposal would not be in-keeping. Overall, the use of coursed stone and slate to the roof, aligned with a restrained design demonstrate a proposal that is felt would adequately preserve and enhance the character of the conservation area. The Council’s Conservation Officer therefore raised no objection subject to conditions.

While the loss of the previous dwellinghouse and subsequent less than substantial harm to the group value of the conservation area remains deeply regrettable, the proposal would secure and reinstate the optimum viable residential use of the development site and therefore, on balance, it is considered that the harm and loss would be outweighed by the benefit of bringing the site back into use and as such, the proposal is considered to comply with paragraphs 210(c) and 219 of the NPPF in that the proposal would comprise new development that makes a positive contribution to local character and distinctiveness, and would preserve elements of the setting that make a positive contribution to the Billingley Conservation Area (or which better reveal its significance). This proposal should therefore be treated favourably in accordance with paragraph 219 of the NPPF even with the unfortunate total loss of the previous dwellinghouse.

The local planning authority has no reason to disagree with the professional opinions of conservation colleagues in this instance.

The proposed dwellinghouse would generally adopt a sympathetic scale and massing, appearance and materials, and not be overly dissimilar to the approved scheme under 2024/0467.

The proposal would comprise a replacement building in the same use as the previous dwellinghouse that would not be materially larger than the previous scheme approved under application 2024/0467. The proposed dwellinghouse would be erected within an existing residential plot within an existing residential settlement. Therefore, it is not considered that the proposal would be harmful to the

character, permanence and openness of the Greenbelt. The proposal is therefore considered acceptable regarding paragraph 154(d) of the NPPF and Local Plan Policy GB1.

Notwithstanding the above, representations have been made suggesting that the previous dwelling-house should be re-instated as was. It remains regrettable that the previous dwellinghouse was lost due to its unauthorised demolition. However, requiring the building to be re-instated as existed would not resolve the loss of heritage significance once held and could instead contribute to an undesirable and contrived appearance that could further harm the character of the conservation area.

Considering the above, on balance, this is considered to weigh significantly in favour of the proposal.

The proposal is therefore considered to conserve or enhance the character and appearance of nearby listed assets and the Billingley Conservation Area in accordance with Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and would comply with Local Plan Policies D1: High Quality Design and Placemaking, HE1: The Historic Environment, HE3: Developments affecting Historic Buildings, HE4: Developments affecting Historic Areas or Landscapes, GB1: Protection of Green Belt and is considered acceptable regarding visual amenity.

Impact on Residential Amenity, Health, Safety and Pollution Control

During the application process, concerns were raised regarding the potential impact upon residential amenity through overshadowing, loss of outlook and privacy, and increased noise and disturbance.

The proposed dwellinghouse would be erected to the east of The Barn and adjacent to the western party boundary. It is therefore acknowledged that some overshadowing could occur. However, any potential impact is anticipated to occur and be limited to the early morning and not at peak times for use of a rear garden. The proposed dwellinghouse would be re-aligned within the development site and would be set forward of the position of the previous dwellinghouse, and while it is acknowledged that this could contribute to a degree of overshadowing impact that may not have been experienced previously, the change is not considered significant and it is anticipated that the occupant(s) of The Barn would continue to benefit from a reasonable degree of natural light. Moreover, the overall height and scale of the proposed dwellinghouse would be similar to that of the previous dwellinghouse and proposals approved under application 2024/0467.

The proposed dwellinghouse would be erected to the west of Willow Cottage and would be set away from the eastern party boundary. Willow Cottage is also set away from this boundary. It is therefore anticipated that any potential overshadowing impact would occur in the late evening and not at peak times for use of a rear garden and would likely be confined to the development curtilage and not the adjacent neighbouring plot. Consequently, it is not considered that the amenity of the occupant(s) of Willow Cottage would be significantly detrimentally affected.

The proposed dwellinghouse would be erected to the north of Well Lane Court and the development site is set below this street. The proposed dwellinghouse would adopt a similar scale and positioning within the development site compared with the previous dwellinghouse and the proposals approved under application 2024/0467, and therefore, it is not anticipated that the amenity of the occupant(s) of properties located on Well Lane Court would be significantly detrimentally affected.

First floor windows would largely be limited to the front and rear elevations of the proposed dwellinghouse. One first-floor window would be located on the east elevation which would serve an en-suite. One ground floor window would be located on the east elevation of the attached garage. No windows would be located on the west elevation facing towards The Barn.

Adequate separation distances would be achieved in all directions in line with the Council's adopted design guidance. Existing boundary treatments may also provide further mitigation, especially to the

south where properties on Well Lane Court are elevated from the development site but comprise a single storey and are largely screened by existing fencing.

