

2021/1682

Applicant: Mr D Connor

Description: Conversion of existing stable block into 2no. dwellings with associated parking and landscaping

Land to rear of 4a Cliff Lane, Brierley, Barnsley, S72 9HH

Site Description

The site is Cliff Farm Green Space, located to the rear of 4a Cliffe Lane.

The stable is located in the south east corner of one of the 4 fields in the green space, to the rear of 4a Cliff Lane and Connor House (4b). Access is via the existing drive / access from Cliff Lane and across the field. The stable block is built of artificial stone with a concrete slate roof. There are small windows in the side, front and rear elevations with a large opening on one side.

The building was approved under 2009/0928 however it does not match the plans as approved which allowed the wall to be extended upwards and a metal roof erected over an existing stable block to provide shelter from the rain. The photo below shows the site in 2009:



Site and building in 2009

Proposed Development

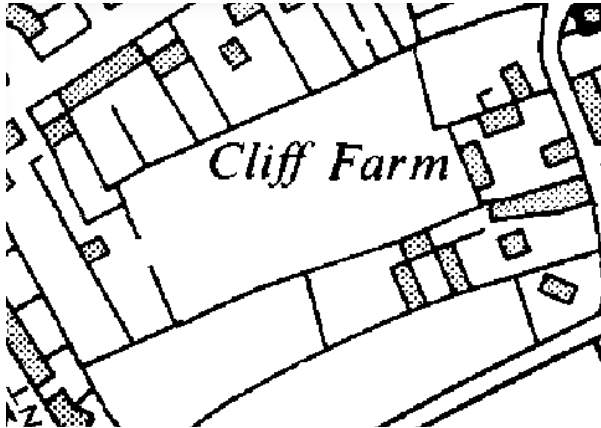
The proposed development is to convert the stable block into two bungalows. Internally the plans show two bedrooms, a bathroom and open plan living kitchen diner. There are front doors on the east and north elevations and large bi-fold doors on the west elevation.

Access is via the existing private drive which will be extended across the field to the stables. Parking is to the side and front.

The site plan and red line includes the whole field and the one behind it, although the rear gardens are shown to occupy a relatively small area. The field to the front of the stable is shown as front garden / access.

History

The site is Cliff Farm Green Space, originally a farmstead with open fields to the rear. The OS below is dated 1990.



In 1998, outline approval was granted for the demolition of the farm buildings and erection of residential dwellings. This was followed by a series of applications resulting in 5 dwellings on the site: 2a, 4, 4a, 4b and 4c. The approved applications did not include the fields to the rear.

98/01/0132/HR – Residential Development (outline) - Approved

98/0598/HR – Demolish derelict and structurally unsafe buildings in Conservation Area and clear site ready for re-development – Approved

98/0862/HR – Erection of four detached houses with garaging – Approved.

99/0456/HR – Erection of detached house and garage – Approved

99/1364/HR - Erection of detached dwelling with attached double garage – Approved

2003/1239/HR – Residential Development (Outline) – Refused

2003/1820/HR – Erection of one detached bungalow with integral single garage – Approved

Since then, there have been various applications on the site and land to the rear including:

05/0989/HR – Erection of single storey extension to new bungalow – Approved

2005/1848 – Erection of 4 no. detached dwellings – Refused

2006/0718 - Erection of two stables blocks with four stables and tack room – Approved

2008/0372 – Erection of barn – Approved

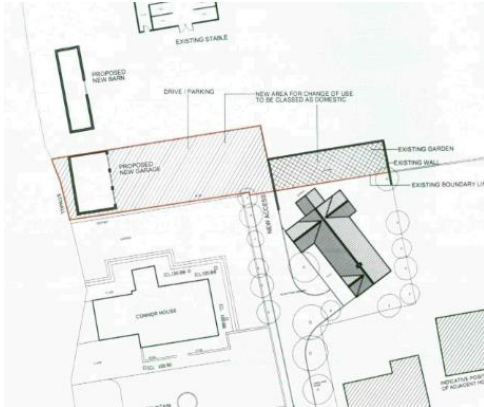
2008/0376 – Extension of curtilage and erection of detached garage – Approved

