

2021/1438

Mr Brian Dunn

Extension of existing internal road and construction of two bungalows and associated works

Flouch Mews, Whams Road/Old Manchester Road (East), Hazelhead, Penistone, Sheffield, S36 4HH

Background

In 2010 an application to demolish the existing building and erect 7 no. dwellings on the site was withdrawn following concerns raised regarding the design and layout of the development (BMBC Ref: 2010/1324). In early 2011 a further application (BMBC Ref 2011/0001) for 6 no. dwellings was submitted and then withdrawn for similar reasons.

In late 2011 permission was granted (BMBC Ref: 2011/0223) to demolish the existing building and erect 5 no. high quality dwellings on the site arranged around a courtyard. The application was referred to the Secretary of State in accordance with the provisions of Circular 11/2005 as at the time the development was considered to be inappropriate development in the Green Belt and floor area of the new buildings was greater than 1000 square meters, 1068 square metres, however it was not called -in.

Following the grant of permission the applicant decided to revise the design of the scheme. As the alterations to the design were material the applicant was advised to submit a fresh application – below.

2012/0265 - Demolition of existing building and erection of 5 no. dwellings – Approved with conditions. All conditions have been discharged and the development was commenced prior to 30th May 2015.

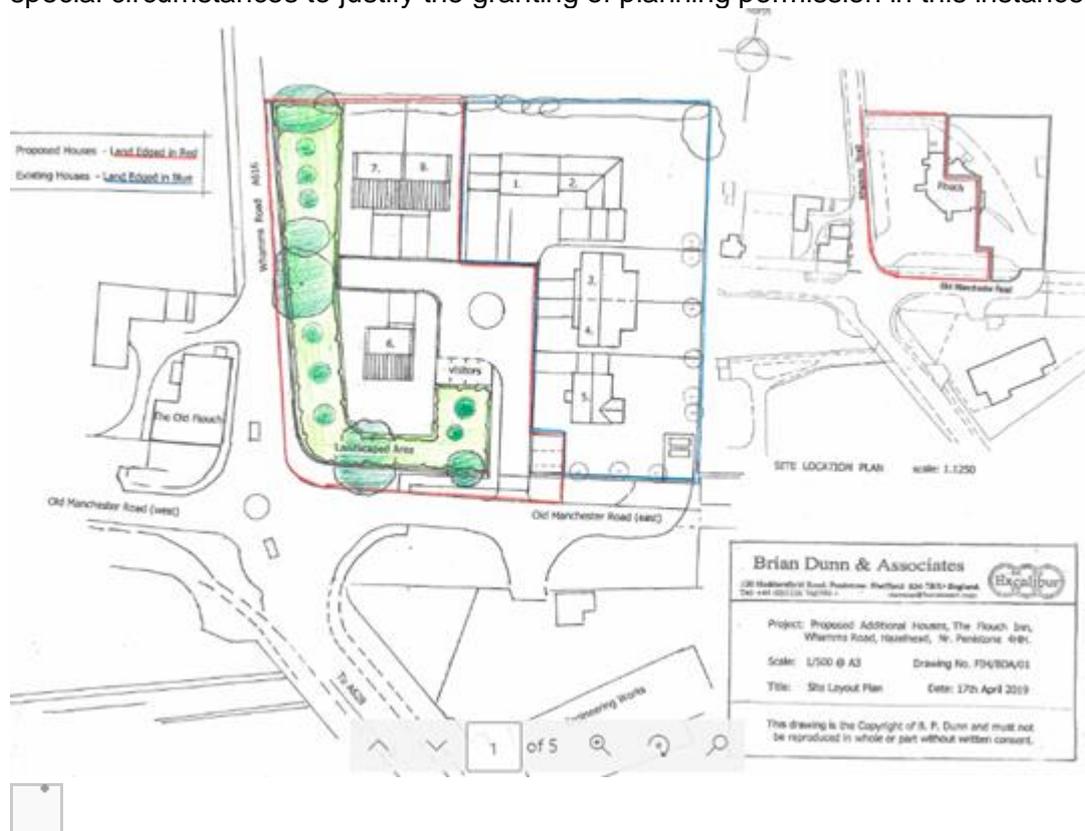


Approved site plan 2012/0265

In 2019 a further application was submitted (ref 2019/0493) for the erection of 3 dwellings and associated works.

