

2022/1063

Christina Hodges

Erection of detached dwelling with associated garage and landscaping

All Hallows, Church Lane, High Hoyland, Barnsley, S75 4BJ

Description

The application site is located to the north east of the former All Hallows Church, set off Church Lane/ Litherop Lane, High Hoyland. The site is set within the Green Belt as allocated within the Local Plan.

The site is triangular shaped and bounded by dry stone walls. The site is accessed via a field gate access and is fairly open and visible when travelling along Litherop Road. The site has a number of trees along the boundaries. At the time of the site visit a static caravan was sited on the land, however this has been the subject of enforcement action and is to be removed from the site.

The Church of All Hallows was Grade II listed by Historic England in March 1968. The graveyard to the south also includes several Grade II listed raised gravestone and tomb slabs.





Proposed Development

The proposal involves the erection of a detached dwelling and associated landscaping. The proposed cottage has been designed over two storeys but with the first floor set within the roof space, with dormer windows. Stone is proposed to match the existing church, with a slate roof with lead features are also proposed. The dwelling is sited close to the southern corner of the site with parking and turning areas to the north accessed via the existing access. The main

garden areas are set to the north and east of the dwelling. The plans have been amended during the course of the application and the proposal has been reduced in size with the removal of the proposed garage.

The dwelling has been designed with a kitchen/diner, sitting room and utility, with a separate annex kitchen, diner and living area at ground floor and 3 bedrooms and two bathrooms within the first floor.

In terms of trees the majority of the trees will be retained to the north of the site with a category C Ash Tree to be removed to the south, closest to the proposed dwelling.

The following reports have been submitted in support of the application:-

- Arboricultural Method Statement
- Arboricultural Report and Impact Assessment
- Preliminary Ecological Appraisal
- Biodiversity Impact Assessment
- Coal Mining Report
- Design and Access Statement
- Historic Environment Desk Based Assessment

The agent has submitted the following justification in support of the proposal. 'Whilst the historical cottages and out-buildings have not been present since c.1960s, for a significant time in the site's history, it contained dwellings. Construction of a new cottage of lesser footprint and narrower frontage on a well screened site does not have a significant impact on the openness of the Greenbelt compared to the historical arrangement. The proposed new footprint offers a greater sense of openness by virtue of its reduced road frontage and reduced footprint compared to the previous buildings (93m² compared to c. 107m²).

Barnsley Local Plan (Adopted January 2019) Policy HE1 The Historic Environment states: 'We will positively encourage developments which will help in the management, conservation, understanding and enjoyment of Barnsley's historic environment, especially for those assets which are at risk.'

Without suitable accommodation for those responsible for the site's upkeep and management of the retreat, the listed church and heritage site are at risk of being left vacant and falling back into disrepair.

Furthermore, the NPPF states: '145. Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as ...to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.'

In this instance the 'openness' of the Greenbelt would not genuinely be affected. There are 'very special circumstances' with public and heritage benefits that outweigh any harm, and the proposals 'enhance beneficial use' of Greenbelt.

This application would fit with para. 145 as the proposed dwelling facilitates the sustainable re-use and upkeep of a deconsecrated Grade II church and former carpark which, prior to the current owners moving to site, was considered by some to be an overgrown eyesore, and was used by fly tippers. The applicant's intention is to set up a trust whereby the refurbished Grade II listed church is used as a retreat with significant public benefit for many years to come. Previously the site was falling into disrepair. The proposal for the cottage therefore needs to be viewed in the context of its significant public benefits, and 'opportunities to retain and

enhance landscapes and visual amenity...to improve damaged and derelict land, all of which constitute Very Special Circumstances.'