2008/1829 – Erection of stables (retrospective) and alterations to existing building to form a new barn - Withdrawn

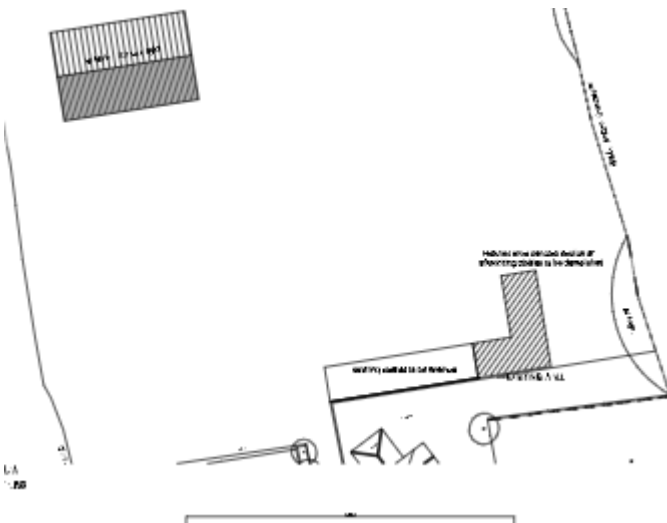
2009/0510 – Erection of stables (retrospective) (resubmission) – Withdrawn

2009/0928 – Erection of stable block (retrospective) and erection of roof to existing stables – Approved

Permission was granted in 2008 for part of the site to be redesignated as domestic curtilage with a detached triple garage, providing parking for Connor House and the domestic stables located on the greenspace (2008/0376). At the time, the loss of greenspace was felt to be justified because the parking was to serve not just the dwelling but vehicles associated with the recreational use of the adjacent land. The approved layout is below:



Then in 2009 retrospective permission was granted for two stable blocks (2009/0928), including the one that forms the basis for this change of use application. The site plan is below:



More recently an application to erect a bungalow on the site of the triple garage (outside of the greenspace) has been approved and an application for the siting of 3 caravans refused, the latter is currently part of an enforcement appeal process:

2017/1157 – Removal of existing storage shed/outbuilding and erection of 1 no. detached dwelling – Approved

2019/0221 - Proposed Change of Use of Land to allow the stationing of caravans for residential occupation with associated facilities – Refused, Enforcement Notice issued and appeal ongoing.

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.

Site Allocation: Greenspace

Local Plan Policy GS1 seeks to improve existing green space to meet the standards in our Green Space Strategy.

Green Spaces are green open areas which are valuable for amenity, recreation, wildlife or biodiversity and include types such as village greens, local open spaces, country parks, formal gardens, cemeteries, allotments, woodlands, recreation grounds, sports pitches and parks.

Proposals that result in the loss of green space, or land that was last used as green space, will not normally be allowed unless:

- An assessment shows that there is too much of that particular type of green space in the area which it serves and its loss would not affect the existing and potential green space needs of the borough; or
- The proposal is for small scale facilities needed to support or improve the proper function of the green space; or
- An appropriate replacement green space of equivalent or improved quality, quantity and accessibility is provided which would outweigh the loss.

SD1 'Presumption in Favour of Sustainable Development'.

GD1 'General Development' provides a starting point for making decisions on all proposals for development setting out various criteria against which applications will be assessed.

LG2 'The Location of Growth'

H1 'The Number of New Homes to be Built' sets the target of new homes for the plan period 2014 to 2033 at 21,546

H2 'Distribution of New Homes' states 4% of new homes to be built in the other areas, which includes villages.

