



## Appeal Decision

Site visit made on 20 August 2019

**by Kate Mansell BA (Hons) MPhil MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 21 November 2019**

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**Appeal Ref: APP/R4408/W/19/3230359**

**4 Church View Cottages, Sheffield Road, Wortley, Barnsley S35 7DB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Orme on behalf of Wharncliffe Estates Ltd against the decision of Barnsley Metropolitan Borough Council.
  - The application Ref 2019/0242, dated 21 February 2019, was refused by notice dated 24 May 2019.
  - The development proposed is change of use of agricultural land (approx. 95sqm) for use as vehicular driveway to no 4 Church Cottages.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues in this appeal are:
  - Whether the proposal is inappropriate development within the Green Belt having regard to the National Planning Policy Framework (the Framework) and development plan policy and its effect on the openness of the Green Belt and purposes of including land within it;
  - Its effect on the character and appearance of the area and on the setting of the Wortley Conservation Area (CA) and the Grade II Listed Wortley Hall Park and Garden;
  - The effect of the proposed access on highway safety and;
  - If the development is inappropriate, whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

### Reasons

3. No 4 Church View Cottage is situated to the west of the A629 as it enters the village of Wortley, within the Wortley CA. It lies close to a sharp bend as the road turns into the centre of the village. Its garden extends southwards to the front of the house and is screened by hedging/fencing. This boundary is set inside a low dry-stone wall that continues to border the road for some length. There is no off-street parking associated with the property, with occupiers of No 4 presently parking in the Wortley Arms Public House car park opposite.

4. Both the A629 and the house/garden at No 4 are slightly elevated above a field that adjoins it to the west. The banking along the side of the field continues adjacent to the road and is planted with mature trees at broadly regular intervals, providing a leafy approach to the village. To the east, is an area designated as a Grade II Listed Park and Garden belonging to Wortley Hall.
5. The appeal proposal relates to a parcel of agricultural land just beyond the garden to No 4, adjacent to the road. An opening would be made in the dry-stone wall and a driveway would be constructed of built-up ground to create a level parking and turning area. This would facilitate access/egress to and from the A629. The site is within the Green Belt. The house and garden are also within the Wortley CA with the proposed driveway positioned outside but adjoining it.

*Whether or not inappropriate development*

6. Paragraph 145 of the Framework states that other than for limited exceptions, the construction of new buildings in the Green Belt is inappropriate. However, Paragraph 146 advises that certain forms of development are not inappropriate within the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it. This includes, at Paragraph 146(b), engineering operations as well as Paragraph 146(e), material changes in the use of land. This approach is reflected in Policy GB3 of the Barnsley Local Plan (Adopted January 2019) (BLP) in relation to changes of use in the Green Belt. This policy advises that all such development should, amongst other matters, preserve the openness of the Green Belt.
7. The creation of the driveway and vehicular access, which would necessitate the formation of built ground in order to establish a level area would constitute an engineering operation. It would also amount to a change of use of the land from its current function as part of an agricultural field. Therefore, it would not be inappropriate provided that it would preserve the openness of the Green Belt and not conflict with the purpose of including land within it.
8. The Framework confirms that the essential characteristics of Green Belts are their openness and their permanence. Openness is, in effect, the absence of development. It has both a spatial and visual aspect to it. The driveway would be constructed in bound gravel with a drystone faced retaining wall, which would enclose the area. This would result in some loss of openness.
9. The driveway would also have to be built up to create a level area in which vehicles could turn and access the highway. This would necessitate the removal of a tree and a section of the boundary wall. Given that the adjacent field slopes down to the west with long views to the countryside beyond, the elevated location of the proposal would consequently be visible to the wider area. It would result in a permanent change to the character of the landscape and it would be visually harmful to the openness of the Green Belt as a result.
10. Given the modest size of the parking and turning area, the harm caused to the openness of the Green Belt would be limited. However, for the reasons stated above, it would be harmful nonetheless as it would fail to preserve openness. The proposal would not, therefore, meet the exemptions set out above and it would constitute inappropriate development. This is, by definition, harmful.

11. It would further conflict with the purposes of including land within the Green Belt, with particular regard to safeguarding the countryside from encroachment. It would therefore be contrary to both local policy with regard to Policy GB3 cited above and guidance within the Framework, which seeks to protect the Green Belt. This is a matter to which I attach substantial weight.

*Character and appearance and heritage assets*

12. The appeal site lies outside but adjacent to the Wortley CA, the boundary of which broadly extends to the core of the village and includes the house and garden of No 4. In the absence of a Conservation Area Appraisal, from my observations on site and the evidence before me, its character as an Estate village associated with Wortley Hall is principally drawn from the tight grouping of traditional buildings set around the Church. These are of mainly stone construction and typically with stone boundary walls. Wortley Hall lies to the east of the village with the Park and Garden surrounding it.
13. The appeal site would occupy a reasonably prominent position at the entrance to the village and to the CA, with the Grade II Listed Park and Gardens close by. This approach is characterised, in part, by the consistency of the dry-stone wall adjacent to the pavement along the side of the A629, which is unbroken within the immediate vicinity of the site. However, to provide the access to the driveway, the proposal would result in the removal of a 3m section of it. As a result, the continuity of the stone boundary wall would be lost.
14. The removal of a lime tree and surrounding greenery would also impact upon the uniformity of planting along the road on this approach to the village. Even though it would only be a single tree, its loss would be harmful to the rhythm of foliage and it would diminish the avenue of trees that presently contributes to the setting of the CA and the designated park and garden.
15. Furthermore, the engineering works required to facilitate the proposal, including the banked up and gravelled driveway upon which vehicles would be parked, would be apparent from the adjacent highway. It would have a more built-up appearance compared to the existing site and diminish the presently agricultural/landscaped edge to the CA and the adjoining Park and Garden.
16. I therefore find that the proposal would be harmful to the character and appearance of the area. It would therefore have an unacceptable effect on the setting of both the Wortley CA and the designated park and garden, which it would fail to preserve or enhance. Given that it is for a driveway and associated works, in the context of the Framework, the harm arising from this magnitude of development to the significance of these designated heritage assets would be less than substantial. However, having regard to paragraph 196 of the Framework, the harm should then be balanced against any public benefits that the scheme might bring.
17. In this case, I recognise that the proposal would make it easier for the occupiers of No 4 to load and unload goods to this dwelling. It would therefore mitigate some short periods of unloading outside the property with the subsequent impact on traffic flow as vehicles try to pass. However, such limited public benefits do not, in my view, outweigh the less than substantial harm that would be caused to the significance of the designated heritage assets.

18. For these reasons, I conclude that the proposal would be harmful to the character and appearance of the area, and to the setting of the Wortley CA and the Grade II Listed Wortley Hall Park and Garden, which it follows, would not be preserved or enhanced. It would therefore conflict with Policy GB3 of the BLP (2019), which requires, amongst other matters, changes of use in the Green Belt to be in keeping with the local character. Having regard to the effect on Wortley Hall Park and Garden, it would also conflict with Policy HE3 of the BLP (2019). This policy requires proposals affecting historic buildings or their setting to conserve and enhance that building's significance. It would further be contrary to guidance within the Framework, which recognises that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance.

