
2023/0391

Applicant: Mr Ian Hitchen

Erection of an agricultural storage building (resubmission of application 2022/0869)

210 Carlton Road, Athersley South, Barnsley, S71 2AP

Site Description

The application site refers to an area of land to the rear of 210 Carlton Road which is used for agricultural purposes, however the Council has not received an application to establish the past or existing use. The land measures 3900sqm, with access into the site from the East utilising the same access which serves the adjacent Bungalow – no. 210, which is also under the same ownership as the applicant.

The site boarder's residential properties to the South and East and the remaining section of allocation HS12 to the North. That area is currently laid to grass at present with public access

Relevant Site History

2005/1561 – Residential development of 10 detached and 2 pairs of semi-detached houses with garages (Outline) (Withdrawn)

2019/0230 – Residential development of 14no dwellings (Outline with all matters reserved apart from means of access) (Refused)

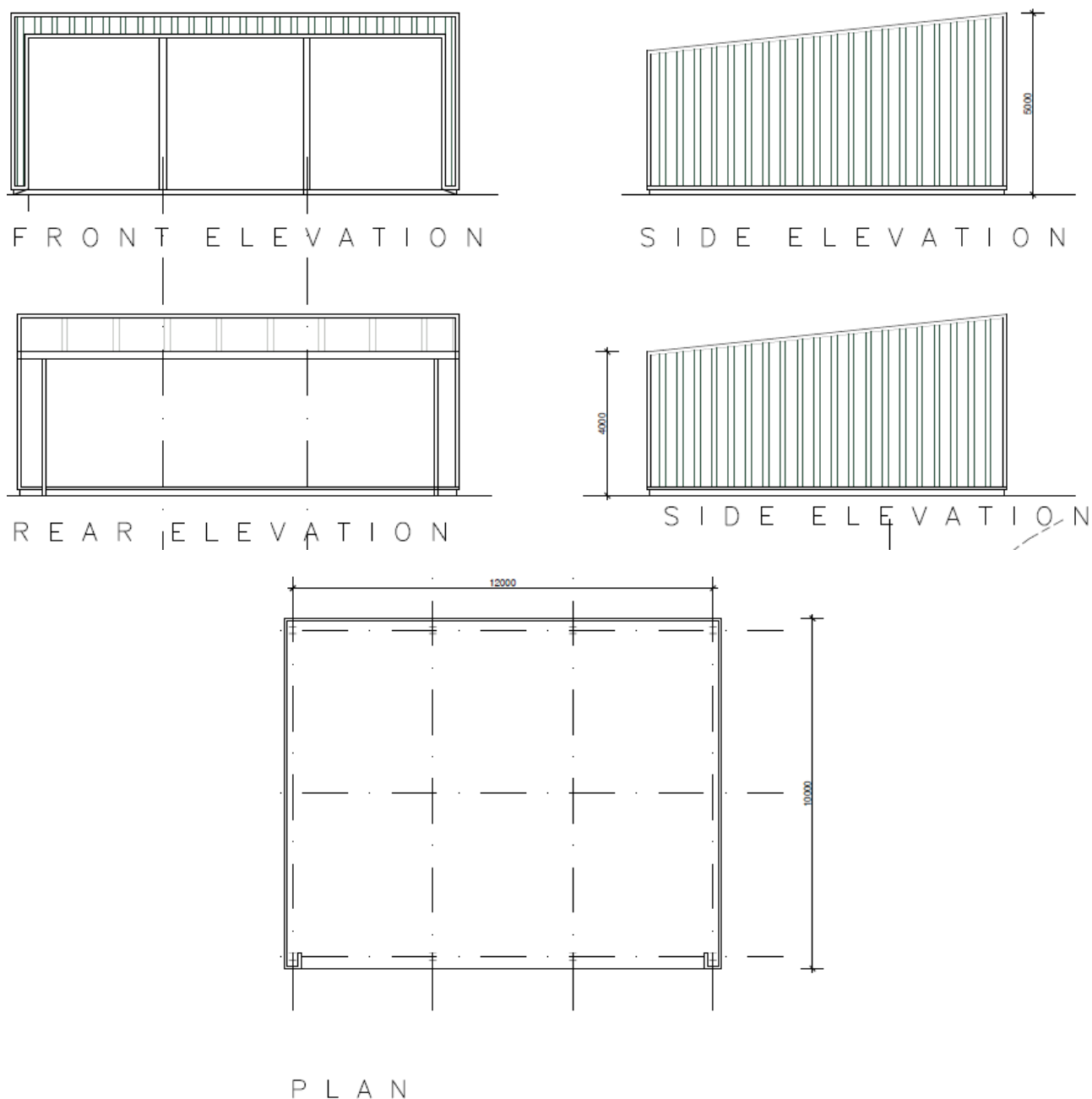
2022/0869 – Erection of an agricultural storage building

