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**Detailed Application for Dwelling
With Ancillary Workshop for Education and Care (Resubmission)**

Planning Support Statement

LAKESIDE VIEW, PENISTONE

Mr and Mrs Simms

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Prepared by:

TOWNSEND PLANNING CONSULTANTS

10 Rishworth Street, Wakefield, WF1 3BY

Tel: 01924 366733

Fax: 01924 367317

Email: mail@townsendplanning.co.uk

www.townsendplanning.co.uk

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1.0 INTRODUCTION

The proposal which forms the subject of this application for planning permission is for the development of a dwelling with ancillary workshop for education and care at a site known as Lakeside View, Penistone. The proposal also involves a comprehensive landscaping scheme for the whole site. The submission includes details of the landscaping scheme for the areas around the proposed building, which will be utilised in part to facilitate the education and care services proposed which form a key feature of the proposal. It will be noted that this is a resubmission of previous application no 2013/0212 which was withdrawn to allow for further negotiations with the authority and the submission of further details to address issues raised by officers.

The principal aim throughout the preparation of the proposal has been to develop a scheme which is outstanding and achieves the highest standard of architecture, whilst at the same time ensuring it is sensitive to the area thereby enhancing its immediate setting. The redrafting of the scheme aimed to continue to achieve the highest standards of architecture whilst at the same time resolving the issues raised by the Planning Officer.

It is considered that this scheme will offer a unique proposal providing for education and care which will be of significant benefit to the community. It will also be noted that the scale of the scheme has been significantly reduced following comments received from the Council's planning officer.

The following supporting documents/information is submitted with the application:-

1. Full layout plans and details by Architecture:M
2. Planning Support Statement by Townsend Planning Consultants.
4. Design & Access Statement by Architecture:M
5. Landscaping Appraisal and Scheme by C F Landscape Design.
6. Architectural Statement by Architecure:M
7. Ecological Report (as previously submitted) by Brindle and Green.
8. Arboricultural Report by Coppice Landscape and Design.
9. Draft Unilateral Undertaking by Miles Planning Solicitors.
10. Letters of Support.

It is considered that this statement, together with the accompanying documents, clearly demonstrate to the Council that the proposal accords with planning policy as set out in the development plan (as relevant) and the NPPF and, when judged against this and all material considerations, it is clearly the case that planning permission should be granted. This statement demonstrates that notwithstanding the fact that the site is located wholly within the Green Belt, there exist the “very special circumstances” necessary to warrant the grant of planning permission for the development of the site for this proposed scheme.

This statement proceeds to give details of the applicants, the site and the proposal and includes reference to negotiations with the Council in respect of the interpretation of policy and radical changes made to the scheme in the context of the responses received from the Council. Relevant planning policy, central government advice in the form of the NPPF and local planning policies are then discussed. The issues that the proposal raises are also examined and the conclusion is finally reached that planning

permission should be granted for the proposal which achieves the highest quality aesthetic design and is sensitive to its setting within the landscape. The proposed use of the facilities for the provision of education and care services will include the use of the landscape around the building, which will form an intrinsic part of those activities thereby benefitting the community. A draft S106 legal agreement in unilateral form is also submitted with this application in respect the educational and care services the site will provide.

It is considered that the proposal is wholly acceptable when judged against the development plan and all material considerations. It is also hoped that the Council will support this proposal which will benefit the District in educational and care terms. Nevertheless, the applicants remain willing to discuss all aspects of the proposal with the Council.

2.0 THE APPLICANTS & BACKGROUND

Full details regarding the applicants are set out in the architect's statement. However, it is useful to draw attention to the following points which are outlined in summary as follows:-

- The applicant, Mrs Simms, studied ceramics at Penistone Grammar School and attended Barnsley Art College eventually selling work throughout Yorkshire and Derbyshire. Following the starting of a family, she became involved in teaching art and ceramics in schools.
- She created her own studio and was then invited to work with other local artists. Since that time she has assisted at sculpture workshops for the teaching of adults and has included teaching workshops at Harrogate Ladies College and assisting in the preparation of students taking GCSEs. Those initial teaching experiences generated the idea of running workshops for school children.
- The applicant's sister has mental health problems and has been under the care of the NHS for some years, during which time it became clear to the applicant that respite care was not generally available and was essentially missing from NHS provision.

