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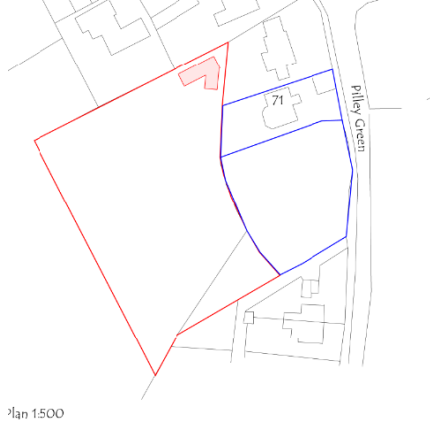
Applicant: Mr David Scholey

Development: Erection of a detached stable block and associated change of use of agricultural land to equestrian use (Revised submission compared with application 2021/1098).

Address: 71 Pilley Green, Tankersley, S75 3AB

Site Location & Description

The site is located to the rear of 71 Pilley Green in Tankersley. 71 Pilley Green is a large dwelling, stone built with a large double garage on the frontage. The property has a large parking/ turning area to the front of the dwelling adjacent to the detached double garage. The siting associated with this application is located to the rear of the dwelling within an open field beyond the rear garden area. This is located within the Green Belt. The land was formally arable farmland and has since been grassed over on transfer of ownership to the applicant. The field is bound to the west by fencing and has stone boundary walls adjacent to Pilley Farm Bungalow, 73 Pilley Green and 10 Wharncliffe court to the northwest. It is noted that there are a number of trees along the site boundary to the southeast. There is an existing gated access to the field located within the rear garden of 71 Pilley Green.



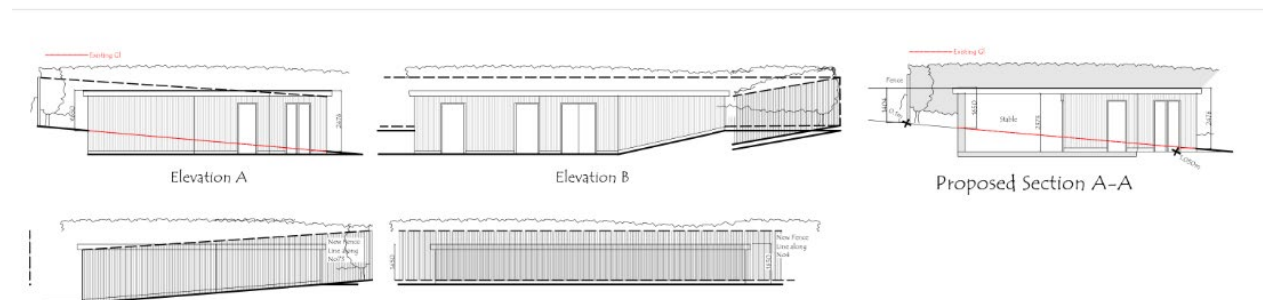
Proposed Development

The proposal is for the erection of a detached V shaped stable block consisting of 2 stables, a tack room, room for bedding and feed storage with a covered walkway. The proposal will be constructed in blockwork clad in tanalized timber shiplap boarding to look like a traditional stable with a fibre cement sheet flat roof. The applicant has stated that the blockwork has been chosen for security purposes and for retaining land levels.

The stables measure 12.7m in length, 4.3 m in width returning just over 6m x 4m. The proposed building will measure 2.47m in height to the eaves reducing towards the North boundary in height to 1.7m. Due to the sloping land levels the building will cut the floor level so that the overall height from the adjacent ground level is reduced. This will enable a substantial part of the proposal to be screened by fencing and planting.

The stables are located within an area of former arable farmland which is now grassed over. The applicant states that the site is now owned by himself for the purpose of keeping ponies for personal enjoyment and is not proposed for any commercial purpose. It is not the intention to construct an exercise yard or other designated areas and there will be no form of

The proposal is to utilize the surrounding field located at the rear of the 71 Pilley Green as a paddock for keeping ponies owned by the applicant's family.



Relevant History

2021/1098 Erection of stable block and associated change of use of agricultural land to equestrian use - Withdrawn

Policy Context

Planning decisions should be made in accordance with the local 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 Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

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.

In respect of this application, relevant sections include:

Paragraph 2 states that planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Paragraph 8 provides three overarching objectives to sustainability, social, environmental and economic. Paragraph 10 states to ensure that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.

Paragraph 38 – Local planning authorities should approach decisions on proposed development in a positive and creative way.

Paragraph 115 – Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network should be severe.

Paragraph 123 – Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 124 – Planning policies and decisions should:

- a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;

- b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;
- c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;
- d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)⁴⁸; and
- e) support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well designed (including complying with any local design policies and standards) and can maintain safe access and egress for occupiers.

Paragraph 131 - The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 139 – Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design taking into account any local design guidance and supplementary planning documents such as design guides and codes.

Paragraph 152 states that, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 153 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.

Paragraph 154 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.

Paragraph 180 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.

Paragraph 186 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.

Local Plan

The property is located within the rural Barnsley and is designated as Green Belt in the adopted Local Plan.

In reference to this application, the following Local Plan policies are relevant:

Policy SD1: Presumption in favour of Sustainable Development

Policy GD1: General Development

Policy LG2: Location of Growth

Policy GB1: Protection of the Green Belt

Policy GB3: Changes of Use in the Green Belt

POLL1: Pollution Control and Protection

BIO1: Biodiversity and Geodiversity

Policy T3: New Development and Sustainable Travel

Policy T4: New Development and Highway Improvement

Policy D1: High quality design and place making.

SPD: Biodiversity and Geodiversity

SPD: Parking

SPD: Trees and Hedgerows

SPD: Sustainable Travel

These policies are considered to reflect the Principles in the NPPF, which relates to high quality design and good standard of amenity for all existing and future occupants of land and buildings.

Consultations

SYMAS – No objections, attach coal mining standard advice to decision notice.

Tankersley Parish Council – The Parish Council issued a 10-page objection letter, I have summarised the main objections:

- Traffic concerns
- Green Belt boundary change objections/ obj GB boundary re-defined
- Surface water from cleaning causing drainage issues
- Will only benefit 1 family not the community.
- Smell
- Dust
- Pollution
- Doesn't improve the range of local services in Tankersley.

- Reduction of agricultural land available
- Concerns over the size of the building – too large the size of a bungalow
- Concerns over the details within the ecology report
- Large vehicles on an unfit road due to deliveries/ horse box/ veterinary staff

Coal Authority – No objections subject to pre-commencement conditions

Biodiversity – No objections subject to conditions/ informative's

Highways – No objections

Pollution Control – No objections

Tree Officer – No objections

Representations

5 Objections were received along with an objection from a Local Councillor with the following comments:

- Concerns over loss of trees
- Inconvenience to neighbours.
- May be converted into building land.
- Objection to the 2m high fence and hedge – block out views/ light.
- Loss of enjoyment of garden and home
- Loss of view
- Loss of light
- Noise
- Vermin
- Smells/ flies
- Would suggest relocating.
- Too much building work within this immediate area
- Traffic concerns

Assessment

Principle of development

The site is associated with the domestic property of 71 Pilley Green however it does not form part of its curtilage and has been purchased separately. The site was utilised as arable farming land and has since been grassed over when the ownership was changed. The proposal is to utilise the land for grazing which is an acceptable use for this green belt location. The proposal is to then erect a stable block to house the grazing domestic ponies on site.

Policy GB1 of the Local Plan states that the Green Belt will be protected from inappropriate development in accordance with National Planning Policy. Paragraph 152, of the NPPF states that inappropriate development, is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 states that when considering any planning applications, LPA's should ensure that substantial weight is given to the harm to the Green Belt, and 'Very Special Circumstances' will not exist unless the potential harm by reason of inappropriateness is clearly outweighed by other considerations.

The exceptions are set out in paragraph 154 of the NPPF. The NPPF does allow exceptions to development within the Green Belt, allowing the change of use for outdoor recreation and the provision of appropriate facilities in connection with the use. Timber clad stables such as the one proposed, are a feature of the countryside, and the use of land within the Green Belt for the grazing of horses is typical within the area and accepted by the NPPF as being an acceptable use (sports and recreation) and development within the Green Belt and as such the principle of development is considered acceptable, subject to the development

complying with other policies of the Local Plan including assessing its impact on the openness and character of the Green Belt.

In conclusion regarding the matter of principle, and in relation to paragraph 152 of the NPPF, the proposal is not classed as inappropriate development in the Green Belt as very special circumstances have been demonstrated as required by paragraph 153 of the NPPF and Local Plan Policy GB1.

Visual Amenity, impact to the Green Belt

The stable sits within the northwestern corner of the field and is backed by a 2m high fence and hedges along the residential boundaries and it is considered that this location is not expected to prejudice the openness of the Green Belt. The building is timber clad which is considered a sympathetic approach that is in keeping with the agricultural vernacular. The block work construction although not traditional is necessary for security purposes and to accommodate the ground levels. The building is a low structure as the sloping ground levels will allow for the floor level to be kept below adjacent ground levels.

The size, design and location of the stables are considered to be acceptable and have been limited to what is necessary for the stabling/shelter of the applicant's horses. In terms of visual impact, the block has a height to the ridge of 2.47m and is located in such a position that from public vantage points it will either be predominantly screened or be seen against the backdrop of surrounding buildings, As such it is not considered that it would have a detrimental impact on the openness and character of the Green Belt.

The change of use of the land and the erection of the stable block would not cause any significant detriment to the openness or visual amenity of the Green Belt or the character of the locality and as such the proposal is considered acceptable in terms of Local Plan Policies GB1, GB3, D1 and the NPPF.

Residential Amenity

There has been a lot of local objections to the proposal with the closest neighbours all having similar concerns. Some of the residents have concerns with regards to the proposed 2m high fence and hedges which will restrict the view they currently enjoy over the green belt. The erection of the fence and subsequent planting of hedges does not require planning permission and as a consequence will not form part of this application. In addition, there is no legal right to a view.

The siting and setting of the stable block is such that it would not increase levels of overshadowing or reduce levels of outlook from the neighbouring properties. The land as it stands could be used as a grazing land for livestock of all kinds, therefore the use for grazing ponies is not an alien concept within this location. It is noted that the proposed location of the stables is at the end of the gardens of adjacent properties which has raised cause for concern by local residents. However, the Council's pollution team have assessed the proposal and it is not considered that the stables would give rise to an increase in noise and disturbance to the detriment of residential amenity. There is the potential for an increase in smells, however, again the stables are located on land that is presently agricultural in nature and Pollution Control have been consulted on the application and raised no objections to the development.

It is therefore considered that given the stables are proposed for a personal use and not as a commercial livery, the proposed development is considered acceptable in terms of its impact on residential amenity. Nevertheless, a condition should be applied to ensure that the

stables remain for a personal use. As such it is in compliance with Local Plan Policies POLL1 Pollution Control and Protection and GD1 General Development.

Highway Safety

The proposed stable block on land to the rear of 71 Pilley Green does not result in the creation of a new vehicular access, it is intended for the dwellings' existing vehicular access to also be utilised to serve the stables. The stables are stated as being entirely for personal use and as such any increase in vehicular movements and the resultant impact upon the highway would be negligible.

The existing property has a large parking/turning area to the front of the dwelling along with a detached double garage; there is room for two cars to park in front of the garage and still maintain a 12m x 3m clear area of driveway sufficient to accommodate any vehicles that may be required in association with the proposed stable block such as a horsebox or for veterinary visits etc. Pilley Green is not a classified road and internal turning provision is therefore not required.

Given the personal use of the stables and that the land could indeed be used for the keeping of animals without the erection of any buildings and could potentially generate a greater number of vehicle movements, the proposals are considered acceptable from a highway's perspective.

Based on the information provided, it is considered that the proposals do not affect the current access, parking and turning arrangements of the site or adversely impact upon the highway and are therefore acceptable from a highways point of view in compliance with Local Plan Policy T3 and T4 and SPD Parking.

Biodiversity

The Town Council had some concerns with regard to the submitted ecology report. The report was amended in line with the comments made by our biodiversity officers. The Council's officers have reviewed the amended documents in connection with this development and are satisfied it meets the required criteria. The biodiversity department does not wish to raise any objections regarding the proposal in compliance with Local Plan Policy BIO1.

Other Issues

One of the objectors had concerns with regards to impact on trees. The Tree Officer was consulted and concluded that the proposal does not implicate trees and as such does not have any objection to the proposal from an arboricultural perspective.

There was a suggestion that the siting of the stables be relocated further into the field. This may have reduced the impact to some of the neighbours, however, would result in the loss of openness of the Green Belt. The main concerns from the neighbouring properties were the loss of view over the green belt land beyond and loss of light to their properties. The applicant has started to erect the fencing and hedges around the site which would screen the stable and have the potential to impact the neighbouring properties in terms of their concerns more than the proposed stables would, due to the topography of the site and excavation. It is also noted that the loss of view is not a material consideration when assessing a planning application, and the Council can therefore give very little weight to this argument.

The Town Council was concerned that the proposal would see the Green Belt boundary re-defined. That is not the case, the Green Belt boundary will not be impacted by this proposal, the land is to remain within Green Belt.

Recommendation

Approve