
2023/0880

Mr Steven Warsop

Development of 1 no. Self-Build Residential Dwelling and associated works

Land to rear of Greenland Cottage, High Hoyland Lane, High Hoyland, Barnsley

Site Location and Description

The application site is located to the south of High Hoyland, off High Hoyland Lane. There is a row of cottages to the front (west), Greenland Cottages and The Mount lies to the east, with the garden to this property wrapping around the site. To the rear of the site there is The Perch and Hoyland Hills Cottage.

The application site is approximately 0.14ha and presently consists of a redundant back filled quarry that is in private ownership. The site has also historically contained buildings within it as shown on the OS plans from 1960 and earlier.

The site's topography slopes down from north to south with a cliff face (associated with the former quarry use) within the site. To the north and south of the cliff face the land plateaus.

Planning History

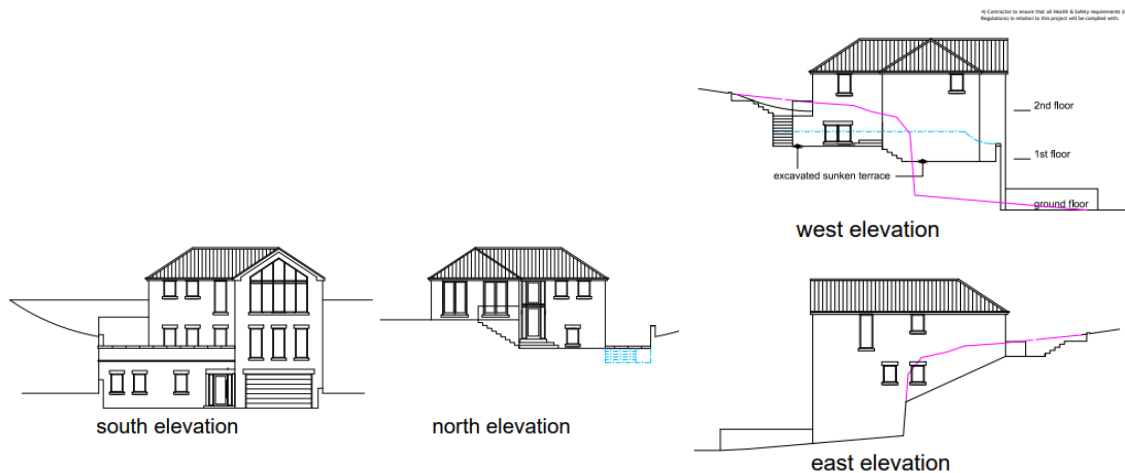
- 2021/0795 – Development of one dwelling and associated work – refused
- 2022/0960 – Erection of single storey detached annex building – granted (and previously granted in 2017 and 2014)
- 2018/0380 – Erection of one residential dwelling and associate infrastructure – refused and dismissed on appeal

Proposal

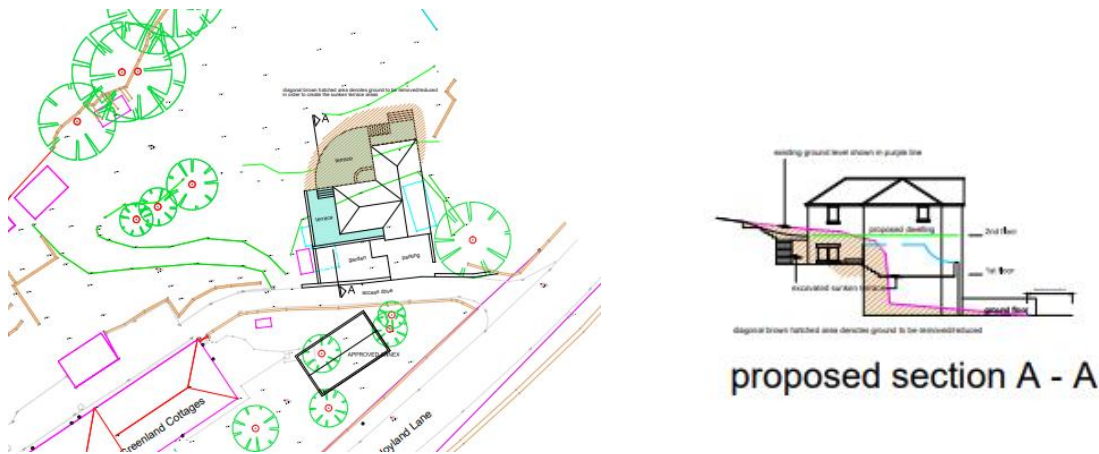
The proposed development is a detached self-build house with access taken off a private drive that goes on to serve the existing group of terraced cottages at Greenland. The house is proposed to be three storey with coursed natural stone walls and natural slate roof and would have four bedrooms and a double integral garage. It would be set into the quarry face which will be substantially removed/reduced.