Proposed Development

The application is effectively a resubmission of 2022/0869 which granted temporary permission (3 years) for the erection of an agricultural store. The resubmitted application now seeks permanent permission for the same building and the following description from application reference 2022/0869 is still pertinent:

The applicant is seeking approval for the erection of a detached agricultural store on the Southern boundary line of the site. The application has been amended to reduce the size of the store from 20m x 10m (200sqm) to 12m x 10m (120sqm), measured externally. The store is open fronted (facing North) with three areas to be used for the storage of farm machinery and hay. The planning statement (section 3.5) states that it is the intention to rear breeds of lamb and llama and the building will provide appropriate welfare facilities for the animals to have a safe, warm, and clean environment, as well as storing agricultural machinery including a forklift, JCB, ride-on mower and trailer. The store will also be used to store hay and straw as well as a small tractor and livestock trailer.





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 Local Plan (adopted January 2019), alongside the Joint Waste Plan and relevant neighbourhood plans, form the statutory development plan for Barnsley. It establishes policies and proposals for the development and use of land up to the year 2033 and will be used when considering planning applications and to coordinate investment decisions that affect the towns, villages and countryside of Barnsley. The Local Plan supersedes the remaining saved policies from the Unitary Development Plan (adopted in the year 2000) and the Core Strategy (adopted in 2011).

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

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

GD1: General Development – Development will be approved if there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents.

GD2: Temporary buildings and uses – Temporary buildings will normally be allowed where it can be demonstrated that a permanent building is either not suitable or that urgent accommodation is needed pending the completion of a permanent building. A maximum period of 5 years will be granted for temporary buildings.

D1: High Quality Design and Place Making – Development is expected to be of a high-quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and other features of Barnsley.

LG2: The Location of Growth – Priority will be given to development in the following locations:

Urban Barnsley;
Principal Towns of Cudworth, Wombwell, Hoyland, Goldthorpe (which includes Thurnscoe and Bolton on Dearne), Penistone and Royston; and
Villages.

H1: The Number of New Homes to be Built – The Council will seek to achieve the completion of at least 21,546 net additional homes during the period 2014 to 2033. A minimum five year supply of deliverable sites will be maintained.

H2: The Distribution of new Homes – The location of housing development accords with the settlement hierarchy and Policy LG2 regarding location of growth.

H3: Uses on allocated housing sites – the sites shown on housing sites on the Policies map will be developed for residential purposes. Other uses on these will only be allowed where:

- They are smallscale and ancillary to the housing elements; and
- They provide a service or other facility for local residents.

T4: New Development and Transport Safety – New development will be expected to be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement.

Poll1: Pollution Control – Development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air, surface water and groundwater, noise, smell, dust, vibration, light or other pollution which would unacceptably affect or cause a nuisance to the natural and built environment or to people. Developers will be expected to minimise the effects of any possible pollution and provide mitigation measures where appropriate.

Supplementary Planning Documents

- Parking
- Residential amenity and the siting of buildings

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.

