

Application reference number	2024/0198
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Application Type	Variation of Condition
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Proposal Description:	Removal of conditions 3 (Occupation), 4 (Outbuilding and Paved Patio Removal) and 5 (Site Reinstatement) of planning permission 2023/0684 (Removal of condition 3 of planning permission 2020/0380 to allow the retention of the log cabin on a permanent basis - Change of use from agricultural to 'mixed agricultural and equestrian'; outdoor riding surface; mobile turnout pen and siting of temporary rural enterprise dwelling (log cabin) for a period of 3 years - Part Retrospective).
Location:	Wentworth Grange Farm, Stainborough Lane, Hood Green, Barnsley, S75 3HA

Applicant	Mrs C Saynor
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Number of Third Party Reps	None	Parish:	Stainborough
		Ward:	Penistone East Ward

Site Description

The site is in a relatively isolated location approximately 1km to the south of Hood Green and comprises agricultural pasture within a natural small valley. There is no dwelling associated with the farmland which originally formed part of Wood Nook Farm. Access is via a lengthy farm track from Stainborough Lane which also serves Wood Nook Farm and other isolated dwellings in the locality. The site comprises several fields of pasture used for horse livery, and stud. The access track from Stainborough Lane is a public right of way (Bridleway 12). A listed building, Woodnook Farmhouse (Grade II), lies 200m to the north.

A log cabin is located on the site which was granted temporary planning permission under application 2020/0380 and a subsequent permanent permission under application 2023/0684. A paved patio area located to the west of the log cabin and a small green painted outbuilding with the appearance of a shed/summerhouse to the north.

Relevant Site History

<i>Application Reference</i>	<i>Application description</i>	<i>Status</i>
2016/0321	Proposed agricultural building to house livestock and to store fodder and implements	Approved with Conditions July 2026
2020/0380	Change of use from agricultural to 'mixed agricultural and equestrian'; outdoor riding surface; mobile turnout pen and siting of	Approved with Conditions August 2020

	temporary rural enterprise dwelling (log cabin) for a period of 3 years - Part retrospective	
2023/0684	Removal of condition 3 of planning permission 2020/0380 to allow the retention of the log cabin on a permanent basis - Change of use from agricultural to 'mixed agricultural and equestrian'; outdoor riding surface; mobile turnout pen and siting of temporary rural enterprise dwelling (log cabin) for a period of 3 years - Part retrospective	Approved with Conditions September 2023

Proposal

The applicant seeks permission vary conditions 3 (Occupation), 4 (Outbuilding and Paved Patio Removal) and 5 (Site Reinstatement) of planning permission 2023/0684.

The applicant proposes to vary condition 3, to attach the occupancy of the log cabin to the business rather than to the applicant and remove the requirement to comply with conditions 4 and 5 regarding the removal of the outbuilding and patio area and the removal of the log cabin.

The current conditions are:

Condition 3

The occupation of the dwelling hereby permitted shall be limited to Mrs Caroline Saynor and Husband.

Reason: Owing to the special circumstances of the applicant in accordance with Local Plan Policy GB1 Protection of Green Belt

Condition 4

The outbuilding and paved patio to the rear of the log cabin shall be removed within 6 months of the granting of this permission with written confirmation to be sent to the Local Planning Authority once removal is complete.

Reason: To ensure inappropriate development in the Green Belt is removed to protect the openness of the Green Belt

Condition 5

If the current equine use and business ceases to operate at this location or the log cabin becomes unoccupied for a period of 6 months, it shall be removed from site and the site shall then be reinstated within a further 3 months.

Reason: To safeguard the openness and visual amenities of the Green Belt in accordance with Local Plan Policy GB1 Protection of Green Belt.





Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Barnsley consists of the Barnsley Local Plan (adopted January 2019).

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.

