

BARNSLEY METROPOLITAN BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

Appeal by Mr Alexander Wilkinson

against the decision issued by

Barnsley Metropolitan Borough Council

to refuse planning permission

in connection with the proposed Erection of 1no. detached dwelling, Land adjacent
Rivelin, Old Mill Lane, Thurgoland, Sheffield

Inspectorate Reference: APP/R4408/W/19/3223426

LPA Reference: 2018/0819

APPEAL STATEMENT SUBMITTED ON BEHALF OF THE LOCAL PLANNING
AUTHORITY

1.0 INTRODUCTION

The appeal is against the decision of Barnsley Metropolitan Borough Council to refuse planning permission for the erection of 1no. detached dwelling at Land adjacent Rivelin, Old Mill Lane, Thurgoland, Sheffield.

1.2 The reason for the refusal of application 2018/0819 was as follows:

“The site lies within the Green Belt on the saved Barnsley Unitary Development Plan where the construction of new buildings is inappropriate development and, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Furthermore, in the opinion of the LPA the proposed would not qualify as infill in a village as set out in paragraph 145 of the National Planning Policy Guidance. There are considered to be no very special circumstances to justify the granting of planning permission in this instance and as such the scheme constitutes inappropriate development contrary to policy and prejudicial to the character and openness of the Green Belt.”

2.0 JUSTIFICATION FOR THE REASONS FOR REFUSAL

- 2.1 The site and wider village of Huthwaite is washed over as Green Belt in the Local Plan. The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It clarifies that new buildings are inappropriate development in the Green Belt with few exceptions including: limited infilling in villages or the partial or complete development of previously developed land. Local Plan Policy GB1 states that the green belt will be protected from inappropriate development in accordance with national planning policy.
- 2.2 The appellant has argued that the site would qualify as an exception under the NPPF being an infill site and previously developed land (brownfield). This is not the Council's view as set out below.
- 2.3 With regards to if this proposal could be considered redevelopment; the applicant has referred to the sites historic use as a quarry. However, as set out in Annex 2 of the NPPF the definition of previously developed land excludes land that is or was last developed for minerals extraction. Therefore, the claim that this site was a quarry would not support that the site is brownfield land.
- 2.4 Notwithstanding this, the historic maps (see, Figures 1-3) held by the council show the quarry to have been located to the north east of the site and that the quarry has been closed since at least 1990 (Figure 3). None of the plans show the quarry extending to the proposed development site.

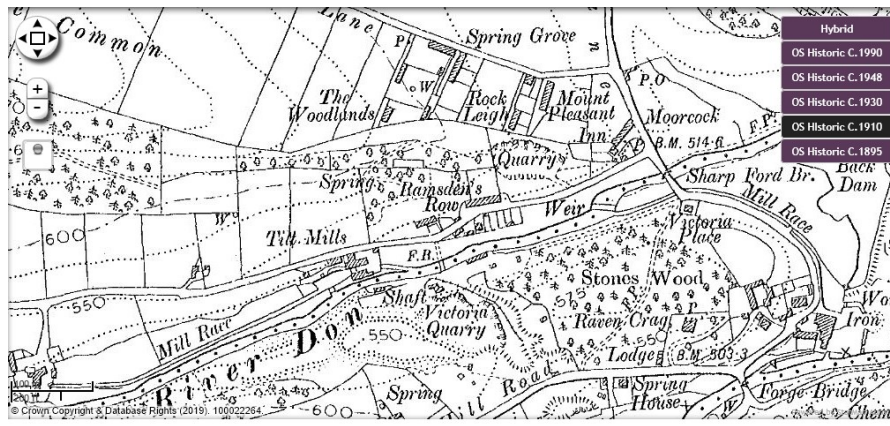


Figure 1 Historic Map c.1910

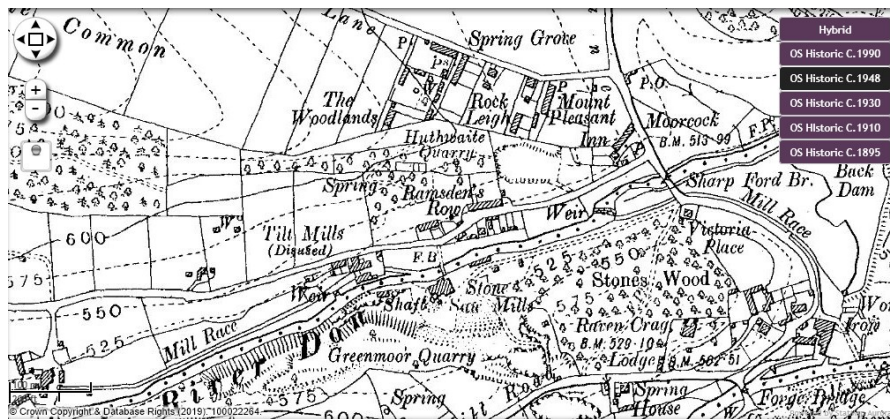


Figure 2 Historic Map c.1948

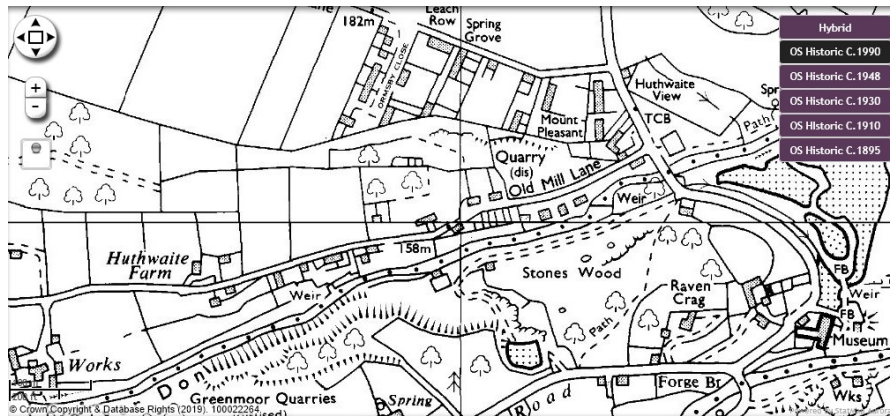


Figure 3 Historic Map c.1990

- 2.5 The applicant has provided photos in their statement showing what is claimed to be slack heaps in situ on the site with some stone / rubble clearly visible. As part of the planning application process a site visit was undertaken in July (25th July 2018). As evidenced by the photos taken at that time (Photos 1 & 2) the mound shown in the appellant's photo was previously entirely grassed over.



Photo 1 – Site entrance



Photo 2 - Mound

- 2.6 The mound, present in Photo 2, is not an unusual feature on agricultural land and, notwithstanding the fact that no evidence has been forthcoming to support the case that it is a slack heap or the site has been formally part of a quarry, the presence itself of a slack heap does not support that this is brownfield land.
- 2.7 It therefore remains the Council's view that this site does not qualify as brownfield.
- 2.8 Moving to whether development of the site would qualify as infill:
- 2.9 The site's peripheral location and open aspect is such that development here is not considered to be infill and would conflict with green belt policy.
- 2.10 The site which is the subject of this application is located to the western edge of the village, where the built development is less defined with properties more spread out / sporadic as is often the case at the edge of areas. Further, whilst there is a bungalow to the east of the site and some houses to the south (on the opposite side of Old Mill Lane) the character of the site is consistent with its Green Belt location being an open field utilised for grazing with open views to the woodland to the north and wider green belt to the north west.
- 2.11 The appellant previously submitted an application in 2017 (2017/1531, Appendix 1) for an agricultural building on this site at which time it was stated to form part of agricultural holding number 47/735/0071 and was proposed to be used as grazing for sheep. This further supports the site's agricultural use.
- 2.12 In addition, paragraph 145(g) of the NPPF sets the additional test as to whether there would be a greater impact on the openness of the green belt. The levels on the site are such that substantial earthworks would be required to create the development platform and a useable garden, with large retaining features likely to be required. These works would undoubtedly impact on the landscape character and would create an incongruous feature within this rural setting at the edge of the village. The development would also be very visible from the adjacent footpath (see figure 4) which will be at a higher ground level, offering views of the site; leading to a likely requirement for additional screening to protect the privacy of the dwelling. Therefore, the visual impact that this development will have on the landscape is unacceptable and would constitute a significant impact on the openness of the green belt.