The application was refused for the following reasons:-

The site lies within the Green Belt on the approved Barnsley Unitary Development Plan, wherein it is the Policy of the Local Planning Authority not to permit new development except in very special circumstances, for purposes other than those set out in the NPPF. Local Plan Policy GB1 states that the Green Belt will be protected from inappropriate development in accordance with national policy. In the opinion of the LPA the proposed residential development constitutes inappropriate development contrary to policy and prejudicial to the character and openness of the Green Belt. Furthermore, there are considered to be no very special circumstances to justify the granting of planning permission in this instance.

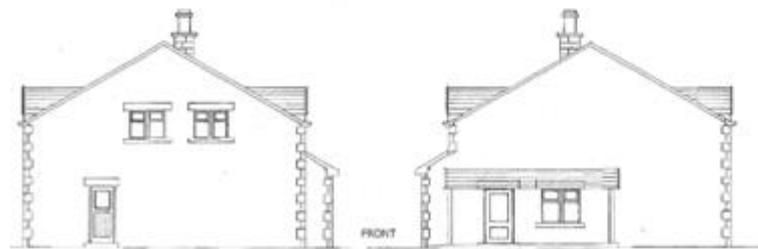
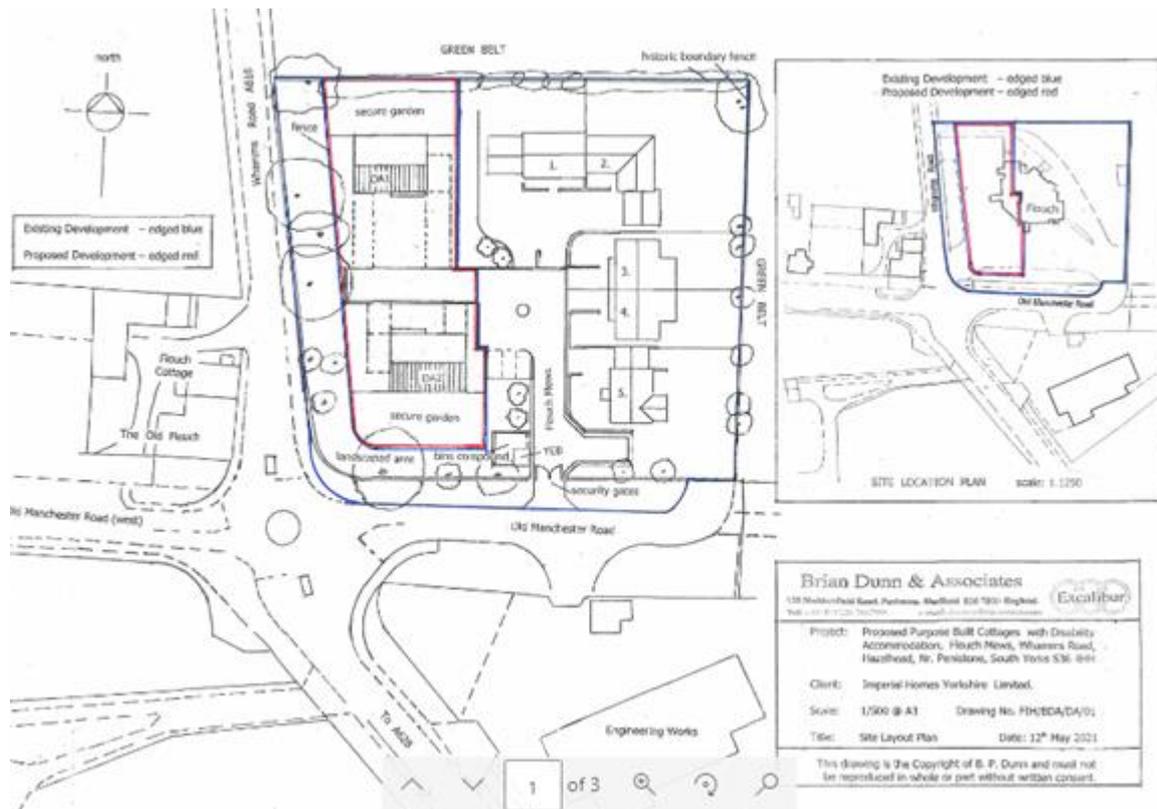




