
2021/0785

Applicant: Mr Martin Lynskey

Description: Replacement of existing building with new dwelling and associated works (Amended Access and Redline)

Site Address: Heald Head Cottage, North Lane, Cawthorne, Barnsley, S75 4AQ

Site Location and Description

The application site is located behind Pashley Green Farm, accessed from North Lane. The building shows on OS maps back to 1895 and it is clear from aerial photos that it has been in a ruinous state since 2013 at least.



Located to the west of Cawthorne and North of Hoylandswaine, the site is isolated with access only by bridleway to the north east from the A635 or Public Footpath via North Lane and Pashley Green Farm. Rons Cliff Wood and Dyke run north/south along the west and north boundaries and there are open fields to the east and south.

The cottage is two storeys, with no windows or roof and evidence of various walls being in need of repair. The land around the building is overgrown with scrub and a number of mature trees.

Proposed Development

The proposed development is to replace the current building with a large 4 bed detached property.

The proposed house has 2 stories, over a cellar with 4 ensuite bedrooms at first floor, the master suite also including a dressing room. At ground floor there will be a large open plan living space, including kitchen / diner and sun lounge. A separate lounge is also included along with utility, office, W/C and two entrance halls.

The design of the house retains some traditional detailing such as cills and headers and utilises natural stone and timber windows. The roof is double pitched with a large entrance hall / stair well in a protruding gable to the front.

Planning History

None

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. The new Local Plan was adopted at the full Council meeting held 3rd January 2019. In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies and are a material consideration in the decision making process.

Local Plan Policies

The site is allocated as located in the Green Belt in the Local Plan where GB1 applies, protecting the Green Belt in accordance with National Planning Policy.

Other relevant policies include:

SD1 – Sustainable Development
GD1 – General Development
LG2 – The Location of Growth
H1 – The Number of New Homes to be Built
H2 – The Distribution of New Homes
H5 – Residential Development on Large Non-allocated Sites
H6 – Housing Mix and the Efficient Use of Land
T3 – New Development and Sustainable Travel
T4 – New Development and Transport Safety
D1 – High Quality Design and Place Making
LC1 – Landscape Character
HE1 – The Historic Environment
HE2 – Heritage Statements and general application procedures
BIO1 – Biodiversity and Geodiversity
GB3 – Changes of use in the Green Belt
CC1 – Climate Change
CC2 – Sustainable Design and Construction
CC3 – Flood Risk
CC4 – Sustainable Drainage Systems (SuDs)
CC5 – Water Resource Management
RE1 – Low Carbon and Renewable Energy
Poll1 – Pollution Control and Protection

NPPF

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

Paragraph 147 is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Whilst paragraph 148 states that: *"when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations"*.

Paragraph 149 clarifies that new buildings are inappropriate development. Exceptions to this include:

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would: not have a greater impact on the openness of the Green Belt than the existing development.

Paragraph 150 also allows certain other forms of development as being not inappropriate, provided they preserve its openness and do not conflict with the purposes of including land within it. These include: engineering operations.

Consultations

Air Quality – No objection, subject to Electric Vehicle Charging Points being secured by condition.

Biodiversity – Requested a full, detailed Ecological Assessment and Species Activity Surveys. Local Plan Policy BIO1 requires no net loss to be demonstrated and the reports need to demonstrate how this will be achieved. Additional information has been submitted but remains insufficient to properly assess the impact of this application. Further detail in the report but objections due to insufficient information.

Drainage – No objections

Environment Agency – No comments

Highways – Objection as the site is unsustainable.

Public Rights of Way – The access follows the line of public footpath no.25. This route is reported as 3ft wide with a pasture surface. The applicant will need to be made aware any additional width, surface or maintenance to a standard suitable for vehicles in future will be the responsibility of the landowner, as will repairing any damage caused by their own vehicles.