WEST ELEVATION



NORTH ELEVATION

DATE: 03/12/20
DRAWN: COTTAGE AT EAGLES RETREAT



EAST ELEVATION

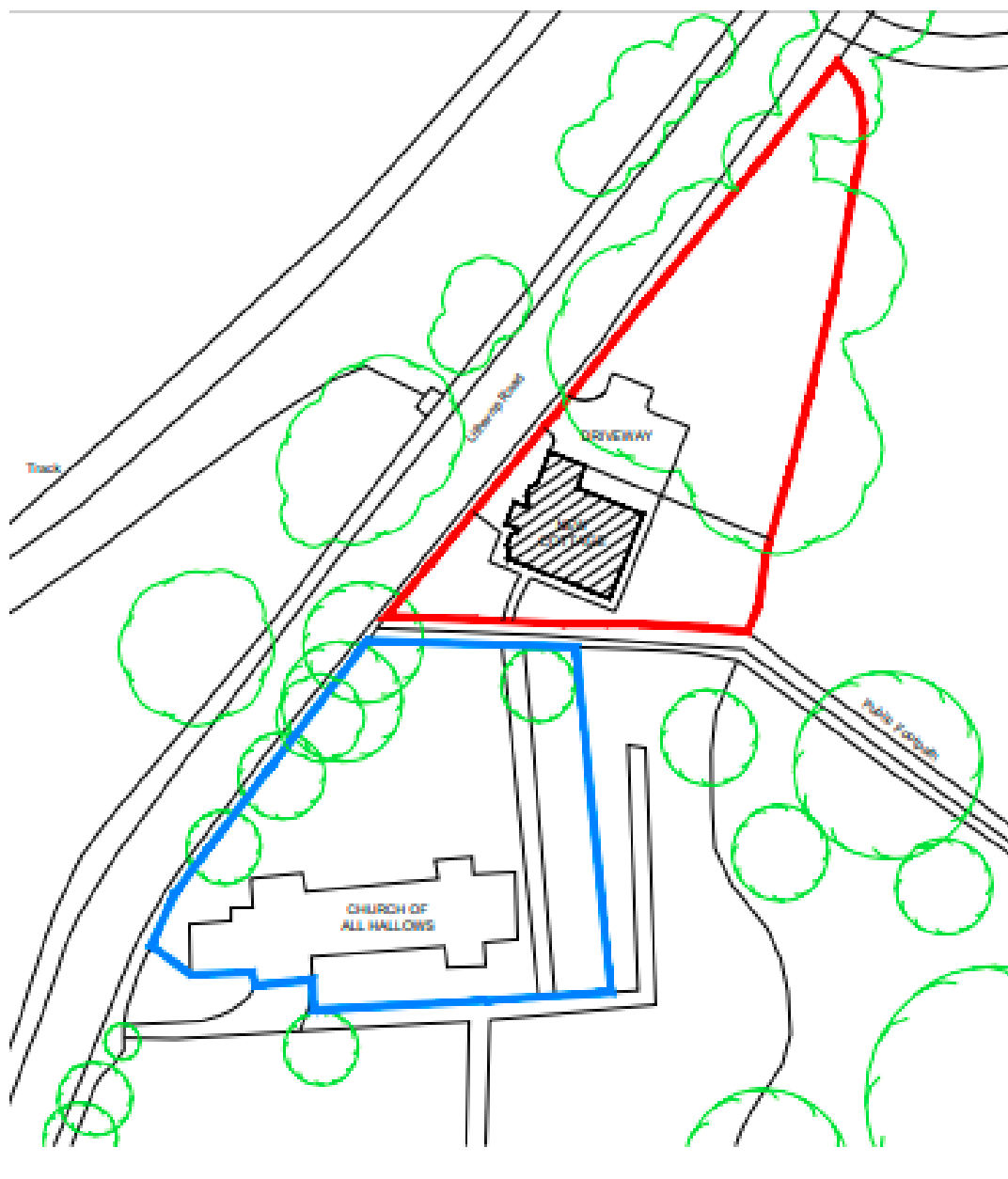


SOUTH ELEVATION

1 2 3 4 5 6 1:100

DATE: 03/12/20
DRAWN: COTTAGE AT EAGLES RETREAT
ALL HALLOWS, HIGH HOYLAND





Planning History

No Planning History

Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The Local Plan was adopted in January 2019 and is also now accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment and mixed-use sites). In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies and are a material consideration in the decision-making process.

The Local Plan review was approved at the full Council meeting held 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 it.

Local Plan Policies

The site is allocated as located in the Green Belt in the Local Plan where GB1 applies, protecting the Green Belt in accordance with National Planning Policy.

