2021/0795

Applicant: Mr Steven Warsop

Description: Development of one dwelling and associated work

Site Address: Land to the rear of The Greenland Cottage, High Hoyland Lane, High Hoyland, Barnsley

Site Location and Description

The application site is located to the south of High Hoyland, off High Hoyland Lane. There is a row of cottages to the front (west), Greenland Cottages, and The Mount lies to the east, with the garden to this property wrapping around the site. To the rear of the site there is The Perch and Hoyland Hills Cottage.

The application site is approximately 0.14 hectares in size and presently consists of a redundant back filled quarry that is in private ownership. The site has also historically contained buildings within it as shown on the OS plans from 1960 and earlier.

The site's topography is sloping from north to south, with a cliff face (associated with the former quarry use) that is located approximately 15m from the proposed site access. The land plateaus from the cliff face to the proposed site access on High Hoyland Lane. There is a second plateau at the top of the cliff face.

Proposed Development

The proposed development is a detached house, set back within the existing quarry, with living space over three floors.

The ground floor and footprint are larger than the 1st and 2nd floors which grade back into the site and are each smaller with roof top terraces providing external areas. The front elevation of the top floor is largely glazed and there are large windows on the front elevations of the other two floors.

Internally, there is a double garage and lap pool at ground floor with associated plant and changing facilities. A bedroom with ensuite and dressing space is also located at this level. The middle floor includes a further 4 bedrooms, 3 of which are en-suite, an office and cinema. The main living space is an open plan living/dining/kitchen on the top floor.

A 'quarry wall' is proposed to the front of the building, forming the front elevation of the garage and extended to the full width of the house. It also provides a screen to the terrace above. The height of this wall feature is close to the roof of the 2nd floor of the building. The Quarry Wall was proposed to be either smooth faced stone or 'pre-cast' concrete with and exposed aggregate face. The garage door and entrance to be Corten steel.

Amended Plans submitted in June 2022 show the quarry wall as a stone feature, utilising large, uneven slabs of stone. The wall varies in height to allow part of the building to be visible above it. The garage opening no longer refers to Corten steel

Planning History

2008/0541 – Erection of a domestic detached garage – Withdrawn

2014/0078 – Erection of a single storey detached annexe building – Approved with conditions 30/04/2014.

2017/0333 – Erection of a single storey detached annexe building – Approved with conditions 27/04/2017.

2018/0380 - Erection of 1 residential dwelling and associated infrastructure – Refused for the reason below:

The site lies within the Green Belt on the approved Barnsley Local Plan wherein Local Plan Policy GB1 reflects national policy guidance restricting new development except in very special circumstances, for purposes other than those set out in paragraphs 145 and 146 of the NPPF. In the opinion of the LPA the proposed new dwelling to the rear of Greenland Cottages, High Hoyland, constitutes inappropriate development contrary to policy and harmful to the Green Belt as per NPPF paragraphs 143 and 144. Furthermore, there are considered to be insufficient very special circumstances to justify the granting of planning permission in this instance.

A subsequent Appeal (ref: APP/R4408/W/20/3247092) was dismissed with the Inspector finding that:

..the proposal would amount to 'inappropriate development' that would cause harm to the openness of the Green Belt and there are no very special circumstances to outweigh the harm caused in that respect. The development is contrary to the relevant policies of the development plan when read as a whole and there are no material considerations to indicate that a decision should be taken other than in accordance with that plan.

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 new Local Plan was adopted at the full Council meeting held 3rd January 2019. 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.

<u>Local Plan Policies</u>

The site is allocated as located in the Green Belt in the Local Plan where GB1 applies, protecting the Green Belt in accordance with National Planning Policy.

Other relevant policies include:

SD1 – Sustainable Development
GD1 – General Development
LG2 – The Location of Growth
H1 – The Number of New Homes to be Built
H2 – The Distribution of New Homes
H5 – Residential Development on Large Non-allocated Sites
H6 – Housing Mix and the Efficient Use of Land
T3 – New Development and Sustainable Travel
T4 – New Development and Transport Safety
D1 – High Quality Design and Place Making
LC1 – Landscape Character
HE1 – The Historic Environment
HE2 – Heritage Statements and general application procedures
BIO1 – Biodiversity and Geodiversity
GB3 – Changes of use in the Green Belt

CC1 – Climate Change
CC2 –Sustainable Design and Construction
CC3 – Flood Risk
CC4 – Sustainable Drainage Systems (SuDs)
CC5 – Water Resource Management
RE1 – Low Carbon and Renewable Energy
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.

Paragraph 147 is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Whilst 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*".

Paragraph 149 clarifies that new buildings are inappropriate development with few exceptions.

Paragraph 80 relates to isolated homes in the countryside, allowing them only under specific circumstances including where the design is of exceptional quality in that:

"it is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area".

Paragraph 134 requires that development that is not well designed be refused, but conversely: '*significant weight should be given to:*

a) *development which reflects 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; and/or*

b) *outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit with the overall form and layout of their surroundings*'.

Consultations

Air Quality – No objection, subject to Electric Vehicle Charging Points being secured by condition.

Biodiversity – The Preliminary Ecological Appraisal (PEA) report is over 4 years old and needs updating as habitats on site may have altered. In addition, the report fails to assess a nearby pond which may be suitable for great crested newts.

Coal Authority – Material consideration, the site is in a High Risk Area, no objection subject to conditions.

Drainage – No objection subject to conditions

Design Officer – The application has been to Design Panel who made various recommendations, these are agreed with and with insufficient amended information provided to enable the design to be supported.

Highways – Objection as the site is unsustainable.

Regulatory Services – No objections subject to conditions.

SYMAS – The site is in a Coal Authority referral area and the Coal Mining Risk Assessment recommends further intrusive investigation. This can be secured by condition therefore, no objections subject to this being carried out and a report detailing the findings provided prior to commencement.

Trees – The tree survey is out of date, being from 2019, and does not assess the current scheme.

Ward Councillors – Councillor Bernard has objected to the proposal, stating that nothing has changed since the previous scheme was refused. In addition, he supports the Parish Council's detailed response. Councillor Wilson has also objected, stating the proposal is not significantly different from the scheme previously refused and should therefore be refused.

YW – No objections subject to conditions.

Representations

The application has been advertised by way of a press advert, site notice and properties within the vicinity have been consulted directly in writing. In total 10 objections have been received raising the following:

- The scheme should be refused as there are no significant changes to the previous refusal;
- Other applications of houses outside the village boundary have all be refused;
- The proposed is in the Greenbelt and new residential development shouldn't be allowed here;
- If planning permission is granted it would set a precedent for future development in the Greenbelt:
- The amendments appear minor, and the design and environmental considerations are not sufficient to make the proposal appropriate in the green belt.
- The site is outside of the village boundary and so the proposed is not infill development;
- Even if it does meet Passive Haus standards there is nothing particularly novel about the approach which would drive up local standards;
- The previous scheme was found to have a significant adverse impact on openness;
- Since the application was put in there has been significant destruction of the site;
- If permission is granted what's to stop the applicant selling the site and a new or altered scheme being submitted;
- The proposal to hide the development and push it back into the quarry wall doesn't negate the impact on the Greenbelt;
- The fact that the site is untidy doesn't justify the development and the Council should use other powers to tidy it up;
- The proposed dwelling is two large and out of character, being inappropriate for its setting;
- The building will dominate the existing cottages in the immediate vicinity.

- It will be visually damaging to a historically attractive row of terraced cottages, woodland area and gardens;
- The design has changed but it is still a significant detached house which the Inspector previously deemed to be unacceptable;
- The sustainable resources don't appear altered in this proposal;
- The design is not in keeping with the aesthetics of the village;
- Many of the changes appear to be internal;
- The access is a private access road for existing properties and needs to be kept clear at all times, an easement would be required and is not shown on the proposal;
- The red line for this scheme includes the access road but didn't before, why has it changed?
- The new development will need a septic tank and there is no space for it in the property boundary. Where will it go?;
- The applicant already has permission for an annex, this is enough;

Some concerns have also been raised regarding land ownership and right of access disputes; however, this is outside of the planning process.

In addition, the Parish Council (PC) has objected and have commented as follows:

The applicant presented the scheme to them in July 2020, and it was debated at length. Residents voted against the scheme 15 to 3 on the grounds that it did not address the reasons for refusal by the Council or the Inspectorate. There have been no changes to national policy and the revised design is still for a detached house of significant stature which has already been deemed unacceptable. None of the design or environmental changes make this more acceptable and it is still inappropriate development in the green belt. We therefore request that it is refused.

Assessment

Principle of Development

The site is located in the Green Belt where inappropriate development is, by definition, harmful and should not be approved except in very special circumstances. The construction of new buildings is classed to be inappropriate development under paragraph 149 of the NPPF, with some exceptions. However, the site does not qualify as limited infilling in a village, this judgement is consistent with the previous planning application (2018/0380) and the Inspectors view at paragraphs 4-11 of the Appeal Decision (ref: APP/R4408/W/20/3247092). Nor does the site qualify as previously developed land, either as a result of its historic use as a quarry or by virtue of any (unproven) connection to 1-2 Greenland Cottages as extended domestic curtilage. The dwelling is not for an agricultural or forestry worker and is not proposed to be affordable. Therefore, it cannot be said to be an exception under paragraph 149 of the NPPF.

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Any harm to the Green Belt should be given substantial weight. Very special circumstances shall not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations.

The applicant has sought to demonstrate very special circumstances by way of achieving an outstanding or innovative design. The site is not isolated so does not qualify as a rural exception site under paragraph 80 of the NPPF. However, paragraph 134 applies significant weight to:

a) development which reflects 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; and/or

b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit with the overall form and layout of their surroundings'.

A fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

In the appeal decision, the Inspector concluded that the proposed would harm the openness of the green belt in both visual and spatial terms, i.e., because of the scale of the building, located on land where there is none, and the visibility of it viewed from High Hoyland Lane and the PROW to the south. This scheme, as amended, seeks to address these concerns through stepping the house back further into the quarry and screening it to the front with a quarry wall. The amended details of this wall show it as a stone feature, constructed of large, irregular blocks, stacked to appear as a re-created quarry wall akin to the existing feature on site. The design statement provided by the applicant refers to the visual impacts but does not reference the spatial impact. No updated Design Statement has been provided with the amendments made to the plans in June 2022.

Taking account of the previous planning appeal and conclusions of the Inspector, the proposed remains a large scale detached house with associated parking and paraphernalia, located on land currently undeveloped and in the green belt. This amended scheme has a larger footprint, increasing this impact. This spatial impact is not mitigated by burying the building in the ground / quarry as the latter is a natural feature. Therefore, there will be harm to the openness of the green belt contrary to the purposes of green belt policy (to keep land permanently open). This harm must be afforded substantial weight.

The design of the proposed includes a quarry wall to the front elevation which effectively acts to screen the building from the various viewpoints identified in the Landscape Visual Assessment submitted with the application. The applicant has sought to demonstrate that this approach will reduce the visual impact of the building. This is assessed as part of the design below.

Paragraph 134 of the NPPF states that *'significant weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help to raise the standard of design more generally in an area, so long as they fit with the overall form and layout of their surroundings'.* The application is assessed on this basis, taking account of Green Belt Policy (GB1), Design Policy (D1) and Landscape Character Policy (LC1) as well as Low Carbon and Renewable Energy (RE1) and Climate Change (CC1) and any other relevant policies as quoted.

The proposed plans were considered by the Barnsley Design Review Panel in October 2021 who made the following recommendations:

- There is a need for an element of sophistication, ingenuity and 'bespokeness' in the way that the stone is represented on the quarry face.
- The quarry feature is the key to this proposal, and it needs to feel more 'real'. The best way would be to use natural stone and especially larger slabs of stone.
- Reduce the extent of the front quarry face, to give more glimpses of the architecture behind it. Giving glimpses through fissures and drops in the sculptural wall would let the scheme assert itself and give a bit more honesty of what's going on.
- Think of the safety aspect of potential drops from the green roof at this early stage, to avoid the future retrofitting of guard rails.
- Don't rely on the continued existence of the vegetation of neighbouring properties in shielding this proposal.
- The justification and description of what you are trying to achieve needs to be very clear in the planning application. There needs to be a more convincing narrative on how the quarry wall works and more reassurance provided that it will look right.

In conclusion, the Panel found that the uniqueness of approach was in the schemes favour, being a genuine and creative response to a unique site. But there was nervousness about the quarry wall needing a lot more work to reassure that it would look right. There was also a clear consistency that glimpses of the house behind the wall should be included. Various recommendations with regards to additional information required were made by the Panel and through discussion with Officers. The applicant requested time to revise the scheme and submit additional information. Some additional plans and images were submitted in June 2022 which show the quarry wall being of stone construction with some changes in height allowing views of the building behind it. This picks up some of the comments made by the design panel.

The building behind the quarry wall is largely buried in the quarry with only the front (south elevation) visible. Aspects of the buildings east and west elevations will be screened by the existing quarry sides. The southern elevation is screened by the new quarry wall feature and the LVA demonstrates it will not be highly visible from the assessed viewpoints; albeit it is not clear to what extent it will now be visible following the most recent changes as the LVA has not been updated. The elevations are simpler and include larger expanses of glazing than the previous scheme, as well as roof terraces, reducing its design integrity and appearing more of a standard design approach with the quarry wall providing the 'design element'. The building has a larger footprint with more internal space now proposed, including a lap pool. Whilst the amended plans do respond to some of the comments made by the design panel, the design approach is hinged on the success or not of the quarry wall with the building is largely hidden by this. Accepting that there may be some design value in the sculptural nature of the wall, this is not alone sufficiently innovative or outstanding to outweigh the impact on the green belt. Nor can it be seen as an approach which would drive up design standards in the area. The wall as amended also raises some security concerns with entrances concealed and set back behind the wall.

Notwithstanding this, insufficient detail has been provided to give comfort that the quarry wall feature is achievable as shown or that the materials will fit well with the surroundings. Nor is has any detail been provided with regards to the stability of the site or structutal soundness of the approach to the building. Given the reliance on effectively burying the building and the wall as the key design feature, this is integral to understanding and having confidence in the application.

Taking account of the above, the proposed is not considered to be outstanding or innovative.

Landscape Impact

With regards to landscape character, the Barnsley Landscape Character Assessment places the site in E1: West Barnsley Settled Wooded Farmland and assesses the landscape as strong and in good condition. It has a high sensitivity to, and low capacity for, change. Local Plan Policy LC1 expects development to retain and enhance the landscape character area in which it is located. The applicant has provided a Landscape and Visual Appraisal in support of the application. The assessment relies on the cutting-in of the dwelling to the quarry and proposed quarry wall feature to the front as minmising the impact on the green belt. In addition, the removal of 'extensive domestic paraphernalia' is referenced repeatedly as a beneficial effect, however, this was dismissed at the previous Appeal with the Inspector (at paragraph 29) both unconvinced that the site was particularly untidy and also referring to the use of S215 powers as a more appropriate solution. On this basis, the beneficial impacts identified with this are overstated and as the assessment concludes the affects from all but one viewpoint to be beneficial on this basis the assessment is afforded limited weight, albeit it is accepted that it demonstrates that the site is not highly visible within the landscape and that a number of views are looking up to the site, so the proposed quarry wall would be likely to conceal the building behind it. (It should be noted that this Landscapre and Visual Appraisal has not been updated to assess the scheme as amended in June 2022)

The proposed will at best have a neutral impact on landscape character and as such does not comply with Local Plan Policy LC1 in that is will not enhance the character and distinctiveness of the area.

Sustainability

In terms of the sustainability of the building, the site is not in a sustainable location being outside of the village as defined on the Local Plan Proposals Map and because the village itself has limited services. In addition, the topography of the area does not support walking or cycling.

The scheme is proposed to achieve Passivhaus standards through the construction of the building, materials proposed and use of solar gain, Solar panels and rainwater harvesting. This approach is not innovative, but it is accepted that it would achieve a high level of sustainability and that with limited Passivhaus buildings in the UK the proposed would be of some benefit in raising standards, through providing a further example. It is noted, however, that there is no guarantee of reaching Passivhaus standards.

In this respect the building promotes a high level of sustainability in accordance with paragraph 134 of the NPPF and Local Plan Policies CC1, CC2, CC5 and RE1. However, its location is not sustainable in accordance with Local Plan Policy T3 and therefore the overall effect is judged to be neutral.

In conclusion regarding the matter of principle, and in relation to paragraph 147 of the NPPF, the proposal is inappropriate development in the Green Belt which is by definition harmful and substantial weight is given to this harm in the planning balance. The design of the proposed has been assessed as being of a high standard but not innovative or outstanding with additional concerns regarding the detail and actual implementation. The landscape impact is a best neutral and highly dependant on the success of the quarry wall feature. Further, whilst there are benefits to achieving Passivhaus standards, the site is not sustainably located. Therefore, the overall benefits do not outweigh the harm to the green belt and very special circumstances cannot be said to exist as required by paragraph 148 of the NPPF and Local Plan Policy GB1.

<u>Residential Amenity</u>

There are several residential properties around the site albeit there is very little in the way of visual connectivity between the various properties and therefore limited impact on amenity.

The proposed is located to the rear of Greenlands Cottages; however, it is set to one side and does not directly face any of the properties in this terrace. As this amended scheme is effectively buried, windows in the side elevations are screened by the quarry sides. The terraces are largely also screened on this basis with limited likelihood of any overlooking from these.

Internally, the layout meets the various internal spacing standards, albeit there is not an appropriately sized family bathroom. Nevertheless, the building is of a size that the overall living space is sufficient.

Therefore the proposed dwelling is acceptable in residential amenity terms and complies with Local Plan Policy D1 and the accompanying Designing New Housing Development SPD in this regard.

<u>Biodiversity</u>

The application is supported by a Preliminary Ecological Appraisal (PEA) report which details results of a desk study and walkover survey undertaken in December 2017. As the report is now over 4 years old, an updated assessment is required, as habitats on site may have altered during that time.

The PEA provided details two ponds occurring with 500m of the site and considers that the proposal will have a negligible impact upon great crested newts. When consulting MAGIC both these ponds appear to be over 250m from the proposals site (the closest of the two approx. 255-260m) and therefore no further assessment of these ponds in regard to great crested newts is required; however

an additional pond was noted approximately 140m to the south-west of proposals site (approx. grid reference SE26820961), with no major dispersal barrier severing the pond from the site. Effort should be made to assess this pond in terms of its suitability to support great crested newts as part of the updated ecology survey.

Due to the small size of the site a Biodiversity Net Gain assessment will not be required to support the planning application unless habitats of medium distinctiveness or above are identified on site during the updated ecology survey.

Based on the above there is insufficient information to assess the proposed in accordance with BIO1 Biodiversity and Geodiversity and the accompanying Biodiversity and Geodiversity SPD.

Trees

The Arboricultural Report and Impact Assessment provided dates to 2019 and is based on the previous scheme. As the proposed includes substantially increased regrading to enable the building to be set back within the quarry face there is likely to be increased impacts to trees.

The information provided is insufficient to enable the Authority to assess this properly and as such the proposed cannot be said to comply with Local Plan Policy BIO1 Biodiversity and Geodiversity and the accompanying Trees and Hedgerows SPD.

Highways

The application site is accessed from High Hoyland Lane, a classified road subject to national speed limit without footway provision along its length. The site is situated approximately 2km from Clayton West and 4km from Kexbrough and Cawthorne. In terms of accessibility, there are no bus stops in proximity to the site, with the closest being over 400m north of the site access and as High Hoyland Lane does not benefit from footway provision travel to and from the dwelling is unlikely to be carried out on foot or public transport. Therefore access to local facilities, services, shopping and work is almost certainly to be by private car for any occupiers which is not in accordance with the sustainable transport objectives in the Local Plan (Policy T3) or the NPPF to promote walking, cycling and public transport use. This view is consistent with the recent appeal decision at paragraph 28.

Drainage

No drainage details have been provided other than the application form confirming that foul would be to a septic tank and surface water to a soakaway. Conditions are required to ensure the drainage scheme meets standards and is sufficient for the development proposed.

Conclusion

In conclusion, the proposal is inappropriate development in the Green Belt which is harmful, and has an impact on openness, and substantial weight is given to this harm in the planning balance. Very special circumstances have not been demonstrated and the proposed is not located in a sustainable location. As such the proposed is recommended for refusal.

Recommendation

Refuse