In respect of this application, the policies above are considered to reflect the 4th Core Principle in the NPPF, which relates to high quality design and good standard of amenity for all existing and future occupants of land and buildings. They also reflect the advice in section 12 (achieving well-designed places), especially paragraph 134, which state that '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.'

Consultations

Biodiversity Officer – Reiterated comments from the previous application – ref 2022/0869 – no objection and agreed with the findings of the preliminary ecological appraisal. A condition should be attached which ensures that the recommendations of the appraisal are implemented in full according to the timescales laid out.

Forestry Officer – No comments

Highway Drainage – No objections raised.

Highways DC – No objections.

Pollution Control – No objections.

SYAS – No comments

Ward members – No comments

Representations

Neighbour notification letters were sent to surrounding residential properties and a site notice placed nearby. No comments were received.

Assessment

Principle of development

The application is a resubmission of previously approved application reference 2022/0869 – which had the exact same description, with no alterations to the plans. However, the agent is now seeking the permanent siting of the building on site effectively removing the temporary nature of 2022/0869 and the associated conditions relating to its removal within this time period.

A 5-year period was discussed during the previous application assessment (ref. 2022/0869), with Local Plan Policy GD2: Temporary Buildings. When requested, the details of the existing smallholding details/number related to a new/recently allocated County Parish Holding (CPH) number (47/607/0829) which was added to the applicant's business – Single Business Identifier (200722289).

The applicant has made it clear (paragraph 3.6 in the submitted statement) that it wishes to expand operations on site with additional livestock numbers and the desire to consolidate the land for an agricultural (or other associated) purpose.

There is an argument presented in the applicant's statement that the building is to support an established use. However, there is no planning permission or lawful development certificate on site which has established this said use. Indeed, the fact that a newly allocated county parish number and single business identifier has been granted to the applicant somewhat contradicts that the use of the land is established for the said purposes. That being said, the site visit and aerial photographs, as well as neighbour comments have indicated that there has been a small number of livestock on the land, and the LPA allowed for flexibility given this was the case. As such, a shorter period of 3 years for the temporary building was considered to be appropriate given the inherent constraint of the housing allocation, which reduces the risk of consolidation and excessive expansion of the use on the land, which would potentially impact on the likelihood of the housing site coming forward.

The statement on page 7 states that the LPA will 'distort' Local Plan Policy H3 and indicate that the proposal is a departure from the Local Plan. Local Plan Policy H3 is fairly clear stating:

The sites shown as housing sites on the Policies Map will be developed for residential purposes. Other uses on these sites will only be allowed where:

- They are small scale and ancillary to the housing elements; and
- They provide a service or other facility for local residents.

The development does not provide a service or other facility for local residents and is not considered to be small scale as it is associated with expanding operations on the land. The permanent siting of an agricultural building – on a site which has not been fully established to be agricultural – poses a clear risk to the housing site coming forward. Little justification has been provided which proves that the development, if approved, would not prejudice the comprehensive development of the site allocation. Clearly the site is part of the housing allocation and any consolidation, expansion or development on site would have an impact on the housing allocation coming forward which has not been suitably addressed. Therefore, as referenced in the applicant's statement, permanent development of the building – on an unestablished site in terms of planning permission – is indeed a departure from the Local Plan and clearly prejudices the housing allocation coming forward. As such, the proposed development is not in line with Local Plan Policy H3 and a permanent siting of this building on the land is not considered appropriate.

The site is located in Urban Barnsley as allocated in the Local Plan which is the main priority to accommodate growth as these areas are the most sustainable location in the borough for sustainable development. The site in question is not located in open countryside, surrounded by existing residential dwellings and in all likelihood further dwellings in the future. Ultimately, the LPA has a duty to deliver the Local Plan to deliver 21,546 net additional housing (as per Local Plan Policy H1) which Housing allocation HS12 is a part of, in large part due to its positioning within urban Barnsley and has been chosen, through an independently assessed Local Plan to be one of the most suitable locations within the Borough for substantial residential developments. No evidence has been submitted to the Council which indicates that the applicant make their living from the operation full time in order to present a viable argument that the use is a viable and realistic agricultural enterprise.

The application is also in conflict with Local Plan Policy GD1 states that proposals for development will be approved if they are compatible with neighbouring land and will not significantly prejudice the current or future use of neighbouring land.

Additionally, the applicant's statement references an approach from a major house builder with the response being that the land is not for sale. Such matters are not within the scope of development management and are not a material consideration.

The proposed development is therefore contrary to Local Plan Policies H3, GD1 and GD2 in that it prejudices the future use of the land/neighbouring land and is unacceptable in principle, and it is temporary building in nature which is seeking permanent installation/siting on the site rather than the maximum 5 years as restricted by Policy GD2.

Residential Amenity

The proposed agricultural store is located on the Southern boundary line of the site which is shared with residential dwellings. The rear elevation of the proposed store is located 26m from the rear elevation of the nearest residential dwelling (no. 200). The Council's SPD: Residential Amenity and the Siting of buildings states that any non-residential building at single or two storey height should be a minimum 25m from the nearest habitable rooms in any nearby dwelling.

Additionally, the majority of the neighbouring properties at this section of Carlton Road contain detached outbuildings of various sizes on their respective rear (Northern) boundary lines. These provide visual and physical separation between the proposed store and the neighbouring dwellings/garden areas. The store's footprint has been reduced in scale from 200sqm to 120sqm, which in comparison to the wider site (measuring 3900sqm) is considered to be proportional for the proposed use. It is also to replace an existing building measuring 75sqm. The store also measures 4m to the roof ridge at the rear, rising to 5m on the front which is somewhat similar in height to several of the existing outbuildings within the respective neighbouring garden areas.

Given the sufficient separation distance, the presence of existing domestic outbuildings and its sitting to the North, the proposed outbuilding is not considered to have an overbearing impact on the neighbouring properties.

There have been concerns raised by neighbouring residents that the site will be used to store commercial vehicles, materials, and equipment to support the applicant's separate business. The applicant has not denied owning a business but has confirmed that the proposed development and application site is independent to this entity. Details regarding the animals currently stored on site and the future expectations for growth in animals (specifically the arrival of 4 highland cows dependent on the success of this application) have been provided, and on balance the council has no reason to doubt that the store will be used for agricultural purposes. The use of the building can be restricted by several planning conditions

which ensures that the building will only be used for agricultural purposes, the holding of such animals and machinery used for agricultural purposes on the land only.

On balance, the impact on residential amenity is considered to be in compliance with Local Plan Policy GD1 and the SPD for Residential Amenity and the siting of buildings and is acceptable, subject to condition restricting the use of the building/site for such purposes.

Visual Amenity

The building is designed to be rectangular in shape with an open-sided frontage (facing North) and a slightly sloping roof (North to South). It is to be constructed from metal corrugated cladding on the exterior and will appear primarily as a modern agricultural building. The footprint size of the building has been scaled back from 200sqm to 120sqm, and the roof height on the frontage has been reduced from 6m to 5m.

The size and scale of the building is now considered to be acceptable. The proposed development is in compliance with Local Plan Policy D1 and is acceptable in terms of visual amenity and design.