Local Plan

The site is identified as Green Belt within the Local Plan and as such the following policies are considered to be relevant to this application:

Policy GB1 Protection of Green Belt
Policy GD1 General Development
Policy T4 New Development and Transport Safety
Policy Poll1 Pollution Control and Protection
Policy D1 High Quality Design and Place Making

National Planning Policy Framework (NPPF) (202) and the National Planning Practice Guidance

In December 2024, The Government published a revised National Planning Policy Framework ("NPPF") which is the most recent revision of the original Framework, published first in 2012 and updated a number of times, providing the overarching planning framework for England. It sets out the Government's planning policies for England and how they are expected to be applied. The NPPF must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions. This revised document has replaced the earlier planning policy statements, planning policy guidance and various policy letters and circulars, which are now cancelled.

Central to the NPPF is a presumption in favour of sustainable development which is at the heart of the framework (paragraph 10) and plans and decisions should apply this presumption in favour of sustainable development (paragraph 11). The NPPF confirms that there are three dimensions to sustainable development: economic, social and environmental; each of these aspects are mutually dependent. The most relevant sections are:

Chapter 5 Delivering a sufficient supply of homes

Paragraph 84 states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside

Chapter 13 Protecting Green Belt land

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,

including harm to its openness (other than in the case of development on previously developed land or grey belt land, where development is not inappropriate). Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. '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 development in the Green Belt is inappropriate unless one of the following exemptions (amongst others) applies

g) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, 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;

Relevant Consultations

Highways Drainage – No objections

Highways DC – No objections

Legal – No objections received

Pollution Control – No objections

Parish Council (Stainborough) - No objections received

Ward Councillors – No objections received

Representations

The application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015.

Neighbour notification letters were sent to nearby residents; the application was advertised by way of a site notice posted adjacent to the site and advertised on the Council's website; no representations have been received.

Assessment

The main issues for consideration are as follows:

- The principle of development
- The impact on the openness of the Green Belt
- The impact on the character of the area
- The impact on the highway network and highways standards
- The impact on neighbouring residential properties
- The impact on the ecology of the site

For the purposes of considering the balance in this application the following planning weight is referred to in this report using the following scale unless the NPPF establishes a specific weight.

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little or no

Principle of development

The site is located within the Green Belt where Local Plan Policy GB1 protects against inappropriate development in line with National Planning Policy. Whilst the erection of new buildings within the Green Belt are considered inappropriate development, it allows the provision of appropriate facilities (in connection with the existing use of land or change of use) in line with paragraph 154 (b) which states the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, 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.

The NPPF also states that local planning authorities should avoid development of isolated homes in the countryside unless there are special circumstances, such as, there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside.

Local Plan Policy GB4 relates to Permanent Agricultural and Forestry Workers Dwellings, however the NPPF considers the needs of any rural worker to live at or near their place of work and is not restricted to agriculture or forestry.

Planning permissions 2020/0380 and 2023/0684 established the principle of development at this site for a rural worker, and whilst application 2020/0380 allowed the log cabin for a temporary period, application 2023/0684 allowed a permanent permission.

Applications 2020/0380 and 2023/0684 established that the applicant had provided sufficient evidence and very special circumstances to show that the business had been established for at least 3 years and had been profitable for at least one, that there was a firm intention and ability to develop the enterprise, that a functional need could be demonstrated, and that the functional need could not be fulfilled by other existing dwellings on the unit or in the area which are suitable and available for occupation by the workers concerned.

The applicant has put an argument forward that applications 2020/0380 and 2023/0684 focused on the equine element of the business, with less regard to the agricultural element. Given that the log cabin was approved on the basis that there was an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside, in line with Local Plan Policy GB4 and NPPF paragraph 84 it is not considered appropriate to remove condition 3 limiting the occupation of the log cabin. However, the authority is in agreement that it would be suitable to amend the condition removing the restriction limiting the occupation of the log cabin to the applicant.

Proposed Condition updated condition 3

The occupation of the log cabin approved under application 2023/0684 shall be limited to the owners or their tenants managing the livery, stud and agricultural business only.

Reason: Owing to the special circumstances of the applicant in accordance with Local Plan Policy GB1 Protection of Green Belt

Paragraph 153 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. Applications 2020/0380 and 2023/0684 established that there were very special circumstances and were approved on the basis of the need for a dwelling in the green belt to support a rural worker. Without the rural business the very special circumstance would not exist and therefore the development would be inappropriate. Therefore, it is considered prudent to amend condition 5 to incorporate the agricultural aspect of the business.

Proposed Condition updated condition 5

In the event that both the current equine and agricultural enterprises cease to operate at this location, or the log cabin becomes unoccupied for a period of 6 months, the log cabin and all residential paraphernalia shall be removed from the site within 3 months.

Reason: To safeguard the openness and visual amenities of the Green Belt in accordance with Local Plan Policy GB1 Protection of Green Belt.

Condition 4 of application 2023/0684 required the removal of the patio area and the small summerhouse/shed located to the side and rear of the log cabin, respectively.

Whilst both these elements have a domestic appearance, due to the topography of the site and wider area, the patio area is the result of the excavation required for the siting of the log cabin, which is set into the hill. The construction of the gabion wall was required for the retention of the land immediately west and north of the log cabin site.

The summerhouse/shed is located to the north of the log cabin and patio area and again, is set into the surrounding land due to the topography of the area. The building is designed with a shallowed pitched roof with the ridge approximately level with the land level beyond it and is screened by a nature hedgerow located along the northern boundary. In addition, it is not unusual for rural dwellings to have a small curtilage and benefit from an outside area. In this instance the curtilage is kept to a minimum and has a clearly defined boundary to the north and west by the retaining gabion wall.

For the reasons outlined above it is considered that the retention of the patio area and the small summerhouse/shed would not cause substantial harm the openness of the green belt or conflict with the purposes of including land within it and as such there is no objection to removal of this condition

Highway Safety

The proposal does not require any alterations to the current access or parking provision arrangements. Highways have been consulted on the application and raise no objection to the proposed changes; this carries significant weight in favour of the application and as such, it is considered that the proposed development is acceptable and in compliance with Local Plan Policy T4.

Residential Amenity

There are no proposed changes to the scheme, the site is sited in an isolated location, and there no close neighbouring dwellings that would be impacted by the development, this considered significant weight in favour of the proposal and as such it is considered acceptable and be in line with Local Plan Policy GD1.

Biodiversity

National requirements have seen the introduction of Biodiversity Net Gain (BNG). In England; BNG is mandatory under the Town and Country Planning Act 1990, whereby developers must deliver a biodiversity net gain of 10%, resulting in more or better-quality habitat than before a development. These regulations were introduced on 12th February 2024 and applied to any application submitted after this date.

Whilst this application was submitted after this date, there are exemptions which can be applied; one of which is an exemption relating to section 73 permissions where the original permission which the section 73 relates to was either granted before 12 February 2024 or the application for the original permission was made before 12 February 2024.

PLANNING BALANCE & CONCLUSION

In accordance with Paragraph 11 of the NPPF (2024) the proposal is considered in the context of the presumption in favour of sustainable development. The proposal is considered to be appropriate development in the green belt and would not impact on the openness of the Green Belt. It would not impact on the character of the area, highway safety, or upon residential amenity, and this weighs considerably in favour of the application.

All other material planning considerations have been fully explored by the appropriate consultees who have raised no objections to the proposal and holistically this weighs moderately in favour of the application.

The proposal is therefore, on balance, recommended for approval.

RECOMMENDATION: Approve subject to conditions

Justification

STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015

It has not been necessary to make contact with the applicant to request amendments to the proposal during the consideration of the application, as it was deemed acceptable.

Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering objections, the determination of the application and the resulting recommendation. it is considered that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home and his correspondence.