The Planning Inspectorate

Appeal Decision

Site visit made on 27 November 2017

by Elizabeth Pleasant DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19th December 2017

Appeal Ref: APP/R4408/W/17/3183277
Hollow Farm, Woodhead Road, Wortley, Barnsley, South Yorkshire S35 ,7DS

- 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 Mrs Sue Reynolds against the decision of Barnsley Metropolitan Borough Council.
- The application Ref 2017/0475, dated 27 March 2017, was refused by a notice dated 12 June 2017.
- The development proposed is the erection of a cattery with timber effect cladding & a tiled roof & ancillary associated facilities.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:

   - Whether the proposal would be inappropriate development in the Green Belt;
   - The effect of the development on openness, and the character and appearance of the Green Belt;
   - The effect of the development on the living conditions of neighbouring residents, with particular regard to noise and disturbance;
   - The effect of the development on highway safety; and
   - If the proposal 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 it.

Reasons

Inappropriate development

3. The appeal proposal seeks to demolish an existing timber stable block at Hollow Farm and replace it would a new building to provide a cattery. Additionally, a new car park would be provided to accommodate up to seven

cars for staff and visitors. The appeal site is situated in an area of open countryside and located in the Green Belt.

4. Policy CSP 34 of Barnsley's Core Strategy, 2011 (CS) provides for the general extent of the Green Belt. Saved Policy GS7 of Barnsley's Unitary Development Plan, 2000 (UDP) is consistent with the National Planning Policy Framework (the Framework) and advises that development within the Green Belt will not be permitted unless it maintains the openness of, and does not conflict with the purposes of including land within the Green Belt.

5. Paragraph 89 of the Framework states that new buildings should be regarded as inappropriate development in the Green Belt subject to a number of exceptions. Despite the appeal site having an agricultural setting, the proposed cattery would not be a building for agricultural use. Furthermore, it would be substantially larger than the stable building it would replace, and would not be used for the same purposes. The proposed cattery could not therefore be considered to be an exception under bullet point four and nor would it be for any of the other purposes listed as exceptions in paragraph 89. The proposed development would therefore represent inappropriate development in the Green Belt; a matter which the Framework says should be given substantial weight.

The effect on openness, character and appearance

6. Paragraph 79 of the Framework advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of the Green Belt are their openness and permanence.

7. The new building would be sited in roughly the same location as the existing stable building and would of a similar height. However, its footprint would extend over a significantly greater area and the building would introduce a substantial built form on land where there was previously none. It would therefore have a significant and harmful effect on the openness of the Green Belt. Furthermore, a new car parking area is also proposed on open land adjacent to the proposed building, and when in use this would further reduce the openness of the Green Belt.

8. As its name suggests, Hollow Farm and the neighbouring cottages are situated in a hollow and nestle into the hillside. On the approach to the site along the access track and public right of way, only the tops of these properties are visible. In contrast, the existing stable block has a greater visual presence in the landscape due to it elevated position. However, its small scale and dark colour help it to recede into the trees which form a backdrop to it. Although the proposed cattery would have a similar timber construction, it would be a substantially larger building than the existing stables and consequently it's visually presence would be heighted. Furthermore, its overall low rise form and fenestration would not be typical of a modern agricultural building and would further diminish the visual qualities of this rural landscape. Whilst the proposal may not be visible from Woodhead Road, it would be clearly visible from the neighbouring public footpaths and tracks that cross Wharncliffe Chase.

9. The appeal proposal would a harmful effect on the openness of the Green Belt and on its visual character and appearance. It would conflict with Policy GS7 of the UDP, the aims of which are set out above, and also Policy CSP29 of the CS,

which seeks to ensure that new development takes advantage of and enhances the distinctive features of Barnsley, including its landscape character and the scale, layout and building styles and materials of the built form within it.

Living conditions of neighbouring residents

10. The site access passes close to the gable end of Stansfield Ash Farmhouse, which has two small windows situated within it. The access currently serves a number of residential properties at Hollow Farm and is also the access to the farmyard. It is therefore likely that farm machinery also uses the access.

11. The appellant estimates that the proposal would generate a maximum of five visitors a day during peak periods. I have no evidence before me to dispute that figure, and on that basis the additional traffic movements would not be significant. Those additional traffic movements would be during the daytime only, and in view of the existing use of the access the proposal would not to my mind have a materially harmful effect on the living conditions of the occupiers of Stansfield Ash Farm, having particular regard to noise and disturbance.

