2022/0515 and 2022/0520 (LBC)

Mr Woodruff

Erection of one and a half storey detached dwellinghouse with living accommodation in the roof space and provision of integral double garage

Hangman Stone Bar Farm, Moor Lane, Birdwell, Barnsley, S70 5TY

Description

The site lies on the outskirts of Birdwell. To the west and south outside the site lies land still in agricultural/equestrian use which lies outside the ownership of the applicant. Beyond lies the M1 to the east, and to the southeast of the roundabout at M1 junction 36. The A61 and A6195 lie northwest and west. The site is comprised of an area of land (now cleared of vegetation) to the south of and in the curtilage of early 18th century stone farm buildings including listed buildings at Stone Bar Farmhouse and attached stable and barn. The buildings have now been fully converted to 4 no residential dwellings, now all occupied. Further to the south is a fenced field containing a small (approx. 6m x 3m) dilapidated wooden stable. A newer stable in good conditions is in use is to the east.

The site would be accessed from the existing (unfinished) access taken from Moor Lane, a classified road.

Elements of the conversion do not appear to have been built in accordance with approved plans and may be subject to enforcement action in due course.

Planning History

B/87/1308/WO/LB Alterations and extensions to dwelling (LBC)

2018/0071 and 2018/0099(LBC) - Conversion of redundant farm buildings to 4 no. dwellings and erection of 3 no. additional new build dwelling houses and associated garage blocks. Refused on 7/2/19 and appealed, the appeal was dismissed. In dismissing the appeal the Inspector considered that the proposal would harm the significance of the listed building through loss of fabric and harm to the setting, and that no evidence had been provided which demonstrated that the new dwellings in the Green Belt comprised enabling works. The Inspector further found that the proposal would comprise inappropriate development in the Green Belt and would fail to preserve openness.

2019/0522 and LBC 2019/0539 Conversion of redundant farm buildings into 4 no. dwellings and erection of associated garage block approved 12/08/22, now implemented.

2020/0764 and LBC 2020/0751 First floor extension above existing garage at the front/side granted 08/10/20

Proposed Development

Pre-application advice was not sought.

The application 2022/0515 should be read in conjunction with 2022/0520(LBC). This report covers both applications.

The Applicant seeks Full Planning Consent and Listed Building consent for the demolition of existing dilapidated outbuildings and replacement with a single storey dwelling with 3 bedrooms and a large double garage (51.6sqm) within the curtilage of the Listed Buildings at Hangman Stone Bar Farm.

Access would be from the existing (unfinished) access which serves existing farm dwelling and barn conversions.

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 which in Barnsley is the adopted Local Plan and Joint Waste Plan. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Documents, which are other material considerations

<u>Adopted Local Plan</u>
Key Relevant policies are:
GB1 Green Belt will be protected from inappropriate development in accordance with national planning policy. Policy GB2 Replacement, extension and alteration of existing buildings in the Green Belt
Provided it will not have a harmful impact on the appearance, or character and will preserve the openness of the Green Belt, we will allow the following development in the Green Belt:

- *Replacement buildings where the new building is in the same use and is not materially larger than that which it replaces.*
- *Extension or alteration of a building where the total size of the proposed and previous extensions does not exceed the size of the original building.*
- *Dividing an existing house to form smaller units of accommodation.*

All such development will be expected to:

- *Be of a high standard of design and respect the character of the existing building and its surroundings, in its footprint, scale and massing, elevation design and materials; and*
- *Have no adverse effect on the amenity of local residents, the visual amenity of the area, or highway safety.*

Policy GB3 Changes of use in the Green Belt
We will allow the change of use or conversion of buildings in the Green Belt provided that:

- *The existing building is of a form, scale and design that is in keeping with its surroundings;*
- *The existing building is of a permanent and substantial construction and a structural survey demonstrates that the building does not need major or complete reconstruction for the proposed new use;*
- *The proposed new use is in keeping with the local character and the appearance of the building; and*
- *The loss of any building from agricultural use will not give rise to the need for a replacement agricultural building, except in cases where the existing building is no longer capable of agricultural use.*