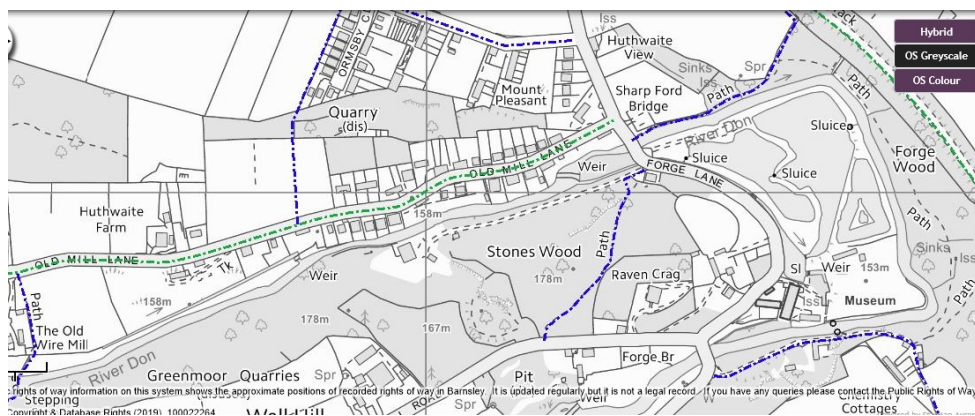


Figure 4 PROW Map

- 2.13 The applicant has referred to the recent appeal decision in Huthwaite (APP/R4408/W/15/3134783, Appendix 2) and the Council accept that this decision established that the village of Huthwaite is a sustainable location. However, the key issue in this case is whether or not the development site is infill. The development site which was the subject of that appeal was located in a much more central part of the village, was clearly contained within the developed boundary of the village and had a significantly less open appearance, indeed the Council accepted that it was infill at the time that the application was refused and this matter was not debated in the appeal decision.
- 2.14 Similarly, the application referred to by the applicant in their appeal statement (2018/0583, Appendix 3) is much more closely related to the village, located on that part of Old Mill Lane where there is a more defined pattern of development. It is a small plot with houses to all sides except the south where the River Don provides a defensible boundary.
- 2.15 The proposed, is located in a large field at the edge of the settlement where existing development is more sporadic in nature with only Huthwaite farm located to the west. It is clearly much more open in character and its development would conflict with the purposes of the green belt, namely to assist in safeguarding the countryside from encroachment.

3.0 Conclusion

- 3.1 In conclusion, it is not the Councils view that the site would qualify as brownfield. No evidence has been provided that the site was previously part of the nearby quarry; further land previously used for minerals extraction is not included in the definition of previously developed land as set out in the NPPF.
- 3.2 Nor would the development of this site qualify as limited infilling, being at the edge of the village and on an open field with the wider green belt to the north and west. The proposed is small / scale but if approve would set a precedent for the wider site and an overall development plot the scale of which should only be released through the Local Plan process.
- 3.3 Further the nature of the site and levels is such that the proposed would have a detrimental impact on the character of the landscape and openness if the green belt. If approved this development would conflict with the purposes of the Green Belt, namely to assist in safeguarding the countryside from encroachment
- 3.4 The council therefore respectfully requests that this appeal is dismissed.

CONDITIONS

If the Inspector is minded to uphold the appeal and grant consent it is considered that the following conditions below should be imposed:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out strictly in accordance with the plans and specifications, including materials stated on the application form, as approved unless required by any other conditions in this permission.

Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1, Design.

3. The windows on the east elevation of the building facing Riverlin shall at all times be fitted with obscure glass and retained as such thereafter.

Reason: To safeguard the privacy and amenities of the occupiers of adjoining residential property and in accordance with Local Plan Policy D1, Design.

4. Prior to the commencement of development plans to show the following levels shall be submitted to and approved by the Local Planning Authority; finished floor levels of all buildings and structures; road levels; existing and finished ground levels. Thereafter the development shall proceed in accordance with the approved details.

Reason: To enable the impact arising from need for any changes in level to be assessed and in accordance with Local Plan Policy D1, Design.

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position of boundary treatment to be erected. The boundary treatment shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property in accordance with Local Plan Policy D1, Design.

6. The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.

Reason: In the interest of highway safety, in accordance with Local Plan Policy T4.