H5 'Residential Development on Large Non-allocated Sites'

H6 'Housing Mix and Efficient Use of Land' proposals for residential development are expected to include a broad mix of house size, type and tenure and a density of 30 dwellings per hectare is expected

T3 'New Development and Sustainable Travel'. The site is located in the Dearne

T4 'New Development and Transport Safety'

D1 'High Quality Design and Place Making'

GI1 'Green Infrastructure' seeks to protect, maintain, enhance and create an integrated network of connected and multi-functional Green Infrastructure assets.

GS2 'Green Ways and Public Rights of Way' seeks to protect rights of way from development.

BIO1 'Biodiversity and Geodiversity' requires development to conserve and enhance biodiversity and geodiversity.

CC1 'Climate Change'

CC2 'Sustainable Design and Construction'

CC3 'Flood Risk'

CC4 'Sustainable Urban Drainage'

CL1 'Contaminated and Unstable Land'

Poll1 'Pollution Control and Protection'

PI1 'Infrastructure and Planning Obligations'

SPD's

- Design of Housing Development
- Parking
- Open Space Provision on New Housing Developments
- Sustainable Travel
- Trees and Hedgerows
- Affordable Housing
- Biodiversity and Geodiversity
- Planning Obligations

Other

South Yorkshire Residential Design Guide

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.

In respect of this application, relevant policies include:

Section 8 Promoting healthy and safe communities:-

Para 93 -

(b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community

(c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs

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- (a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- (b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- (c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use

Para 100 - Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

Para 103 - Policies for managing development within a Local Green Space should be consistent with those for Green Belts.

Section16 – Conserving and enhancing the historic environment

Consultations

Coal Authority – Material Consideration.

I have reviewed the proposals and can confirm that the application site falls within the defined Development High Risk Area. The Coal Authority records indicate that within the application site and surrounding area there maybe coal mining features and hazards which should be considered as part of development proposals. As you will be aware, the Coal Authority's general approach in cases where development is proposed within the Development High Risk Area is to recommend that the applicant obtains coal mining information for the application site and submits a Coal Mining Risk Assessment (CMRA) to support the planning application. Notwithstanding the above, we note the submitted Coal Mining Risk Assessment (31 January 2022, prepared by Geoinvestigate Ltd), the content of which recommends intrusive site investigations. However, when considering that the nature of the development proposed is listed as exempt from Version 6, January 2021 of the Coal Authority's Guidance for Local Planning Authorities we do not consider that it would be reasonable to ensure the investigations by way of a planning condition and do not object to this planning application.

Drainage – No objection or conditions, can be dealt with through Building Control.

Highways DC – Objections, more detail in the report.

Pollution – No objections subject to a condition limiting working and delivery hours during construction.

SYMAS – No objections, standing advice only.

Yorkshire Water – No comments received

Representations

The application was advertised through neighbour notifications sent to 23 surrounding properties. A total of 7 objections have been received raising the following:

The entrance to the site is a blind narrow road with pavement only on one side.

Cliff lane is a very busy single file street (4.5m wide in some places), it is not possible for 2 vehicles to pass each other unless one mounts the kerb causing potential accidents / hazards with pedestrians or vehicles.

The post office is very busy and quite often cars are parked to the entrance of cliff lane and on the kerb making it difficult to get up and down with traffic that is already using the lane. This also means that there is no access for pedestrians as it only has a kerb on one side of the lane and pedestrians have to walk on the street as parked cars have mounted the pavement making it impossible to access.

If the traveller site is allowed under appeal, this would be a lot of houses off a private drive.

To get to the development site you are driving on a single file dirt track not possible for cars to pass. This then leads on to the greenspace field that is currently housing 3 caravans to the right (no Planning permission for) and a new build bungalow development to the left which is currently being built.

The traffic flow onto Mr. Connor's land has already increased considerably, possibly due to the occupation of the mobile homes, with the use of both personal and commercial vehicles associated with the gypsy/traveller trade. In addition to this traffic, there are JCB diggers, large aggregate and cement trucks, drop side trucks and vans etc., related to the building of the new bungalow. The issue is not just the number of vehicles, but also the number of journeys on and off site, and the excessive speed of some of the vehicles.

The driveway into the site creates dust everytime it is used.

There is a lot of rubbish blown from the site into neighbouring residential gardens.

Construction work has been ongoing for 20+ years on this site with a new building started as soon as one is completed. I would also politely ask, if it were possible, for council planners to consider how long residents have to live with the building work on this site.

The planning permission is for the barn further down the field which never was allowed planning permission in the first place so should have been removed which is another mistake from the council allowing this to remain. There are other barns / shanty huts on this site with again no planning.

The barn was erected around 20 years ago on what was once a green field. I have lived here over 50 years and the only barn was at the top of the field in the approximate area of Number 4a. When number 4a was sold by Mr. Connor several years ago, the new barn was originally included in the sale and was described as a "barn built to residential standards"

Since Mr. Connor acquired the field and subsequently built Number 4B, there has been all sorts of construction activity taking place and, consequently, there is very little green field site left now. If this barn conversion is approved, how far will the 'associated parking' spread to vicinity of our houses that back onto the field

If permission is granted for this additional change of use, then before we know it the whole field will have been monopolised.

The land was designated as a green space on a recent map. It has already been overdeveloped and there is a time when this must stop too protect the community.

Totally overwhelmed that this can be even considered considering the current enforcement that is in place regarding Mr Connors development of this site. The site in question already has numerous stop orders and refusals of planning permission even so Mr Conner has carried on regardless. This site has been under construction for over 20 years and very little of what has been developed has received planning permission. The site has very little areas of greenspace left due to all of the building works and hard standing that has been created for parking of vans, cars and caravans.

In addition, it has been raised by residents that the site address and OS plan is incorrect – this has been amended post submission.

Finally, one letter has been received stating: *absolutely no objections to the planned development I have lived next to Mr Connor for around 20 years and have never experienced any noise nuisance or other disturbance and that I fully support this application.*

Assessment

Principle of development

The proposed is to convert an existing stable building into two bungalows. The red line includes the whole field in which the stable is situated and the field behind it, a total area of 5,245m². Whilst the plans show small gardens to the rear and a larger garden with shared drive and parking to the front, this proposed change of use will effectively remove circa half of the Cliff Farm green space and make it residential.

The site is allocated as green space in the adopted Local Plan. Policy GS1 states that: proposals that result in a loss of green space, or land that was last used as green space, will not normally be allowed. Exceptions to this restriction include: where an assessment shows there is too much of a particular type of green space, or the proposal is for small scale facilities needed to support or improve the proper function of the green space, or an appropriate replacement green space of improve quality quantity and accessibility is provided that would outweigh the loss.

Cliff Farm Green Space is classified as a natural area on the greenspace register. It is one of three natural areas in Brierley, the other being Brierley Common, to the south east and The Dell, to the south west. The green space assessment states that: 'Most of Brierley has access to Natural Areas although there is a small deficiency to the north of the area. These sites are of mixed quality but are all highly valued'. Cliff Farm is the smallest of the natural areas and the only one located in the north of Brierley. There is a public footpath to the south of the site along the boundary offering good links to this as a valuable open space. Therefore, it is clear that there is not an excess of this type of green space in the area and that the space is valued.

The proposed is to change the use of a stable, which was allowed as the building's use was directly associated with the function of the green space, into two dwellings which are not an appropriate use of green space and in fact directly conflict with the green space function of the land.

Finally, no alternative green space has been suggested which would outweigh the loss of this area nor is there any space readily available in the area which could be improved. In previous applications (2008/0376 & 2017/1157) access and parking has been provided for anyone using the green space to stable horses but this would not be available as part of this scheme, nor would the actual stables on the site and the overall space available for grazing is also significantly reduced.

On this basis, the proposed development is contrary to Local Plan Policy GS1 and GD1 and the NPPF Section 8.

Visual Amenity

This area of greenspace has seen significant changes in recently years resulting in encroachment into, and a loss of, greenspace. Not all of the development has been lawful and, therefore, properly assessed against greenspace planning policy. Where lawful development has occurred, this has been restricted and the design amended to protect the function and use of the greenspace.

The proposed introduction of residential dwellings and gardens into the green space will change its character and function from an open area used for the grazing of horses to residential with associated garden and drive. This will have a negative visual impact on the green space.

The new houses do not correspond to the character of the area or the landscape, located in the middle of the field away from existing residential properties and with a long curtilage to the front and rear, with no clear relationship with the surrounding dwellings. They also represent backland development, which is tandem in nature and includes access along a narrow private drive which is well in excess of 30m.

Overall the proposed will have a negative impact visual amenity contrary to local Plan Policies, GD1, GS1 and D1 as well as the accompanying guidance in the Design of Housing SPD.

Residential Amenity

The location of the stable block does not raise issues with overlooking or overshadowing of existing dwellings. In addition, the internal and external amenity space meets the required standards as set out in the Design of Housing Development.

However, the proposed red line overlays the residential curtilage agreed under 2017/1157 and as this bungalow has not been built in accordance with the approved plans it is unclear where parking for the property would be or if sufficient garden space remains to comply with the external amenity space standards for this property.

Further, the proposed dwellings, located on a long access drive will have a significant drag distance for bins, as refuse vehicles will not use a private drive and so will only collect from Cliff Lane. This will be inconvenient and could lead to issues in the longer term, particularly with less able residents.

On this basis, the proposed raises residential amenity issues as a result of poor design, contrary to Local Plan Policy D1 and the accompanying guidance in the Design of New Housing SPD.

Highway Safety

With regard to the current consultation, as the scheme is presented in its current form, the Highway Service would not be minded to support a planning approval as the proposals would lead to the intensification of use of a substandard access during typical residential peak hours. The current access is located on the inside of a bend with a high stone wall that looks to impede the required minimum visibility splay requirements.

Furthermore, given that the current application highlights both red and blue boundary lines, clarification should be provided with regard to exactly what the site access currently serves (units/uses etc).

Notwithstanding the above, the conversion of the stable block to residential use (for 2no. dwellings) may be considered acceptable if the applicant is minded to consider the below improvements:

- Sight lines of 2.0m x 25m are required in both directions at the site access junction with Cliff Lane.
- A bin store should be provided within close proximity of the site access junction (positioned so as to not impede the sight lines).
- The site access road should be properly surfaced and drained so as to prevent mud/debris from being deposited on the public highway.
- Turning for a fire appliance should be provided within the site. The maximum distance that a fire appliance is allowed to enter into a site without turning provision is 20m. These proposed dwellings are located around 120m into the site and turning provision is therefore required. The turning area should be positioned so that the fire appliance is within 45m of all parts of the dwellings.

Whilst a turning area for a fire appliance could potentially be accommodated, this would increase the impact on the green space with more lost to hard standing. In addition, it is unlikely the sightlines could be achieved given the land either side of the access is in 3rd party ownership and both gardens are set at a higher level / have high boundary walls.

With regards to the number of properties serviced by the drive, this is currently 2 so the proposed would increase this to 4. However, there remain 3 permanent caravan pitches on the site which are the subject of an appeal against enforcement action. This could increase the overall number of dwellings to 5 or 7 which is contrary to design guidance in the South Yorkshire Residential Design Guide as supported by Local Plan Policy D1.

Therefore, there is insufficient information to properly judge if the proposed can be accessed safely or if it can comply with appropriate design requirements in accordance with Local Plan Policy T4 and D1 and the South Yorkshire Residential Design Guide.

Recommendation

Refuse