All such development will be expected to:

- *Be of a high standard of design and respect the character of the existing building and its surroundings, in its footprint, scale and massing, elevation design and materials;*

- *Have no adverse effect on the amenity of local residents, the visual amenity of the area, or highway safety; and*
- *Preserve the openness of the Green Belt.*

In addition to the above, when a residential use is proposed, we will allow the change of use provided that:

- *There are not strong economic reasons why such development would be inappropriate; and*
- *Residential use would be a more appropriate way of maintaining and improving the character and appearance of the building than any other use*

We will not generally allow the change of use of Green Belt land to extend residential curtilages for use as gardens.

HE1The Historic Environment
We will support proposals which conserve and enhance the significance and setting of the borough's heritage assets, paying particular attention of those elements which contribute most to the borough's distinctive character and sense of place
b. By ensuring that proposals affecting a designated heritage asset (or an archaeological site of national importance such as a Scheduled Ancient Monument) conserve those elements which contribute to its significance. Harm to such elements will be permitted only where this is outweighed by the public benefits of the proposal. Substantial harm or total loss to the significance of a designated heritage asset (or an archaeological site of national importance) will be permitted only in exceptional circumstances where there is a clearly defined public benefit.

Policy HE3 Developments affecting Historic Buildings
Proposals involving additions or alterations to listed buildings or buildings of evident historic significance such as locally listed buildings (or their setting) should seek to conserve and where appropriate enhance that building's significance. In such circumstances proposals will be expected to:

- *Respect historic precedents of scale, form, massing, architectural detail and the use of appropriate materials that contribute to the special interest of a building.*
- *Capitalise on opportunities to better reveal the significance of a building where elements exist that detract from its special interest.*

In terms of the impact on the special character and appearance of a Listed Building, Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, states:

In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural of historic interest which it possesses

<u>Other relevant Adopted Local Plan policies</u>
Policy D1 High Quality Design and Place Making
Policy GD1 General Development
Policy HE1 The Historic Environment
Policy HE3 Development Affecting Historic Buildings
Policy GB1 Protection of Green Belt
Policy GB2 Replacement, extension and alteration of existing buildings in the Green Belt
Policy T4 New development and Transport Safety
Policy POLL1 Pollution Control and Protection

<u>Supplementary Planning Documents</u>
Designing New Housing Development

Parking

Adopted Best Practice Guidance - South Yorkshire Residential Design Guide

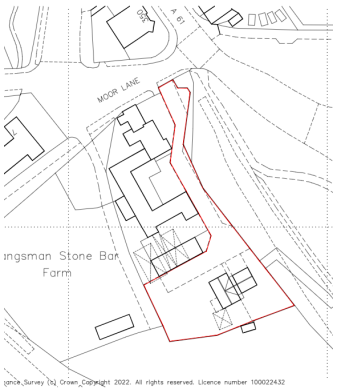
<u>NPPF 2021</u>
Para 147 Inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances
Para 149 Appropriate Development d) replacement, provided the new building is in the same use and not materially larger than the one it replaces; g) limited infill or partial or complete redevelopment of previously developed land which would not have a greater impact on openness
Para 195 LPA should identify and assess particular significant of any heritage asset when considering the impact of a proposal on a heritage asset. To avoid or minimise any conflict between the Heritage assets conservation and any aspect of the proposal
Para 199: Great weight given to an asset's conservation, irrespective of the degree of harm
Para 200: Any harm to or loss of significance will require clear and convincing justification