7. Pedestrian intervisibility splays having the dimensions 2m x 2m shall be safeguarded at the drive entrance/exit such that there is no obstruction to visibility at a height exceeding 600mm above the nearside channel level of the adjacent highway.

Reason: In the interest of road safety in accordance with Local Plan Policy T4.

8. Sight lines having the dimensions 2.4m x 90m shall be safeguarded at the drive entrance/exit such that there is no obstruction to visibility at a height exceeding 1.05m above the nearside channel level of the adjacent highway, in the interest of road safety.

Reason: In the interest of road safety in accordance with Local Plan Policy T4.

9. All surface water run off shall be collected and disposed of within the site and shall not be allowed to discharge onto the public highway.

Reason: In the interest of road safety in accordance with Local Plan Policy T4.

10. Vehicular and pedestrian gradients within the site shall not exceed 1:12 to ensure safe and adequate access.

Reason: In the interest of road safety in accordance with Local Plan Policy T4.

11. No development shall take place including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:-

- The parking of vehicles of site operatives and visitors.
- Means of access for construction traffic.
- Loading and unloading of plant and materials.
- Storage of plant and materials used in constructing the development.
- Measures to prevent mud/debris being deposited on the public highway.

Reason: In the interest of road safety in accordance with Local Plan Policy T4.

12. No development works shall begin until a Phase 1 Desk Study report, endorsed by a competent engineer experienced in ground contamination, has been submitted and agreed with the Local Planning Authority. The report shall, amongst other matters, include the following:-

A review of the historic and current uses of the site, and surrounding area, to identify potential areas of contamination.

Information on the environmental setting of the site, to understand the behaviour of any potential contamination.

Preliminary (qualitative) assessment of contamination risks, including an appraisal of potential sources, pathways and receptors.

An assessment to whether a "phase 2" intrusive ground investigation will be required to assess the nature of any risks to future occupants.

Reason - to protect the environment and ensure the site is suitable for the proposed use.

13. No development shall take place unless and until

(a) Full foul and surface water drainage details have been submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development unless otherwise agreed in writing with the Local Planning Authority.

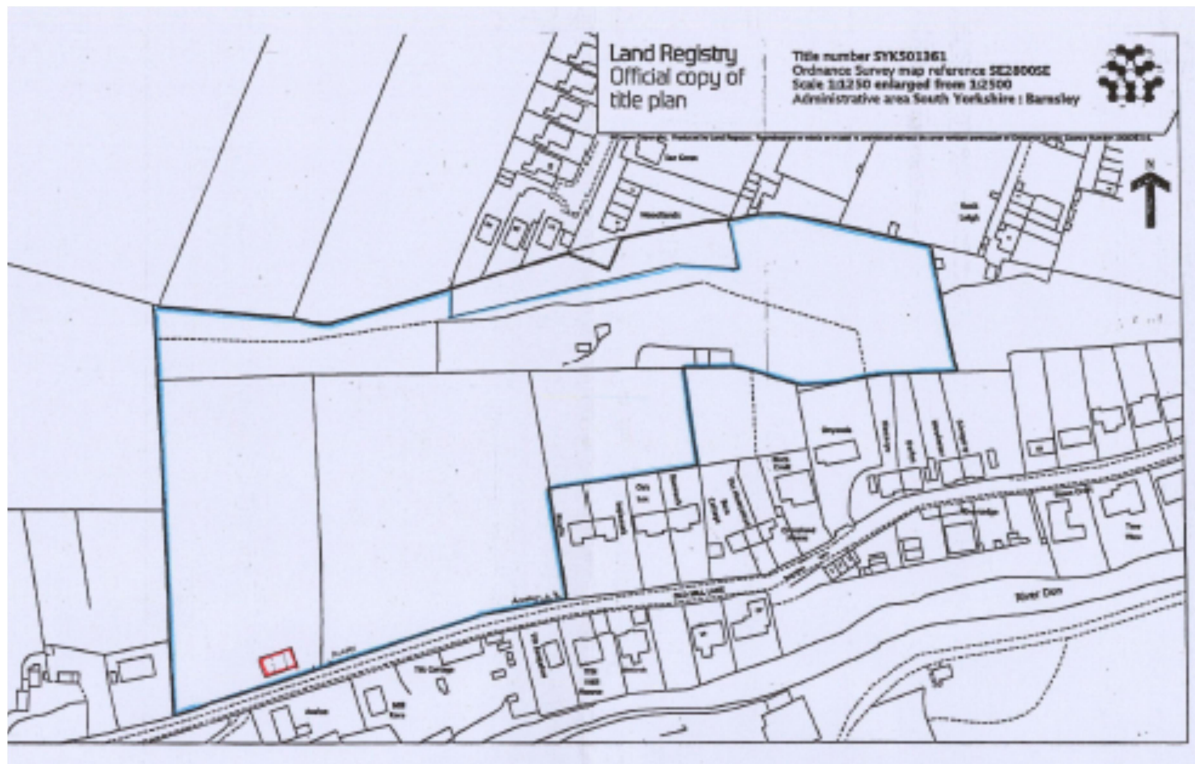
(b) Porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways
and

(c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways are all approved in writing by the Local Planning Authority.

Reason: To ensure the proper drainage of the area in accordance with Local Plan Policy CC4

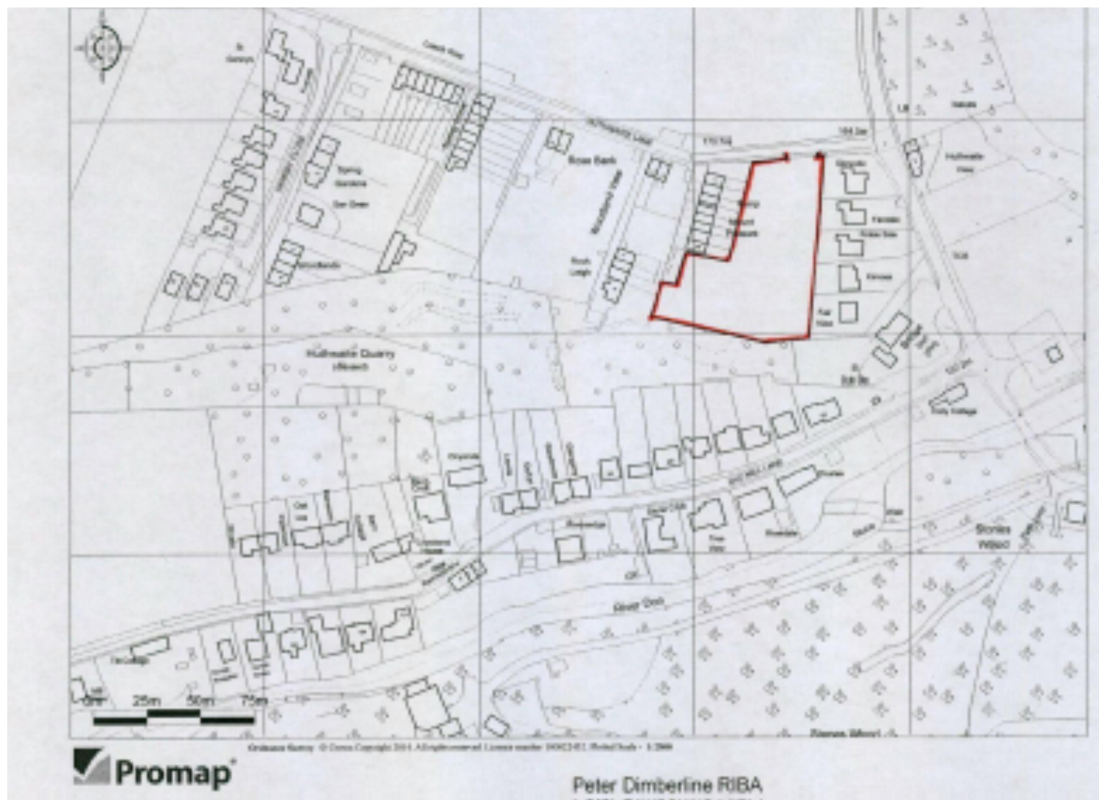
Appendix 1

Application 2017/1531 Location Plan



Appendix 2

APP/R4408/W/15/3134783 Location Plan and Appeal Decision



Appendix 3

2018/0583 – Location Plan

