
2022/0537

Applicant: Mr Bernard McDonugh

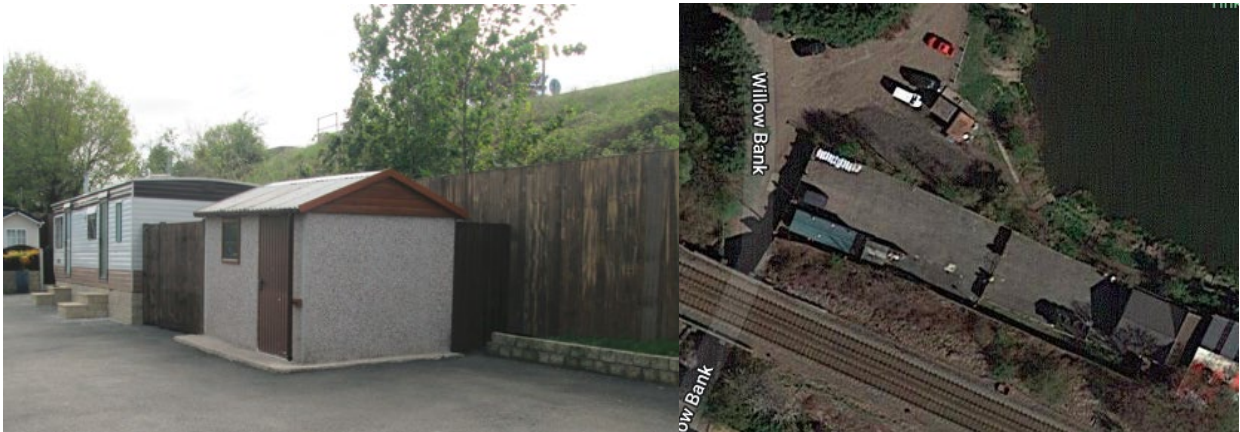
Proposal: Replacement of a shed with a detached garage

Address: The Stables, Willow Bank, Woodstock Road, Barnsley, S71 1PS

Site Location & Description

The application relates to land to the South of Willow Bank, within Wilthorpe. The site sits immediately to the South of a fishing pond and adjoins a railway embankment, the railway line being on a higher level than the site. Vehicular access to the site is gained from Woodstock Road and under the aforementioned railway line. The site is rectangular in shape and measures approximately 880m². The site is within the Green Belt as allocated in the Local Plan.

The site currently consists of 2no. static caravans and associated shed/outbuilding, an extended amenity building, (which was a former stable and accommodates a kitchen/dining area, prayer room, bathroom and lounge), a children's playhouse and space to park a touring caravan and several vehicles. The site is enclosed by solid boundary treatments and has vehicular access via metal gates to the West of the site