*Highway safety*

19. The proposed access to the driveway would be created onto the A629, which is a busy main route with a large volume of traffic that includes use by heavy goods vehicles. The parties disagree on the proximity of the appeal site to the changeover point between 30mph within the village and the national speed limit. On my site visit, I did not observe a speed compliance road sign close by.
20. Nevertheless, whilst the driveway would appear to exit onto a relatively straight piece of road, it would also be near a sharp bend, adjacent to the Wortley Arms Hotel. I appreciate the appellant's evidence that visual splay distances would be approximately 55m to the left and 150m to the right. However, I have nothing before me, such as a visibility splay drawing, to demonstrate that unobstructed sight lines from the driveway entrance above highways standards could be achieved. This would have an effect on highway safety as vehicles exit the driveway onto the road.
21. Moreover, even though the site plan indicates that it would be possible to turn a car within the site, I am mindful of the consultation response from the Council's Highways Development Control Officer, upon which the appellant has had the opportunity to comment, that it would not accommodate a standard size vehicle. I appreciate that the appellant has shown a car that has a turning circle of 5.75m radius and cites two specific makes of vehicle. However, I have nothing before me to demonstrate that these would be standard size vehicles or that it could accommodate a larger vehicle. In any event, the turning area would appear constrained by the depth of the site. Consequently, the turning manoeuvres of vehicles entering and leaving the site would be likely to lead to conflict and inconvenience to highway users.
22. Furthermore, even if a material other than gravel were used to surface the driveway or the gravel were contained by a 'sleeping policemen' arrangement, the 1:10 fall indicated on the site plan would conflict with the maximum gradient of 1:12 permitted by guidance within the South Yorkshire Residential Design Guide (SYRDG) (2011). This would impact upon the speed at which vehicles could access and egress the driveway.
23. I acknowledge the appellant's contention that the site plan should have read 1:12 and that a condition could be attached to require that this gradient be achieved. However, this would result in the land being built up further. On the limited evidence before me, in the absence of any cross-sections or level details, I cannot determine with any certainty the extent to which it would make it substantially different from that set out in the application. In this

context, a condition would not be reasonable, and I must, in any event, consider the appeal on the proposal before me.

24. Turning to parking provision, however, the Council's Parking Supplementary Planning Document (2012) (Parking SPD) establishes a maximum number of parking spaces allowed, depending upon the size of the dwelling. The proposal does not show the parking arrangement within the site nor the number of bedrooms within No 4. However, the size of the appeal site would appear large enough to accommodate the one vehicle that is proposed on the application form. Given the maximum standards, I am therefore not persuaded that it would be contrary to the Parking SPD.
25. Nevertheless, for the reasons set out above, I conclude that the proposal would result in unacceptable harm to highway safety. It would therefore be contrary to Policy T4 of the BLP (2019). This policy requires development to be designed to ensure safe, secure and convenient access and movement. This is a matter to which I attach significant weight.

### **Other considerations**

26. No 4 was constructed before the need to consider off-street parking provision and I appreciate that the proposal was sought specifically for this purpose, rather than to extend the garden. In the absence of shopping facilities within the village, I understand the reliance on a vehicle. Furthermore, I observed that the most direct crossing point from the available parking provision within the pub's car park is at the bend in the road adjacent to it. This 'blind corner' has limited visibility from traffic coming from the centre of the village, although vehicle speeds appeared reduced as a result.
27. However, the occupiers of No 4 are able to cross below the Wortley Arms at a lower point towards the village where the road is wider. This might increase pedestrian time on the carriageway, but the road is straighter. Whilst the walking distance to No 4 would be longer, which might not be desirable, particularly when carrying shopping or other goods, it nonetheless provides an alternative. Whilst lacking the convenience afforded by the proposal, the need for parking is therefore a neutral factor that weighs neither for or against it.
28. Furthermore, whilst I recognise the appellant's aspiration to provide accommodation on a long-term basis, I have no evidence before me to indicate that the lack of off-street parking is unequivocally leading to difficulties attracting residents, including families, to occupy No 4, or any direct impact on either its future viability or longevity as a building within the Wortley CA. It did not appear empty nor neglected. This is also, therefore, a neutral factor that weighs neither for or against the development.

### **Green Belt Balance**

29. I have concluded that the proposal is inappropriate development, which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I have also found harm to the character and appearance of the area and to heritage assets as well as to highway safety. There are no other considerations in favour of the development that clearly outweigh the harm arising from inappropriateness, a matter that attracts substantial weight. The very special circumstances necessary to justify the proposal do not, therefore, exist.

**Conclusion**

30. For these reasons, the appeal is dismissed.

*Kate Mansell*

INSPECTOR