- This situation resulted in the applicant considering what forms of care could be made available to those suffering from mental health problems and other similar difficulties.
- Since that time, she has approached the Green Acre School for disabled children, Kendray Hospital with regard to occupational therapy, Barnsley Council and AIM in Huddersfield for the purpose of examining the need for the provision of therapeutic workshops working with clay and sculptures in an open and peaceful countryside setting.
- She also approached a number of local schools to examine the possibility of teaching school children and whether such a facility would be considered useful.
- The response from the various institutions and schools has been overwhelming both in terms of confirming the need for such a facility in the community and in support of the proposed scheme. Full details of the working of the proposed facility on a daily basis are set out in the architect's statement. A studio for classes will be provided in the proposed building, together with a changing room and toilet facilities for the disabled. Firing workshops will also be located outside the premises to allow clay sculptures to be made in the open countryside. The outside space will form an intrinsic part of the facility for all to enjoy and pathways throughout the outside area will be provided in a form accessible to the disabled.
- Overall, it is considered that the facility can play an important role in providing therapeutic care and education within the local

community. It will provide a facility for Barnsley and the surrounding areas and the applicants intend to continue their existing work with local schools and hospitals. The approach to teaching will be tailored to meet the requirements and capabilities of the individual and groups who attend. Flexible programmes will be established which will be capable of responding to the varying needs of the client group over time. It is considered that the facility is situated in a setting which is quiet and secluded with spacious and private grounds providing a safe space in which to learn. It is considered that the proposal will provide a specialist therapeutic and education facility which will be of benefit to the community.

- It is considered that the proposal will provide education and care in a unique way for which at present there is no similar provision. In this context, it is hoped that the Council will fully support this important proposal and welcome the opportunity to facilitate the provision of a service that will help meet the needs of both the educational requirements of nearby schools and much needed respite care.
- It will be noted that the main façade of the building will be sculptured in local stone by a renowned artist/sculptor. It is considered that by taking this approach, the form and nature of the front façade will reflect the function of the property in an innovative and high quality manner.

3.0 THE SITE AND THE PROPOSAL

3.1 The Site

The site extends to some 1.16 hectares or thereabouts and slopes steeply away from the main road in a north-south direction. The site adjoins existing woodland and a lake. Whilst the site is located within the open countryside, the immediate area is characterised by sporadic residential development, including a small residential estate to the other side of the small woodland area. Residential development of a sporadic nature is a feature of the countryside in this area.

3.2 The Proposal

The proposal is to provide a dwelling which will also function as an education/care facility. The facility will utilise art, in particular sculpture, for educational and therapeutic purposes. The design and layout of the proposal is a result of:-

- (a) The requirement for the provision of an individual dwelling designed for the parameters for such properties which achieves innovative design and the highest standards of architecture; and
- (b) The ancillary requirement to utilise both the building and the site for the provision of education/therapeutic care services.
- (c) Required amendments to the previously approved scheme to address issues raised by the Council's planning officers.

The site can perhaps best be considered in three zones, as follows:-

- (a) The meadow located to the north of the site which will essentially remain as existing;
- (b) The residential zone – this will include the dwelling which will take advantage of the slope of the site and will be essentially ‘underground’ when viewed from the main road and will not be visible. The ‘outside’ domestic area to the rear of the property will be an excavated area which will be the subject of a boundary and planting scheme. This treatment will ensure that there are no views of any domestic paraphernalia from the main public land. The front façade of the proposed dwelling will be constructed in local stone and will be sculptured. Its form, which is highly innovative, will reflect the sculptural function of the site. Full details in respect of the design issues and elements are set out in the architect’s report. The roof will be designed to reflect the existing contours of the site and its impact will be minimised by essentially being ‘green roofed’ over. The only external elevation which will be visible will be the front elevation, which as stated will incorporate a sculptured façade to reflect the function of the site. Additionally, large areas of glass will be provided which will both reflect the surrounding countryside and foliage whilst ensuring that the facade appears visually light and transparent. It will be noted that the subject proposal has been significantly reduced owing to issues of scale raised by the Council’s planning officer. The scheme has been significantly reduced in width and height and further ‘dug’ into the slopes of the land.
- (c) The area of land to the south of the site will be landscaped and utilised as part of the teaching/care facility. The landscaped grounds