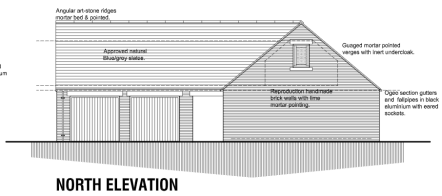
Consultations

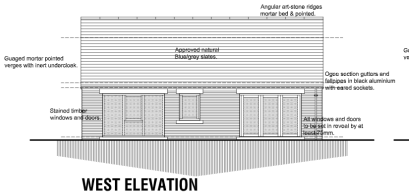
Biodiversity- site has been cleared
Conservation - objects
Drainage – no objection
Highways – no objection subject to conditions
National Highways – no objections
Parish Council – no comments
Pollution Control – requests noise assessment
Ward Councillors - no comments

Representations
The site was advertised by site notice, press notice and by neighbour notification letters. No representations have been received

Assessment
Principle of development
Planning decisions should be made in accordance with the current development plan policies unless material considerations indicate otherwise and the NPPF 2021 does not change the statutory status of the development plan as the starting point for decision making. The NPPF is however, a material consideration.







Green Belt

Local Plan Policy GB1 and Para 149 of NPPF 2021 states that new buildings in the Green Belt constitute inappropriate development other than certain exceptions as set out in the NPPF and should not be approved except in very special circumstances. NPPF Para 149 states that: d) replacement of a building provided the new building is in the same use and not materially larger than the one it replaces; g) limited infill or redevelopment of a previously developed site which would not have a greater impact on openness may not be inappropriate.

The design and access statement states that the proposal will redevelop land within a building footprint of 141sqm, the residual amount of now demolished "sheds" that were replaced by the garage block and barn conversions of previous permissions.

Whilst there were previously dilapidated outbuildings in the wider area when the previous application was submitted in 2020 (2019/0522 conversion of farm buildings and 2018/0071 (conversion of farm buildings and new build), a site inspection has revealed that there are no dilapidated outbuildings on the site now, and so the proposal could not be considered to be a replacement building. Even if there were dilapidated farm outbuildings on site, the proposal is for a dwelling which would not be of the same use and not in the same location and is not redevelopment or replacement. The proposal therefore does not fall under any of the exceptions and is therefore contrary to NPPF para 149(d) and (g) and would be considered to be inappropriate development.

In dismissing the appeal for the new build element of 2018/0071 and 2018/0099, which were in themselves proposed as a replacement of the dilapidated farm outbuildings, the Inspector determined that as the proposed new buildings were not of the same use as the existing outbuildings, and would not constitute infilling but be situated within an open field, and due to the size, they would have a substantially larger effect on the openness of the Green Belt and would therefore be considered inappropriate. The Inspector attributed substantial harm to the to the inappropriate nature of the development.

Whilst the current proposal is for a single dwelling, albeit with a large integral garage, the Council considers that its location, design, access and domestic paraphernalia would nevertheless have an impact on openness. As with the 2018 application, the proposal does not comprise infilling as it sits in an isolated position to the south of the existing built area next to an open field. The existing historic buildings to the north form a compact courtyard of converted farmbuildings with an appropriately designed detached garage block to serve the dwellings close by. The bungalow would be located in an isolated position to the south away from these buildings. Taking the above into account and being mindful of the Inspectors previous comments, the proposal would therefore be considered to be inappropriate development as they do not satisfy part (d) or (g) of para 149 of the NPPF and is not in accordance with Local Plan Policy GB3.

Impact on Openness and character of Green Belt

The site is currently a site cleared of vegetation adjacent to open fields with highway infrastructure beyond. The quality of Green Belt land however, is not an issue. Historic plans show that the site has been an orchard to the farm but has never been developed previously. However, the new building with the double garage would change the space to one domestic in character and the private garden to the south would extend further into the Green Belt. The Inspector previously found this would further erode what remains of the rural character of the Green Belt and lead to further Green Belt harm which also weighs against the proposal.

The Inspector previously further found that "Whilst the removal of existing structures on site would lead to some visual improvements due to the dilapidated nature of some of the remaining buildings, this improvement could occur without the proposed development and

does not weigh in favour of the proposal". Those dilapidated outbuildings have now been removed to support the pervious permission.