The application is supported by a Preliminary Ecological Appraisal (which has been revised), a Planning Case Report, a Tree Survey with Impact Assessment, a Coal Mining Stability Risk Assessment and a number of emails and letters including a legal submission.

Proposed elevations



Proposed layout and section



Policy Context

Planning decision 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.

Local Plan

The Local Plan was adopted by the Council in January 2019 and the Council has also adopted a series of Supplementary Planning Documents which are other material considerations.

The Local Plan review was approved at the full Council meeting held on 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering its objectives. This means no updates to the Local Plan, in whole or in part, are to

be carried out ahead of a further review. The next review is due to take place in 2027 or earlier if circumstances require it.

The site is within an area designated as Green Belt in the Local Plan where policy GB1 applies to protect the Green Belt in accordance with national planning policy.

Other relevant policies include:

Policy SD1 Presumption in favour of Sustainable Development – indicates that we will take a positive approach reflecting the presumption in favour of sustainable development in the National Planning Policy Framework and that we will work proactively with applicants to find solutions to secure development that improves the economic, social and environmental conditions in the area

Policy GD1 General Development - sets a range of criteria to be applied to all proposals for development.

Policy H4 – Residential Development on Small Non-allocated Sites – proposals for residential development on sites below 0.4ha will be allowed where the proposal complies with other relevant Plan policies.

Policy T3 New development and Sustainable Travel – expects new development to be located and designed to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians and cycles. Also sets criteria in relation to minimum levels of parking, provision of transport statements and of travel plans.

Policy T4 New development and Transport Safety – expects new development to be designed and built to provide safe secure and convenient access and to not cause or add to problems of highway safety or efficiency.

Policy D1 High Quality Design and Place Making – indicates that development is expected to be of high quality design and to reflect the distinctive, local character and features of Barnsley.

Policy LC1 Landscape Character – development will be expected to retain and enhance the character and distinctiveness of the individual landscape character area in which it is located.

Policy GS2 Green Ways and Public Rights of Way – indicates that we will protect green ways and public rights of way from development that may affect their character or function

Policy BIO1 Biodiversity and Geodiversity - Indicates that development will be expected to conserve and enhance the biodiversity and geodiversity features of the borough and that harmful development will not be permitted unless effective mitigation and/or compensatory measures can be ensured.

Policy GB3 – Changes of use in the Green Belt – sets criteria that will be used in the determination of applications for change of use or conversion of buildings in the Green Belt. Also indicates that we will not generally allow the change of use of Green Belt to extend residential curtilages for use as gardens.

Policy CC1 – Climate Change – indicates that we will seek to reduce the causes of and adapt to the future impacts of climate change by a range of measures (including promoting and supporting the delivery of renewable and low carbon energy).

Policy CC2 – Sustainable Design and Construction – development will be expected to minimise resource and energy construction through the inclusion of sustainable design and construction features where this feasible and viable. Also sets the requirement that all non-residential development will be expected to achieve a minimum standard to BREEAM ‘Very Good’ and supported by a preliminary assessment at planning application stage.

Policy CC3 – Flood Risk – the extent and impact of flooding will be reduced by not permitting new development where it would be at unacceptable risk of flooding or would give rise to flooding elsewhere; ensure that only water compatible or essential infrastructure is allowed in functional floodplain (subject to the flood risk exception test) and provided that there is no harmful effect on the ability of the land to store floodwater; (etc etc) -sets a range of criteria in relation to development and flood risk, including expecting all development proposals on brownfield sites to reduce surface water run off by at least 30%; development on greenfield sites to maintain or reduce existing run off rates; and development proposals to use SuDS in accordance with policy CC4.

Policy CC4 – Sustainable Urban Drainage Systems – all major development will be expected to use SuDS to manage surface water drainage unless it can be demonstrated that all types of SuDS are inappropriate. The council will also promote the use of SuDS on minor development. Planning applications must be supported by an appropriate drainage plan and SuDS design statement.

RE1 - Low Carbon and Renewable Energy – all developments will be expected to incorporate initially appropriate design measures and thereafter decentralised, renewable or low carbon energy sources in order to reduce carbon emissions and should at least achieve carbon compliance targets set out in Building Regulations. Also sets out criteria for consideration of renewable energy producing development.

Policy Poll1 Pollution Control and Protection – sets criteria to ensure that new development does not unacceptably affect or cause nuisance to the natural and built environment or to people; or suffer from unacceptable levels of pollution.

SPDs

Biodiversity and Geodiversity SPD - Sets out how Local Plan policy BIO1 and GI1 on green infrastructure will be applied. It also provides further specific detail about the Dearne Valley Nature Improvement Area.

Design of housing development SPD - sets out the design principles that will apply to new housing developments, including infill and back land development

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.

Para 115. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Para 135 – planning decisions should ensure that developments function well, add to the overall quality of the area, are visually attractive, sympathetic to local character, establish a strong sense of place, optimise the potential of the site and create safe, inclusive and accessible places that promote health and well-being.

Para 139 – development that is not well designed should be refused. Conversely, significant weight should be given to development which reflects local design policies and/or outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area

Para 152 – Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances

Para 154 – A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt and sets out a closed list of exceptions including limited infilling in villages.

Para 174 – planning decisions should contribute to and enhance the natural and local environment by protecting sites of biodiversity value and minimising impacts on and providing net gains for biodiversity

Consultations

Highways DC – Whilst there are some concerns about the proposal increasing the number of dwellings being served off a private drive, it is apparent that there are two points of access to this spur off High Hoyland Lane and at least two of the dwellings would most likely use the second section of the lane to access their properties. Furthermore, there is evidence of the plot already generating vehicular movements so it is not considered that the proposal would generate additional traffic to a level that would have a significant impact on highway safety. Two conditions are recommended to secure suitable surfacing of the areas to be used by vehicles; and a scheme for the parking of bicycles on the site.

Planning Ecologist – (in response to the amended PEA) – I am content with the applicant following the District Level Licensing approach to mitigate the potential impacts to GCN within the proposal site, but this must be secured before permission is granted. An existing building on the site will now be directly impacted, it has low potential to support roosting bats and a single bat survey is required. This cannot be conditioned and should be undertaken prior to a decision being made on the planning application. Recommend deferral of the application.

Design – While the use of regular coursed natural stone and natural roof slates would be a positive feature, the building's height, massing and vertical emphasis will feel incongruent to the setting of Greenland Cottages and the predominant rural setting when viewed from High Hoyland Lane. The design of the proposed three storey house lacks the design detailing of the previously proposed (and refused) three storey house – such detailing which had the effect of reducing the visual impact of the scale of the previous proposals and had a more horizontal emphasis when viewed from High Hoyland Lane which was more appropriate to the setting, particularly when viewed in relation to Greenland Cottages and the other dwellings in the vicinity which are one or two storeys high. In addition, the garage as proposed (an integral double garage with the door on the front elevation) is over dominant of the front elevation, and contrary to the guidance in the SPD Design of Housing Development which indicates that garages should be subservient to dwellings and integral garages should be set back from the frontage of the dwelling.

Yorkshire Water – no objections subject to conditions in relation to drainage of foul and surface water

Pollution Control – recommend a condition restricting hours of construction/demolition.

The Coal Authority – recommend a pre-commencement condition requiring phase 2 intrusive investigations, as recommended in the submitted Coal Mining Risk Assessment, together with two informatives.

SYMAS – recommend that phase 2 intrusive investigations are required by condition, as recommended in the submitted Coal Mining Risk Assessment.

Ward Councillors– Councillor Barnard noted the two previous refusals and an appeal dismissed by the Planning Inspectorate on this site. He noted that there are no material differences and that previous objections remain valid. He requested that if the application were recommended for approval, it be referred to Planning Regulatory Board for determination, along with a request for a site visit so Members could see for themselves the problems with development of the site. No other comments received from ward councillors

High Hoyland Parish Meeting object to the proposal and remain of the opinion that the proposal is outside the village, is not infilling, will harm openness and is contrary to national and local planning policy

Representations

The application has been advertised via letters direct to neighbours as well as a press notice and a site notice displayed for the period 31 October to 21 November 2023. 14 comments have been received.

One a letter of support from the owner of an adjacent cottage who has sold the application site to the applicant and states that the proposed will have no negative impact on them, would improve their security and visual impact by removing shipping containers and vehicles from the site. Note that this represents generational growth which has happened elsewhere in the village; that there are foundations to three properties historically on the application site and that the existing access arrangements operate safely. Note that footpaths on High Hoyland Lane have deteriorated into grass verge and that a high quality home built to eco standards would contribute towards the Council's 2040 goal for

13 letters of objection make the following comments:

- The site is in an area of the village which is washed over by Green Belt where inappropriate development is harmful to the Green Belt.
- The site is outside the village envelope defined in the development plan.
- The proposal is not limited infilling in the village nor is it partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development.
- The applicant has offered (to High Hoyland Parish Meeting) that he wouldn't build the permitted annex if he is granted permission for the house. Since the annex has had permission since 2014, during which time permission for a house on the application site has been refused twice and dismissed on appeal once, there is no change in circumstances/planning policy and the annex should have no bearing on the decision on this application
- A nearby appeal in 2014 (some way to the east of the application site) was refused and dismissed as not representing limited infilling in the village.
- The proposed house will be detrimental to the openness and visual amenities and rural character of the Green Belt.
- The applicant argues that the proposal is smaller than the previous applications, but it is still a significant detached four bed and three storey house.
- Access is via a private access road which needs to be kept clear at all times; the proposed dwelling will need an easement as there is currently no access to this proposal; and it is also queried why the access road is included in the red outline

- The access is a public right of way and used by 4 other dwellings. The proposal would be detrimental to access for existing residents and could cause safety issues with access onto High Hoyland Lane.
- There is no mains drainage, since 2020 there are new regulations in place for septic tanks and water treatment which may need separate planning permission
- The proposal will not enhance the natural environment or the immediate setting; it will be detrimental to the existing site and is insensitive to the immediate neighbours of Greenland Cottages.
- The proposal will be an intrusion into the immediate area of Greenland Cottages and the design conflicts with the construction and positioning of Greenland Cottages and would dominate the site, tower over the cottages and have an adverse impact on its neighbours.
- The height of the house is incongruous to the current landscape and its immediate surroundings and is not in keeping with the village aesthetic.
- Access and drainage should be a consideration – the application indicates surface water drainage will be to a main sewer but there is none in the vicinity; and makes no provision for disposal of foul sewage.
- Impact on view of the Green Belt of those living in Greenland Cottages and those looking up towards High Hoyland
- Would set a precedent for development to be permitted on Green Belt areas surrounding High Hoyland and neighbouring villages, and to the detriment of surrounding woodland and wildlife
- The application indicates that no new parking will be provided; the site is regularly used for parking more than two vehicles although the application only suggests two spaces are available and the proposed house will require the two spaces set out in the plan.
- Native bluebells exist at the east of the site; the species is listed on the Barnsley Biodiversity Action Plan as a species in need of conservation. The LPA is urged to ensure that safeguards are put in place to protect the habitat from development, including storage of materials and vehicle movements.

Principle of development

The site is located in the Green Belt where inappropriate development is, by definition, harmful and should not be approved unless very special circumstances can be demonstrated that clearly outweigh both harm to the Green Belt by reason of inappropriateness and any other harm. The construction of new buildings is classed to be inappropriate development under national planning policy in the NPPF at paragraph 154 with a closed list of exceptions including (e) limited infilling in villages.

In order to determine if NPPF para 154(e) is to apply, it is necessary to determine both whether the applications site is a village and, if it is, whether the proposal comprises limited infilling. The status of the village boundary defined on the Local Plan policies map is not determinative as to the extent of the village. The decision as to whether the proposal constitutes limited infilling in a village in the Green Belt is a matter of planning judgement.

It is considered that this site does not qualify as a site for limited infilling in a village. This judgement is consistent with the previous planning application and appeal decisions both on this site and nearby to the east. The main village lies some distance to the north east. There is a clear break in development between the dwellings on High Hoyland Lane and the main village. This judgement is consistent with previous appeal decisions and there has been no change in circumstances since those decisions, the character of the settlement remains such that the application site is some distance from the main village and there is a clear break in development between the dwellings on High Hoyland Lane and the main village.

The application site does not lie within a village in the Green Belt. It is therefore not necessary to consider whether the proposal could be said to form limited infilling.

The application is supported by a number of submissions that make the case that the application site is in the village. These include

- the character of the area, including the number of properties on High Hoyland Lane including the former High Hoyland Methodist Chapel, indicate that the proposed development is not inappropriate development in the Green Belt because it is infilling within a Green Belt village;
- previous pre application advice and applications determined on and in the vicinity of the application site have accepted that the site/location is in the village;
- previous appeals on and in the vicinity of the application site have not had adequate evidence to enable Green Belt policy to be properly assessed/interpreted;
- the boundary of the village defined in the local plan is not determinative for the purposes of establishing whether or not the application site is within the village (for Green Belt purposes);
- aerial photographs, historic OS maps, electoral and utility letters and appeal decisions elsewhere provide supporting evidence to the case that the application site is infilling within the village
- Planning Inspectors have found that infill development could include development within the confines of a group of buildings

However, it is considered that none of these submissions change the assessment about the character of the application site and the wider area which lead to the conclusions that the site is not in the village of High Hoyland and is not limited infilling in a village for the purposes of NPPF para 154 (e).

The site does not qualify under any of the other exceptions to the presumption against inappropriate development in the Green Belt and the application does not argue that any of these are the case.

The proposed development is therefore inappropriate development in the Green Belt which is by definition harmful to the Green Belt and should not be approved except in very special circumstances.

Design

The proposed three storey dwelling lacks design detailing to reduce the impact of the height and mass of the building. It includes window details which add to the vertical emphasis of the dwelling and therefore emphasise the height of the building. Since the proposal will be viewed in the context of one and two storey houses in the vicinity, the height, massing and vertical emphasis will feel incongruent in the street scene. The design of the dwelling also includes an integral double garage with a door on the front elevation. The garage is over dominant of the front elevation, contrary to the guidance in the SPD Design of Housing Development. The use of regular coursed natural stone and natural roof slates would be a positive feature but do not overcome the concerns about the design which it is concluded result in a dwelling which has an unacceptable appearance in the street scene, contrary to local plan policy D1 and the SPD Design of Housing Development.

The proposed building will not be highly visible in the landscape but will be visible from views looking up to the site from the farmland to the south-east. It is concluded that the proposal would have a neutral impact on landscape character and as such does not comply with local plan policy LC1 as it would not enhance the character and distinctiveness of the area.