Refused plans 2019/0493

In July 2021 a further application was submitted on the site under application reference 2021/0768. The application proposed the extension of the existing internal road and construction of two dwellings with disability accommodation and associated works – the application was refused for the following reason:-

The site lies within the Green Belt on the approved Barnsley Local Plan, wherein it is the Policy of the Local Planning Authority not to permit new development except in very special circumstances, for purposes other than those set out in the NPPF. Local Plan Policy GB1 states that the Green Belt will be protected from inappropriate development in accordance with national policy. In the opinion of the LPA the proposed residential development constitutes inappropriate development contrary to policy and prejudicial to the character and openness of the Green Belt. Furthermore, there are considered to be no very special circumstances to justify the granting of planning permission in this instance.



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Excalibur

Project: Proposed Purpose Built Cottages with Disability Accommodation, Flouch Mews, Wharfedale Road, Hazelwood, Nr. Pocklington, South Yorks S36 49H

Client: Imperial Homes Yorkshire Limited

Scale: 1/500 & 1/200 @ A1 Drawing No. FBH/DA/DA/02

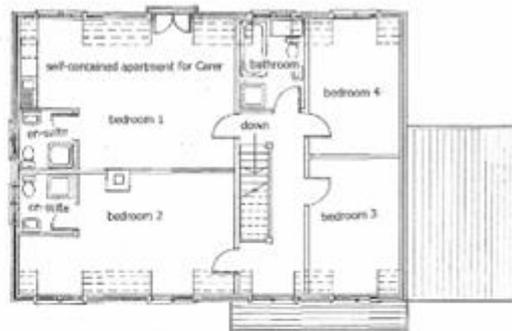
Title: Elevations Date: 12th May 2021

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GROUND FLOOR PLAN

Registered Design No. 6078700
(disability accommodation only)



FIRST FLOOR PLAN

Dimensions in metres.			
Ground Floor		First Floor	
Living Room	4.00 x 6.20	Bedroom 1	7.20 x 5.00
Kitchen/Dining Area	6.40 x 3.00	en-suite	2.00 x 2.00
Utility Room	3.00 x 3.00	Bedroom 2	7.20 x 4.00
Garage	3.00 x 5.00	en-suite	2.00 x 2.00
Bedroom	3.00 x 4.50	Bedroom 3	3.00 x 4.50
Bathroom	3.00 x 2.50	Bedroom 4	3.00 x 4.50
Front Room	3.00 x 3.00	Bathroom	2.20 x 3.00
Porch	2.10 x 1.50		
Car Port	3.60 x 6.00		

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Project: Proposed Purpose Built Cottages with Disability Accommodation, Fouch Hovs, Wharfedale Road, Headfield, Wb, Parsloes, South Yorks S26 7RH		
Client: Imperial Homes Yorkshire Limited.		
Scale: 1/100 @ A3		Drawing No: KH/10A/04/03
Title: Floor Plans		Date: 12 th May 2021
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Refused plans 2021/0768

Description

The site is located at the junction of Whams Road (A616) with Old Manchester Road, Hazelhead. The site was occupied by an imposing two/three storey building which has historically been in use as a public house/restaurant. The building was constructed of stone and has a slate roof. The site area totals 0.57 hectares.

The land surrounding the building slopes downhill in an easterly direction and was previously hard surfaced and functioned as a car and servicing area. The site is accessed from Whams Road and Old Manchester Road. Stone and brick walls occupy the boundaries of the site and adjoining these are areas of landscaping containing a number of trees and bushes. None of the trees are protected.

To the north and east of the site land forms open agricultural fields. To the south is a building which is in commercial use. To the west, on the opposite side of Whams Road, are several residential properties. The 5 new dwellings and access road have now been constructed as can be seen on the aerial photograph below, the remaining land to the west of the site is now a grassed paddock.