The proposal would impact on openness of the Green Belt as a result of the building, and domestic paraphernalia associated with the private amenity space to the south which would further extend into the Green Belt and is contrary to Local Plan Policy GB3.

Very Special Circumstances
It has been determined in the paragraphs above that the Council considers the proposal to be inappropriate development in the Green Belt. Para 147 of the NPPF states that inappropriate development should not be approved except in very special circumstances.

In granting the previous permission 2019/0522, the officer report states that the garage block, whilst replacing dilapidated buildings on the site, would not be in the same use, nor be in the same location , and therefore were considered to be inappropriate development. However, it was considered that the high quality design of the garage block, high quality materials and external landscaping would help with the saleability of the converted buildings and help to secure the long term future of the historic and listed buildings. It was considered that this constituted very special circumstances to outweigh the inappropriateness of the modest encroachment in to the Green Belt by the garage block.

The current application has no such justification. It extends further into the Green Belt than the garages, and the impacts will be exacerbated by a modern detached bungalow design of little architectural merit or use to link to the historic buildings.

The Design and Access Statement notes that the proposal will "complete" the development and ensure overall viability. However, as the previous permission for the conversion of the listed and other barns has already been fully implemented and the dwellings occupied, it cannot be considered to be enabling development ,and no financial information has been provided to demonstrate viability issues. No other evidence that would constitute very special circumstances has been submitted which would outweigh the harm caused by inappropriate development in the Green Belt

Design
The bungalow would be of modern design and scale. An integral double garage of 50sqm is size is proposed, with 2 no bedrooms and a bathroom in the roof space above the bungalow which extends into the garage. Whilst the remainder of the garage roof space is shown as storage, this could be converted to additional accommodation without the need for planning permission.

The dwelling would be located in an isolated position away from the historic buildings. As a detached bungalow it would have no obvious historic or design link to the previous use of the farm buildings, some of which are listed and the modern bungalow design and footprint would appear incongruous, isolated and out of character in this location. It does not comply with the SPD Design of Housing Development in that it does not respect local context, built heritage, or character.

The size of the garage at 50sqm is excessive, and particularly so for this location and in regard to the historic sensitivity of the location close to listed buildings, and affecting their setting. Furthermore, the walls of the dwelling are proposed to be of reproduction red brick which is not characteristic of the historic buildings close by which are all of coursed stone. The brick would appear incongruous and out character and instead should be constructed of stone. As such the proposal is not considered to comply with local plan policy D1 and does not respect the character and setting of the historic buildings, contrary to HE1 and HE3.

NB whilst the garage block and a red brick wall to the rear of Plot 4 of the conversions have been constructed of brick, this has not been constructed in accordance with approved plans and should be of stone.

Historic Environment
The main issue to be considered in the determination of the Listed Building Consent application is whether or not the proposal would harm the heritage significance or impact on the setting of a designated asset or other asset of demonstrable heritage significance

The Conservation Officer has raised several issues with respect to the impact on the listed buildings:

This plot is within the current curtilage of the listed farmhouse and attached barn (Hangman Stone Bar Farm) and appears to have been so from at least 1850. Historic maps up to 1948, show the parcel of land appears to be an orchard and is likely to have been functionally and historically related to the farmhouse. Consequently, development here would need to be considered in terms of the impact on the setting, the degree of change and the harm that represents.

Part of the justification for the development includes the clearance of the dilapidated sheds and outbuildings in the vicinity of this part of the site that apparently detract from the setting. However, these have already been cleared as part of the justification for the previous 2019 proposal (2019/0522 and 0539). In fact the whole of the southern part of this site has been cleared following the works to convert the listed barns and erect the detached garages to serve the previous development. As such, there is no justification in terms of the setting of the listed building and a new detached dwelling here could be harmful and would additionally impact on the openness of the greenbelt.

The Conservation officer considers that the site has yielded as much as it can comfortably accommodate and further development in this location could impinge the heritage setting and would be cumulatively harmful.