Details should also be provided about the width of the track and the proposed electric fence. The applicant should demonstrate that a sufficient width has been provided for pedestrians and cars to pass safely without any danger or interference from the electric fence. If at any time the electric fence is considered to provide a danger to the public, enforcement action may be taken.

During construction, all PROW should remain open whenever safely possible. Where this is not possible, such as when the access track is being resurfaced, a formal temporary closure order will be required. However, the design shows a cattle grid and PROW objects to this as it is not lawful to have a cattle grid across the full width of a footpath or bridleway.

Regulatory Services – No objections

Trees – Insufficient information to assess the impact on trees.

Ward Councillors – No comments received

YW – No comments received

Representations

The application has been advertised by neighbour letters. 3 letters of objection have been received raising the following:

- Concerns regarding the proposed access route from North Lane.
- Preference to use the bridleway access route but would like to see plans as to how this can be achieved.

In addition, the Parish Council (PC) have objected as the proposed would impact on the privacy of Pashley Green Farm and Pashley Green Cottages. The length of the lane would impact on the environment both in construction and traffic pollution. The alternative route of access crosses two fords which the PC views as historic, being 2 of only 3 such fords in the parish and as such this route is also objected to as these should be preserved.

Assessment

Principle of Development

The site is located in the Green Belt where inappropriate development is, by definition, harmful and should not be approved except in very special circumstances. The construction of new buildings is classed to be inappropriate development under paragraph 149 of the NPPF, with some exceptions. These include the redevelopment of previously developed land, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt than the existing development. In addition, paragraph 150 lists certain other forms of development which are not inappropriate, provided they preserve its openness and do not conflict with the purposes of including land within it, this includes engineering operations.

The proposed development is to demolish the existing building and replace it with a family house of a similar size. The current building is redundant and in a state of significant disrepair with no roof or windows, damaged walls, no first floor and soil covered, overgrown, ground floors. The building shows as 'ruin' on the OS maps and aerial images show that the building had a roof in 2009 but this was clearly gone in 2013. The sale particulars for the property confirm it was previously used as an outdoor education facility but has been empty for 15 to 20 years and has suffered fire damage, leaving it with no first floor accommodation or roof. On this basis the property can be said to have been empty for 15 years and in a ruinous state for 10 years at least. Access to the property is by foot only, either along the bridleway to the north east or by the footpath from North Lane to the south east. The land around the property is overgrown with scrub and trees. Taking account of all of this, the last use of the building was C2, however, this use is arguably abandoned and the site could be deemed to no longer be brownfield. This would make the proposed development of the site for a residential house inappropriate.

Nevertheless, if it is assumed the site is brownfield the proposed redevelopment must still be assessed based on the impact on openness of the Green Belt and any conflicts with the purposes of including land within it.

At paragraph 137 the NPPF confirms that a fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The five purposes are then listed under paragraph 138, of which:

c) to assist in safeguarding the countryside from encroachment, is the most relevant.

Openness has visual and spatial aspects as well as impacts relating to the degree of activity likely to be generated. The development will impact on all three as set out below:

The proposed new dwelling is similar in scale to the building previously located on the site, as it was before it became a ruin. However, the plans show the new house all on one level, unlike the existing building which was set into the slope on site and steps down with the natural fall of the land. This approach to levels will increase the overall bulk and massing of the building impacting on spatial and visual aspects of openness and will include regrading works, increasing the impact further.

A suitable vehicular access is required. The route for this has been amended during the course of the application to cross fields from Pashley Green Farm to the south east. This route is circa 560m in length and, other than the existing access to the farm, which is circa 200m in length, it is currently a PROW across the fields with no surfacing. The applicant proposes to construct an access using compacted subbase with a top membrane and grass surface. This would be 3-3.5m in width with

one passing place. A topographical survey of the route has been provided which shows that although much of the route is relatively level, works will be required to create a suitably flat access. This is most pronounced at the northern end, where the access joins the woodland adjacent the proposed house. The PROW slopes down here, into a cut-in with steep sides. It then takes a right turn into the site; levels here are more complex and work will be required to achieve an access suitable for vehicles. The detail provided is not clear regarding the degree of leveling required with the agent maintaining this will be minimal. However, the survey shows that the levels vary by 2m or more and that there are a number of trees located on or adjacent to the route which will be affected; no tree survey has been forthcoming and no impact assessment. Despite the limited detailed information, it is clear from site visits and the topographical survey that the proposed track would have a visual and spatial impact on openness as would the increased activity associated with its use. Although grassed, the route would be noticeable as a change in levels and because of the impact on, and likely clearance of, trees. The latter also opening up views of the building which are currently screened.

In addition to the above, the width of the route may need to exceed 3-3.5m in order to accommodate both vehicular access and the PROW. This will increase the impact. As will the proposed cattle grid which cannot be supported across a PROW without a separate route around it for pedestrians.

No detail has been provided regarding parking, other than to state an area would be provided adjacent the access, within the curtilage of the property, and be sufficient to park 4 cars. This curtilage is demarked on the redline plan and is an extensive area (circa 180m²) which slopes down to the north. The area is currently overgrown and so it is anticipated this would be cleared to create a garden and the parking area. Notwithstanding the abandonment point, the last use of the building was as a residential educational building. A local school in Goldthorpe used the site for sports and outdoor activity camps with kids camping in tents around the building. The land around the building retained the character of a field as a result, and the sites use was intermittent. The proposed change to residential garden would result in a change in character beyond the current and previous use of the land, bringing in hard surfaces for parking, garden planting and cultivation and paraphernalia associated with residential use. It would also be an intensification of use over and above the previous use and the more recent absence of any use. This would increase the impact on openness and the change of use is contrary to Local Plan Policy GB2.

Taking account of the character of the site and length of time it has been disused, the previous use and limited impacts associated with this, and the scale of works required to access and bring the site back into use, the impact on openness of the Green Belt is judged to be high in spatial, visual and activity terms. In addition, the proposed will likely create further pressure for development, such as extensions or outbuildings which would increase the overall impact. On this basis the proposed is contrary to Local Plan Policy GB1 and GB2 as well as NPPF paragraphs 137, 138 and 147-150.

Sustainability

In terms of the sustainability of the building, the site is not in a sustainable location being outside of any defined settlement and 2km from Cawthorne where there are some services including shops and a primary school. Footpaths and street lighting along the highway are limited or not in existence and the distance and topography mean car usage is highly likely.

The Design and Access Statement is light on detail but states heat pumps, likely ground based, would be used and that the building would use high grade, low energy domestic service provisions with some underfloor heating. Whilst this is not very clear, it is accepted that the building would need to meet current building regulations with some overall improvements to ventilation and heating efficiencies as well as provision of an Electric Vehicle Charge Point.

In this respect the building will meet minimum standards of energy efficiency in line with Local Plan Policy RE1. However, its location is not sustainable in accordance with Local Plan Policy T3.

Residential Amenity

The proposed will have no impact on existing residential properties, being located sufficiently distant to Pashley Green Farm and Pashley Green Farm Cottage. Whilst the Parish Council have raised concerns regarding loss of privacy, this is limited to passing traffic, therefore this objection cannot be easily substantiated.

Internally, the layout meets the various internal spacing standards and the garden is well over the required external amenity space as set out in the Designing New Housing SPD.

The distance of the property to North Lane does raise some issues with regards to bin collection and drag distances. Residents will be required to take their bins to North Lane, circa 560m away on bin days. The Design of New Housing Development recommends private drives not be more than 30m.

Therefore, whilst the proposed dwelling is acceptable in residential amenity terms and complies with Local Plan Policy D1 and the accompanying Designing New Housing Development SPD, there remain concerns regarding overall amenity as a result of the poor access and servicing arrangements.

Biodiversity

The application is supported by a Preliminary Ecological Appraisal (PEA) report which details results of a desk study and walkover survey undertaken in December 2021.

The PEA is limited to the site of the house and garden, no assessment of the access route has been undertaken.

In terms of impacts on species these include potential bat roosts in the nearby trees and nesting birds, including a possible owl nest in the building. In addition, the nearby dyke is known to have white claw crayfish in it which would be impacted if the access were taken along the bridleway, this access route has now been amended but it remains unclear from the drainage information if surface water may be diverted to the dyke or what the impact of this would be.

The PEA and accompanying metric only assess the value of the building and surrounding field, with no consideration given the impact of the proposed development or mitigation required. Further, as the assessment does not include the access, which traverses the adjacent woodland, it is unclear what the impact on the woodland would be or the nature and value of the woodland itself. A minimum of two Bat Activity Surveys are required but only one has been provided, nor is the value of the affected woodland to these species clear.

Based on the above there is insufficient information to assess the proposed in accordance with BIO1 Biodiversity and Geodiversity and the accompanying Biodiversity and Geodiversity SPD.

Trees

No tree survey has been undertaken or provided in support of the application. The agent has continually stated that there will be no impact on trees, however, it is unclear how this can be achieved given the access passes through an area of trees and into the woodland adjacent the development site. As this requires the compaction of ground and some levelling works, the extent of which is unclear, it is not possible to assess the impacts on trees without the appropriate survey and assessment.

The information provided is insufficient to enable the Authority to assess this properly and as such the proposed cannot be said to comply with Local Plan Policy BIO1 Biodiversity and Geodiversity and the accompanying Trees and Hedgerows SPD.

Highways

The development site is located circa 580m or so from North Lane a rural single carriageway road without footway provision subject to national speed limit which connects to A635 Lane Head Road circa 1km or so to the North East and A629 Halifax Road circa 2.5km to the south. The development proposal seeks to take direct access from an existing access serving Pashley Green Farm along the line of the Cawthorne Public footpath 25. The applicant proposes to upgrade the right of way to 3.5m with a single passing place part way along the "final section" which runs in a north westerly direction towards the application site.

The site is remote from shops, amenities and services and there are no bus stops in proximity to the site. Furthermore, North Lane does not benefit from footways or street lighting and therefore journeys to education, work and services are almost certainly to be by private car for any occupiers, which fails to comply with the policies of NPPF 9: Promoting Sustainable Transport and Barnsley Local Plan (January 2019) Policy T3 New Development and Sustainable Travel.

The proposed is therefore objected to on highway and sustainability grounds as the proposals fail to demonstrate that suitable access can be provided for all users and fails to meet the needs of pedestrians, cyclists, people with disabilities and the less ambulant, contrary to the policies of NPPF 9: Promoting Sustainable Transport (2021) and Barnsley Local Plan (2019): T3 New Development and Sustainable Travel.

Drainage

No drainage details have been provided other than the application form confirming that foul would be to a package treatment plant and surface water to a soakaway. No conditions have been requested but Drainage Officers have confirmed permission is required if surface water is to be discharged into the nearby dyke.

Conclusion

In conclusion, the proposal is potentially inappropriate development due to the abandoned nature of the site. Regardless, the proposed will have a greater impact on the openness of the green belt and conflicts with one of the 5 purposes of the green belt, to protect the countryside from encroachment, as set out in this report. This is contrary to Local Plan Policies GB1 and GB2 as well as chapter 13 of the NPPF.

Further, the proposed is not located in a sustainable location and the access does not achieve safe and suitable access for all users, contrary to Local Plan Policy T3 and chapter 9 of the NPPF.

Finally, insufficient information has been provided to assess the impact of the proposed on, trees or biodiversity, contrary to Local Plan Policy BIO1.

As such the proposed is recommended for refusal.

Recommendation

Refuse