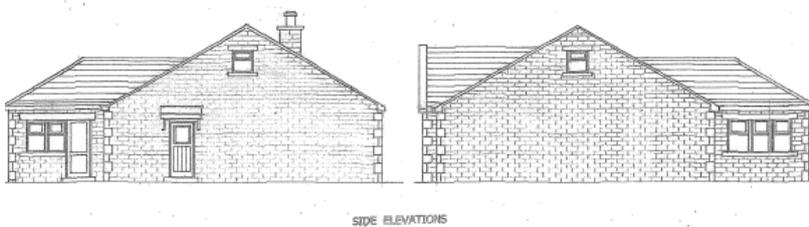
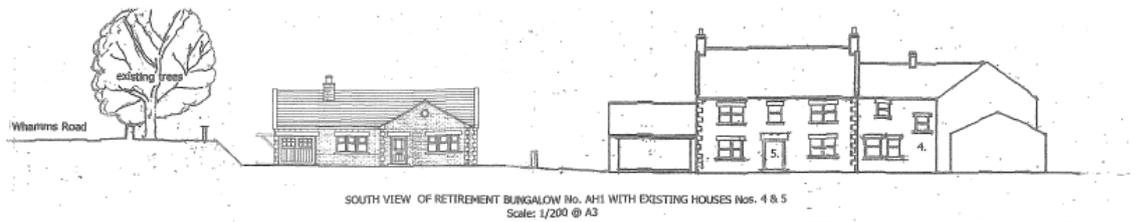
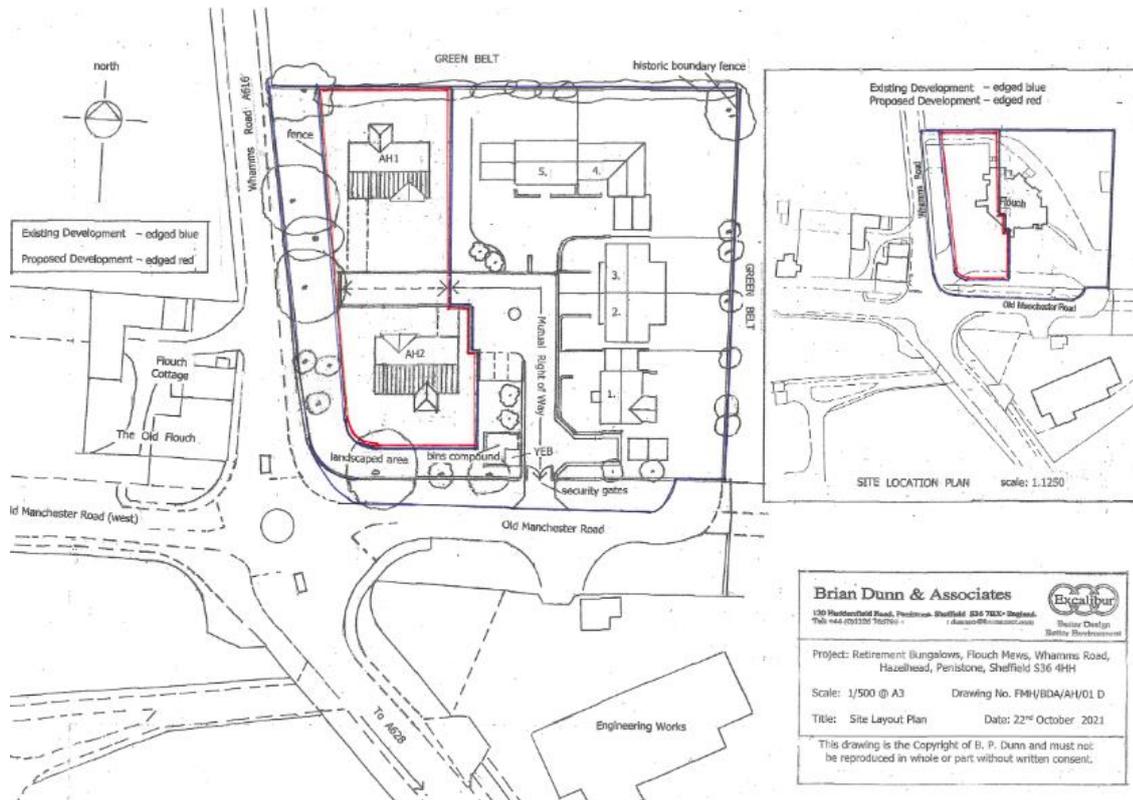
Proposed Development

The application is a full planning application for the extension of the existing internal road and construction of two bungalows and associated works. The dwellings have been designed with two bedrooms, a living room, kitchen/dining room, utility room, wc and main bathroom. Landscaping is proposed along the boundaries.

A supporting planning statement has been submitted with the application which states that the dwellings are to be marketed retirement bungalows to over 55's residents wishing to downsize within the Parishes of Dunford, Millhouse Green and Langsett 'at an affordable price.' The statement indicates that this would in turn allow for the purchaser's homes to be released for sale to other people within the community wishing to buy a larger home.

No further detail has been provided with regard to the need for such accommodation in the area, or details of how the dwellings would be marketed at an affordable price or would remain as retirement accommodation at an affordable price.

The scheme has been amended from the previous refused application 2021/0738 in that the scheme now proposes bungalows for over 55's.



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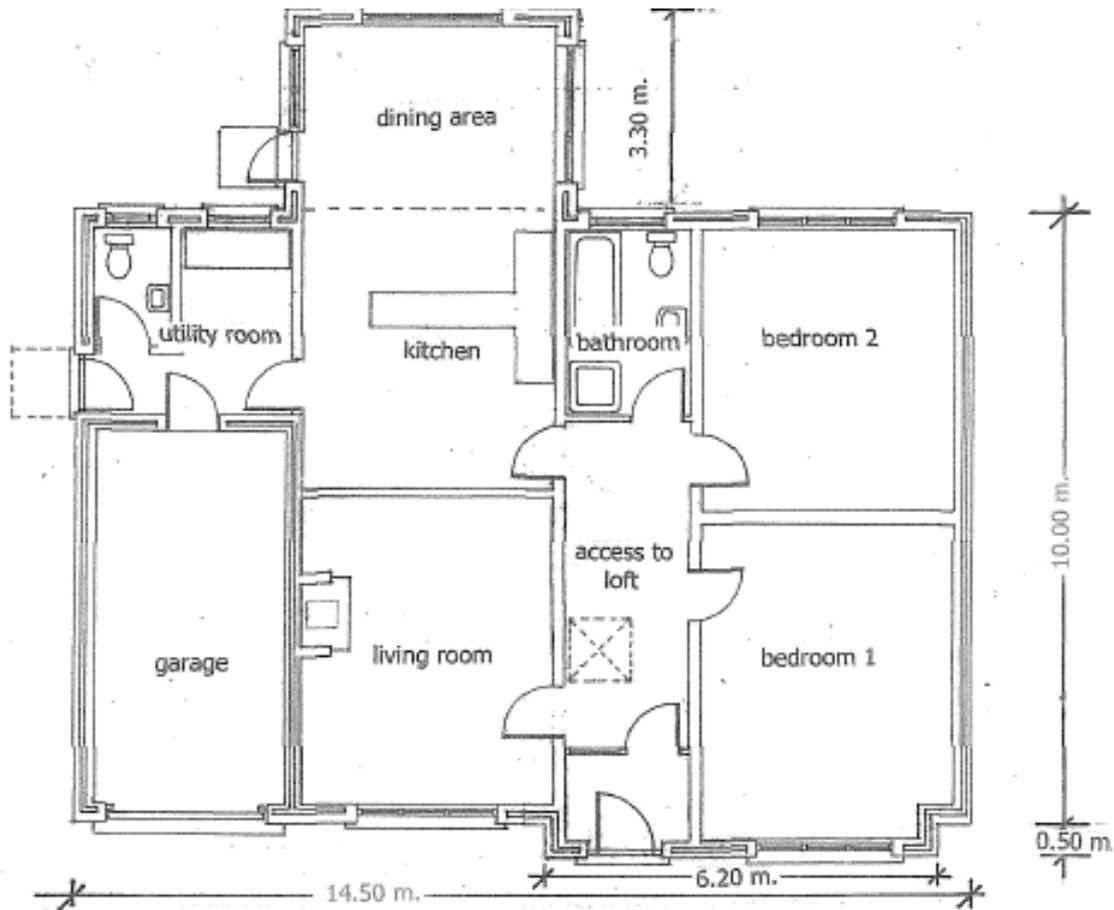
Excalibur
Senior Design
Rural Development