of this part of the site will offer opportunities for learning and provide space for therapeutic teaching. Care, support and education will be capable of being delivered within an environment specifically designed to enhance individual development and provide high levels of comfort. A safe and quiet environment will be provided for teaching. There will be links throughout the site to provide disabled access. However, clear physical boundaries will be maintained to the perimeter of the site to ensure safety and security. It is considered that the site provides an excellent setting for therapeutic care and education. It is quiet and secluded with grounds that are spacious and this will offer safe open space for education and care.

3.3 Negotiations

During the Council's consideration of the previous application, a point was reached where it was clear that not all issues had been resolved to the satisfaction of the officers. Questions were raised by the Council's planning officer in respect of the relevance of Para 55 of the NPPF in providing "very special circumstances". Issues were also raised by the Council's tree and Highway officers and it was agreed under the circumstances to withdraw the subject application pending further negotiations.

In the meantime, an emailed response to the Council dated 11th June 2013 in respect of para 55 of the NPPF stated as follows:-

"Dear Andrew,

I refer to our forthcoming meeting to discuss the proposal and have looked in

more detail at some of the issues you raised in your previous email.

I note in terms of Para 55 you state:-

“I have concerns that the proposal would not significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area”.

As we are aware Para 55 of the NPPF sets out quite detailed tests in respect of such development and identifies that:-

“Local Planning Authorities should avoid isolated new homes in countryside unless there are special circumstances such as ...”

Clearly we consider that the proposal is acceptable of indent 4:-

“The exceptional quality or innovative nature of the design of the dwelling.”

This is subject to four further tests set out in the advice which are:-

- “- Be truly outstanding or innovative helping to raise standards of design more generally in rural areas;***
- Reflect the high standards in architecture;***
 - Significantly enhance its immediate setting;***
 - Be sensitive to the defining characteristics of the local area.”***

It is clear from your response that the only issue you raise (other than the further technical issues with regard to highways and trees) relates to whether the

proposal 'is sensitive to the defining characteristics of the local area'. In response to this the Architect has, therefore, considered this issue in much more detail and I attach a copy of his further written submission which fully addresses this issue for your further consideration. I think this fully outlines that the proposal will indeed "be sensitive to the defining characteristics of the local area" through an analysis both of the evolving nature of the area and the site and proposal, in context as it appears today.

No doubt we can discuss this at our forthcoming meeting."

The attached response from the architect stated:-

"The House

The form of the house is generated by the flow of the undulating landscape. The initial approach was quite simple; by mimicking natural undulations of the landscape we had created a pocket between the original earth and the new landscape above.

This pocket is substantial enough in size to house the property but sophisticated in its resolution to allow views over the landscape as well as light and air into the property. On the opposite side it will hide the proposals by using the naturally rising land to hide the entrance and create a sunken courtyard.

By using the geometry of the landscape of the building will not appear foreign in its setting, and we have layered the proposals with local materials sourced from the local vernacular.

Just beneath the surface of the site, there hides some of the original building blocks of local buildings and walls. We look to use the stone quarried from the site to clad the internal courtyard, and the walls leading through the approach to the house.

Initially this stone will be bright, but gradually the stone will oxidize, and the tone will become subtler. We intend on laying the stone in a traditional dry walling manner. The internal courtyard will become a focal point of the development, a private and hidden sanctuary hidden away from the main road and the adjacent access road. The mass of the stone will capture the energy of the sun as it navigates across the sky during the course of the day, and during the evening the stone will emit the heat, creating a useable family space once the sun has set.

This circular space will create an interesting place to track the course of the sun via the shadows it creates, forming a sundial.