Other relevant policies include:

SD1 – Sustainable Development
GD1 – General Development
LG2 – The Location of Growth
H1 – The Number of New Homes to be Built
H2 – The Distribution of New Homes
H4 – Residential Development on Small Non-allocated Sites
H6 – Housing Mix and the Efficient Use of Land
HE1 – The Historic Environment
HE2 – Heritage Statements and general application procedures
HE3 - Developments affecting Historic Buildings
HE6 - Archaeology
T3 – New Development and Sustainable Travel
T4 – New Development and Transport Safety
D1 – High Quality Design and Place Making
LC1 – Landscape Character
BIO1 – Biodiversity and Geodiversity
GB3 – Changes of use in the Green Belt
CC1 – Climate Change
CC2 – Sustainable Design and Construction
CC4 – Sustainable Drainage Systems (SuDs)
RE1 – Low Carbon and Renewable Energy
Poll1 – Pollution Control and Protection

SPDs (Supplementary Planning Document)

Supplementary Planning Document – Design New Housing Development
Supplementary Planning Document – Parking
Supplementary Planning Document – Trees and Hedgerows
Supplementary Planning Document – Sustainable Travel
The South Yorkshire Residential Design Guide (SYRDG)

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.

Paragraph 147 is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Whilst paragraph 148 states that: *“when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations”*.

Paragraph 149 clarifies that new buildings are inappropriate development with few exceptions.

Paragraph 80 relates to isolated homes in the countryside, allowing them only under specific circumstances including where the design is of exceptional quality in that:

“it is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area”.

Paragraph 134 requires that development that is not well designed be refused, but conversely: *‘significant weight should be given to:*

- a. development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
- b. outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit with the overall form and layout of their surroundings’*.

Consultations

High Hoyland Parish Council - The application is for development of a site which lies firmly in Green Belt and is outside the defined boundary of the village as determined by the Local Planning Authority. The parameters of this boundary have been investigated and confirmed on two previous occasions by the Planning Inspectorate, please see the attached decision notices dated 2nd December 2014, APP/R4408/A/14/2225500 and again more recently 31st July 2022, APP/R4408/W/20/23247092. The site could not therefore, be considered as “infilling” within the “village envelope”.

The development of land within the Green Belt is contrary to both National and Local Planning Policy. The applicants argue special circumstances for developing land in Green Belt, (NPPF paragraph 149d & the Local Authority’s Local Adopted Plan, Policy G B2 – the replacement of a building provided that it is in the same use and not materially larger than the one it replaces) in that the land had been previously developed and had for many years been the site of a Sexton’s cottage. It was debated that the cottage had existed until some point in the 1960s. However, in a previous discussion with one of the senior planning officers at the Local Authority, it was established that the LPA does not have any official documents in its archives that show this cottage. As is stated in the glossary to the definition of “previously developed land” in the NPPF 2021 – *“Previously developed land: Land which is or was occupied by a permanent structure ... this excludes ... land that was previously developed, but where the*

remains of the permanent structure or fixed surface structure have blended into the landscape”.

There is no visible evidence of any previous structure and any former use appears to have been eroded by the surrounding vegetation, so we feel it is somewhat disingenuous to say that this application represents redevelopment of an existing or previous structure.

We are aware that Pre-App discussions with

- a) The planning department have raised concerns that a new development would detract from the openness of the Green Belt and
- b) The highways department have raised concerns about parking issues along the roadside at All Hallows.

The church of All Hallows is Grade II listed. We are aware of two previous approaches to the LPA for permission to make small extensions to properties (Hall Farm and 1 Hall Cottages) within the curtilage of the Grade II listed Hall, Church Lane, High Hoyland. The LPA determined that these would be inappropriate development in the vicinity of, and would harm the setting and visual impact of, the Grade II listed Hall. We feel that the same parameters should apply in this situation at All Hallows Church.

In summary, it is felt that this application represents a new development which would have a greater impact on the openness of the Green Belt than the existing development, and would cause substantial harm to the openness of the Green Belt. We would therefore respectfully request that the objections and observations of High Hoyland Parish Meeting form part of the consideration of this planning application.

Pollution Control – No objection subject to conditions

Drainage – Details to be checked by Building Control

Highways – No objections to amended plans subject to conditions

Yorkshire Water - This proposal is in an area remote not served by the public sewerage network

SYMAS - We note the Coal Mining Risk Assessment for the proposals as prepared by Earth Environmental & Geotechnical Ltd ref: A4801/22 dated July 2022. This report concludes that a further phase 2 intrusive investigations are required to fully determine the coal mining legacy risks to the proposed development, in this case associated with potential shallow coal/mine workings.