Project: Retirement Bungalows, Flough Mews, Wharfedale Road, Hazelhead, Penistone, Sheffield S36 4HH

Scale: 1/100 & 1/200 @ A3 Dwg. No. FMH/BDA/AH/02 E

Title: Elevations Date: 11th November 2021

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Policy Context

The site is allocated within the Green Belt as allocated within the Local Plan

The new Local Plan was adopted at the full Council meeting held 3rd January 2019 after it was found to be sound by the appointed Planning Inspector following the examination process. This means that it now takes on full weight for decision making process in planning law terms as the development plan for the Borough, superseding the remaining saved policies from the Unitary Development Plan (adopted in the year 2000) and the Core Strategy (adopted in 2011). In reference to this application, the following policies are relevant:

- Policy D1: High quality design and place making
- Policy GB1: Protection of Green Belt
- Policy Bio1: Biodiversity and Geodiversity
- Policy Poll1: Pollution Control and Protection
- Policy H7: Affordable Housing

SPDs

- SPD – Designing New Housing Development
- SPD – Affordable Housing

NPPF

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan

should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

In respect of this application, relevant policies include:

Protecting Green Belt Land

Paragraph 149 is of relevance in this instance:-

A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- 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) 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, whether redundant or in continuing use (excluding temporary buildings), which would:-

not have a greater impact on the openness of the Green Belt than the existing development; or-

not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Consultations

Yorkshire Water – No comments received

Highways – No comments received

Air Quality – Recommends provision of one EVCP per unit

Drainage – No objections, details to be checked by Building Control

Dunford Parish Council – No comments received

Langsett Parish Council – Objects

Tree Officer – No comments received

Representations

A site notice was posted and occupiers of dwellings/buildings surrounding the site were consulted on the application by letter, 4 objections have been received:-

- The site lies within the Green Belt
- The principle of the development is unacceptable
- Development within the designated Green Belt is unacceptable that
- would lead to a loss of openness

- The substantial size of the development would lead to severe harm on the residential amenity of neighbouring properties through an unacceptable increase in overlooking, loss of daylight, outlook, overshadowing, overbearing impact, noise and disturbance
- The substantial development would have an adverse impact on the character and appearance of the area
- The increase in traffic to and from the site, along with the substandard access arrangements would have an impact on highway and pedestrian safety
- The proposal would lead to an impact on trees and biodiversity interests at the site
- The effect on surface water drainage.
- Previous applications have been rejected for the site
- The development would harm the openness and character of the Green Belt
- Impact on utilities
- Impact on highway safety and removal of agreed parking allocations/visitor spaces.
- Overcrowding of the site
- Impact during construction
- There is no direct connection to bus routes
- The remoteness of this area makes it a very unlikely option for any kind of retirement property
- The application is for retirement bungalows, but once built there is no control over the selling process, so these properties could in fact be family homes
- The brown field site within this has already been developed to a greater footprint than the original building. The proposal would set a precedent allowing for more development in the future

Assessment

Principle of development

The site is situated within the Green Belt allocated within the Barnsley Local Plan.

Paragraph 149 of the National Planning Policy Framework sets out the categories of development which may be regarded as not inappropriate in the Green Belt. 'A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- 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) 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, whether redundant or in continuing use (excluding temporary buildings), which would:–

not have a greater impact on the openness of the Green Belt than the existing development; or–

not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.'

In terms of previously developed sites, the principle of the development of the 5 units currently under construction on the eastern portion of the site was established by application 2011/0223 and 2012/0265 on the basis that a set of very special circumstances existed to justify what at the time constituted inappropriate development in the Green Belt. These very special circumstance included the fact that there was little demand for the building, due to its location and size, to be used as a public house, or for any other commercial or business purpose and this was evidenced by a marketing exercise and through the submission of financial accounts. Also, as the condition of the building and the appearance of the site was deteriorating due to the fact it was not being fully utilised and the replacement scheme was of a high quality, it was considered that the redevelopment of the site could be supported.

In 2008 the applicant approached the Council with a view to demolishing the existing building and erecting in its place a residential courtyard development. The applicant was advised that permission would likely be refused on the grounds that the erection of new dwellings within the Green Belt was contrary to policy at that time and there were no very special circumstances to justify the development.

In 2010 an application to demolish the existing building and erect 7 no. dwellings on the site was withdrawn following concerns raised regarding the design and layout of the development (BMBC Ref: 2010/1324). In early 2011 a further application (BMBC Ref 2011/0001) for 6 no. dwellings was submitted and then withdrawn for similar reasons.

In late 2011 permission was granted (BMBC Ref: 2011/0223) to demolish the existing building and erect 5 no. high quality dwellings on the site arranged around a courtyard. The application was referred to the Secretary of State in accordance with the provisions of Circular 11/2005 as at the time the development was considered to be inappropriate development in the Green Belt and floor area of the new buildings was greater than in 1000 square meters, actually 1068 square metres, however it was not called -in.'

In the assessment of the application the Officer Report to the Planning Regulatory Board stated:-

'Since 2011 however the policy position regarding developments within the Green Belt has changed and as such the complete redevelopment of brownfield sites within the Green Belt, even if in continuing use, is now supported by Section 7, paragraph 89 of the NPPF providing that the new development would have no greater impact on openness than the existing development and the purpose of including land within it than the existing development. As the site would be classed as brownfield land is considered that this section of the NPPF applies.

With regards to the developments impact on openness, it is considered that this would be equal to or less than the existing building. The new dwellings would occupy the eastern and northern parts of the site only. They would be set back from Whams Road and Old Manchester Road as well as fitting quite neatly into the site due to the proposed reduction in levels. This, combined with the fact that the dwellings would be finished in very high quality, natural materials, would be much lower in terms of their overall height than the existing building and would have a smaller floor area, would result in the development as a whole having only a very limited impact on openness.

In terms of whether the development conflicts with any of the [relevant] purposes of including land in the Green Belt, which are deemed in this instance to be to assist in safeguarding the countryside from encroachment and to prevent the unrestricted sprawl of large urban areas, it is not considered that it would. The development would not extend past the curtilage of the existing building and as such could not encroach into the countryside. Further the development, which consists of 5 no. modestly proportioned dwellings, would not constitute the sprawling of an urban area.'

This current proposal involves the erection of 2 new bungalows which would occupy an area of the site which was previously proposed to be landscaped and to remain undeveloped and open, which would go against the aims of the original scheme and would amount to a new residential development within the Green Belt.

Given the above comments within the original report to the Planning Regulatory Board, and the planning history, it is likely that should an application have been submitted for a development of 7 units on the site that it would have been refused.

This current application proposes a further 2 units on the site, however they are reduced in height and number from the previously refused application 2019/0493 and 2021/0768 and now propose two 'affordable' retirement bungalows for the over 55's. As with the previous refusal, the development of this portion of the site for 2 further units would occupy a larger footprint than the Flouch itself and would result in further encroachment into the Green Belt, which would significantly harm openness.

A supporting planning statement has been submitted with the application which states that the dwellings are to be marketed retirement bungalows to over 55's residents wishing to downsize within the Parishes of Dunford, Millhouse Green and Langsett 'at an affordable price.' The statement indicates that this would in turn allow for the purchaser's homes to be released for sale to others within the community wishing to buy a larger home. No further detail has been provided with regard to the need for such accommodation in the area, or details of how the dwellings would be marketed at an affordable price or would remain as retirement accommodation at an 'affordable price'. In terms of the justification put forward by the applicant, the exception within paragraph 149 allows for limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites). Local Plan Policy H7 Affordable Housing states that '*We recognise the importance of providing affordable homes in rural settlements that are constrained by or washed over by Green Belt. Policy H7 makes provision for rural exception sites to be considered. These may in some instances be on the edge of the settlement. Sites on the edge of settlements will need to provide acceptable mitigation of their impact on the countryside or they will not be considered to be acceptable locations for residential development. We will require a planning obligation to make sure the homes remain affordable.'*

