

## DESIGN & ACCESS/PLANNING STATEMENT

---

location	Birklands Farm, Fulshaw Lane, Penistone, Sheffield, S36 9FD
application	Outline Application (Access & Layout) for the Removal of Buildings (Agricultural, Commercial and Dwelling) and the Erection of 1 Replacement Detached Dwelling.
client/applicant	Mrs J Birkett
job number	23/900
date	January 2024 Rev A March 2024 (Following Bat Scoping Survey)

---

### ARCHITECTURE | PLANNING | DESIGN

Malkin Farm  
Brow Lane  
Holmfirth  
HD9 2RJ  
07946872499

[www.paulmatthewsarchitectural.co.uk](http://www.paulmatthewsarchitectural.co.uk)

Company Registration Number: 09898149 - Company Registered in England and Wales

## INTRODUCTION

This Design and Access/Planning Statement has been produced on behalf of the applicant, this statement forms part of the Outline Planning Application for the erection of one detached dwelling.

This document provides background information on the matters taken into account in formulating the design, and explains parts of the development in relation to the site's surrounding area.

The site has a planning history as listed below:

The following planning history has been taken from the public online database;

2023/0888	Lawful development certificate for existing use of agricultural building as a residential dwelling
Lawful Development Certificate - Granted	
B/91/0269/PR	Erection of agricultural building (Field No. 8691).
The above application has a received date of 20/03/1992, registered on 04/03/1992, with an unknown decision status	
B/92/0725/PR	Erection of extension to barn
The above application has a received date of 19/08/1992, registered on 15/07/1992, with an unknown decision status	

The site is located within the Green Belt on the Barnsley Local Plan map, see extract below;



## SITE LOCATION/DESCRIPTION

The site is located on the West side of Gilbert Hill within Langsett, Penistone, having a grid reference of SE 20842 00939.

The site is located in an isolated location.

The overall holding extends to 7.9 acres / 3.19 hectares.

The site currently consists of a number of 2 principal agricultural buildings and a series of linear buildings to the North of the principal agricultural buildings. The buildings are all accessed off a long and straight private drive at 90 degrees to Gilbert Hill/Fullshaw Lane.

The most southern agricultural building is exactly that, an agricultural building most recently use for agricultural purposes. This building is a substantial structure, a framed building, that presents a degree of permanence. This, along with all other buildings on site are to be removed as part of this application.

The other larger former agricultural building houses the dwelling and commercial area (formerly a slaughter and butchery area with associated cold stores and hanging space). A small proportion of this building was recently used for agricultural purposes, the remainder was a domestic workshop and a domestic garage.

The linear buildings to the North of the site, along the boundary, are a cluster of agricultural and domestic buildings (agricultural dog pen, chicken coop, domestic garage, domestic wood stores, car port, etc)



## PROPOSAL

This application seeks Outline Planning Approval for the erection of one detached dwelling and the removal of all existing buildings/structures that currently exist on site (existing dwelling, agricultural buildings and commercial building).

The proposed replacement dwelling has a significantly reduced associated area (domestic curtilage) resulting from this proposal. This positively assists in ensuring the openness and visual amenity of the greenbelt setting.

The volume of the existing buildings on site equates to a total of 2636.56m<sup>3</sup>. This was calculated and tabulated in the previous Certificate of Lawfulness application, for the purposes of completeness the existing building mass record and photos also accompany this application.

1010.59m<sup>3</sup> is the volume of the existing dwelling on site, again as presented as part of the previous and approval Certificate of Lawfulness application.

The proposed replacement dwelling amounts to a total volume of 1102m<sup>3</sup> (290m<sup>2</sup> footprint including the terrace). Whilst this is larger than the existing certified dwelling/domestic buildings we contend given the extensive reduction in domestic curtilage and removal of the 116.7m<sup>3</sup> consented commercial building provides sufficient justification and complies with the aims of both national planning policy (National Planning Policy Framework – NPPF) and the Barnsley Local Plan. Planning policy is covered within this document.

Whilst this application is an outline planning application, seeking approval for access and layout only, details are provided that enables a good assessment of the proposals.

An indicative floor plan layout with elevations is included with the application along with existing and proposed block plans to clearly demonstrate the reduction in domestic and commercial sprawl into the green belt setting. A further plan containing visualisations has also been prepared that indicates the reflection of an agricultural type building also showing the reduction in mass and sprawl.

All other matters (landscaping, appearance and scale) are reserved.



## **SITE CONTEXT**

The site is accessed off Fullshaw Lane/Gilbert Hill, with a private drive leading to the existing dwelling and other buildings.

The site is relatively flat and houses a series of permanent/longstanding structures.



The surrounding locality is generally agricultural land, some owned by the applicant with other sporadic farms and other interspersed residential properties.

## **SITE ANALYSIS AND LAYOUT**

The proposed layout has been developed taking account of the openness of the site and effectively reducing the overall built form. It's important to note the proposed built form is less than that of the existing residential property and commercial part of the property alone. When considering the overall removal of the other scattered agricultural buildings the impact and mass on the green belt setting is significantly reduced. Furthermore, the domestic curtilage has also been extensively reduced to ensure the proposals enhance the openness of the green belt setting.

The appearance of the proposed replacement dwelling has evolved from the existing building, retaining somewhat of an agricultural appearance, making the most of the orientation, south facing with an array of solar panels to present a property that will have a low carbon footprint.

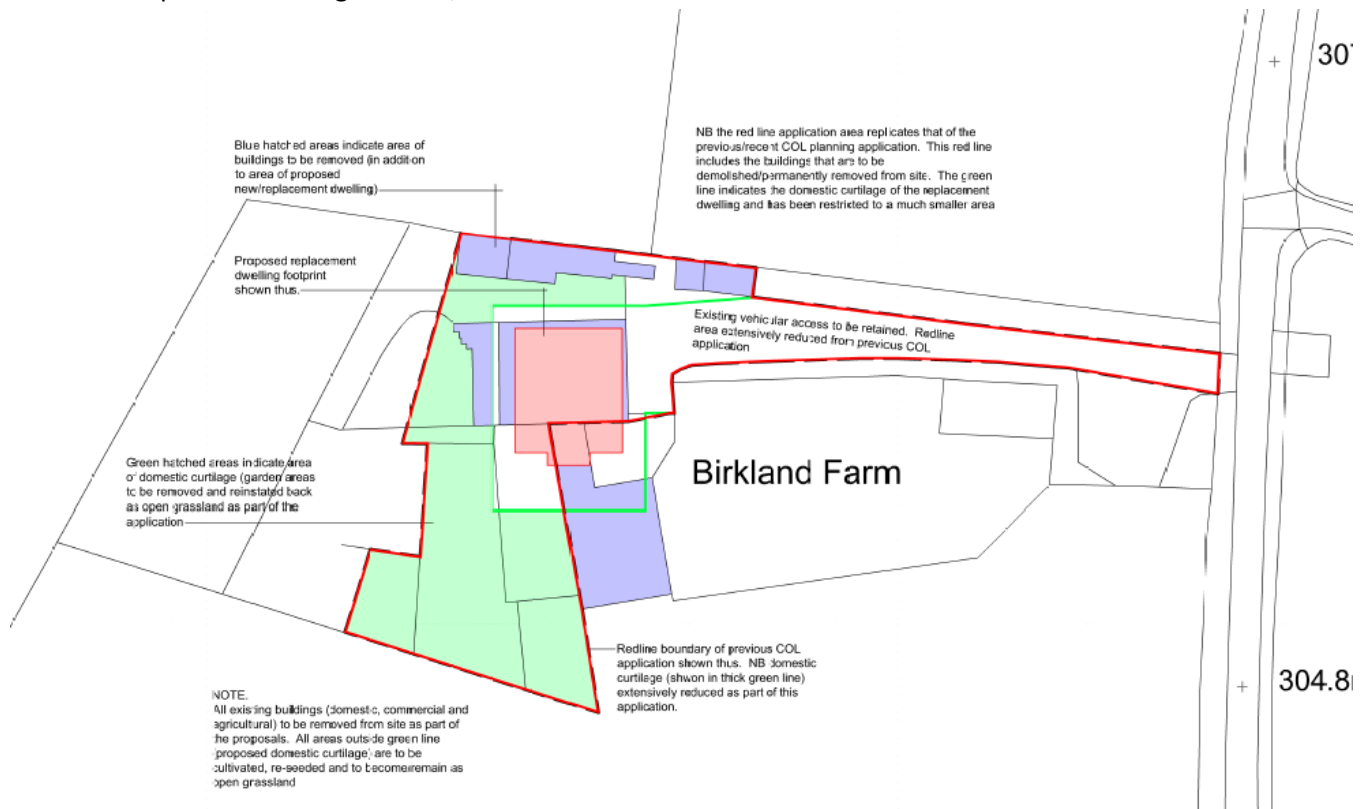
Whilst the application is only in outline format, it is intended that the construction will result in high energy efficiency with an air source heat pump incorporated along with an electric vehicle charging point.

The proposal is for a dwelling with the existing access retained for access, parking and turning.

The head of the existing private driveway provides sufficient area for vehicles to park, turn and also exit in a forward gear – all as existing and unaffected by the proposals.

Planting/landscaping, to also assist with ecology aims, is subject to a reserved matters application.

As indicated on the proposed block plan all the existing buildings/structures are to be fully removed. The shaded red part is the proposed replacement dwelling. The green shaded areas are the existing domestic curtilage which are also to be sacrificed with a significantly reduced domestic curtilage to restrict the sprawl into the greenbelt;



## DESIGN AND APPEARANCE

Indicative floor plans, elevations and even visualisations accompany this application to demonstrate how the dwelling could be constructed, reusing the volume of the residential property.

The proposed dwelling is shown as partially two storey, constructed from natural walling stone, with traditional features such as stone heads and cills.

This design and traditional agricultural style of the dwelling, with a modern twist, we contend would be in keeping with the local vernacular and provide a vast improvement on the existing appearance of the cluster of residential, agricultural & commercial buildings on site.

## **LANDSCAPING**

The existing site would be improved, particularly from a Green Belt openness and visual amenity perspective. The existing domestic curtilage is being reduced dramatically as the accompanying plans indicate.

Existing drystone walls on site are to remain unaffected with the boundary of the new and smaller domestic curtilage clearly defined with new dry stone boundary walls.

Landscaping as a whole is subject to a reserved matters application however, it is anticipated the formal garden areas will be landscaped with the provision of grassed areas, patios and soft landscaped borders.

## **DRAINAGE**

Although this application is an outline planning application we can confirm the intention that the existing traditional septic tank will be removed and become redundant with a new package treatment plant installed.

The package is anticipated to be a Klargester Biodisc BA-X (suitable for 12 people). Such a package has full EN 12566-3 Certification and complies with the changes to septic tanks and is widely accepted by the environment agency.

Surface water drainage will connect into new soakaways on site. NB the existing hard paved and roof areas are significantly larger than the proposed roof areas. This will result in a lesser intensification of surface water run off.

## **ACCESS/HIGHWAYS**

The existing access from Gilbert Hill/Fullshaw Lane is to be utilised to serve the property. The proposed replacement dwelling retains the existing driveway leading to the dwelling along with the parking and turning areas.

The proposed layout can accommodate at least 4 parking spaces comfortably.

The site will provide internal turning so that vehicles can exit onto Gilbert Hill/Fullshaw Lane in a forward gear.

We contend this proposal for a replacement dwelling, considering the removal of the agricultural buildings and commercial butchery unit significantly improves highway safety due to fewer vehicle movements to and from the site.

## RELEVANT PLANNING HISTORY

The most recent planning application is specifically relevant to this subsequent outline planning application.

2023/0888 was submitted on 26th September 2023. The application is titled “*Lawful development certificate for existing use of agricultural building as a residential dwelling*” this certificate of lawfulness was granted on 21st December 2022.

This establishes the existing dwelling on the application site.

The applicant for this application and the 2023 planning application is Mrs J Birkett.

## PLANNING POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is within the Green Belt on the Barnsley Local Plan.

The relevant Local Plan policies are;

- GB1 – Protection of Green Belt
- GB2 – Replacement, extension and alteration of existing buildings in the Green Belt
- CC1 – Climate change
- CC2 – Sustainable Design and Construction
- CC3 – Flood Risk
- CC4 – Sustainable Drainage Systems (SuDS)
- RE1 – RE1 Low Carbon and Renewable Energy
- BIO1 – Biodiversity and Geodiversity

National Policies and Guidance: National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 24th July 2018, together with Circulars, Parliamentary Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 12 – Achieving well-designed places



- Chapter 13 – Protecting Green Belt land
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

National Planning Practice Guidance, published online March 2014.

## PLANNING ASSESSMENT

Whilst this application is outline for access only, a more rounded assessment should be taken for the proposals as a whole. Further details will follow via reserved matters application subject to this application being supported through to formal planning approval.

We contend the principal issues are;

- Whether the proposed development would be inappropriate development in the Green Belt;
- The effect and impact of the development on the openness of the Green Belt;
- The effect of the development on the character and appearance of the site and surrounding area, and
- The effect of the development on the living conditions of adjacent and future occupiers of the dwelling.

Its important to note this application is not for a change of use in the green belt, therefore local plan policy GB 3 (Changes of use in the Green Belt) does not apply.

Whilst the proposed site plan and elevations is indicative, it does indicate a reduced overall massing and size in the built form. Garden areas are also reduced which in turn restricts further sprawl into the greenbelt above and beyond the extent of the current residential and commercial part of the site. Whilst the COL application did not include for the commercial part of the site, the butchery operation, fridge and cold store/hanging space, it was all clear during the case officers site visit. We contend this use, subject to other legislation (food safety, etc) could be reintroduced with no planning control whatsoever.

Whilst the National Planning Policy Framework (NPPF) provides a presumption in favour of sustainable development, at paragraph 149 of Chapter 13 (Proposal Affecting the Green Belt), it is stated that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt unless it falls within one of the stated exceptions set out within the Chapter. Para 149, exception 'g' allows *limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, which would either:*

- *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.*

Regarding the definition of *previously developed land*, annex 2 of the NPPF defines it as “*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 71 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.*”

The above definition excludes buildings used for agriculture or forestry. The confirmed residential use of the land and building clearly does not fall within these exclusions and, as such, should be considered as *previously developed land*.

The existing buildings (residential and commercial) has significant history and has been proven to have been in-situ for in excess of 10 years. The domestic curtilage should also be considered as previously developed land, although this has limited built form on it but has clear domestic paraphernalia evident.

In terms of the *permanence of the building*, it is clear given previous information and photographs supplied to the planning authority that the building is of permanent construction, connected to services and has been maintained over time.

Furthermore, previous inspector’s decisions have taken the view that *less substantial structures* can be considered permanent for the purposes of planning law (Skerritts case March 22, 2000).

Barnsley Local Plan policy GB2 is also relevant in this instance and suggests that in the proposals for replacement buildings in the greenbelt are acceptable **subject to**;

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

Provided it will not have a harmful impact on the appearance, or character and will preserve the openness of the Green Belt, we will allow the following development in the Green Belt:

Replacement buildings where the new building is in the same use and is not materially larger than that which it replaces.

Extension or alteration of a building where the total size of the proposed and previous extensions does not exceed the size of the original building.

Dividing an existing house to form smaller units of accommodation.

All such development will be expected to:

Be of a high standard of design and respect the character of the existing building and its surroundings, in its footprint, scale and massing, elevation design and materials; and

Have no adverse effect on the amenity of local residents, the visual amenity of the area, or highway safety.

We contend the proposals are compliant with policy GB 2 given the reduction in overall massing, volume and scatter of domestic structures within the green belt, the reduction of the domestic curtilage and standard of design and materials.

Given the remote location and existing residential property on site we also contend the impact on neighbouring properties (no near neighbours) is acceptable.

The footprint and volume of the proposed dwelling is significantly reduced over the current built form (even when ignoring the agricultural elements).

Volumes of the existing structures are provided within the Building Mass Record and Photos document submitted as part of this application, all as previously submitted as part of the consented Certificate of Lawfulness application.

The reduction in both built form and domestic curtilage we contend is quite clear and demonstratable. This has a positive impact on the green belt setting and openness of the green belt.

The existing access would be retained and reused with external car parking and turning also retained as existing. This external parking of traditional domestic vehicles we contend, offers a visual enhancement with regard to the openness and visual amenity of the green belt on the parking and partial use of the land/buildings as a butchery unit with associated larger type vehicles such as refrigerated vans and pickups as would be expected with a reinstated commercial use.

The proposals, considered as a whole, require very little in the way of engineering work.

Given the clear reduction in volume, massing and floor space along with the reduction in domestic curtilage that currently encroaches deep into the greenbelt setting we contend, in this instance, *very special circumstances*, are not required to be demonstrated to achieve officer's support.

It is important to note that Scale, Appearance and Landscaping would all be subject to a reserved matters application.

A direct comparison needs to be made with regards to the impact on the openness of Green Belt of the existing arrangement.