While the proposed dwellinghouse would be set forward of the position of the previous dwellinghouse the change is not considered to be significant and is unlikely to result in significantly reduced outlook. Therefore, it is not considered that the amenity of the occupant(s) of The Barn would be significantly detrimentally affected, especially as the existing stone boundary wall is likely to restrict outlook from the neighbouring single storey conservatory to a degree with any existing experienced impact likely to be tolerated.

It is acknowledged that there could be some disruption and nuisance caused to people in the locality during construction works. However, any impact is anticipated to only be temporary and construction hours could be controlled by condition.

This proposal would conform with the minimum internal space standards for a 4-bedroom 5-person or more dwellinghouse as set out by Table 4A.1 Space Standards in the SYRDG and would achieve reasonable access to natural light for all habitable rooms. It would also achieve an acceptable garden size (60 sqm or more) in accordance with the Council's adopted design guidance.

Considering the above, this is considered to weigh significantly in favour of the proposal.

The proposal is therefore considered to comply with Local Plan Policy GD1: General Development and Local Plan Policy POLL1: Pollution Control and Protection and is considered acceptable regarding residential amenity.

Impact on Highways

The proposal is not considered to be prejudicial to highway safety because existing off-street parking and access arrangements within the development site would not be affected and the proposal would not result in a requirement to provide additional spaces. Ample off-street parking space and turning provision would be maintained. Additionally, visibility splays would not be adversely affected despite an increase to the height of the northern boundary wall and gates. The proposed garage would also comply with internal space standards to count towards the off-street parking provision of the site.

Highways Development Control were consulted; and no objections were received subject to required conditions.

Considering the above, this is considered to weigh moderately in favour of the proposal.

The proposal is therefore considered to comply with Local Plan Policy T4: New Development and Transport Safety and is considered acceptable regarding highway safety.

Impact on Trees

Trees are located to the north, west and south of the application property, most of which fall outside of the application curtilage. None of the trees are protected by a Tree Preservation Order (TPO) but are protected by virtue of their location in the conservation area.

Previous issues regarding tree retention and removal and separation distances have been resolved. The submitted Arboricultural Method Statement (AMS) demonstrates that the remaining trees could be safely retained and protected during works. This document could be conditioned for compliance. A replacement tree planting scheme is also required as part of a site-wide landscaping scheme. This could also be secured by condition.

The Council's Forestry Officer was consulted; and no objections were received subject to conditions.

Considering the above, this is considered to weigh moderately in favour of the proposal.

The proposal is therefore considered to comply with Local Plan Policy BIO1: Biodiversity and Geodiversity and is considered acceptable.

Impact on Biodiversity and Geodiversity

In England, Biodiversity Net Gain (BNG) became mandatory from 12 February 2024 under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) and means developers must deliver a BNG of 10%. This proposal falls within the custom/self-build exemption and is therefore not subject to BNG in this instance.

This application is not supported by a bat report. While the Council's Planning Ecologist (Biodiversity) states that they would have expected such a report given the rural setting of the demolished dwelling-house it is not necessary to determine this application in this instance. Nevertheless, enhancement measures in the form of a bird and bat box scheme should be provided. This should include a range of box type with an aim to provide appropriate mitigation where it is unknown if or what type of roosts or nesting birds were present.

The Council's Planning Ecologist was consulted; and no objections were received subject to required conditions.

Considering the above, this is considered to weigh moderately in favour of the proposal.

The proposal is therefore considered to comply with Local Plan Policy BIO1: Biodiversity and Geodiversity and is considered acceptable.

Planning Balance and Conclusion

In accordance with the provisions of paragraph 11 of the NPPF (2024), this proposed development is considered in the context of the presumption in favour of sustainable development.

Having balanced all relevant material planning considerations, while objections have been received in respect of the proposal, it is considered that concerns have been appropriately addressed through the information and amendments provided. Great weight is attributed to conservation of the Billingley Conservation Area in accordance with paragraph 212 of the NPPF despite the less than substantial harm caused as a result of the unauthorised demolition of the previous dwellinghouse. However, the proposal would secure and reinstate the optimum viable residential use of the development site with a sympathetic design comprising appropriate scale and massing and appearance and materials and would likely result in acceptable potential impacts regarding residential amenity, visual amenity and green belt, highway safety, trees and biodiversity subject to any necessary conditions. The proposal is therefore considered to be in accordance with paragraphs 210(c), 219 and 154(d) of the NPPF as well as Local Plan Policies GB1, HE1, HE3, HE4, D1, GD1, POLL1, T4 and BIO1, and sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The collective weight attributed to these elements is considered to outweigh any potential disbenefits and departure from Local Plan Policy GB2 and the total loss of the previous dwellinghouse.

Consequently, for the reasons given above, and taking all other matters into consideration, planning permission should be granted subject to any necessary conditions.

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 (LPA) has worked with the applicant to find solutions to the following issues that arose whilst dealing with the planning application:

- Impact on design, heritage and visual amenity following the unauthorised demolition of the previous dwellinghouse.

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 representations, 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.