The site does not comply with policy H7 in that it is not set on the edge of a settlement/village. The site is set within an isolated, rural and unsustainable location, away from local services such as doctors, regular public transport and shops and would not be an ideal location for retirement affordable housing. In terms of justification there is no proven need for such affordable retirement accommodation in this rural area and no details have been provided as to how the buildings would remain as retirement or affordable accommodation. In any case, it is felt that should this justification had been provided that the remote rural location of the site for such dwellings would not be suitable contrary to policy H7 and does not amount to very special circumstances.

In addition to the above, the development is for the erection of new dwellings within the Green Belt and crucially, outside of any defined village centre, which would set a dangerous precedent for further dwellings set adjacent to other properties and outside of defined village boundaries in the Green Belt, further eroding the openness of the Green Belt. The proposal is therefore unacceptable in principle contrary to GB1 of the Local Plan.

This stance is backed up by the appeal decision for planning application 2017/1366 where the Inspector concluded that the addition of 3 further units on the site, in an area which should be open is harmful to the openness of the Green Belt and therefore considered to be inappropriate development.

‘Having carefully considered the current characteristics of the site and its surroundings, I find that the appeal site is relatively open and is adjacent to other areas of open land. The site’s existing connection to surrounding fields, countryside and Green Belt means it would inevitably have an adverse impact on the openness of the Green Belt. It would result in a significant built form where there is presently none. As such, the visual impact of the scheme on openness would be exacerbated. Furthermore, it would result in the spread of development into the countryside.

The proposed residential scheme would still introduce development of significant bulk and massing, and would be a dominant feature, when taken cumulatively. As such, the proposal would have a material visual impact on the openness of the area. This impact would be significant as the site presently has no noticeable built development.

I conclude that the appeal proposal would fail to preserve the openness of the Green Belt. Therefore, it would be contrary to the relevant Green Belt guidance within the Framework. Accordingly, I must give such Green Belt harm substantial weight in my assessment and determination of this appeal. For these reasons, the appeal scheme would be inappropriate development in the Green Belt and, in this regard, it would conflict with LP Policy GB1 and would be at odds with the Framework.’

Whilst the site is considered to be previously developed land and the number of dwellings have been reduced in scale and further landscaping provided, the dwellings would still result in a significant built form in an area where there is no built development, on an area which is green and undeveloped. Consequently the proposal would not preserve the openness of the Green Belt and would have a greater impact on the openness of the Green Belt than the existing development. The proposal is therefore contrary to the NPPF and Local Plan Policy GB1.

Residential Amenity

The Supplementary Planning Document ‘Designing New Housing’ provides guidance in terms of separation distances, in order to ensure that any new development does not cause significant impact by way of overlooking, overbearing and overshadowing of existing dwellings and their private gardens. As with all residential developments where they are set adjacent to existing dwellings, it is recognised that there will be some impact on the residential amenity of existing residents. Objections have been received from neighbouring residents with regard to the impact on residential amenity, overshadowing and a loss of outlook and view, however the dwellings are designed and sited in order to meet the separation distances required within the SPD and to ensure that there will be no significant overlooking, overbearing or loss of light would occur to the existing residents.

The dwellings which would be affected by the development are those on the site itself and those which are located on the opposite side of Whams Road to the site, namely Flouch Cottage, The Flouch and the Old Flouch. However as the separation distances

are maintained, the proposal would not be significantly overbearing or give rise to any significant overshadowing or overlooking concerns. The proposal will not therefore adversely affect the amenities of any existing residential occupiers and as such complies with the SPD Designing New Housing Development.

Highway Safety

Concerns have been raised by residents with regard to highway safety, however the highways section have been consulted on the previous applications and raise no objection to the proposals subject to conditions. No objections are raised in terms of highway safety and the access is considered to be suitable. Sufficient parking provision is provided for the existing and proposed dwellings in line with the SPD.

Recommendation

Refuse