



PLANNING SUPPORT STATEMENT
DETAILED APPLICATION FOR 1 NO DWELLING
FOLLOWING DEMOLITION OF EXISTING
STABLES

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 a site located off Bar Lane, Mapplewell which is currently used for equestrian purposes. This proposal seeks detailed permission for the construction of 1No dwelling following the demolition of the existing stables.

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; and
- (iv) Copy of the Certificate of Lawful Use (No 2018/0110).

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, it is clearly the case that notwithstanding the site's green belt status planning permission should be granted.

The subject site 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 constitute inappropriate development. As such, no "very special circumstances" are necessary to justify the grant of planning permission in the green belt.

This statement now proceeds to give details of the background to the site and its

current uses. 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 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 AND THE PROPOSAL

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 stables had not been constructed in accordance with the planning permission and, as such, the development was 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 discussions with the Council's officers.

Following this 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.

The subject proposal seeks to develop 1No dwelling following demolition of the stables at the site as shown on the submitted plans. The proposal has been sensitively designed and is appropriate in scale form and layout for this Green Belt location. It would be noted that the size of the dwelling proposed does not exceed the size of the building to be removed. The dwelling will be generally located on the same footprint as the existing stable to be removed.

Care has been taken to ensure the residential curtilage is small scale and that the boundary treatment is appropriate for a rural area. The access will be surfaced in materials appropriate for a green belt and a passing bay and dustbin storage area are provided.

It is considered that in the context of the Development Plan and all material considerations, 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 – The NPPF

Para 17 sets out that out the twelve core planning principles, which include:-

“Encourage the effective use of land by reusing the land that has been previously been developed (brownfield land)...”

By reference to the evidence submitted with this application, it is clear that it constitutes a brownfield site.

At para 87 the advice with regard to green belt states:-

“As with previous green belt policy, inappropriate development by definition, harmful to the green belt and should not be approved except in very special circumstances.”

Para 88 goes on to outline:

“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, is clearly outweighed by other considerations.”

Para 89 goes on to set out forms of development which are not considered inappropriate and states:

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

...• Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the green belt and the purpose of including land within it than the existing development;....” (TPC underlining).

This proposal seeks to replace existing stables with a small scale dwelling house. The site constitutes a brownfield site and the dwelling has been designed to ensure no greater impact upon the openness of the green belt and the purposes of including land within it than the existing development. The scheme is smaller in scale than the existing buildings to be removed. Therefore, no “very special circumstances” are required to justify the grant of planning permission as the proposal does not constitute inappropriate development. The proposal wholly conforms with the NPPF.

3.2 Local Planning Policy

The Development Plan for Barnsley MBC consists of the Core Strategy (September 2011) and the Saved Unitary Development Plan Policies. It should be noted that these documents predate the current National planning guidance (the NPPF). It should be noted that on the UDP proposals map the site falls wholly within the Green Belt.

3.2.1 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.

3.2.2 Unitary Development Plan Saved Policies

The saved UDP policies relevant to the proposals are as follows:

(a) GS6 and DT5

The site is located wholly within the Green Belt as shown on the proposals map.

It is considered that there is no conflict with development plan policy.

4.0 THE ISSUES

4.1 The Development Plan

The form of development proposed (i.e. the redevelopment of a brownfield site in the green belt) and national policy (the NPPF) towards such development has changed since the Development Plan was adopted.

As set out in the text of this statement, by reference to the NPPF and policy to the redevelopment of brownfield sites in the green belt, the development does not constitute inappropriate development subject to a test “openness” and the impact on the purposes of including land within the green belt. It is clear that this proposal will not give rise to issues of harm in terms of the openness of the green belt and not harm the purposes of green belt.

It has been demonstrated that the proposal conforms with national guidelines and, as such, it can be argued that there is no conflict with the Development Plan.

4.2 Other Material Considerations

4.2.1 Brownfield Development

The subject site constitutes a lawful stable building following the Council issuing a Certificate of Lawful Use for the building.

The NPPF defines previously developed land as:

“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or

waste disposal by landfill purpose where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structures or fixed surface infrastructure have blended into the landscape in the process of time.”

Previous guidance in PPG3, prior to the NPPF, stated that the curtilage is the area of land attached to a building and which will also be defined as previously developed land.

The whole of the application site, therefore, falls within the definition of previously developed land as it has been and continues to be used as stables and curtilage land for equestrian use.

It is acknowledged that agricultural land and buildings are specifically excluded from the definition of previously developed land. Section 336 of the Town and Country Planning Act 1990 provides the following definition of agriculture:

“Includes horticulture, fruit growing, seed growing, dairy farming, the keeping and breeding of livestock (including any creature kept for the production of food, wool, skins, fur or for the purposes of the farming of the land), the use of land as grazing land, meadowland, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of the land for other agricultural purposes, and ‘agricultural’ shall be construed accordingly.”

It will be noted that the use of the site for equestrian stables does not fall within the definition of agriculture and is not, therefore, exempt from the definition of previously developed land.

The first part of the definition of previously developed land set out above specifies that the site must be or must have been occupied by a permanent structure. There is no doubt that the current stables on the site are a permanent building which occupies the site, for which the Council have recently granted a Certificate of Lawful Use. Therefore this “test” is satisfied.

The definition of previously developed land then goes on to list exclusions. The site is in equestrian use. The horses are not kept for the purposes of agriculture and as set out above, the use of the site for the stabling of horses falls outside the definition of agriculture. The site does not fall within any of the exclusions to what constitutes previously developed land.

As set out above, the definition of previously developed land includes existing buildings and their curtilage. The proposed application site for the dwelling constitutes the land on which the stables are built and the curtilage of the stables. Therefore, the site on which the dwelling is proposed is all previously developed in accordance with the NPPF.

In accordance with the NPPF, the redevelopment of previously developed land is not inappropriate provided that it would not have a greater impact on the openness of the green belt and the purposes of including land within it than the existing development. The proposed dwelling is no larger than the current stables which are to be demolished. The proposed dwelling has been specifically designed to ensure that it would have no greater impact on the openness of the green belt than the existing stables and curtilage use.

The proposed dwelling is therefore not inappropriate development in accordance with paragraph 89 of the NPPF.

4.2.2 The Green Belt

It is clear that this site constitutes brownfield development and in policy terms it falls to be judged in the context of para 89 of the NPPF.

It is clear that this proposal wholly conforms with the tests set out in the NPPF. The proposal constitutes the redevelopment of a previously developed site (brownfield) and this is in a manner which would not have a greater impact on the openness of the green belt and the purposes of including land within it than the existing development. By reference to the NPPF, clearly planning permission should be granted.

4.2.3 Visual Impact

In green belt terms, the proposal does not constitute inappropriate development. Following demolition of the buildings, this proposal for a small scale dwelling will not harmfully impact on the openness, visual character and amenity of the green belt in this location. The proposed dwelling has been sensitively designed and will be smaller than the existing built form of development on the site.

4.2.4 Bats

An ecological report is submitted with this application.

5.0 CONCLUSION

This application seeks the development of 1No residential dwelling on this site following demolition of stables. The use of the site constitutes brownfield development. By reference to the NPPF the proposal, therefore, does not constitute inappropriate development and as such no 'very special circumstances' need to be demonstrated to justify the development. The proposal passes the test of openness and the functions of green belt in that the scale of the buildings to be removed is greater than the scale of the buildings to be built in replacement.

It is clear that the basis on which this application must be judged is the NPPF and this proposal wholly conforms to that.

Should the Council require any further information or wish to discuss the matter in more detail, please do not hesitate to contact me.