Consequently, there is no justification for the proposal and the application is not supported. It is noted that there is no need for an LBC application as the sheds mentioned for clearance were not historically significant and do not appear to pre-date 1948.
Overall the proposal fails does to comply with Local Plan Policy HE1, HE3 and the NPPF.

Residential Amenity
Residential amenity for existing dwellings (the conversions) would be affected by vehicles and pedestrians accessing the site but not to an unacceptable degree. In considering the proposed dwelling, all internal room sizes exceed minimum standards as set out in the adopted South Yorkshire Residential Design Guide (SYRDG) and the external garden space also meets minimum requirements as set out in adopted Supplementary Planning Document design of Housing Development. The proposal is acceptable on this point.

Highway Safety

The Highways Officer advises that the proposals involve the creation of a fifth dwelling served off an access previously approved under application 2019/0522 which is yet to be completed. The proposals include adequate access, parking and turning arrangements and are therefore considered acceptable from a highways point of view subject to the same conditions as set out in 2019/0522

As such, no significant road safety issues are anticipated and is considered to comply with Local Plan policy T4 New Development and Transport Safety and adopted Best Practice in the South Yorkshire Residential Design Guide subject to conditions.

Balancing exercise and conclusions

The site lies in an isolated position south of a courtyard of historic agricultural buildings, recently converted to residential, some of which are Listed, adjoining a Listed farmhouse (not part of this application). A garage block was granted at the same time as the conversion to serve the dwellings and lies to the north of the current application site and is of a design, scale and materials in keeping with the historic buildings.

The proposal is for a single detached dwelling with large integrated double garage. A number of consultees have made comment on the proposals. Highways, Pollution Control, National Highways, the Biodiversity Officer and Highways Drainage all have no objections, subject to planning conditions in some cases. This weighs in favour of the proposal.

Residential amenity for existing dwellings (the conversions) would be affected by vehicles and pedestrians accessing the site but not to an unacceptable degree. The internal living spaces and external garden space proposed meet and exceed adopted guidance and supplementary planning documents and this also weighs in favour of the proposal.

However the proposed dwelling lies wholly within the Green Belt and whilst the application states that the proposal construes replacement development for dilapidated outbuildings, these were demolished prior to the implementation of the previous permission (for conversion), and the application therefore does not fall into any of the exceptions set out in the NPPF for development which are not inappropriate. The Council therefore considers the proposal to be inappropriate development. This carries significant weight against the proposal.

Inappropriate development is by definition, harmful to the Green Belt and very special circumstances must clearly be demonstrated which outweigh the harm by reason of inappropriateness and any other harm.

The applicants case is that the proposal would " finish off" the development and would help the viability of the wider scheme. However, as the conversions are all now complete and occupied, the application cannot be considered to be enabling development or have any impact on viability on the previous scheme. No other information has been provided which could be considered to be very special circumstances which could outweigh the harm caused as a result of inappropriateness. This weighs significantly against the proposal.

The location of the detached dwelling would be visible from the surrounding highways and would impact on the openness of the Greenbelt, providing an isolated and incongruous development of modern design into the Green Belt at this Point and is contrary to green belt policy and the reasons for including land within the Green Belt.

The design of the dwelling is of a modern bungalow design with an excessively large double garage which would also appear incongruous and out of character with the historic buildings. This also weighs against the proposal as do the materials which would comprise reproduction handmade brick walls which is not a characteristic material used in the nearby historic buildings and would appear incongruous and out of character.

On inspection of Historic maps the application site appears to lie within the curtilage of the Listed Buildings and it is considered that a detached dwelling in this location would harm the setting of the Listed Buildings, contrary to Local Plan policy HE1 and HE3 and the NPPF

No other material considerations have been proposed which outweigh the inappropriateness or other concerns or lack of compliance with national and local policy and guidance.

Recommendation – Refuse for the following reasons: