

2024/0252

Mrs J Birkett

Outline application for the removal of buildings (agricultural, commercial and dwelling) and erection of 1no. detached dwelling (access and layout only considered at this stage)

Birkland Farm, Fullshaw Lane, Langsett, Sheffield, S36 9FD

Description

The site currently consists of a number of barns and outbuildings set in an isolated position off Fullshaw Lane, Langsett. The site has been previously used for agricultural purposes. The site currently consists of a number of two principal agricultural buildings and a series of linear buildings to the North of the principal agricultural buildings. The buildings are all accessed off a long and straight private drive off Gilbert Hill/Fullshaw Lane. The most southern agricultural building is a large structure, a framed building, that presents a degree of permanence. This, along with all other buildings on site are to be removed as part of this application. The other larger former agricultural building houses the dwelling and commercial area (formerly a slaughter and butchery area with associated cold stores and hanging space). A small proportion of this building was recently used for agricultural purposes, the remainder was a domestic workshop and a domestic garage. The linear buildings to the North of the site, along the boundary, are a cluster of agricultural and domestic buildings (agricultural dog pen, chicken coop, domestic garage, domestic wood stores, car port, etc)

The agent states in the previous application that the late Mr Michael Steven Birkett and Mrs Birkett (the applicant) bought the land at Birkland Farm of 7.9 Acres, back in July 1990. Mr and Mrs Birkett moved up to Birkett Farm in 1993 residing in a self-contained mobile home/static. The mobile home/static, now located within the barn, was initially located to the East of the Poultry coop just to the North of the private drive. In autumn 1994 the mobile home/static roof developed a leak which resulted in the mobile home/static being moved into the barn, within the side lean to. It still remains there to this day and the agent states that it is still being used a self-contained dwelling.

Further works were carried out internally within the barn. In 1996, the kitchen area was formed with the living area to the rear of the barn being formed in 2003. The late Mr Michael Birkett was a butcher by trade but worked within a local abattoir in Huddersfield. He kept on with his own butchery for friends and other small scale local farmers. The agent states that the butchery and meat processing aspect was not an agricultural operation and more of a commercial operation. In 2023 a Lawful development certificate for existing use of agricultural building as a residential dwelling was issued under application ref 2023/0888.

Background

B/91/0269/PR Erection of agricultural building (Field No. 8691).

B/92/0725/PR Erection of extension to barn

2023/0888 - Lawful development certificate for existing use of agricultural building as a residential dwelling – LDC issued -

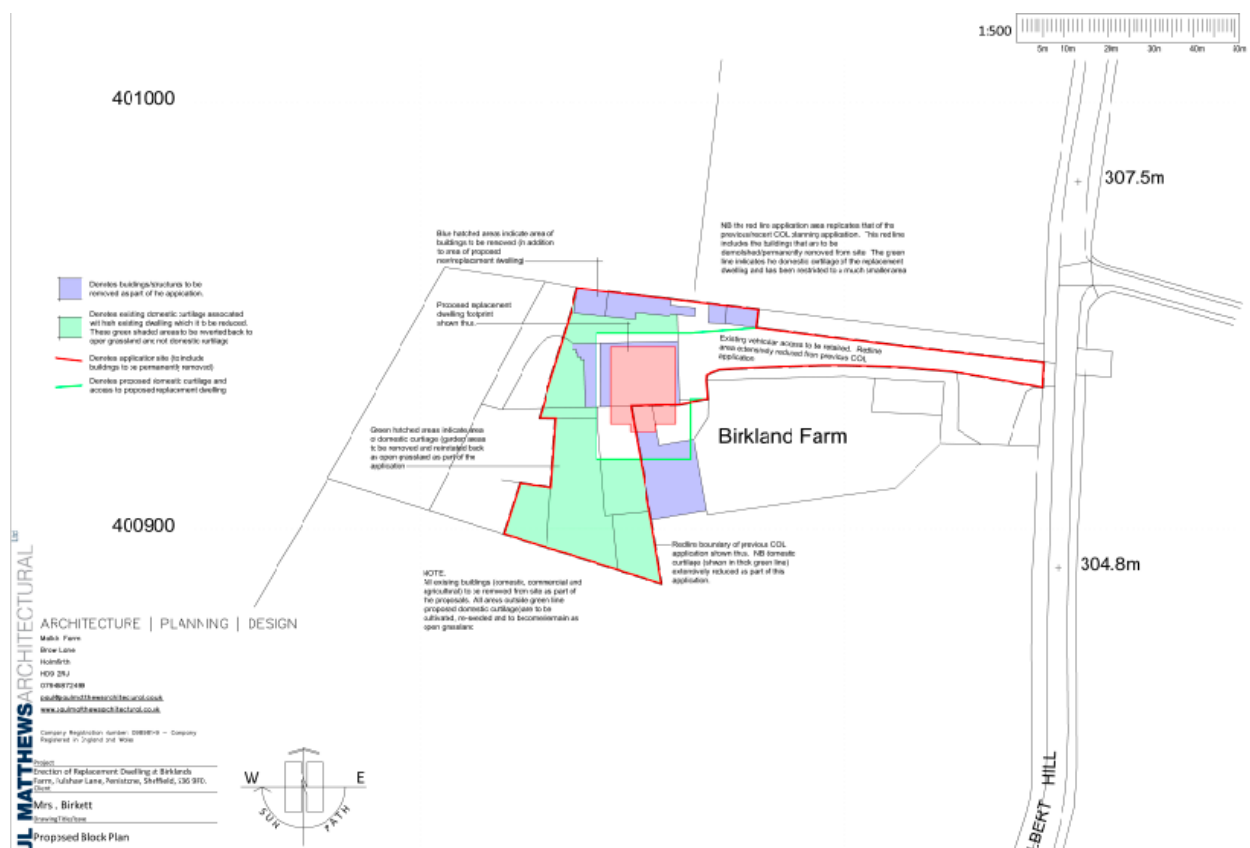
‘After liaising with the Legal Officer, conducting a detailed site visit (internal and externally) and considering the evidence submitted by the applicant in the form of the sworn statements and other evidence detailed above, it is clear that given these statements, that the buildings in question have been in residential use for 10 years or more. There is therefore sufficient evidence to show that the buildings and curtilage shown on the submitted plans has been used for domestic purposes for more than 10 years and an LDC for this use can be granted.’

Proposed Development

Outline application for the removal of buildings (agricultural, commercial and dwelling) and erection of 1no. detached dwelling (access and layout only considered at this stage).

This application seeks Outline Planning Approval for the erection of one detached dwelling and the removal of all existing buildings/structures that currently exist on site. The proposed replacement dwelling has a smaller domestic curtilage.

Whilst this application is an outline planning application, the applicant is seeking approval for access and layout only showing the footprint and position of the proposed dwelling. An indicative floor plan layout with elevations is included with the application along with existing and proposed block plans to demonstrate the reduction in domestic and commercial sprawl into the green belt setting. A further plan containing visualisations has also been prepared that indicates the reflection of an agricultural type building also showing the reduction in mass and sprawl. These plans are not to be approved as part of this submission and are for indicative purposes only. All other matters (landscaping, appearance and scale) are reserved matters.



Policy Context

The site is allocated within the Green Belt within the Barnsley Local Plan proposals map.

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 Local Plan was adopted in January 2019 and is also now accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment and mixed-use sites). 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.

The Local Plan review was approved at the full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering its objectives. This means no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review. The next review is due to take place in 2027 or earlier if circumstances, require it.

The site is set within the Green Belt, therefore the following policies are of relevance.

Local Plan Policy GB1 – Protection of Green Belt
Local Plan Policy GD1 General Development
Local Plan Policy D1 High Quality Design and Place Making
Local Plan Policy T4 – New Development and Transport Safety

SPDs

Design of Housing Development
Parking

Other Guidance

South Yorkshire Residential Design Guide Adopted 2011

NPPF

In respect of this application, relevant policies include:

13. Protecting Green Belt Land

Paragraph 154 states:-

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

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:-

not have a greater impact on the openness of the Green Belt than the existing development;
or-

not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

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 was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

Consultations

Pollution Control – No objection subject to conditions

Langsett Parish Council – No comments

Drainage – No objections, details to be checked by BC

Highways – No objections subject to conditions

Ecology – No objections subject to conditions

Tree Officer – No comments made

SYMAS – No objection subject to condition

Coal Authority – No objection subject to condition

Representations

None received

Principle of development

The site is situated within the Green Belt as allocated within the Barnsley Local Plan. The proposal involves the replacement of the existing dwelling and removal of the existing outbuildings with a new dwelling, therefore para 154 of the NPPF is of relevance. The NPPF states a local planning authority should regard the construction of new buildings as inappropriate in Green Belt, with certain exceptions which include (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; (g) limited infilling or the partial or complete redevelopment of previously developed land (PDL), whether redundant or in continuing use (excluding temporary buildings), which would:

– not have a greater impact on the openness of the Green Belt than the existing development; or

– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

The site currently consists of a range of agricultural/commercial buildings and a dwelling. The proposal involves the removal of all buildings on the site and the erection of a single dwelling. The indicative floor plans submitted with the application indicate a single storey unit with rooms within the roofspace, however this is not to be approved as part of this application as these aspects will remain a reserved matter. A site plan has been submitted in order to establish the

layout of the site and a much reduced domestic curtilage is proposed and the remainder of the land will be left as a paddock. In principle the redevelopment of the site involves the development of PDL (commercial aspect) and a replacement dwelling which is in compliance with points (d) and (g) of paragraph 154 (above) of the NPPF, subject to the impact of the proposal upon the openness of the Green Belt. In terms of floor area, the proposed replacement dwelling amounts to a total floor area of 290sqm footprint including the terrace. Whilst this is larger than the existing certified dwelling/domestic building, it is considered that given the extensive reduction in domestic curtilage and removal of the large commercial outbuilding, this provides sufficient justification and complies with parts (d) and (g) in that these aspects are to provide a replacement dwelling and is partly PDL. The agricultural use has not been in place for some time and the proposal results in the removal of this dilapidated buildings but does not propose to replace them or include them within the proposed floor area.