The main elevation towards the northwest opens up to create a two storey main section, flanked by single storey pieces to either side. The main articulation of the face uses a free flowing organic geometry. The geometry is then layered with a sculptured stone façade.

Perhaps one of the most interesting parts of the project is this sculptured stone façade, Large blocks of locally sourced sandstone (over 1.5m) will be brought to the site, and a local stone sculpture will

carve the stone, initially using broad and heavy strokes, but then at that the stone rises from the ground a more delicate working of stone will be carried out, creating a smoother, more intricate and delicate work akin to the Art Nouveau movement.

What makes the building so special is that whilst we are exploring a house that is very modern in its planning, the main façade is sculptured in a similar style to Arthur Heygate Mackmurdo where the design is akin to foliage twisted into sinuous curves. Mackmurdo is responsible for the cover of Nikolaus Pevsner book “Wren’s City Churches, 1883”.

What makes this apparent continental style so appropriate for this project is the roots of Art Nouveau are in the Arts and Crafts lead by the English artist and writer William Morris. This movement based the design on British vernacular architecture expressing the texture of ordinary materials, such as stone and tiles, with asymmetrical and quaint building composition, a very suitable architecture for the site.

The building once complete will be a true celebration of the local skills and materials, creating a unique building that is truly connected to the site, and continues the sporadic but considered development that characterises the landscape.

The Setting of the House

To many people, the landscape around Penistone is frozen in time, unaffected by development, only changing through the seasons.

However, when you stand back and look at the views properly and consider the features of the landscape, it is clear that we are looking at an ever-changing landscape, sporadic at times, but when viewed as a whole the landscape rational and coherent appearance.

The natural soft folds in the landscape was generated by the last ice age when the glaciers created this undulating topography that rises to higher open moorland summits. Across much of the area, the underlying bedrock is Millstone Grit and on rising ground there are a number of deeply incised cloughs formed by fast flowing streams. Towards the east there are outcrops of Coal Measures, including interbedded sandstones and shales and some seams of coal.

The variable nature of the geology and landform give rise to a variety of soil types ranging from free draining podzols on steeper slopes to wetter, peatier soils on gentler summits. All the soils are characterised by their impoverished, acidic nature. Although most of the land is now improved or self-improved for pasture.

As the land became agriculturalised, managed and divided up into files, the local stone was used to create dividing walls and these made ribbons of stone now characterise the open landscape, and a rich tapestry of fields and hamlets have been created.

As you look across the site from the main road towards the northwest, the castellation's of a reservoir are visible. This structure – over 100 years old – marks the top of one of several man-made

reservoirs in the vicinity. The retaining wall of this reservoir holds in the water of the reservoir and creates a horizontal block across this rolling landscape. Immediately in front of the sites a second reservoir creates a flat mirror- like surface hiding the depths of the original valley.

Roads generally tend to be small straight lines running between settlements. There are some significant roads, such as the A62. Historic inns are found relating to longer distance routes linked the communities to the markets and settlements in the lower lying areas. There are similar roads within the landscape; some are Parliamentary Enclosure roads dating from when the landscape was enclosed from wastes and commons. Small tracks are used for this access to fields and farms.

There are scattered grit stone farmsteads throughout the landscape. Those that are adjacent to reservoirs tend to be inactive. The building form tends to be simple, built using gritstone and either stone slate or blue slate roof tiles.

At the same as creation of the reservoirs, where the contemporary housing development now stands there used to be a Victorian hospital. The new houses sit on the site with the executive house scale and clad in stone wallpaper, creating a cul-de-sac development, away from traditional residential developments. Almost all the features of the original hospital are now removed, apart from the mature trees, planted as part of the landscaping of the Victorian hospital.

The adjacent A629 has been modernised in the post war period, and instead of following the undulations of the landscape, engineers have flattened the road. the road now cuts a flatter course through the traditional landscaping using a mixture of cuttings and embankments to generate a consistent road level.

As part of the 21st Century the landscape continues to evolve with the introduction of wind turbines , cutting the air with their large blades, reaching up from the ground and creating a new junction between the surfaces and the air above.

We are not looking at a static landscape; we are looking at a landscape that continues to evolve, and not through timid steps. The new turbines are of a size and sale that is foreign to the local vernacular, using space age technologies to capture energy that in due course will make the air and the environment cleaner.”

A meeting was then held with the Council’s planning and landscape officers, when officers agreed to revisit the site and look at the proposal in terms of a redrafted scheme which:-

- (i) scaled back the proposal;
- (ii) addressed the access and highway issues; and
- (iii) provided further photomontages in respect of the landscape appraisal.

It is understood that the planning officers subsequently visited the site and

on the 31st October, 2013 wrote to the agent stating that the officers still had significant concerns with regard to the proposal. The planning officer suggested that they also had a fundamental issue as to whether a design which would satisfy para 55 of the NPPF would provide “very special circumstances” to justify development in the Green Belt. The response then went on to state that in any event the Council did not consider that the proposal conformed with para 55 owing to:-

- (i) The scale of the proposal; and
- (ii) The design.

This concern was narrowed down further to the concerns of the officer regarding the visual impact from the reservoir path. The officer also raised concerns about the sculptured nature of the frontage and the officer concluded:-

“In the circumstances (and because there would seem little scope to achieve a whole scale reduction in the scale of the building), it is difficult for me to suggest a clear way forward. However, one option might be for you to submit the application as early as possible, provide your own statement of justification as to why you feel it is acceptable in the Green Belt, with a view to testing the case on appeal if a revised application is refused by the Council.”

In the context of the above, the agent advised the applicants that they should:-

- (a) Examine the scope for further reduction of the scale of the proposal.

It was clear that the only issue that the Council had was the scale of the sculptured façade that overlooked the lake and no other issues in terms of visual impact.

- (b) It was also suggested that further consideration could be given to the issue of the sculptured frontage and whether they may be a different approach to this.

Following the above, the architects undertook further revisions to the scheme scaling back the subject façade further. It is also understood that two alternative façades were explored at a further meeting held between the architect, applicant and the Council's planning officer relating to both a sculptured and non-sculptured design solution. It is understood that the planning officers agreed to give the matter further consideration. Following this, a further response was received from the Council suggesting that they were still not prepared to support the scheme.

Following this response, the applicant and the architect considered further the issue of the front façade and considered that to remove the sculptured façade would harm the concept of the proposal. Discussions were held between the applicant and his advisors as to how to approach the issue of innovation and highest quality architecture.

Given the context of the officer's comments in respect of Para 55, a formal request was made for the Council to take the revised proposals to CABE Design Review Panel (to which the previous proposals had been formally presented). It was considered that the input of the Panel would be invaluable in addressing the issues set out in Para 55. However, in spite of

a number of requests, the Council's officers wholly refused to take the scheme to Panel (which it is considered was wholly unreasonable). It was considered by the applicant that the Council's officers were concerned that if Design Review Panel concluded that the scheme was the highest quality architecture and innovative it may have weakened their clear resolve to resist the proposal.

The applicant and architect therefore determined to proceed further with the scheme to the scale as reduced down. In terms of the design issues, it was determined to proceed with the sculptured frontage as it was considered wholly appropriate frontage, given the function of the building and its innovative nature. It was considered that to remove the sculptured frontage would water down the original scheme to a significant element and compromise the integrity of the scheme. It is considered that the applicants had made significant strides to meeting with the officer's requirements in significantly reducing the height, width and overall scale of the façade. It was, therefore, determined to proceed with the subject scheme now submitted to the authority.

4.0 PLANNING POLICY

Section 38(6) of the Planning & Compulsory Purchase Act 2004 sets out that in considering planning applications, the determination must be made in accordance with the development plan unless material considerations indicate otherwise. NPPF also advises of a presumption in favour of development which accords with the development plan. The importance of the statutory development plan in the decision making process necessitates an examination of the relationship between the policies and proposals of the plan and government guidance.

4.1 Central Government Policy Advice – The National Planning Policy Framework

It is considered that the following central government policy advice in the form of planning policy guidance notes is relevant to the consideration of this proposal:-

At para 55 of the NPPF it states:-

“Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as

- ***The exceptional quality or innovative nature of the design of the dwelling. Such a design should be***
 - ***Be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;***
 - ***Reflect the high standards in architecture;***
 - ***Significantly enhance its immediate setting;***

- ***Be sensitive to the defining characteristics of the local area.***

The subject proposals have evolved through fully complying with the requirements of the above statement.

Para 56 goes on to deal with good design and states:-

“Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”

Good design had been achieved in this instance.

At para 57 it goes on the state:-

“It is important to plan positively for the achievement of high quality and inclusive design for all development including individual buildings, public and private spaces and wider area development schemes.”

At para 61 it goes on to state:-

“Although visual appearance and architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore planning policies and decisions should address the connections between people and places and the integration of new development into the natural built and historic environment.”

At para 63 it goes on to state:-

“In determining applications great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.”

Section 8 relates to promoting healthy communities. At para 69 it states:-

“The planning system can play an important role in facilitating social interaction and creating healthy inclusive communities.”

Para 73 goes on to state:-

“Access to high quality open spaces, opportunities for sport and recreation can make an important contribution to the health and wellbeing of communities.”

At para 88 with regard to the Green Belt states:-

“When considering any 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 by any other harm is clearly outweighed by other considerations.”

It is considered that in this instance “very special circumstances” do exist as outlined in this statement (in particular compliance with Para 55 of the NPPF) .

With regard to decision taking at 186 it states:-

“Local Planning Authorities should approach decision taking in a positive way to foster the delivery of sustainable development. The relationship between decision taking and plan making should be seamless, translating plans into high quality development on the grounds.”

It is considered that this proposal wholly complies with the NPPF.

4.2 Local Planning Policy

The statutory development plan for the area is the Barnsley Metropolitan Borough Council UDP. It should be noted that only those policies referred to in the Schedule of Saved Policies contained within the Secretary of State’s Direction to Barnsley Metropolitan Borough Council dated September 2007, have been considered in the preparation of this planning support statement. The following policies are considered relevant to the consideration of this application:-

(i) Green Belt

Policy GS7 of the Council’s UDP states:-

“WITHOUT PREJUDICE AND SUBJECT TO THE APPLICATION OF POLICIES GS8A, GS8B, GS8C, GS8D, GS8E AND GS9 IN THIS PLAN, 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 IN THE GREEN BELT.”

It is considered that the proposed development has been carefully designed to ensure that the openness of this Green Belt location will be maintained and, therefore there is no conflict with the purposes of including land in the Green Belt. This will be demonstrated in the text of this statement.

Policy GS8 states:-

“WITHIN THE GREEN BELT THE CONSTRUCTION OF NEW BUILDINGS WILL NOT BE PERMITTED EXCEPT IN VERY SPECIAL CIRCUMSTANCES UNLESS IT IS FOR THE FOLLOWING PURPOSES:

- A) AGRICULTURE OR FORESTRY.***
- B) ESSENTIAL FACILITIES FOR OUTDOOR SPORT OR OUTDOOR RECREATION, FOR CEMETERIES OR FOR OTHER USES OF LAND WHICH PRESERVE THE OPENNESS OF THE GREEN BELT AND WHICH DO NOT CONFLICT WITH THE PURPOSES OF INCLUDING LAND IN IT.***
- C) THE REPLACEMENT OF EXISTING DWELLINGS IN***

COMPLIANCE WITH POLICY GS8E”

As stated above, it is contended that “very special circumstances” do indeed exist in respect of this proposed development, a fact which will be demonstrated in the text of this statement.

Policy GS9 of the Council’s UDP states:-

“Development within the Green Belt or conspicuous from it, should not by reason of siting materials or design result in significant harm to the visual amenity of the Green Belt”

It is considered that the nature of the site and its proposed screening, together with the design, siting and materials of the proposed building, will ensure that there is no conflict with this policy.

(ii) Trees

Policy GS22 of the UDP states:-

“THE COUNCIL WILL SEEK THE RETENTION AND MANAGEMENT OF EXISTING HEDGEROWS, WOODLANDS AND TREES BOTH INDIVIDUALLY AND IN GROUPS.”

The submitted landscaping scheme clearly demonstrates that the proposal will enhance both the setting of the site itself and the Green

Belt. The outside space is integral to the therapeutic qualities required of the location and its use is vital to the proper functioning of the site as an education/care facility.

(iii) Design

Policy BE6 states:-

“THE COUNCIL WILL SEEK TO ACHIEVE GOOD DESIGN STANDARDS FOR ALL TYPES OF DEVELOPMENT. PROPOSALS FOR DEVELOPMENT WILL BE ASSESSED USING THE FOLLOWING DESIGN CRITERIA:

A) THE QUALITY OF LAYOUT, AND SUITABILITY OF SCALE OF THE DEVELOPMENT

B) THE USE, QUALITY, DESIGN AND LANDSCAPE TREATMENT OF OPEN LAND WITHIN THE SITE AND THE AREA AROUND BUILDINGS

C) THE STANDARD OF DETAILED DESIGN AND FACING MATERIALS OF PROPOSED BUILDINGS

D) THE SUITABILITY OF THE WHOLE DEVELOPMENT FOR ITS PROPOSED CONTEXT AND ITS RELATIONSHIP WITH ADJOINING LAND USES.

DESIGNS WHICH THE COUNCIL CONSIDERS UNSATISFACTORY IN TERMS OF ANY OF THESE CRITERIA WILL BE REJECTED.”

It is considered that the submitted plans clearly demonstrate that the proposed development of the site will fully conform to this policy.

(iv) Pollution

Policy ES1 states:-

“THE COUNCIL WILL REFUSE PROPOSALS FOR DEVELOPMENT WHICH ARE LIKELY TO RESULT IN HARM TO THE ENVIRONMENT THROUGH EXCESSIVE LEVELS OF POLLUTION ARISING EITHER WITHIN THE SITE TO BE DEVELOPED OR OCCASIONED ELSEWHERE BY THE PROPOSED DEVELOPMENT.

THE COUNCIL WILL IN PARTICULAR RESIST DEVELOPMENT WHICH IS LIKELY TO RESULT IN HOUSING, SCHOOLS, HOSPITALS OR OTHER SENSITIVE LAND USES BEING SUBJECTED TO EXCESSIVE LEVELS OF AIR, NOISE OR OTHER POLLUTION.

WHERE DEVELOPMENT IS PERMITTED THE COUNCIL WILL SEEK TO ENSURE THAT RESULTING POLLUTION IS AVOIDED OR MINIMISED.”

The proposal will not give rise to such issues.

(v) Supporting Planning Guidance

The following Supplementary Planning Guidance is also considered relevant:-

(a) SPG25-26 ‘Landscape Design’.

The landscaping scheme submitted wholly conforms to this advice.

5.0 THE ISSUES

5.1 The Development Plan

It is acknowledged that this site is located within the Green Belt and that the proposal must be judged in the context of policies relating to that fact. In terms of Green Belt policy, the Council are invited to accept that whilst the proposal would constitute “inappropriate” development, it is quite clear that “very special circumstances” exist in this case sufficient to warrant the grant of planning permission. The proposals conform to the advice as set out in the NPPF (para 55), which it is considered justifies the grant of planning permission. In the circumstances, it is considered that the proposal conforms to the development plan.

It is considered, therefore, that in the context of Section 38(6), the presumption inherent therein should be weighed in favour of the applicants.

5.2 The National Planning Policy Framework

The National Planning Policy Framework clearly states that isolated new homes in the countryside should be avoided unless “special circumstances” arise. It is considered that in this instance it can be clearly demonstrated that such “very special circumstances” exist for the following reasons:-

The proposal consists of a scheme which is of exceptional quality and the dwelling has been designed to also function as a therapeutic care and

educational facility. The design of the property is innovative incorporating as it does a part sculptured frontage to reflect the function of the site. It will provide an outstanding design where high standards of architecture are achieved. The scheme for the development of the site and grounds will immediately enhance its setting but will, nevertheless, be sensitive to the characteristics of the local area. The scheme has been fully considered in the context of a landscaping appraisal.

As a consequence, it is considered that the proposal wholly conforms to the NPPF and this fact should be accorded significant weight in the determining of the application.

5.3 Other Material Considerations

It now falls for the proposal to be considered in the context of other material considerations. It is considered that these point to the grant of planning permission.

5.3.1 Design

Taking into account the contours of the site, the proposal will provide a facility which will be 'underground' when the site is viewed from the main road as it will not be visible. The property will be of a unique design with the front façade being in part sculptured to reflect the function of the site. Full details of the ethos adopted with regard to the design of the proposal are set out in the accompanying architect's statement.

5.3.2 The Landscape

It is considered that it must be recognised not only by reference to the NPPF but also to Local Plan policies that the issue of the impact of the proposed building and the landscaping scheme is a significant consideration. The scheme has evolved through a detailed landscape analysis being carried out, which examined both the characteristics of the existing landscape and the impact of the proposal from various public vantage points. From that analysis, the landscape scheme evolved seeks to:-

- (a) Enhance the site in landscaping terms; and
- (b) Provide for the external functions of the facility in a sensitive manner and ensure that the external space could be both blended into the overall landscape and at the same time allow it to function properly as an education / care facility.

It is considered that these criteria have been fully achieved by the proposal as submitted.

5.3.3 Community Facility

This proposal is unique in that it will provide for a therapeutic care and educational facility to operate at the site. Evidence from third parties clearly illustrates the fact that such a facility is lacking in the community, and the facility would play an important role in the provision of care and education in the Barnsley District involving both local schools and hospitals. The service would be sensitive to the capabilities of individuals

and groups, thereby providing a unique facility for the area. It is considered that significant weight should be attached to the merits of providing such an important facility, which evidence shows is clearly not available at present nor is likely to be in the foreseeable future.

5.3.4 Sustainability

The development will be carried out to accord with the principles of sustainable development. Full details with regard to how this would be achieved are set out in the accompanying Architect's Report.

5.3.5 Ecology

A detailed ecological report is provided. It is considered that this proposal will not give rise to issues of harm in terms of the ecological interests of the site.

5.3.6 Unilateral Undertaking

In ongoing discussions with the Council, it was raised by the officers that whilst the scheme proposed educational/therapeutic care, there was nothing that was in place which could limit the use of the site and ensure that those facilities came forward. It was stated that if the Council were to take account of the benefits and circumstances of these issues, some form of legal undertaking was required to ensure that the site was developed for a use in the manner submitted. Therefore, a draft Section 106 Agreement in unilateral form was drafted and is submitted with this application. The submission is in draft format at this stage for the Council to consider and

will be completed prior to the determination of the application following confirmation from the authority that the form is acceptable.

5.3.7 Trees

An arboricultural report is submitted with the application. It is understood that there is no objection to the proposals from the Council's tree officer.

6.0 CONCLUSION

- 6.1 This application seeks the development of a dwelling within the Green Belt which will serve the dual purpose of also being used for education and therapeutic care. The landscape and setting form a coherent and important part of the education and care therapy facilities. It is considered that the proposal provides the Council with a unique opportunity to facilitate the provision of an important community facility.
- 6.2 It is considered that the proposal which has strong local support fully conforms to the requirements for such a facility to be located within the Green Belt. The scheme achieves the highest quality aesthetic design which will sit well in the landscape, it is of an innovative nature and design and will reflect the highest standards of architecture. The scheme will significantly enhance its immediate setting but at the same time will be sensitive to the defining characteristics of the local area.
- 6.3 As has been established, the applicants are happy to continue to work with the Council in bringing forward a scheme which will be of benefit to the future users of the facility, the applicants and Barnsley District. The applicants remain willing to provide whatever further information may be required by the Council. However, it is considered that the proposal as amended following the comments and concerns of officers now fully conforms with the development plan and all material considerations. It is therefore considered that planning permission should be forthcoming.