Planning History

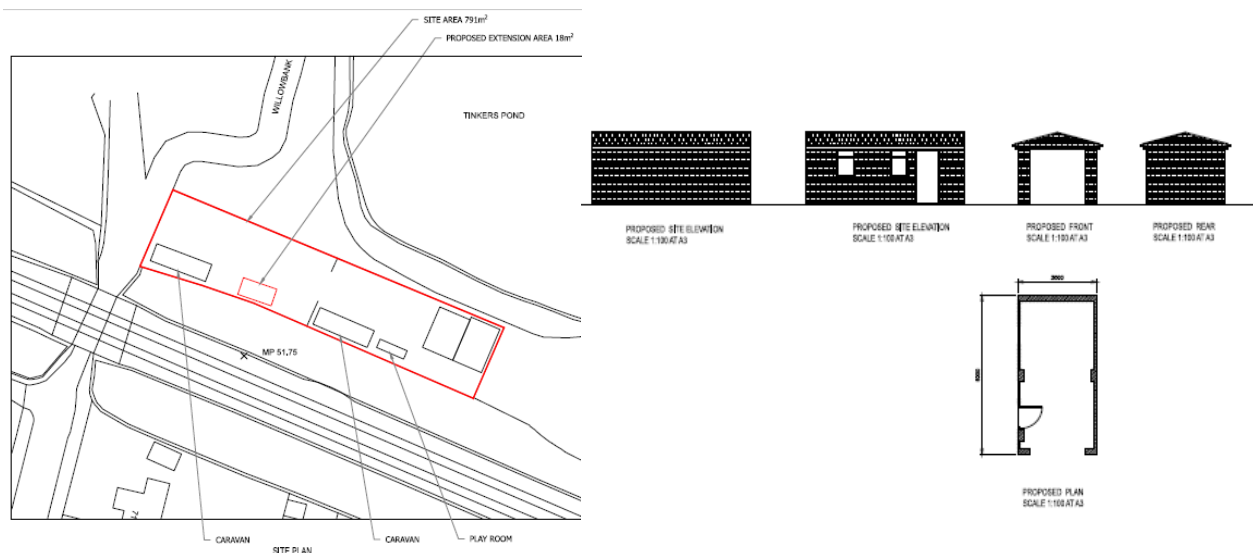
2010/0672 – Change of use of land for the siting of a residential caravan and retention of converted stable block as a domestic amenity building – Approved for a temporary period of 5 years on 25/07/2012.

2017/0392 - Proposed permanent change of use of land for the siting of a residential caravan, shed, a children's playhouse and touring caravan and use of stable block as amenity building following expiry of limited period planning permission application reference 2010/0672.

2019/0732 - Siting of an additional static caravan, erection of an extension to the amenity building and amendments to the site layout approved under application 2017/0392 - Approved

Proposed Development

The applicant seeks permission to replace the existing concrete sectional shed (circa 9m²) with a detached brick built detached single garage. The garage measures 3m wide and 6m deep with a ridge height of 2.8m (2.3m to the eaves).



Policy Context

To the extent that development plan policies are material to an application for planning permission the decision on the application must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004.

The Local Plan was adopted by the Council in January 2019 and the Council has also adopted a series of Supplementary Planning Documents which are other material considerations.

The National Planning Policy Framework represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application.

The site is allocated as Green Belt within the Local Plan and therefore the following policies are relevant:

Policy GT1 'Sites for Travellers and Travelling Show people'

Policy D1 'High Quality Design and Place Making'

Policy GB1 'Protection of Green Belt'

Policy GB2 'Replacement, extension and alteration of existing buildings in the Green Belt'

Policy GD1 'General Development'

Policy T4 'New development and Transport Safety'

NPPF

The NPPF 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.

Paragraphs of particular relevance to this application include:

147. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

148. 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.

149. 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.*

Planning Policy for Traveller Sites

This document sets out the Government's planning policy for traveller sites and should be read in conjunction with the NPPF.

Policy E: Traveller sites in the Green Belt

Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development.

Policy H: Determining planning applications for traveller sites

Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- the existing level of local provision and need for sites
- the availability (or lack) of alternative accommodation for the applicants
- other personal circumstances of the applicant

- that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- that they should determine applications for sites from any travellers and not just those with local connections

When considering applications, local planning authorities should attach weight to the following matters:

- a) effective use of previously developed (brownfield), untidy or derelict land
- b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness
- c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children
- d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community

Consultations

Policy – qualifies as an exception under para 149 of the NPPF as previously developed land

Public Rights of Way – No objections subject to informative

Representations

Letters have been sent to 11no. neighbouring residents, a site notice erected and a press notice put in the Barnsley chronicle. No letters of objection have been received as a result.

Assessment

Principle and impact on the openness and visual amenity of the Green Belt

The NPPF states that the construction of new buildings in the Green Belt is inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Planning Policy for Travellers sites also mirrors the comments in the NPPF.

It is noted that the existing shed is circa 9m² and the proposed replacement building is 18m² i.e. double. Local Plan Policy GB2 states that replacement buildings are acceptable where they are not materially larger than the one it replaces. That is mirrored in the exceptions set out in paragraph 149 (d) of the NPPF.