As the proposal complies with the principle of points (d) and (g) the effect of the development on the openness of the Green Belt will therefore determine whether it is inappropriate development. The footprint of the proposed building as shown on the site layout plan would be much smaller than the existing commercial buildings on site and the existing dwelling combined. As this is an outline application with appearance and scale a reserved matter, the height should be no greater as single storey, given the overall footprint and to reduce the impact upon the openness of the Green Belt (which shall be conditioned accordingly). Whilst the proposed building would be of a more permanent construction and 'residential style' than the existing buildings, it would have less of an impact on the openness of the Green Belt compared to the existing circumstances.

The existing site has a cluttered appearance due to the combination of the large footprint of the existing buildings, large curtilage and the associated paraphernalia contained within the site. Even when the domestic paraphernalia and activity associated with residential use is taken into consideration, the site would not be more cluttered or contain more paraphernalia as a result of the proposal. The introduction of the smaller garden area and the associated reduction in hardstanding would improve the appearance of the site from the access road, subject to the submission of a detailed landscaping scheme.

As such subject to the submission of detailed plans at reserved matters stage, the proposal would not be inappropriate development in the Green Belt and the proposal would therefore not conflict with Policy GB1 of the Local Plan.

Visual Amenity

As above, the footprint of the proposal is considered to be acceptable. The application is in outline with matters such as the scale, the design and external appearance of the proposed development and landscaping are reserved matters. It is felt that given the height of the existing commercial buildings/dwelling and footprint of the proposed dwelling, that a single storey structure would only be acceptable in this location. It is recommended that a conditional approval is appropriate in this case that restricts the height to single storey only, in order to protect the openness of the Green Belt. The final design and materials can be assessed further at reserved matters stage.

The proposal, subject to the detailed design, would be a significant improvement to the visual amenity and openness of the Green Belt, in accordance with Policy D1 and the NPPF. Permitted development rights should be removed to prevent sprawl into the Green Belt or prevent inappropriate additions such as extensions, roof extensions, detached ancillary outbuildings, etc.

Residential Amenity

Policy GD1, General Development Policy of the Local Plan states that 'proposals for development will be approved if there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents.'

There are no nearby residential properties. In terms of the amenity of any future occupiers and compliance with the Supplementary Planning Document and the South Yorkshire Residential Design Guide, the proposed dwelling meets the minimum requirements in terms of external amenity areas and internal room sizes in accordance with Local Plan Policy GD1.

Highway Safety

The Highways section have no objection to the proposal subject to conditions. The proposal allows for the safe parking and turning of vehicles within the site and the access has sufficient visibility, therefore there should not be any significant impact upon highway safety in accordance with policy T4 of the Local Plan.

Impact on trees

The Tree Officer has been consulted and has raised no objection to the proposal. The submitted Tree survey identified a total of 22 trees and seven groups of trees of mixed species with the potential to be affected by the development proposals. The trees at the site are predominantly comprised of young and semi-mature specimens, which individually offer limited amenity value. A 0.13 ha plot of mixed-deciduous and coniferous plantation woodland is located to the west of the application site, however this would not be impacted by the proposal. The report states that the plantation appears to have received little management since it was established. The development proposals will necessitate the removal of T003 and T016, whilst this is regrettable they are not subject to TPO's nor are they of significant amenity value in order to warrant retention. As part of the reserved matters stage, a landscaping scheme shall be provided which is expected to provide some replacement planting for these two trees lost. The Arboricultural Impact Assessment submitted with the application indicates that the development proposals do not require facilitation pruning to any of the retained trees at the site and no tree RPAs will be impacted by the proposed development. The proposal is therefore acceptable in terms of the impact upon Trees at the site.

Impact on wildlife

A bat scoping survey report has been submitted to support the planning application, with a number of buildings proposed for removal to facilitate the proposed dwelling. The buildings have been subject to an initial building inspection and the applicant's ecologist has concluded that the buildings have a negligible potential to support roosting bats. The Council's Ecology Officer has considered the report and has no objections to the proposal subject to conditions.

The building inspections identified the presence of swallow nests in a number of outbuildings and a barn owl box, though no sign of barn owl presence was noted during the survey. The report recommends that demolition works are undertaken outside of the nesting bird season (generally March – August inclusive) or immediately following a check by an appropriately qualified ecologist, where active nests have been confirmed as absent. This should be added as an informative to the decision notice.

In addition to this, a pre-commencement check of the barn owl box should be made by an appropriately qualified ecologist. If nesting barn owl are identified works within 30m of the box should halt until an appropriately qualified ecologist has confirmed the nest has been vacated. This check should be secured by a planning condition. The bat report recommends the incorporation of an integral bat roosting feature, the relocation of the existing barn owl box to the side of a building or mounted on a pole on site and provisions for swallow to allow

them to continue to use the site for nesting. A bat and bird box scheme should be conditioned to secure these. Subject to the above, the proposal is acceptable in terms of Local Plan Policy BIO1.

Recommendation: Grant subject to conditions