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**2021/0757**

Mr Edward Dilingham

Demolition of existing dwelling and construction of 2 no. new dwellings

Century Works, Manchester Road, Millhouse Green, Barnsley, S36 9LQ

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## **Description**

The proposed development site comprises an existing bungalow and its curtilage located to the rear of Century Works. The wider site sits off Manchester Road, to the south west of Millhouse Green.

The site slopes in a generally east to west direction with a slightly steeper slope along the south western edge. It is largely landscaped as a grass garden with the existing bungalow, greenhouse and garage located to the south western corner. Access is via a drive taken from the Century Works site.

To the north, the Trans Pennine Trail runs along the boundary and beyond this Bull House Hall.



## **History**

The site was formally Bullhouse Colliery until the mine closed. The planning history doesn't include the original application for the bungalow, however, it is clearly shown on the 1990 OS map and as such has been in place more than 10 years.

Available planning history relating to the site includes:

76/0928 – Stacking of steel rod and wire and improvement to access

77/1390 – To erect extensions to factory

80/1909 – Use of land for stacking of steel rod-wire

81/0097 – Erection of high voltage switchroom

98/1351 – Erection of detached garage and greenhouse

2020/0412 – Construction of detached block of 7 industrial units and associated works.

### **Proposed Development**

Planning permission is sought to demolish the existing bungalow, greenhouse and garage and the erection of two new bungalows.

The two bungalows are 4 bedroomed properties with an open plan living area, family bathroom and an en-suite and dressing room to the master bedroom. However, one of the bungalows has a smaller footprint with the internal living space also being reduced.

The design of the bungalows is quite modern with a mono pitched roof, wood cladding and render. The entrance hall protrudes to the front of the dwellings and overhangs the windows to either side of this providing some shelter to the frontage. Windows are full height along the front and with bi-fold doors to the rear of the living space. The larger of the two bungalows also includes patio door access from 3 of the bedrooms at the rear.

### **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.

#### **Local Plan Policies**

The site is allocated as Green Belt in the adopted Local Plan, where Local Plan Policy GB1 protects the green belt from inappropriate development in line with the NPPF. Paragraph 149 of the NPPF lists exceptions to inappropriate development including:

- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; 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.

Local Plan Policy GB2 allows for the 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.

Other relevant policies include:

SD1 Presumption in Favour of Sustainable Development  
GD1 General Development

LG2 The Location of Growth  
E3 Uses on Employment Land  
E4 Protecting Existing Employment Land  
T3 New Development and Sustainable Travel  
T4 New Development and Transport Safety  
D1 High Quality Design and Place Making  
BIO1 Biodiversity and Geodiversity  
GB1 Protection of Green Belt  
GB2 Extensions in the Green Belt  
CC1 Climate Change  
CC2 Sustainable Design and Construction  
CC3 Flood Risk  
CC4 Sustainable Drainage Systems  
CL1 Contaminated and Unstable Land  
Poll1 Pollution Control and Protection  
I1 Infrastructure and Planning Obligations

#### *Supplementary Planning Documents*

- Parking
- Design of Housing Development
- Trees and Hedgerows

#### **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.

#### **Consultations**

Air Quality – No objections but requesting Electric Vehicle Charging Points for each of the dwellings.

Biodiversity – The development should be assessed in accordance with the PEA submitted with the application. this recommends a planting plan and bat and bird boxes which will be secured by condition.

Environment Agency – No comments received

Coal Authority – Initially objected to the development as the layout showed one of the bungalows over the plotted position of the mineshaft. The Intrusive Coal Mining Assessment does not fully resolve concerns as it does not demonstrate that recorded mine shaft 421402-006 does not pose a risk to safety and stability at the application site. However, as the site layout has been amended to move the bungalow away from the plotted position of the mineshaft and this area now sits outside of the residential curtilage the objection is withdrawn.

Contaminated Land – No comments received.

Conservation Officer – No specific objection subject to a change in materials to be conditioned. More detail is in the assessment below.

Drainage – No objections subject to conditions

Highways – No objections subject to conditions.

PROW – No comments received

Pollution – No objections

Penistone Town Council – No objections

SYMAS – No objections subject to further investigation being secured by condition.

Trees – No comments received

Ward Councillors – No comments received

YW – The site is not served by the public sewer network and should be referred to the Environment Agency and the Councils EHO for comments.

## **Representations**

No comments have been received.

## **Assessment**

The site is in the green belt where land is protected from inappropriate development; however, it is previously developed land being a residential property and garden and located to the rear of an existing employment site. The planning history and historic maps suggest the employment site was created on the closure of Bullhouse Mine with this area forming part of the works until circa 1990 when the current bungalow was erected. Both the works and the bungalows are currently in the same ownership.

Paragraph 149 of the NPPF allows for 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. The NPPG provides some advice on the factors to take into account when considering the impact of the development including spatial and visual impacts, the duration of the development and degree of activity likely to be generated.