Coal Authority – Condition required

Conservation Officer – Raises concerns (see relevant section in Assessment for further details)

Ecology Officer – No objections subject to conditions

Representations

2 letters of objection have been received which raise the following:-

- The plot is set adjacent to a Listed Building and would have an unacceptable effect on the appearance of it
- The proposal will alter the village boundary

- The proposed design is out of character
- Infringement on the Green Belt
- The proposed dwelling would provide a modern and isolated home totally out of place and this should be resisted and avoided.
- Garden grabbing
- The site of the proposed development lies in an area of the village of High Hoyland which is washed over by Green Belt. National and Local Authority Planning policies state *"Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances"*.
- The applicants argue that there was a Sexton's cottage existed on the site of their proposed development and that the redevelopment of this building falls under the category of special circumstances for permitted development in Green Belt. It is suggested that it was in existence until some time in the 1960s. However, it is understood that the Local Authority does not have any records of this building. There is no evidence of any such previous structure now and we feel that special circumstances do not exist on this occasion and that any new development would be detrimental to the character and openness of the Green Belt at this site.
- The site lies not in the centre of the village, but on one of the arterial highways leading into/out of the village. It is beyond the defined boundaries of the village, and we would therefore argue that this proposed development could not be considered as infill within the envelope of the village.
- We feel that this application would constitute inappropriate development in the vicinity of the Grade II listed All Hallows church and would have a negative impact on the setting and visual aspect of this listed building.
- We understand that if the development of a new residence is permitted at All Hallows, this would result in the further development of the church building as a retreat and air BnB operation. This could result in an increased problem with parked cars on the highway. Occupants and visitors park on the bend immediately in front of All Hallows church, impairing the visibility of motorists approaching High Hoyland along Church Lane, from a northerly direction. Minor accidents at this point between motorists and parked cars have already been noted.
- We feel that permitting any development in Green Belt around High Hoyland, unless very special circumstances are proved to exist, would open the door for other applicants arguing for the same consideration. We do not feel that the reasons argued in the case of this application constitute very special circumstances

12 Letters of support have been received which raise the following:-

- The application for the Sextons Cottage to be built is in line with the NPPF which allows 'the replacement of a building not materially bigger than the one it replaces', ie. the former house for the Church.
- As this is a 'one off', it certainly will not cause 'any unrestricted sprawl nor encroachment by neighbouring built up areas', ie. The Green Belt will be protected still.
- In line with the purpose of the Green Belt, it will actually help 'to preserve the setting and special character of this historic site and local area', by having dedicated people living on site and having passive surveillance of areas eg. the Paddock, the Woodland, and a nearby public lay by.
- The site has been subject to vandalism in the past. The church, given back its caretaker neighbour would be more safe, usable and financially viable
- If Tina and Jasper are able to live in the Sexton's cottage as it used to be - there will also be the following benefits:
 - It releases space within All Hallows for the work of Tina and Jaspers' ministry to help people in need.

- It provides oversight and security for the area at the far end of High Hoyland.
- It returns the land to its original purpose for All Hallows
- Limited infilling on selected sites would be an asset to both the community and village infrastructure. I know the proposed site well and under no circumstances can a suitable development there be a threat to anyone's usage or enjoyment of their own homes. I would like to go on record as saying that subject to a new build being in keeping with other village developments previously passed
- The retreat long term and preserve the church building too, the cottage in keeping with the landscape would be a great asset. I know the area well and that it had been somewhat neglected previously.
- The cottage would be great asset, appropriate to the site, where it previously stood. it would have been normal to have a close person to care for the place in a viable way, especially when right out in the countryside.
- You would need to see the place itself to appreciate what they have already achieved.
- Previously this area had become something of a magnet for unsavoury behaviour so this brings life back into the district.

Assessment

Principle of Development

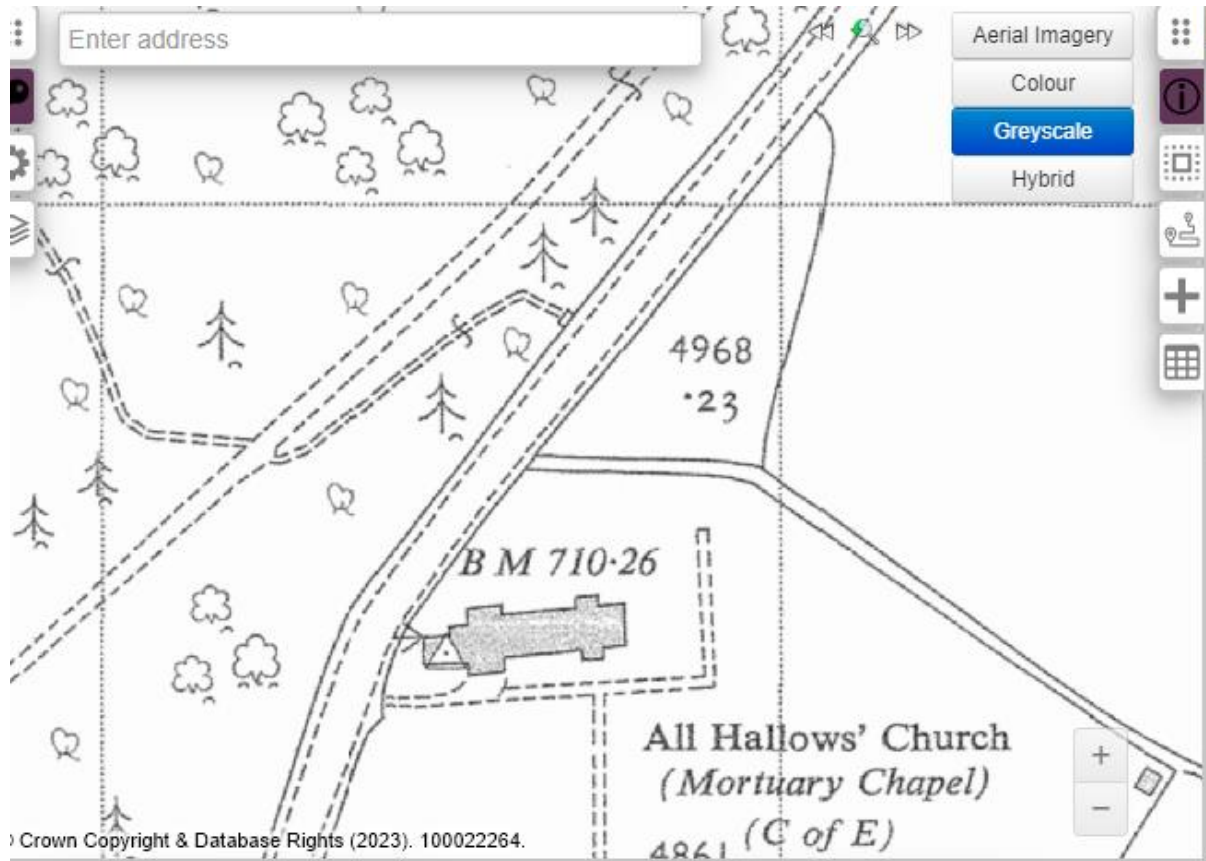
The site is located in the Green Belt as allocated within the Local Plan, where inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The NPPF States that local planning authorities should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are set within para 149 of the NPPF:

- 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
- 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.

The proposal would not fall into any of the above categories. The site is not set within a defined village boundary, therefore could not be considered as limited infilling. The site would not be classed as previously developed land, as the previous residential use has long been abandoned. If a building or land remains unused for a considerable time, in such circumstances that a reasonable person might conclude that the previous use had been abandoned, then the concept of abandonment applies. There is no cottage on the site at

present or visible remains of a cottage. Historic OS plans from 1960 do not show any building on this land, which would suggest that there has not been a residential use of the site for more than 60 years. The land would therefore not be considered as previously developed. The dwelling is not for an agricultural or forestry worker and is not proposed to be affordable. Therefore, it cannot be said to be an exception under paragraph 149 of the NPPF.



1960 OS Plan

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Any harm to the Green Belt should be given substantial weight. Very special circumstances shall not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations. The agent has stated that the dwelling would be occupied by the applicants who run a wellness retreat and holiday accommodation in the adjacent former All Hallows Church building. The applicant states that the 'without suitable accommodation for those responsible for the site's upkeep and management of the retreat, the listed church and heritage site are at risk of being left vacant and falling back into disrepair.' The applicants currently reside in the church and the development of the proposed cottage will allow for the church to be let out fully as a wellness retreat and holiday accommodation and the applicants would reside in the proposed cottage. The Church appears to be in a good state of repair, therefore there should not be any significant maintenance concerns, and there would not be a requirement for the applicants to live on site, as with many other holiday lets in the area which are managed without the owners living on site. The agent also states that the site has been considered by some to be an overgrown eyesore and was used by fly tippers. The site does not appear to be in an untidy state, and this alone would not amount to very special circumstances.

In addition to the above, any development of this site for residential purposes, including any associated residential paraphernalia, would have a significantly greater impact on the

openness of the Green Belt and the purpose of, including land within it, than its existing use, and no sufficient very special circumstances have been put forward to warrant a relaxation of Green Belt Policy in this instance. The proposal is therefore contrary to policy GB1 and the NPPF.

Impact on Listed Building/Historic Environment/Visual Amenity

The Conservation Officer has been consulted as part of the application process, due to the site being set adjacent to the Grade II Listed All Hallows Church. The Conservation Officer states that there is clear evidence for the former Sexton's Cottage on the site and map evidence is clear this existed until the mid C20. The cottage appears on the 1948 OS (below) but by the 60's it had been removed. The adjacent All Hallows was listed in 1968 for its architectural and historic special interest (the tower is C17, but the body of the church is a later rebuild from the turn of the C19/ C20). Consequently, the cottage never figured in any considerations at the time as to whether it contributed to the setting or was indeed worthy of listing itself. As stated within the principle of development section above, the site has been clear of any buildings for over 60 years and is therefore undeveloped and not considered previously developed land.



In terms of design, the proposed dwelling includes relatively sympathetic materials, however whilst the Sexton's cottage appears to have had a longer linear arrangement aligned to front onto Litherop Road it was obviously of narrow span and likely quite different in appearance to the proposal. In truth, we do not have a detailed understanding of the overall appearance of the former cottage, so to say this proposal has a clear precedent (in the earlier cottage) is only true in the broadest terms. Consequently, the Conservation Officer raises concern the overall scale, bulk, massing, and contemporary detailing of the proposal will not harmonise adequately with the setting of the church and could look out of keeping and harmful in this setting.

In terms of Archaeology, the Conservation Officer has also considered the associated DBA and the potential for archaeological remains (including human remains) and remains of the Sexton's cottage are high. The Conservation Officer considers that the principle of the

proposal is not established and also has concerns the new dwelling could have a harmful impact both on the setting of the Grade II All Hallows, subsurface archaeology, and the openness of the Green Belt, contrary to policies HE1, HE3 and HE6 of the Local Plan.

Residential Amenity

The site is set adjacent to All Hallows Church which is in residential use, however there will be very little in the way of impact on amenity in terms of overlooking or overshadowing impact, given the separation distances.

Internally, the layout meets the various internal and external spacing standards. Therefore, the proposed dwelling is acceptable in residential amenity terms and complies with Local Plan Policy D1 and the accompanying Designing New Housing Development SPD in this regard.

Biodiversity

The Ecology Officer has considered the submitted Preliminary Ecological Appraisal and Biodiversity Impact Assessment and has no objections to the proposal. The updated Preliminary Ecological Appraisal (PEA) report includes precautionary measures to be adopted during works and mitigation/enhancement recommendations, which are welcomed and can be secured by way of planning conditions.

The proposal is therefore acceptable in terms of impact upon Biodiversity, in accordance with policy BIO1 of the Local Plan.

Trees

In terms of trees, the majority of the trees will be retained to the north of the site with a category C Ash Tree to be removed to the south, closest to the proposed dwelling. There are trees which surround the site which should be retained as part of any redevelopment proposals and as such the information provided is sufficient to ensure that retained trees are protected in accordance with Local Plan Policy BIO1 Biodiversity and Geodiversity and the accompanying Trees and Hedgerows SPD.

Highways

The Highways Officer has been consulted and has provided the following comments:- 'The previously proposed double garage has been removed, as a result the layout now includes ample parking and turning provision. Sight lines of 2.4m x 43m are shown to be achievable along Church Lane from the site access. An electric vehicle charging point is to be provided along with a dedicated cycle storage unit.' The amended proposals are considered acceptable from a Highways perspective, subject to conditions in accordance with Local Plan Policy T4.

Conclusion

In conclusion, the proposal is inappropriate development in the Green Belt which is harmful, and has an impact on openness, and substantial weight is given to this harm in the planning balance. Very special circumstances have also not been demonstrated. As such the proposed is recommended for refusal for the following reasons:

Recommendation

Refuse