Ecology

A preliminary ecological appraisal (PEA) has been submitted in support of the application. This details that a bat survey will be required for the stone building on the site which will be demolished as a result of the proposals and proposes that this could be dealt with by condition. In addition, there are ponds in the vicinity of the application site which are capable of supporting Great Crested Newts. The applicant proposes to follow the District Level Licensing (DLL) approach to mitigating potential impacts to GCN within the proposal site.

However, bat surveys cannot be conditioned as part of a planning permission and must be provided before the decision is made and the DLL must also be secured before permission is granted.

Due to the small size of the site a biodiversity net gain assessment will not be required to support the planning application.

Based on the above there is insufficient information to conclude that the proposal is in accordance with BIO1 Biodiversity and Geodiversity and the accompanying SPD Biodiversity and Geodiversity.

Sustainability

The site is not in a sustainable location, being outside of a village which itself has limited services. The topography and lack of footpaths on High Hoyland Lane do not support walking, or cycling and access to the nearest bus stop which is over 400m to the north and uphill. For these reasons, access to local facilities, services and shopping and work are almost certainly to be private car for any occupiers, which is not in accordance with the sustainable transport objectives of local plan policy T3 or the NPPF to promote walking, cycling and public transport use.

The proposal includes an intention to meet Future Building and Homes Standard ahead of the proposed 2025 intended implementation/requirement and the provision of a ground based photovoltaic array (although it is not clear from the submission where this would go on the site). These elements indicate an intention to secure higher levels of sustainability than required by current planning policy and other regulations. However, they do not overcome the objections to the lack of sustainability of the location and it is concluded that the proposal is in conflict with the requirements of local plan policy T3.

Residential Amenity

The proposed dwelling would have an acceptable relationship with the dwellings in the immediate vicinity and would provide an acceptable level of residential amenity for the new residents and it is concluded that the proposed development is acceptable in residential amenity terms and complies with local plan policy D1

Highway Safety

Reflecting the advice of the Highway Engineer, it is considered that subject to the imposition of conditions to secure suitable surfacing of the areas of the site to be used by vehicles; and a scheme for the parking of bicycles on the site, the proposal will not result in any highway safety concerns and is in accordance with Local Plan policies T3 and T4. The proposal involves the use of the existing access which serves Greenland Cottages and is also a public right of way. The scale of development proposed is not considered likely to result in an increase in vehicle use of the public right of way to an extent that would affect their character, function or safety and the proposal is concluded to be in accordance with Local Plan policy GS2.

Drainage

No drainage details have been provided other than confirmation that foul would be disposed of to 'other' and not an existing drainage system and surface water would be to a sustainable drainage system. Conditions would be required, reflecting the advice of consultees, to ensure the submission of a drainage scheme that meets standards and policy requirements for sustainable urban drainage.

Trees

The submitted tree survey indicates that one Oak Tree which is assessed as being of low value will be required to be removed to facilitate the development and potentially damaging activities are proposed in the vicinity of other trees which are proposed to be retained. No comments have been secured on this element of the proposal from the Forestry Officer and this issue would need to be adequately resolved if planning permission were to be granted.

Other

There are no significant issues raised in the application and by objectors which change the conclusions reached on the main issues.

Planning balance

Because the applicant's case is based on their assessment that the site is not inappropriate development in the Green Belt, they have not made any submission that there are very special circumstances that would clearly outweigh the substantial weight that is given to any harm to the Green Belt together with the weight given to any other harm. There are elements in the submission that weigh in favour of the proposal as benefits, including the development of a self-build dwelling; the removal of containers on the site; the intention to meet Future Building and Homes Standard ahead of the proposed 2025 intended implementation/requirement and the provision of a ground based photovoltaic array (although it is not clear from the submission where this would go on the site). However, it is not considered that the benefits of the scheme would clearly outweigh the harm to the Green Belt from inappropriate development and the other harm identified.

While there are benefits in the proposal that can be given limited weight, these are outweighed by the substantial weight given to the objection to inappropriate development in the Green Belt and the other harm outlined above. Overall, any benefits of the proposal would not outweigh the policy conflict identified.

Recommendation

Refuse