

**Planning Appeal –
Full Statement of Case**

Erection of 1no. Detached Dwelling

at

Land adjacent Rivelin, Old Mill Lane, Thurgoland, Sheffield

Planning Application Reference: 2018/0819

Prepared on behalf of the Appellant

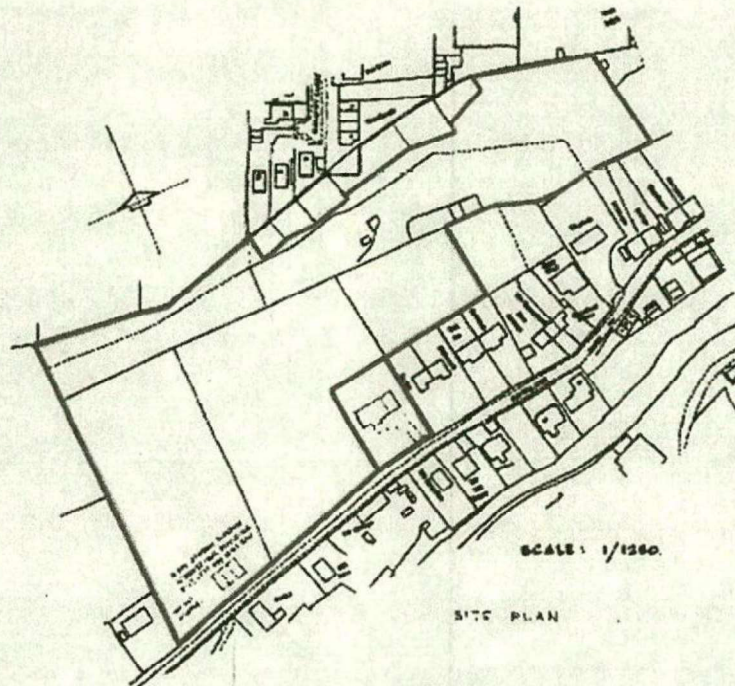
Mr A C S Wilkinson

CONTENTS

INTRODUCTION	1
SITE LOCATION AND CONTEXT	2
PROPOSED DEVELOPMENT	3
CASE ON BEHALF OF THE APPELANT	4
CONCLUSION	7

- 1.1 On the 6th September 2018, Barnsley Metropolitan Borough Council refused planning permission for the 'Erection of 1no. Detached Dwelling at Land adjacent Rivelin, Old Mill Lane, Thurgoland, Sheffield'. This Full Statement of Case represents the Appellants case for the Appeal.
- 1.2 The Planning Application was refused on 6th September 2018 for the following reason:
- 1.3 *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 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'.*
- 1.4 The Local Planning Authority (LPA) has provided an absence of reasoning as to why the subject site does not constitute a "village" or "limited infill".
- 1.5 This Statement explains the background to the proposal, describes the site and its surrounding context, the relevant planning policy framework and seeks to outline the Appellant's case in response to the cited reason for refusal.

- 2.1 The appeal site comprises a former Quarry and associated land to the North of Old Mill Lane, Huthwaite, near Thurgoland and lies within the western part of the Metropolitan Borough Council of Barnsley. The site is enclosed to the East, West and South by residential dwellings which front Old Mill Lane. To the North residential dwellings and a number of grass fields adjoin the site.



- 2.2 The application site forms part of Huthwaite Quarry, a stone Quarry, with associated tracks, workings and slack heaps.
- 2.3 The quarry deposited slack heaps on the front of Old Mill Lane. The slack heaps are within the area footprint of the proposed dwelling.
- 2.4 The slack heaps remain in situ and demonstrates the brownfield use of the site.



- 3.1 The proposal is to erect 1no. Detached Dwelling at Land adjacent Rivelin, Old Mill Lane, Thurgoland, Sheffield. A full set of floor plans and elevations are submitted with the appeal.
- 3.2 The proposed dwelling will have a kitchen/diner, sitting room, three bedrooms, bathrooms/en-suites, as well as a contained garage.
- 3.3 The scale of the unit will be appropriate to the built form surrounding the site. Existing dwellings in the immediate vicinity of the application site consist of semi-detached bungalows, detached two storey bungalows and detached houses.
- 3.4 The external built form will be of good quality locally sourced sawn stone. The roof will be either natural slate or a good quality reconstituted stone slate, all to the Local Planning Authorities approval.
- 3.5 The unit will be constructed to exceed and achieve Level 3 of the Code for Sustainable Homes, as required by Barnsley Metropolitan Borough Council.