However, paragraph 149 sets out further exceptions including part g which states that *‘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’*.

Given the site has permanent buildings, including the amenity building and outbuildings, and has a permanent rather than temporary permission, it falls within the definition of previously developed land within the NPPF;

Previously developed land: 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.

As such, despite the replacement of the shed with a larger building not qualifying as an exception under NPPF paragraph 149 (d) it does qualify as an exception under paragraph 149(g) subject to it not having a greater impact on the openness of the Green Belt than the existing development. The development is therefore acceptable in principle and the issue of openness will be discussed under the heading below.

In this case, the site lies adjacent to the built up area of Wiltorpe, within Urban Barnsley, and adjoins residential development, a commercial fishing pond and railway embankment which sits above the height of the structures on the site. It is noted that there are public footpaths and small roads within close proximity to the site; therefore, the site is visible from some public vantage points. However, the site is not visible from the South, given the position of the railway embankment, and, when viewed from the north of the railway, the site and associated structures, are viewed against the steep railway embankment itself.

As such, the impact of the additional modest single garage, which is replacing an existing structure, on the openness of the Green Belt is not significant, given the location of the railway embankment and neighbouring structures, as well as the site being positioned within Urban Barnsley and adjoining an established urban area.

Furthermore, the site is enclosed by a well maintained timber fence and wall which screens the caravans and associated buildings from surrounding views. The proposed garage would also sit towards the Southern boundary, immediately adjacent to the embankment, and would be central between the 2no. static caravans. As such, the garage would sit comfortably within this urban fringe setting and would not have a greater impact on the openness of the Green belt.

Given the above the proposal is considered to accord with the provisions of paragraph 149 of the NPPF and Local Plan Policies D1 and GD1.

Visual amenity

The proposal is for a standard, brick built detached garage, replacing an existing sectional shed. The garage would reflect elements of the existing amenity building, including the materials, which would be in keeping with the existing use of the site for Travellers and mirror similar detached garages within the predominantly residential immediate area. Furthermore, given the site is well enclosed and viewed against the railway embankment the structures on the site are screened from a number of vantage points. As such the proposal is not considered to be detrimental to the visual amenities of the site or its surroundings, in accordance with Local Plan Policy D1.

Residential amenity

The site does adjoin an urban area and neighbours several residential properties, however, the site is separated from the majority of the properties by the railway line immediately to the South of the site. The neighbouring properties to the North of the railway line are generally larger dwellings which are set within farms or large gardens, as such, there are reasonable separation distances. Therefore, the replacement of the existing shed with a standard sized detached garage would not detrimentally impact the amenity of the neighbouring residents or land users, in accordance with Local Plan Policy GD1.

Highway Safety

It is not considered that the addition of the standard single garage would result in a significant increase in traffic movements from and to the site. Sufficient area remains within the site for vehicles to park, manoeuvre and to enter and exit the site in forward gear.

Conclusions

The site sits within the Green Belt but constitutes previously developed land, as defined in the NPPF. As such, the proposed building is not inappropriate development in the Green Belt by virtue of it qualifying as an exception under NPPF Paragraph 149(g) and the fact it would not have a greater impact on the openness of the development. Furthermore, the garage would maintain visual amenity and would not be detrimental to the amenity of neighbouring residents.

Taking into account the relevant development plan policies and other material considerations the application is in accordance with the development plan (most notably policies D1, GD1 and GT1), as well as NPPF paragraph 149 and Planning Policy for Traveller Sites, and is assessed to be a suitable and sustainable form of development that accords with Local Plan Policy SD1 Presumption in favour of Sustainable Development in overarching terms. Similarly in National Planning Policy terms (NPPF) the presumption in favour of sustainable development is considered to apply also (para 11) which is that proposals that accord with an up to date development plan should be approved without delay. The recommendation is one of approval therefore subject to the conditions listed below.

Recommendation

Grant planning permission with conditions: