



PLANNING STATEMENT

**DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF 2NO.
NEW DWELLINGS**

LAND AT MILLHOUSE GREEN, MANCHESTER ROAD, BARNSELY

PREPARED FOR: MR E DILLINGHAM

PREPARED BY: JAMES ROBERTS (MRTPI)



1. INTRODUCTION

This statement has been prepared to support the submission of an application for full planning permission for the demolition of an existing dwelling and two associated outbuildings, and the construction of 2 no. new dwellings. The existing buildings lack any architectural merit and this application presents an opportunity for visual enhancement, as well as an improvement to Green Belt openness through achieving a reduction in the total amount of built form within the site.

The NPPF makes it clear that the replacement of an existing building is not inappropriate development in the Green Belt, providing the new building is in the same use and not materially larger than the one it replaces. The proposed new dwellings are in the same use as the existing dwelling and outbuildings, and the two new dwellings combined are smaller than the existing buildings. The proposal is therefore an appropriate form of development in the Green Belt and there is no need for very special circumstances to be demonstrated. It is clear that the proposed development would result in a sustainable form of development which complies with all relevant planning policy and guidance.

This statement should be read in conjunction with the following:

- Full plans (NYP Architectural Services);
- Highways Statement (Paragon Highways);
- Coal Mining Risk Assessment (RB Geotechnical);
- Ecology Appraisal (Middleton Bell Ecology).

The submitted documentation demonstrates that the proposal meets with all relevant planning policy and guidance and should limit the need for pre-commencement conditions. It is anticipated that the Local Planning Authority (LPA) will adopt a progressive approach to this sustainable scheme.

This statement now proceeds to give details of the site. The details of the proposal are then set out. The planning merits of the scheme are then discussed in relation to relevant planning policies contained in the statutory development plan, together with Government guidance principally set out in

the NPPF. In particular, it will be demonstrated that the proposal would result in a sustainable form of development, would not harm highways safety or efficiency, would not harm the character of the area and would sufficiently protect neighbouring living conditions. Crucially, it will be demonstrated that the proposal does not constitute an inappropriate form of development in the Green Belt. Finally, the conclusion is reached that planning permission should be granted for the proposed development.

2. THE SITE AND PROPOSAL

The application site comprises of a detached dwelling, two associated outbuildings and a large domestic curtilage. The site lies to the western side of the A628 Manchester Road and to the south of Bullhouse Lane in the Millhouse Green area of Barnsley.

The site lies adjacent to Century Works, which is under the ownership of the applicant. Century Works comprises of a large warehouse facility and planning permission has recently been granted for the construction of additional new industrial units.

Both the application site and the neighbouring Century Works are within an allocated Green Belt. The site is located in a mixed use area containing residential properties, commercial uses and agricultural land.

Full planning permission is sought for the demolition of the existing dwelling and outbuildings and the construction of two new dwellings. The key elements of the proposal are as follows:

- Full demolition of the existing dwelling, greenhouse and garage;
- Construction of two bespoke single storey dwellings;
- Each of the dwellings has four bedrooms;
- Both dwellings have generous private gardens;
- The existing access point from Manchester Road is to be retained and reused.

3. PLANNING HISTORY, ALLOCATIONS AND POLICIES

There is extensive history for the adjacent industrial site, including recent application 2020/0412 for the construction of a detached block of 7 new units. This application was approved in January 2021.

The only planning history for the residential part of the site is application B/98/1351/PU for the existing garage and green house. This application was approved in January 1999.

Given the resource pressures facing the LPA, and that the principle of the development is clearly acceptable, pre-application advice has not been sought on this occasion. The Applicant has enlisted the services of JR Planning, NYP Architectural, RB Geotechnical, Middleton Bell Ecology and Paragon Highways in the drafting of the scheme.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this instance the Development Plan consists of the Local Plan (adopted January 2019). The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

Material considerations exist in the form of national policy and guidance contained within the revised National Planning Policy Framework (NPPF), and the suite of documents comprising National Planning Practice Guidance (NPPG).

Allocations

The site lies within the Green Belt under the provisions of the local plan.

National

The NPPF is reflective of the guidance contained within the NPPG. The following sections of the revised NPPF are considered of direct relevance to the current proposal:

Paragraph 8 states that "...achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective—to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy."

Paragraph 10 states that "...so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development."

Paragraph 11 goes on to set out that:

"Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

approving development proposals that accord with an up-to-date development plan without delay;
or...where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

1. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
2. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

Paragraph 38 states that “...local planning authorities should approach decisions on proposed development in a positive and creative way.”

Paragraph 109 states “...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 would be severe.”

Paragraph 127 states that “...decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”

Chapter 13 of the NPPF is particularly relevant to the application as it discussed the protection of Green Belt Land. Paragraph 134 states that “Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.”

Paragraph 143 states that “...inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”

Paragraphs 145 and 146 establish ‘closed lists’ of types of development that are not inappropriate in the Green Belt. These include:

“...the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.”

And,

“...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;”

Paragraph 148 states that “...the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change.”

Paragraph 155 goes on to state Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).

Paragraph 175 states that "...if significant harm to biodiversity resulting from a 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."

The overarching message of the NPPF is that LPAs should adopt a positive and pro-active approach to planning proposals, particularly those that result in sustainable development. LPAs should not place unnecessary burdens on developers and should look to support appropriate schemes such as this.

Barnsley Local Plan

The application site is within an allocated Green Belt. The site is otherwise unallocated. The following development plan policies are therefore considered of relevance to the scheme:

- SD1 - Presumption in favour of Sustainable Development
- GD1 - General Development
- H4 – Residential Development on Small Non-allocated Sites
- T3 – New development and Sustainable Travel
- T4 – New Development and Transport Safety
- D1 – High Quality Design and Place Making
- LC1 - Landscape Character
- BI01 – Biodiversity and Geodiversity
- GB1 - Protection of Green Belt

4. ASSESSMENT

Principle

As will be discussed in more depth below, both local and national policy makes provision for developments of this nature in the Green Belt. It will be demonstrated that the proposal fully complies with all relevant policies in this regard.

Notwithstanding the need to comply with Green Belt policy, the main emphasis of current national planning policy is to ensure proposals are compliant with the definition of sustainable development set out within the NPPF. Sustainability is multi-faceted. The Government's view of what sustainable development means in practice is to be found throughout the Framework, taken as a whole. To achieve sustainable development, the Framework states that economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

The proposal would be wholly sustainable using the definition set out in the NPPF for the following reasons:

- **Social:** The proposed development would result in the creation of two high quality dwellings in a sustainable location that is already in residential use. The proposal would not result in any adverse social impacts.
- **Economic:** The proposal would make much more efficient use of the existing site and would provide growth and investment in the locality. Additional economic activity would be created during the construction phase. The new dwellings would be likely to provide additional custom at existing local services in the locality.
- **Environmental:** The proposal would significantly enhance the character and appearance of the site and provide enhancements to openness. The proposal represents a high-quality development which would enhance the housing stock in the locality. The site is in a sustainable location with a good level of local services in the nearby village centre. Future residents would have good access to public transport links to wider services. The proposal would have no adverse ecological impacts.

Policy H4 supports residential development on small sites where it complies with other relevant policies in the plan. It will be demonstrated below that the scheme complies with all relevant policies. The proposal would not result in any material harm and the presumption in favour of sustainable development must be applied. The broad principle of development must therefore be considered acceptable.

Green Belt

Paragraph 145 of the NPPF establishes that the replacement of buildings within the Green Belt is not an inappropriate form of development, provided the new building is in the same use and not materially larger than the one it replaces.

We acknowledge that the wording of NPPF could be interpreted as being limited to the replacement of a single building with a single building. However, case law has established that is not the case. The current application proposes the replacement of three existing buildings within two new buildings (i.e. a net reduction of the number of buildings). The principle established in the case law outlined below confirms that this is acceptable under paragraph 145.

The case of *Tandridge District Council v Secretary of State for Communities and Local Government* confirms that replacement of multiple buildings with a smaller number of buildings is acceptable and indeed openness can be best served by doing this.

The local authority argued that the use of the singular 'building' in the fourth bullet point of paragraph 89 (as was at the time) and the reference to 'the one it replaces' meant that the exception could only apply to the replacement of a single building by a single building. However, the judge disagreed. The judge found that the key purpose of paragraph 89 (as was at the time of the judgement; now paragraph 145) was to preserve openness and the wording should be construed having regard to that purpose.

Taking the rationale for the *Tandridge* case forwards, there is no reason at all why replacing three buildings with two buildings, as is the case in this application, should not be considered to be an appropriate form of development in the Green Belt, as long as the two new buildings are in the same use and not materially larger than those that are to be replaced.

There is no question at all that the new buildings would be in the same use as the existing ones that are to be replaced. The existing buildings are a dwelling, a domestic garage and a domestic greenhouse. The outbuildings are clearly within the well-defined residential curtilage of the host dwelling. All three of the existing buildings that are to be replaced are therefore within the C3 use class. The proposed buildings are dwelling houses, both also within the C3 use class. The replacement buildings would therefore be within the same use.

In terms of the replacement buildings not being materially larger, the three existing buildings have a combined volume of 1006 cubic metres. The proposed dwellings have a combined volume of 906 cubic metres. This therefore equates to a reduction in the existing built form of approximately 10%. The proposed dwellings are therefore clearly materially smaller than the existing buildings to be replaced.

To summarise in terms of the principle of the development in the Green Belt:

- Case law has found that the exception in paragraph 145 of the NPPF that allows replacement buildings is not limited to the replacement of a single building with a single building. The exception applies equally to the replacement of three existing buildings with two buildings as is proposed in this case.
- The new buildings would be in the same use as the existing buildings.
- The new buildings would be materially smaller than the existing buildings.

The proposal is therefore clearly a form of development that is allowed in the Green Belt under paragraph 145.

In addition to the principle of development in the Green Belt being clearly acceptable, a great deal of care has been taken to ensure that there would be no harm to Green Belt openness. The most obvious indicator of this is that the amount of built form would be reduced, as discussed above. However, care has also been taken to ensure that the height of the new dwellings is kept to a minimum. The existing buildings that are to be replaced are all single storey and the new dwellings would also be single storey to reflect this.

It should also be noted that there would be no adverse impact to openness as a result of the net increase of one dwelling over and above the existing situation. The parking, accesses and gardens for both dwellings would be confined to the areas that are already in use of these purposes. There would be no encroachment into undeveloped open land to provide domestic curtilage; the existing domestic curtilage would simply continue to be used in the manner that it is at the moment.

The site is also very well screened. Whilst acknowledging that buildings anywhere in the Green Belt will have some impact on openness, it should also be acknowledged that the proposed dwellings would be virtually invisible from outside of the application site boundary. This, combined with the low-profile nature of the new buildings, means that the proposed dwellings will have a very minimal impact on Green Belt openness. Because the impacts on openness are limited to the impact within the site only, and the scheme would result in a reduction in built form within the site with no increase in building height, it must be concluded that the proposed development would improve Green Belt openness over and above the existing situation.

In respect of Green Belt considerations, it is therefore concluded that the proposal represents an appropriate form of development in the Green Belt and the scheme would be beneficial to Green Belt openness through an overall reduction in the amount of built form within the site.

It has therefore been very clearly demonstrated that the proposal is not inappropriate development in the Green Belt. The proposal fully accords with relevant Green Belt policy and guidance and should be considered acceptable in this regard.

Transport and Accessibility

The proposal would utilise the existing access and egress point from Manchester Road, which is to be improved as part of the approved development of industrial units at the neighbouring site that is under the applicant's ownership.

The application is accompanied by a detailed Highways Statement (Paragon Highways) and this concludes that the site is located in a sustainable, semi-rural location within walking distance of

nearby settlements and public transport infrastructure, and within cycling distance of the local town of Penistone including its railway station. Therefore, the site generally conforms to current Government directives for ensuring developments are located in sustainable locations. Furthermore, the development will not lead to any significant intensification in traffic movements associated with the wider site and the minor increase as a result of the net gain of one additional dwelling can be easily accommodated by the existing highways infrastructure.

The Highways Statement concludes that will have no material impact on the safe operation of the local highway and will not add to any perceived congestion at peak times on the local network. It is therefore concluded that the development is considered acceptable, and that there are no highway safety or efficiency reasons why planning consent for the proposed development should not be granted. The development therefore clearly accords with local and national planning policy in this regard.

Residential Amenity

The site is very self-contained and is located a considerable distance from the nearest neighbouring residential properties. The development would therefore have no detrimental impact at all on the amenity of occupiers of any nearby residential properties.

The proposed development has been designed to achieve a very generous separation distance between the two new dwellings. Each would provide a very high standard of housing amenity for future occupiers with the dwellings offering well-proportioned spaces, excellent levels of natural light and excellent private garden spaces.

In terms of the relationship with the neighbouring commercial site, the co-existence of the adjacent residential and commercial uses is a long-standing, existing arrangement. Additional units have recently been granted planning permission at the works site, and the relationship between the residential and commercial uses will clearly have been taken into consideration by the LPA.

The proposal simply reflects the existing situation whereby the residential and commercial uses exist next to each other, with a generous separation distance between the buildings. The residential site is

well-screened from the commercial one by a mature hedge row and there is very little inter-visibility between the two.

The proposed dwellings would therefore deliver a high standard of living environment within the site. The development would have no adverse impact at all on users of any neighbouring land or buildings.

Design/ Impact on the Landscape

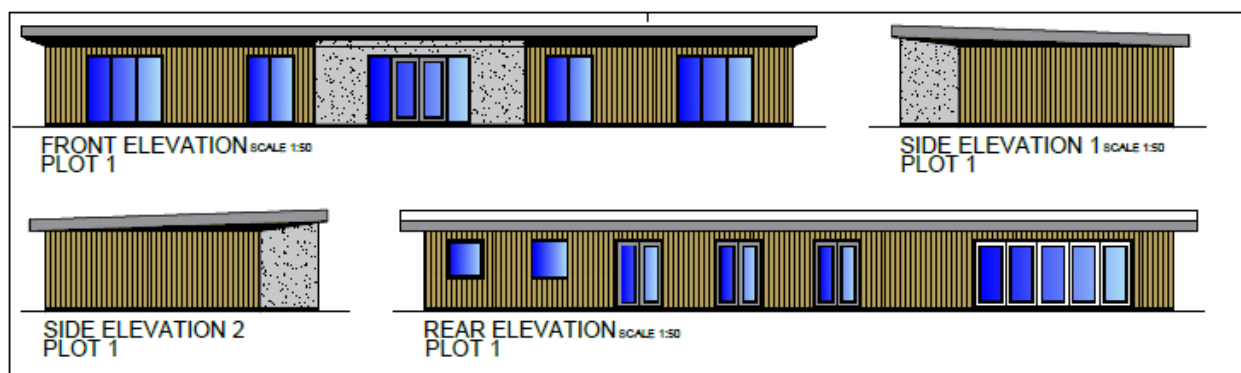
As discussed further above, the site is very well-screened. Given this, and that the proposal would result in a reduction in built form and with new buildings that are no higher than the existing ones that are to be replaced, the scheme would have no impact at all on the wider landscape character of the locality.

In terms of design considerations, the existing buildings are of very little architectural merit and they make no particular positive contribution to the visual amenity of the site. The existing buildings that are to be replaced are shown below:



The new houses have been designed to provide contemporary and architecturally interesting buildings that reflect the semi-rural character of the locality. In addition, the proposed dwellings have been kept to single storey in order to maximise the benefits to Green Belt openness.

As can be seen below, the design is highly effective and would deliver clear visual enhancement of the site:



We anticipate that this opportunity to deliver enhancement to both the visual amenity of the site and to Green Belt openness will be welcomed by the LPA.

Ecology

An ecological appraisal has been undertaken by Middleton Bell Ecology. Subject to the mitigation and enhancement measures that are recommended in the report, the development would have no adverse impact on protected species and the ecology value of the site. The proposal therefore accords with local and national planning policy and guidance in this respect.

Ground Stability

The site lies within a coal mining high risk area. A Coal Mining Risk Assessment has been undertaken by RB Geotechnical. This recommends that a site investigation be carried out to ascertain if any remedial work needs be carried out. This can easily be secured by way of a planning condition and does not present a barrier to the positive determination of the application.

5. CONCLUSION

The proposed development represents a sustainable form of development that would not have any unacceptable impact for the reasons set out above. The proposal does not constitute an inappropriate form of development within the Green Belt and the need to demonstrate “very special circumstances”

does not therefore apply. The proposal would sufficiently accord with adopted planning policy and guidance and the LPA are respectfully urged to grant permission for the scheme.

The Applicant is willing to discuss any issues that may arise during the consideration of the proposal with the LPA.

James Roberts (BA, MSc, MRTPI)
JR Planning