- 4.1 On the 6th September 2018 Barnsley Metropolitan Borough Council gave the following reason for refusal:
- 4.2 *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 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’.*
- 4.3 For the purpose of this appeal statement, the above justification for refusal will be examined below.
- 4.4 The National Planning Policy Framework (NPPF), July 2018 advises that the fundamental aim of Green Belt policy is to prevent urban sprawl; paragraph 134 of section 13 advises that there are five purposes of including land in green belt:-
- To check the unrestricted sprawl of large built up areas;
 - To prevent neighbouring towns from merging into one another;
 - To assist in safeguarding the countryside from encroachment;
 - To preserve the setting and special character of historic towns; and
 - To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 4.5 None of these purposes is affected by the proposed Application.
- 4.6 Paragraph 143 of the NPPF contains a presumption against “inappropriate development”. It advises that inappropriate development in Green Belts is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 4.7 Paragraph 145 of the NPPF advises that construction of a new building inside a Green Belt is inappropriate *unless* it is “limited infill in villages”; in the case of the proposed application, this is exactly the case.
- 4.8 The proposed application is situated within the village of Huthwaite. Huthwaite is identified as a ‘Village’ in the Settlement Hierarchy as defined in section 5.9, page 18 of the adopted Local Plan (January 2019). The whole area surrounding the site is washed by the Green Belt.

- 4.9** In order to assess the sites status as an infill plot, one must first understand the established definition of 'infill'. Barnsley Metropolitan Borough Council's Local Plan (January 2019) page 318 sets out that, infill development is defined as:

'Development that goes in the gaps of existing buildings. It is usually small scale. An infill housing development will usually include one to 10 houses'.

- 4.10** Allied with this, is the Oxford English Dictionary definition as:

'Buildings constructed to occupy the space between existing structures'.

- 4.11** The term 'infill' is a term commonly used in planning policies which is generally accepted to refer to development inserted into a gap which is otherwise surrounded by development. In establishing whether the proposal would comprise 'infilling' it is necessary to make an assessment 'on the ground' as to whether the site comprises a gap within the existing pattern of development.

- 4.12** In support of their case, the Appellant cites a Court of Appeal judgement (Wood v Secretary of State for Communities and Local Government [2015] EWCA Civ 195). The judgement is material and directly relevant as it directs that whether a proposed development constitutes limited infilling in a village for the purpose of Paragraph 145 of the NPPF is a question of planning judgement and the answer to that question would depend upon an assessment of the 'position of the ground'.

- 4.13** The site attributes are as such that it appears 'on the ground' as located wholly within the built extent of the settlement. The site is enclosed by residential dwellings to the East, West and South and fronts onto Old Mill Lane. It is therefore quite properly an infill site, and one which meets the requirements of Paragraph 145 of the NPPF.

- 4.14** Further evidence that Huthwaite is considered a village by the LPA is their decision to grant approval of the following application:

- Outline Application for One Detached Dwelling at Land between Riversedge and Stone Croft, Old Mill Lane, Thurgoland, Sheffield, S35 7EG (Application No. 2018/0583). The Application was received by BMBC on 8th June 2018 and granted on the 18th October 2018.

The above site (Application No. 2018/0583) is situated within Huthwaite, and is located on the same Highway as the subject site. This clearly demonstrates the LPA's acknowledgement that Old Mill Lane, Huthwaite forms a village, and furthermore undermines their reasoning for the site *'not qualifying as infill in a village'*.

Additionally, in respect of the subject site the LPA states the following on the refusal decision *'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'*. It should be noted that the above site

(Application No. 2018/0583) is also situated in the Green Belt and there were no special circumstances associated with the Application.

- 4.15** Further to the above and cited within the original Planning Statement dated 19th June 2018 we make reference to an appeal decision (Ref: APP/R4408/W/15/3134783 dated 29th February 2016 in relation to a proposal for 4 detached dwelling houses with associated access, parking and landscaping in on Huthwaite Lane, Huthwaite (Ref: 2014/1240). This site also lies within the village of Huthwaite, the appeal conclusion formed the following opinion:

"The development would inevitably have some effect on the openness of the Green Belt. However, given that I have concluded that it would represent limited infilling in a village; the effect on openness would not be so significant that it would cause any material harm to the Green Belt".

- 4.16** It is clear from the above case that the planning inspectorate, considered that this site would not 'cause any material harm to the Green Belt'. Given that this appeal was for a site within the same village of Huthwaite, we can draw on this as evidence to show that development within a village on Green Belt does not have necessarily an effect of the openness of the Green Belt.
- 4.17** Contrary to the Council's assessment of the site, it is the Appellant's case that the site does comprise of an infill plot within the village of Huthwaite.

- 5.1 The Appellant has clearly demonstrated that the proposed development lies within the village of Huthwaite and that the proposed development therefore qualifies as 'infill within a village'.
- 5.2 The Appellant has demonstrated that the area surrounding the site, including the area of Huthwaite is washed over by the Green Belt. The Appellant has further demonstrated that the LPA has granted planning permission within the village of Huthwaite on sites that are similarly washed over by the Green Belt.
- 5.3 The site is a former quarry, slack heaps are in situ and are in the area footprints of the proposed development further demonstrating that the proposed development would not adversely affect the Green Belt or constitute inappropriate development.
- 5.4 Planning permission should therefore be granted, subject to appropriate conditions.