It is accepted that the formation of a replacement dwelling may result in some domestic paraphernalia, but this would still fall within the accepted residential curtilage, we consider such paraphernalia would have lesser impact on the openness of greenbelt when compared to the current larger domestic curtilage. Naturally it is important to clearly define the domestic curtilage, we have demonstrated this with dry stone walling to prevent further sprawl into the green belt.

### IMPACT ON VISUAL AMENITY AND CHARACTER OF THE LOCALITY.

The context of the proposal and setting with other nearby buildings has been considered. Other nearby buildings are a good distance from the application site, the nearest other residential properties area 270m to the North and 350m to the East, others are a significant distance further away.

The proposed site development of a replacement dwelling partly follows the historical use and existing building format, a traditional modern agricultural building.

The design of the proposed replacement dwelling, as a partial two storey dwelling, proposes to use natural, locally sourced materials which will assist in providing an enhanced impact on the setting above and beyond the dilapidated timber, concrete blockwork and multitude of colours of other inappropriate and unsightly materials.

Materials, however, along with Scale, Appearance and Landscaping are all subject to a reserved matters application.

At such a stage permitted development rights could be removed to prevent sprawl into the Green Belt or prevent inappropriate additions such as extensions, roof extensions, detached ancillary outbuildings, etc.

The proposed elevations and specifically the visualisations indicate how the new dwelling could be developed in the form of a modern dwelling appearance yet with a reflection of the agricultural building and site history.

Subject to an appropriate reserved matters application, we contend visual amenity and character of the area resulting from the proposed site redevelopment in creating a new dwelling could be acceptable and in accordance with Chapter 12 of the NPPF (Achieving Well-Designed Places).

### RESIDENTIAL AMENITY

Para. 130 of the NPPF states that proposals should promote good design by ensuring *“they provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings and the creation of development-free buffer zones between housing and employment uses incorporating means of screening where necessary”*. Despite the domestic curtilage being reduced as part of this application we consider it to be sufficient to provide adequate external amenity space and considering the remote location the proposal does not give rise for concern.

## OCCUPANTS OF NEIGHBOURING DWELLINGS

The proposed dwelling is indicated in the same position as the existing dwelling/buildings on site, albeit on a smaller footprint/volume. Given the existing use and proposed residential use we contend this ensures less impact on the neighbouring/nearby residential properties by way of vehicle movements and noise. It is important to note the nearest residential dwellings are some distance from this proposed replacement dwelling.

In terms of the proposed dwelling, it would not be materially larger than the existing residential and commercial built form. Indeed the overall reduction in volume and massing is significant, along with the reduced domestic curtilage, therefore there would be no material impact arising from the physical presence of the replacement dwelling on the other nearest dwellings.

Regarding openings, the indicative plans and elevations indicate a modern property with an expanse of glazing to promote solar gain. Whilst this application is only outline with scale and appearance subject to a reserved matters application, it's clear the property can be comfortably be designed to ensure the proposed openings do not give rise for concern in relation to privacy/overlooking.

There are no other properties, around the application site that would be impacted in terms of loss of amenity.

## FUTURE OCCUPANTS

Regarding the amenity of the future occupants of the proposed dwelling, the indicative elevations are for a four/five bedroomed property with a reasonable amount of living space.

Whilst only outline at this stage it is anticipated the property would include at ground floor level a large open plan kitchen/dining/living, a separate lounge, a snug, three ensuite bedrooms, a family bathroom and a utility room. At first floor level, partly within the roof space to ensure the proposed replacement dwelling is subservient in terms of the existing non-agricultural buildings, has a galleried landing area and two bedrooms or one bedroom and one study as is commonly required following covid-19 with many people now hybrid or fully home-working.

Outside there would be a parking and turning area, as existing, to the side (East) easily capable of accommodating 4+ vehicles, a wide path to both sides and the front leads to the formal garden area to the South providing adequate outdoor amenity space.

## NOISE

The site is not close to any other noise producing commercial sites or buildings.

We contend the noise produced, as a standard dwelling, will be significantly less than the existing commercial site/agricultural and residential property that currently exists on site. It is important to note the site/agricultural or commercial use is not subject to any restrictive operating hours.

Given the clear reduction in noise resulting from this proposal we do not consider it necessary to carry out an acoustic survey/report but should one be deemed necessary this could be conditioned/appraised at reserved matters application stage.

We contend the proposals should be deemed acceptable in terms of residential amenity and in accordance with Chapter 15 of the NPPF (Conserving and enhancing the natural environment).

#### IMPACT ON HIGHWAY SAFETY

As indicated the proposed replacement dwelling would continue to use the existing access point from Gilbert Hill with the commercial use (butchery) fully ceasing. It is likely agricultural use will continue on the surrounding land, but this is likely to be in association with the other adjoining/adjacent agricultural land. This would result in a reduction of vehicular movements to and from the site using the existing access point, this has a positive impact on highway safety and the immediate highway network.

The access and frontage to the property, as shown on the indicative proposed block plan, provides a spacious area enabling domestic vehicles to enter and exit in forward gear. This area also provides adequate space for parking along with bin storage and collection.

Bin storage space is provided to the front corner of the dwelling. Bins would be presented to the site frontage on collection day negating the need for excessive dragging distance. Its important to note this is for a replacement dwelling that already has refuse collection.

#### LAND STABILITY AND CONTAMINATION

The site, historically, is a former agricultural holding. In more recent years it has been used as a residential unit and a butchery unit. We contend these uses do not increase the risk of potentially contaminated land, via fuel spillages, oil, etc. As such we have not submitted a Phase 1 (desk top geotechnical study) this, if deemed necessary, could be conditioned as part of any outline planning approval.

Land stability is not considered to be an issue, naturally LABC (Local Authority Building Control) would carry out site inspections for any new foundations/groundworks for the proposed replacement dwelling.

#### AIR QUALITY

Chapter 9 of the NPPF (Promoting sustainable transport) states the Government's intentions for the decision-making process to maximise sustainable transport solutions, which includes supporting the transition to low emission vehicles. This is also set out within the West Yorkshire Low Emissions Strategy.



An EVCP (electric vehicle charging point) is accommodated within the development, adjacent to the parking/turning area. Further details of this could be conditioned, if deemed necessary. This, we contend illustrates compliance with the aims of Chapter 9 of the NPPF (Promoting sustainable transport), as well as the Low Emissions Strategy.

## ECOLOGY

This proposal creates an opportunity to positively contribute and provide ecological enhancements possibly by way of bird nesting boxes and appropriate planting to promote and assist with ecological enhancement of the site as a result of the proposed development.

This could be covered by a subsequent reserved matters application (landscaping and boundary treatments) to achieve compliance with Policy E6 (Rural Economy) of the Barnsley local plan *“Not have a harmful impact on the countryside, biodiversity, Green Belt, landscape or local character of the area; Consider the re-use of existing rural buildings in the first instance; and Protect the best quality agricultural land, areas of lower quality agricultural land should be used for development in preference to the best and most versatile land.”*

The project was briefly discussed with Clair Wilson (Barnsley Planning Ecologist) on Friday 19<sup>th</sup> January 2024. Given the proposed demolition/removal we have, as suggested, had had a bat scoping survey carried out on site to assess for any potential bat/ecology issues.

The accompanying report concludes *“The buildings offer limited potential roosting sites and is unlikely to support bats. Consequently, there is no requirement for a European Protected Species Mitigation Licence (EPSML). There might be some loss of minor potential roosting features, but these losses can easily be compensated for by the inclusion of permanent roosting features”*.

We suggest conditions are included re the timing/execution of the works to protect nesting birds.

We also suggest conditions to ensure implementation of the suggested enhancement features to be incorporated into the development at reserved matters stage.

## DRAINAGE

The existing application site is considered as Brownfield.

Whilst this application is simply an outline planning application for a replacement dwelling, it is considered that soakaways, to deal with surface water, would be a suitable method of dealing with surface water runoff. Such a system provides a groundwater recharge and makes for more a more ecologically sustainable living environment.

A package treatment plant suitable for the dwelling size/capacity/occupants has been referenced earlier in this report.

Conditioning this will ensure compliance with Chapter 15 of the NPPF (Conserving and enhancing the natural environment) along with other environmental legislation.

## **CONCLUSION**

We contend this application provides an excellent opportunity to reallocate this partially brownfield site (*previously developed land*).

The proposals and knock on benefits of the lesser bulk, massing, and volume all has a positive impact on the openness of the Greenbelt setting. Design, materials, noise and highway movements, etc also provide positive benefits resulting from this proposed development.

We consider the information within this statement and accompanying plans provide the local planning authority with more than sufficient information to support this application and approve it without delay.

Should the Local Authority Planning Department require any further information or clarification, please contact Paul Matthews Architectural Ltd.

We respectfully ask for contact from the case officer prior to the formal determination of this application.