2022/1098

Mr G Strawbridge

Outline application for one dwelling with all matters reserved

Sulby Cottage, Bark House Lane, Cawthorne, Barnsley, S75 4AP

Site Location and Description

Sulby Cottage is located within rural Barnsley, within the Green Belt and the Grade II Registered Park and Garden of Cannon Hall, on the outskirts of Cawthorne Village, along Bark House Lane, a narrow country lane leading to Cannon Hall, Cannon Hall Garden Centre, and Cannon Hall Farm. The road is classified and have a maximum speed limit of 60mph with double yellow lines along both sides of the highway, from the junction with A635 Lane Head Road until beyond Cannon Hall Garden centre, some 500m to the north.

Sulby Cottage is located is located at approximately 90 degrees to the highway, with the western side gable facing the highway and, along with its neighbour, is accessed directly from Bark House Lane with the access located at an angle to the highway.

The site subject to this application lies to the north of Sulby Cottage, forms part of the private garden of the dwelling and is extensively covered with mature trees and shrubbery and bounded, to the west, along the highway by a 2.5m stone wall.









Proposed Development

The applicant seeks permission for outline permission for the erection of a detached dwelling with all matters reserved. No indicative details have been provided.



Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The 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.

<u>Local Plan</u>

The site is allocated as Green Belt and within the Grade II Cannon Hall Registered Park and Garden within the Local Plan Proposals Map and therefore the following policies are relevant:

Policy GB1 Protection of Green Belt
Policy SD1 Presumption in Favour of Sustainable Development.
Policy GD1 General Development
Policy HE1 The Historic Environment
Policy HE2 Heritage Statements and general application procedures
Policy HE3 Developments affecting Historic Buildings
Policy HE4 Developments affecting Historic Areas or Landscapes
Policy H4 Residential development on small non-allocated sites.
Policy H9 Protection of Existing Larger Dwellings
Policy T4 New Development and Transport Safety

Policy D1 High Quality Design and Place Making
Policy BIO1 Biodiversity and Geodiversity.
Policy Poll1 Pollution Control and Protection

NPPF

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent, or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

Chapter 13 Protecting Green Belt Land
Paragraph 147 states that, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 148 states that 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 resulting from the proposal, is clearly outweighed by other considerations.

Para 149 states that 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.

Chapter 15 Conserving and enhancing the natural environment

Para 174 states that planning decisions should contribute to and enhance the natural and local environment by d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Para 180 states that when determining a planning application, local authorities should apply the following principles a) if significant harm to biodiversity, resulting from development, cannot be

avoided (through locating on an alternative site with less harmful impacts) adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Chapter 16 Conserving and enhancing the historic environment

Paragraph 189 states that heritage assets range from sites and buildings of local historic value to those of the highest significance. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.

Paragraph 195 states that Local Planning Authorities should identify and assess the particular significance of any heritage assets that may be affect by a proposal (including development affecting the setting of a heritage asset) taking account of the available evidence and necessary expertise.

Paragraph 197 states that in determining applications, local planning authorities should take account of; the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).

Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification.

Consultations

Parish Council – the development would diminish the historic setting of the existing dwellings, impact on the landscape from certain vantage points, any new driveway would exit onto a narrow, busy road which is the access to Cannon Hall, the property lies within Green Belt and building in the back garden would be garden grabbing
Highways – raise concerns in relation to the proposal and the inclusion of sight lines, whilst the application is an outline with all matters reserved, there are concerns that the required sight lines of 2.4m by 215m in both directions cannot be achieved due to land ownership constraints coupled with both the horizontal and vertical alignment of the highway. However, all details would be dealt with at reserved matters stage
Pollution Control – No objections subject to conditions
Yorkshire Water – no objections – should it be approved conditions should be included.
Drainage – No objections, happy for details to be checked by Building Control
Forestry Officer – the tree survey is honest and open in its comments. The documents clearly shows that the site is heavily constrained by trees which are protected by a TPO. It is difficult to see how a development can be accommodated within the site without significant detriment to the trees present. Given the lack of information provided I do not feel I could support this application.
Biodiversity – there is conflicting information within the Preliminary Ecological Appraisal and recommend that the application decision is deferred until further information is provided.
Conservation Officer – the existing dwelling, whilst an undesignated asset contributes to the historic significance of the Registered Park and Garden and a new dwelling would be visible and harm the setting of both the cottage and the wider parkland to the north and as such objects in principle.
Ward Councillors – No comments received

Representations

The application has been advertised by way of a site notice and properties within the vicinity have been consulted; one letter of comment has been received in relation to:

- the new build being out of character
- sewage – existing dwellings share sewage treatment unit which is too small for an additional dwelling and the new dwelling would sit lower than the unit.

Assessment

Principle of development

The site is located within an area designated as Green Belt where the construction of new buildings is classed as inappropriate development which, by definition, is harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight is given to any harm to the Green Belt and very special circumstances do not exist unless the potential harm to the Green Belt and any other harm is clearly outweighed by other considerations.

Local Plan Policy GB1 states that the Green Belt will be protected from inappropriate development in accordance with national planning policy.
As mentioned previously paragraph 149 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt and outlines exceptions to this; the proposal would not fall into any of the categories outlined above and as such it is considered that the proposed new building within the Green Belt is inappropriate development contrary to Local Plan Policy GB1 and paragraph 149 of the NPPF.

Local Plan Policy H9 aims to protect existing larger dwellings, the policy states ‘development within the curtilage of existing larger dwellings will be resisted where it will have an adverse impact on the setting of the original dwelling, and the size of the remaining garden area’. For the purposes of this policy larger homes are those that have four or five bedrooms or are capable of accommodating four or five bedrooms without significant adaption. Sulby Cottage falls within that category and, as such, Policy H9 is relevant.

The Government has changed the designation of garden areas from 'brownfield land' to 'greenfield land', in an attempt to resist development of additional houses within the curtilage of larger homes, known as 'garden grabbing', as this has also had an adverse impact on larger housing stock. Often additional dwellings have been built within their curtilage, resulting in an adverse impact on the original dwelling.

Other than the site location plan, no indicative site layout has been provided, however the location plan and red line boundary indicate that insufficient garden space would be retained for the existing dwelling, building a new dwelling along with any associated access close to the existing dwelling would have an adverse impact on the setting of the original dwelling and the size of the remaining garden contrary to Local Plan Policy H9.

Visual Amenity, Impact on the Historic Landscape and Heritage Assets

As the application has all matters reserved, there are no details on scale, appearance, layout, and landscaping; nevertheless, the proposed development is located within the Green Belt and within a Grade II Registered Park and Garden (RPG) of Cannon Hall.
The land subject to this application forms part of the domestic curtilage of Sulby Cottage and functions as a garden with a selection of mature trees and shrubs. The property and its garden are located within the RPG of Cannon Hall, which is washed over with greenbelt, and contributes to the historic significance of the RPG.

Sulby Cottage and its attached neighbour Beet House are clearly visible on the first edition 1850 OS as 'Lodge' with Sulby Cottage appearing to form the western end of what was once a single estate dwelling but is now subdivided. The building is unlisted but shares form and architectural features common of other Cannon Hall estate dwellings, some of which are listed, such as Park House 120m to the south. Windows and doors have been altered and replaced and are different between the two dwellings (Georgian bar vs diamond lattice leaded). However, the openings are of a shared overall style and proportion including gable dormers that are common across the entire roof. Sulby Cottage is rendered (it is assumed that this is a later addition) but Beet House remains local thinly bedded Delph sandstone. Overall, it is considered that the dwellings together are important undesignated assets that contribute to the understanding legibility and historic significance of this part of the RPG. It is considered that a new dwelling to the north of Sulby Cottage would be visible and would likely harm the setting of both the cottage and the wider parkland which is sensitive to change and as such is contrary to Local Plan Policies HE1 and HE4.

Highway Safety

The highways section has been consulted and have raised concerns with regard to the proposal and access. Whilst the application is in outline with all matters reserved, the access to the site is limited and can only be accessed via Bark House Lane. Bark House Lane is a rural road that links the A635 Lane Head Road to the south of the site with the start of the Cannon Hall Estate some 370m to the north. Within the vicinity of the site, Bark House Lane is subject to the national speed limit (60mph), has a carriageway width of approx. 5.2m and has Traffic Regulation Orders in the form of double yellow lines to both sides of the road.

Whilst the application is at outline with all matters reserved, from a highways point of view the application is acceptable in principle. Nevertheless, if the proposals were progress to a more detailed stage the minimum level of off-street parking would need to be in line with the parking standards contained within the Councils Parking SPD, 1 allocated space per 1-2 bed dwelling and 2 allocated spaces per 3+ bed dwelling; turning provision must be provided within the site so that vehicles can enter and exit the site in a forward moving gear; the site access must provide 2m x 2m pedestrian visibility splays and sight lines of 2.4m x 215m from the site access, in both directions along Bark House Lane. However, it is likely that land ownership constraints coupled with both the horizontal and vertical alignment of the road would need to be overcome to provide the required sight lines could be achieved.

Nevertheless, the application is at outline with all matters reserved and therefore on the current information there is no object to the proposal from a highways perspective and is acceptable; however, this does not warrant the approval of a scheme which is contrary to Local and National Green Belt policies.

Biodiversity

The site forms part of the garden of Sulby Cottage and is extensively covered in mature trees and shrubbery and therefore is considered to have some biodiversity value.
The applicant has submitted a preliminary ecology assessment (PEA), which has been assessed by the council's ecologist, who considers that the application be deferred until further information is provided. It is noted that there is conflicting information within the PEA, regarding the assessment of bat roosting habitat within the site. Table 3, page 13, under the heading 'Bats' states that *"Several mature trees onsite could be used by feeding and commuting bats, however due to the age and general lack of supporting features (such as pruning wounds or rot holes) it is unlikely these trees could be exploited for roosting".* This indicates that there is no bat roosting habitat due to the age of the trees, however, the former states that there are several mature trees on site. Mature trees are considered more likely to provide potential roosting features, and as such, further clarification on this point is required. In addition to the above a Preliminary Roost Assessment (PRA) of any trees to be impacted should be undertaken to assess their potential to support roosting bats. If the trees are deemed to have potential to support roosting bats, or a bat roost is

located during the PRA, then a suite of bat activity surveys should be undertaken to fully assess the use of the trees by bats to inform a mitigation strategy and any potential Natural England licencing requirements. Bat activity surveys cannot be conditioned as part of a planning permission, as the LPA has a 'biodiversity duty' (S40 of the Natural Environment & Rural Communities Act 2006) and it must 'have regards to biodiversity' when making all its decisions.

The ecologist also commented that further information in relation Barnsley's Biodiversity & Geodiversity Policy BIO1 and the SPDs Biodiversity & Geodiversity and Trees & Hedgerows should be complied with, including suitable enhancements for the loss of habitats and provision for species including hedgehog, swift, roosting bats and invertebrates should be included within proposals and that the number of bat and bird boxes installed on site should be reflective of the habitat lost; integrated bat and bird boxes should also be included within the proposals and any hedgerows on site should be assessed for their value to the Hedgerow Regulations 1997, if they are to be affected by the proposed development. The additional information was not requested as it was considered unreasonable to request additional information at cost to the applicant when the principle of development within the Green Belt was unacceptable and contrary to Local and National Policies.

Trees

As mentioned previously the site is extensively covered in mature trees and shrubbery which are protected by a Woodland TPO. The forestry officer has been consulted on the application and raises concerns about the development in relation to the lack of information provided. It is acknowledged that the application is outline with all matters reserved and that a tree survey has been submitted, however it is difficult to determine if a dwelling could be accommodated on the site and what the arboricultural impacts would be. Given the lack of information provided the forestry officer feels that the application could not be supported without specific details or a clearly defined developable area as such the development is considered unacceptable from an arboricultural perspective and contrary to Local Plan Policies, GD1, D1 and BIO1.

Residential Amenity

As the application is an outline with all matter reserved there are no details regarding scale and layout, as such, residential amenity would be assessed more closely at the reserved matter stage. However, given the area of the red edge site and the distance to neighbouring properties it is likely that a dwelling could be sited on here that would meet suitable separation distances to neighbouring properties to protect their amenities. Nevertheless, the proposed development is located within the Green Belt, therefore this does not warrant the approval of an application which is considered inappropriate development within the Green Belt and contrary to Local Plan Policy GB1.

Conclusion

In conclusion, the proposal is inappropriate development in the Green Belt, which is harmful, and has an impact on openness of the green belt, in addition it would be located within the garden area of an existing larger dwelling which would have an adverse impact on the setting of the original dwelling and the size of the remaining garden, contrary to Local Plan Polices GB1 and H9

The development would be located within a grade II registered park and garden, and it is considered that a new dwelling to the north of Sulby Cottage would be visible from the parkland and would likely harm the setting of both the cottage and the wider parkland which is sensitive to change and as such is contrary to Local Plan Policies HE1 and HE4.

Whilst an outline application with all matters reserved, insufficient information has been provided to fully assess the potential impact of a development on the protected trees located within the site and as such is contrary to Local Plan Policies GD1, D1 and BIO1.

Given that the application has fundamental flaws and fails to comply with national and local policies there is no option but to refuse the application.

Recommendation

Refuse