



PLANNING SUPPORT STATEMENT

**DETAILED APPLICATION FOR 1 NO DWELLING
FOLLOWING DEMOLITION OF EXISTING
STABLES (VARIATION TO PREVIOUS
APPLICATION 2018/0706)**

**BAR LANE,
MAPPLEWELL
MR P NEEDHAM**

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1.0 INTRODUCTION

The proposal which forms the subject of this application for detailed planning permission for 1no dwelling relates to land and stables located off Bar Lane, Mapplewell. This proposal seeks detailed permission for the construction of 1No dwelling following the demolition of the existing stables.

It will be noted that planning permission was previously refused by the Council for a dwelling at the site (application No 2018/0706) and was subsequently dismissed on appeal (appeal reference APP/R4408/W/18/3213869). It will be noted that since those decisions policy has been updated in the NPPF and PPG as has case law. It is considered that this submission fully conforms with the up to date policy and advice.

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

- (i) Full plans and details – White Agus Partnership;
- (ii) Planning Support Statement – Townsend Planning Consultants;
- (iii) Bat Report (as previously submitted) Middleton Ecological Consultancy;
- (iv) Copy of the Certificate of Lawful Use (No 2018/0110); and
- (v) Statement by IOP Consulting, Planning Lawyers.

It is considered that this statement, together with the accompanying plans and documents, clearly demonstrate to the Council that the proposal accords with national and local planning policy and, when judged against this and all material considerations (including the planning history and recent appeal decision), it is clearly the case that notwithstanding the site's green belt status planning permission should be granted.

The use of the subject site as equestrian is lawful following the granting of a Certificate of Lawful Use by the Council and for the reasons set out in this statement, it will be demonstrated that the use of the building falls outside the definition of agriculture and as such constitutes a brownfield site.

It will be noted that in the context of the adopted NPPF, as the site forms a brownfield site within the green belt, the proposal does not therefore constitute “inappropriate” development. As such, no “very special circumstances” are necessary to justify the grant of planning permission in the green belt. It is also considered that the proposal passes the test of openness required by the NPPF and Planning Practice Guidance which have been issued since the determination of the previous application/appeal. The development plan policy has also changed since the previous refusal.

This statement now proceeds to give details of the background to the site and its current uses and the recent planning history. The details of the proposal are then set out. Relevant planning policy and central government advice in the form of the National Planning Policy Framework and Planning Practice Guidance is then discussed. The issues that the proposal raises are also examined and finally the conclusion is reached that planning permission should be granted for the proposal to proceed. Nevertheless, the applicant remains willing to discuss all aspects of this proposal with the Council.

2.0 THE SITE, PROPOSAL AND PLANNING HISTORY

The subject site is situated adjacent to the rear of properties located just off Bar Lane, Mapplewell. The stables the subject of this application were constructed in 2007 following the Council granting planning permission for the development.

A previous planning application for similar proposals was submitted to the Council (App No 2016/0299). During the processing of that application it became clear to the Council that the previously approved stables had not been constructed in accordance with the planning permission and, as such, the development was considered by the Council to be unlawful in planning terms (it will be noted that the stables were not constructed by the current applicant). As a consequence, that application was withdrawn.

Following the withdrawal, an application for a Certificate of Existing Lawful Use was submitted to the Council (App 2016/0010) and subsequently approved on the 13 April 2018 (copy decision notice attached). During the processing of that application it was demonstrated that the stables had been used for both private and commercial purposes.

A subsequent scheme to develop a dwelling following the demolition of the stables (App No 2018/0706) to the same size as the existing stables was refused by the Council and the subsequent appeal (APP/R4408/W/18/3213869) was dismissed by the Inspector. The appeal was dismissed essentially on the basis of the harmful impact of the formation of the proposed curtilage on the openness of the Green Belt.