Ecology

A preliminary ecological appraisal has been submitted to the Council which colleagues in Ecology have assessed. The ecologist response outlines the following:

- The site is located within a Site of Special Scientific Interest (SSSI), Impact Risk Zone (IRZ). However, the development type is not listed as having a likely risk upon the SSSI within this zone, as such the LPA would not be required to consult Natural England, in this instance.
- The development shall be completed in line with the recommendations in the Preliminary Ecological Appraisal Report and the conditions of the planning permission. All the recommendations shall be implemented in full according to the timescales laid out, unless otherwise agreed in writing by the Local Planning Authority, and thereafter permanently maintained for the stated purposes of biodiversity conservation.
- The development plans appear to have a limited impact on the biodiversity value of the site and the applicant will install a tawny owl box on site as part of mitigation proposals, this is a welcomed biodiversity enhancement.
- The development shall be carried out in accordance with the following additional biodiversity mitigation and enhancement measures. The measures listed below shall be implemented in full, prior to occupation of the site, and full details including photographic evidence provided to the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority; the features shall thereafter be permanently retained.
 - At least 1 no. integrated bat roosting box, integrated swift box and bee brick to be installed in suitable locations within the new building;
 - All excavations will be covered at night, or a means of escape provided to prevent any small mammals becoming trapped; and
 - Habitats including log/rubble piles will be cleared carefully and by hand to prevent harm to any small mammals that may be using them as refugia.

Ecology did not object to the development and agreed with the findings outlined above, with approval recommended subject to the recommendation being fully complied with according to the timescales laid out.

Highway Safety

The proposed site utilises an existing access into the site which has a hard surfaced parking area which has sufficient turning area. The proposed store is to replace the existing building with a purpose-built store for the applicant's needs on site, without changing the use of the land for a different purpose. The access into the site is through a secure gate (which has been improved in recent years), which is set back from the road with adequate visibility in both directions onto the highway, which is a 20mph zone to the immediate East, with traffic calming infrastructure. Highways DC have been consulted on the proposal and have not objected to the proposed development. The proposed development is in compliance with Local Plan Policy T4 and is acceptable in terms of highway safety.

Archaeology

South Yorkshire Archaeology Service (SYAS) have been consulted on the proposal and have not raised any objection to the development stating that there are no sites recorded nearby on the South Yorkshire Historic Environment Record (HER) and there is little to indicate significant archaeological activity.

Conclusion

The application is effectively a resubmission of application 2022/0869 which granted temporary permission (3 years) for the erection of a detached agricultural store on the site. The building is to partially replace an existing building on site and will be rectangular in shape measuring 10m x 12m (120sqm footprint), with an amended scheme being received which reduces the footprint size of the outbuilding from 200sqm. The height of the outbuilding has also been reduced and is now proposed as 4m on the rear elevation and 5m on the front elevation with a slightly sloped roof.

The main consideration is that the site is part of an allocated housing site – HS12, therefore assessment against Local Plan Policy H3 is necessary. Local Plan Policy H3 is fairly clear stating:
The sites shown as housing sites on the Policies Map will be developed for residential purposes. Other uses on these sites will only be allowed where:

- They are small scale and ancillary to the housing elements; and
- They provide a service or other facility for local residents.

The proposed development is not in compliance with this policy as it is for a non-residential building with the planning statement making it clear that it wishes to expand operations on the site, as well as consolidate the agricultural use. The applicant has made it clear in the submitted planning statement that the store is associated with expanding operations on the site and therefore the development is not considered to be small scale. The submitted planning statement indicates that the site has been established as agricultural however there is no planning history (or a lawful development certificate) on the site which has formally established this use.

The application is intended to gain permanent permission for the building as well as consolidating and expanding a non-residential use which is not in line with Local Plan Policy H3, GD1 or GD2 in that it prejudices the future use of the land/housing allocation and would retain a temporary building in nature permanently on the land.

The LPA has a duty to deliver the Local Plan which housing allocated HS12 is clearly a part of, and permanent non-residential development – on an unestablished site in terms of planning permission/Lawful Development Certificate – is not considered to be acceptable, contrary to Local Plan Policy HS3. Planning permission was granted for a temporary building, restricted to 3 years under application reference 2022/0869 due to the site having some informal use similar to the building which is being proposed. The proposed development, for a permanent building and to effectively remove the conditions under application reference 2022/0869, is therefore not appropriate and recommended for refusal.

Recommendation

Refusal