12. The proposed cattery and staff/visitor car park would be situated to the east of Hollow Farm. It would be both visually and physically separated from neighbouring residential properties, including Hollow Cottage and Hollow Barn by the presence of Hollow Farmhouse and the complex of buildings which adjoin it. Furthermore, customers and staff would not need to pass close to these neighbouring properties, as the proposed access and parking area would be located to the east of Hollow Farm and some distance away from neighbouring residents' homes. As set out above, the numbers of customer vehicle movements each day would not be significant, and the premises would only be open to the public between 0800hours and 1800hours. On this basis, I am satisfied that the proposed vehicular traffic associated with the proposal would not have a harmful effect on the living conditions of neighbouring residents.

13. I conclude that the appeal proposal would not have a harmful effect on the living conditions of neighbouring residents, having particular regard to noise and disturbance. The proposal would not therefore conflict with the development plan, and in particular there would be no conflict with Policy CSP40 of the CS which seeks to ensure, amongst other things, that new development would not have an unacceptable affect or cause nuisance to the natural and built environment and people.

Highway Safety

14. The proposed development would utilise the existing access track with serves Hollow Farm. The Council are concerned that visibility at the track's junction with Woodhead Road is restricted and does not meet the required visibility of 2.4m x 160m for an access onto a derestricted road. However, from my own observations there was clear visibility when entering and leaving the site in both directions. There is a grass verge along either side of the junction, and the stone walls which bound them are less than 600mm in height, and do not obstruct the available sightline.

15. The existing access track is long, however with the exception of a sharp bend as its exits the farmyard, there is good forward visibility when travelling in both directions along it. Furthermore, there are a number of places along the track

where there would be sufficient space for vehicles and pedestrians to pass. At the time of my visit the track had a suitable hard surface and was not rutted. I accept that in adverse winter weather conditions the access to the site would be difficult, however for the few occasions this would be, I do not consider that this would be sufficient reason alone to withhold permission on highway safety grounds.

16. Based on the number of estimated visits a day, there would be adequate space within the site for the parking and manoeuvring of customer and staff vehicles, and also space for service vehicles. In any event, given the distance between the proposal and the public highway, future customers are unlikely to park on the Woodhead Road and cause obstruction on the adjoining public highway.

17. The track is used by a number of existing properties. I have not been provided with any substantive evidence to demonstrate that it is dangerous, nor do I have any evidence of accidents related to it, or its junction with Woodhead Road. Whilst it passes through Stansfield Ash Farm, vehicles speeds in this area would be low due to its proximity to the road junction. In view of the estimated traffic movements associated with the proposal, I am not convinced that the development would have a significantly harmful effect on vehicle and pedestrian safety, or animal welfare.

18. I conclude that the proposed development would not have a harmful effect on highway safety. I find no conflict with Policy CSP26 of the CS, which seeks to ensure that new development provides safe, secure and convenient access for all road users.

Other considerations

19. I understand that this rural location may provide benefits for the use proposed, particularly given the tranquillity of the area. However, no evidence has been provided to demonstrate that other locations outside of the Green Belt have been explored. I have also considered the appellant's willingness to carryout landscape planting to screen the development, but this would not outweigh the harm I have identified in the main issues above.

Planning Balance

20. I have found that the proposal would constitute inappropriate development and is therefore harmful to the Green Belt. I have also found that the proposal would have a harmful effect on openness and the character and appearance of the Green Belt. Although I have found that the development would not have a harmful effect on the living conditions of neighbouring residents, or on highway safety, an absence of harm does not carry any positive weight in the planning balance.

21. For the appeal to succeed, the combined weight of other considerations must clearly outweigh the totality of the harm arising. I have considered the other considerations put forward, but none other than some limited benefit from landscaping planting carries any positive weight. The substantial Green Belt harm caused by inappropriateness of the development, harm to openness and the character and appearance of the area is not therefore outweighed by other considerations sufficient to demonstrate very special circumstances. The appeal therefore conflicts with the development plan policies set out above and the Framework.

Conclusion

22. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Elizabeth Pleasant

INSPECTOR