It will be noted that since the appeal decision, the site area proposed for the dwelling has been fenced off (under Permitted Development Rights) and hedge planting has been undertaken. The site no longer has an open character. It will also be noted that the size of the proposed dwelling is significantly smaller than the existing building, as follows:

Volume: Existing 230 cu m	Proposed: 183 cu m	Reduction: 79% of existing Volume – a reduction of 20.5%
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It is considered that this proposal will bring significant benefit to the openness of the Green Belt by a material and significant reduction in built form at the site. It will be noted that the residential curtilage is smaller than that previously determined by the Council. It is acknowledged that the Inspector concluded in respect of the previous scheme that there would be unacceptable harm to the openness of the Green Belt by the formation of the curtilage and dismissed the appeal on that basis. In this instance, it is considered that any perceived harm to openness by the formation of the curtilage is more than offset by the significant reduction in built form proposed. This conclusion is reached by reference to up to date policy case law and physical changes to the site since the previous decision. Any alleged harm of the curtilage must be balanced by the significant reduction in built form and overall in the planning balance, it is considered that there will be benefit to openness.

It is considered that in the context of the Development Plan and all material considerations, including the planning history, that the proposal is acceptable. Nevertheless, the applicant remains willing to discuss all aspects of the proposal with the Council.

3.0 PLANNING POLICY

By virtue of Section 38 (6) of the Planning and Compulsory Purchase Act 2004, the planning authority must determine the planning application in accordance with the statutory development plan (insofar as it is material to the application), unless material considerations indicate otherwise. The 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.

3.1 Central Government Policy Advice

3.1.1 The National Planning Policy Framework

The NPPF has been updated since the previous decision. The following are comments on the advice in the Framework which is considered to be relevant to the consideration of the proposal:

- (i) Para 2 of the 'Introduction' sets out that:
"Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise."
- (ii) Section 2 sets out the aims of achieving sustainable development.
- (iii) At Para 38 with regard to decision making, it states:

"Local Planning Authorities should approach decisions on proposed development in a positive and creative way... and work proactively with applicants to secure developments that will improve economic, social and environmental conditions in the area. Decision makers at every level

should seek to approve applications for sustainable development where possible.”

- (iv) Section 12 provides advice on ***“Achieving Well-Designed Places”***.

At Para 127 it states that:

“Decisions should ensure that developments:

...(b) are visually attractive as a result of good architecture, layout and effective landscaping.

(c) are sympathetic to local character and history including the surrounding built environment and landscape setting...”

Para 130 states:

“...where the design of a development accords with clear expectations in plan policies, design should not be used by the decision maker as a valid reason to object to development.”

The proposal conforms with the above advice.

- (v) Section 13 deals with Protecting Green Belt Land. At Para 143 it states:

“Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.”

Para 145 goes on to state:

“A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

...(g) Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (except temporary buildings), which would:

- not have a greater impact on the openness than the existing development; or**
- not cause substantial harm to the openness of the Green Belt where the development would reuse previously developed land and contribute to the meeting and identified affordable housing need within the area of the local planning authority.”**

It is clear that this proposal will not have a greater impact on the openness of the Green Belt than the existing development it seeks to replace. The built form of the proposed dwelling is significantly smaller than the existing stable block and the more than offsets any harm (identified by the Inspector) in respect of the impact on openness of the formation of the residential curtilage.

3.1.2 Planning Practice Guidance - Green Belt

National Planning Policy Guidance ‘Green Belt’ published on the 22nd July 2019 which postdates the previous application has been taken into account in the drafting up of this scheme and is clearly an important material consideration.

The advice sets out “**what factors can be taken into account when considering the potential impacts of development on the openness of the green belt.**” The advice identifies that this “**requires a judgement based on the circumstances of the case**”. It also goes on to set out that the Courts have identified a number of matters which may be taken into account, which include:

- “• Openness is capable of having both spatial and visual aspects – in other words the visual impact of the proposal may be relevant as could its**

volume;

- ***the duration of the development and its remedially taking into account the provisions to return the land to its original state or to an equivalent or improved state of openness; and***
- ***A degree of activity likely to be generated such as traffic generation.”***

In the context of the above, in this instance:

- (i) In spatial and visual terms the level of building proposed on site is significantly less in terms of volume than the existing building on site and will be an improvement visually. As such, the proposal is of benefit to openness when considered in the context of the volume and visual impact.
- (ii) In terms of duration, the impact is neutral.
- (iii) In terms of the generation of activity, the proposal will result in much decreased activity than the lawful use which as set out has in the past been commercial. As DIY livery it would generate more activity than the proposed use, which will be of benefit to openness.

It is clear that the revised proposals now submitted conform with this up to date advice on considering the issue of openness.

3.3 Local Planning Policy

The Development Plan for Barnsley MBC consists of the Core Strategy (September 2011) and the recently adopted Local Plan.

3.3.1 LDF Core Strategy

(a) CSP 29 Design

The policy sets out that development should:-

- ***“CONTRIBUTE TO PLACE MAKING AND BE OF A HIGH QUALITY, THAT CONTRIBUTES TO A HEALTHY, SAFE AND SUSTAINABLE ENVIRONMENT.***
- ***HELP TO TRANSFORM THE CHARACTER OF PHYSICAL ENVIRONMENTS THAT HAVE BECOME RUN DOWN AND ARE LACKING IN DISTINCTIVENESS***
- ***ENABLE ALL PEOPLE TO GAIN ACCESS SAFELY AND CONVENIENTLY, PROVIDING, IN PARTICULAR, FOR THE NEEDS OF FAMILIES AND CHILDREN, AND OF DISABLED PEOPLE AND OTHER PEOPLE***
- ***CONTRIBUTE TOWARDS CREATING ATTRACTIVE, SUSTAINABLE AND SUCCESSFUL NEIGHBOURHOODS***
- ***ACHIEVE A BUILDING FOR LIFE ASSESSMENT RATING OF ‘GOOD’ OR EQUIVALENT AS A MINIMUM, IN DEVELOPMENTS OF 10 OR MORE DWELLINGS”.***

(b) CSP 34 Protection of Green Belt

The site falls within the Green Belt as shown on the proposals map.

3.3.2 Barnsley Local Plan

The Local Plan was adopted in 2019.

GB1 ‘Protection of Green Belt’.

The policy states:

“...Green Belt will be protected from inappropriate development in accordance

with national planning policy.”

It will be noted that notwithstanding that policy postdates the NPPF advice on policy on brownfield sites in Green Belt, the development plan includes no policies directly related to such proposals.

Under the circumstances, this proposal falls to be judged on guidance in the NPPF and PPG.

4.0 THE ISSUES

4.1 The Development Plan

The Development Plan is the starting point for the consideration of this application as set out in S38(6) of the Act and in the NPPF. It has been demonstrated that there is no conflict with Development Plan policy as relevant to the subject proposal.

This site constitutes an existing brownfield site and it is clear from the advice set out in the NPPF that the proposal would not constitute “inappropriate development” in a Green Belt. It is clear when balancing all issues including the reduction in built form, design and curtilage that there will be no adverse impact on the openness to the Green Belt.

4.2 Other Material Considerations

It now falls for the proposal to be considered in the light of all material considerations which, as will be demonstrated, point to the grant of planning permission.

4.2.1 Planning History

The previous refusal of the application for a dwelling and the subsequent appeal formed the starting point for the drafting up of these proposals. This proposal will reduce the existing built form significantly, which will be to the benefit of the openness of the Green Belt. The proposed curtilage is also reduced from that previously considered by the Council. It is considered that any harm by the formation of the curtilage identified by the Inspector is more than offset by the significant reduction in built form and benefits of the scheme. In the balance, there is clearly benefit to the openness with this revised proposal.

4.2.2 Central Government Advice

4.2.2.1 The National Planning Policy Framework

This proposal which seeks the redevelopment of a brownfield site conforms to the advice contained in the NPPF which relates to the redevelopment of brownfield sites in the Green Belt. Specifically at paragraph 145 (g), it sets out that the redevelopment of brownfield sites does not constitute “inappropriate development” and, in the circumstances, therefore it is not necessary to demonstrate the existence of ‘very special circumstances’ in order to justify the acceptability of the proposal.

It is acknowledged that this proposal must be subjected to a test of its impact on the openness. It is considered that for the reasons set out below, there is no conflict with these issues.

4.2.2.2 Planning Practice Guidance

As demonstrated in this submission, it is quite clear in the light of the guidance that in the balance the proposal is not harmful to openness. This is an important material consideration which post dates the previous decisions on this site.

4.2.3 Brownfield Land

The subject site constitutes a brownfield site. Whilst each application must be judged on its merits, it is clear from the approval of a similar proposal which was approved by the Council on the 14th February 2020 (application No 2019/1452 – Moor Lane, Barnsley) that the Council fully accept that such equestrian sites constitute brownfield development.

4.2.4 Green Belt Openness

It is clear from the planning history that the previous proposal was refused by the Inspector on the basis of the impact on openness by the formation of the residential curtilage. This scheme was specifically drafted to address the issues of openness. It is considered there is benefit to openness in terms of the number of factors, as follows:

- (i) Significantly reduced built form of the proposed building in comparison with the existing building and improvement in visual amenity. It is considered in the light of the recently published PPG that this should carry significant weight.
- (ii) A reduction in residential curtilage from that previously proposed application scheme.
- (iii) A reduction in activity on the site in the context of the lawful use.
- (iv) The land has already been subdivided by fencing and hedge planting and as such the formation of the curtilage will have minimal impact. The site is not 'open' in physical terms and has been subdivided from the open land around.
- (v) Local planning policy has changed since the previous refusal.

It is considered in terms of the balance of all of these issues that it is clear that the proposal is of benefit to openness.

4.2.5 Other Decisions

Whilst it is acknowledged that each application must be judged on its own merits, the recent grant of planning permission at Wood Lane, Barnsley (referred to above) is considered relevant as in that instance the Council balanced the benefit of the reduction in built form with the impact on openness of the creation of the curtilage and granted

planning permission.

The Council's attention is also drawn to a recent Supreme Court judgement (Samuel Smith Old Brewery v N Yorkshire County Council). It is pointed out that the Court ruled that openness does not ***"imply freedom from all forms of potential development."*** Furthermore, ***"On the proper reading of the NPPF and its historic context, visual quality of landscape is not in itself an essential part of openness for which the Green Belt is protected."***

The legal commentary on this case concluded that protecting openness does not imply freedom from all forms of development and the Court confirmed that ***"not inappropriate development can proceed."***

A full case law statement is provided by IOP Consulting which forms part of the case put forward in favour of the proposal.

5.0 CONCLUSION

The starting point for the drafting up of this scheme was the previous refusal of planning permission and the dismissed appeal. That appeal was refused essentially as the Inspector considered that the formation of the residential curtilage would lead to harm to openness. The applicant is aware that the Council has granted permission for the demolition of stables and construction of a new dwelling elsewhere in the district. As such, the principle of development should be acceptable. We are aware that it is necessary to demonstrate that the previous concerns in respect of openness are fully addressed.

It is considered that the issue of openness is fully addressed through the details of the scheme with:

- (i) The significant reduction in the built form on the site;
- (ii) The reduction in the previously proposed application curtilage;
- (iii) The design of an attractive and appropriately designed building to replace the existing building;
- (iv) The reduction in activity on the site over and above the lawful use; and
- (v) The formation of the curtilage will not require any subdivision of the site since that has already been undertaken.

It is contended that this proposal must be considered in the context of up to date government guidance in the NPPF and PPG and also in terms of up to date Local Planning policy and case law. All of which point to the grant of planning permission.

It is hoped in the context of the above that the Council will support this amended

application.