The application proposes the replacement of 3 buildings, the existing bungalow, greenhouse and garage, with two new bungalows. The combined volume of the existing buildings is stated to be 1006m<sup>3</sup> with the two replacement buildings totally 906m<sup>3</sup>. In this respect there is a reduction in the number and volume of buildings on the site.

The current buildings are all located to the south western corner of the site in a relatively contained area with access and parking to the front. The proposed has one of the bungalows broadly in the same location with the other to the north of the site which will spread the built form across a larger area of the site. In addition, the access splits at the site entrance to access parking at the front of both dwellings. Whilst this dispersion of the built form across the site can increase the impact on openness, in this case the impact is mitigated by the

large 'works' building to the front of the site, scale of the existing garden and screening around it which means that the proposed is not highly visible.

On this basis the spatial and visual impacts on openness are assessed as being acceptable.

The proposed bungalows will be permanent buildings, but as they replace equally permanent structures this is a neutral impact. Similarly, there will be a very slight increase in activity on the site as a result of there being two dwellings rather than one, but this will not have a noticeable impact on openness, allowing for the current access arrangements and activity associated with the wider site.

Therefore, the proposed is an exception under national planning policy and as it will not have a greater impact on the openness of the green belt than the existing (and approved) development it complies with local plan policy GB2 and NPPF paragraph 145.

### Visual Amenity and Conservation and Design

The site in question is close to the Bullhouse Hall complex which includes seven grade II listed and two grade II\* listed buildings (including Bullhouse Hall). The C17 Hall and the buildings within its curtilage are clearly of national significance indicated by the high grade of listing. Bullhouse Hall was built for the Rich family (in this case Sylvanus Rich) who were major local landowners. The Riches were extensively involved with agriculture and milling in the area owning corn and fulling mills at Bullhouse, Millhouse and Thurlstone. Bullhouse Hall and its dissenters chapel is the oldest non-conformist chapel in the country and has been used continuously since 1692.

Historically, the fields and curtilage of the current Century House would certainly have been part of land functionally related to the curtilage of Bullhouse Hall. However, that relationship was severed a very long time ago and cannot now be demonstrated. In terms of the setting, the former railway line physically separates the two sites and forms a substantial barrier. The railway was already present on first edition 1850 OS map and that relationship in the landscape (or lack of) has clearly existed for at least 170 years. There is in short no intervisibility between Bullhouse Chapel, The Hall or its curtilage buildings and the proposal site. A photo taken in April 2016 looking towards the site, established this, with the southern gable of the chapel in the middle foreground. Given the leaves were not in present at this point the degree of screening is still substantial. Moreover, the land falls away to the south and east and the development is tucked into the lee of the hill.

As a result, the railway and the substantial screening by mature trees and vegetation means the proposed development site does not contribute to the setting of the heritage assets. Consequently, development of the site would not be harmful.

The property itself is clearly of no historic merit and there is no objection to its demolition. However clearly this is greenbelt land which will be an important factor in the redevelopment of the site. Regarding the proposed design for the two dwellings, these are single storey and by their nature are very low in height and highly unlikely to intrude into the wider setting. The design is a simple one (although not exceptional). However, it does attempt to fit into the local setting by virtue of the timber cladding to emulate Yorkshire boarding / cladding which will weather to a silver hue. The use of render is not acceptable in this location and stone should be conditioned to suite the general rural and historic landscape vernacular.

As stated, the site is well screened particularly along the boundary with the former railway which is not the Trans Pennine Trail. This reduces the visual impact of the development on users of the trail.

Therefore, subject to the requested condition for stone to replace the proposed render, the development is in accordance with Local Plan Policies HE1 and D1.

### Residential Amenity

The main impact on residential amenity will be from the employment unit to the front of the site, rather than the proposed. However, this was assessed under the recent application to extend this site. A noise report was provided which was assessed by Pollution Control and the development was acceptable subject to a condition securing appropriate mitigation which was applied to that development.

The two dwellings as proposed are orientated to be side to side with no issues of overlooking and a boundary treatment is proposed between the two to ensure privacy within the outdoor areas. More details for this can be secured by condition.

Therefore, the proposed is acceptable in terms of residential amenity and complies with Local Plan Policy D1.

### Drainage

The site is not connected to the sewer network and the applicant has confirmed foul drainage will be via septic tank with no other details provided. Yorkshire Water have advised the site is not connected to any sewers and recommended consultation with the EA, albeit they have not responded. The Council's drainage officer has recommended a condition for further details at this stage.

### Highway Safety

The wider site benefits from numerous planning approvals over recent years with the most recent being approval to construct 7 starter units to the rear of the existing warehouse. Access to these units is taken from the existing arrangement onto Manchester Road and follows the existing route along the southern site boundary. These access arrangements also serve the existing property due to be demolished under this application.

The site layout proposes 3 parking spaces per property which is in excess of the expected parking standards contained within the Council's Parking SPD.

Therefore, in considering whether the development should be refused on highways grounds, given the history of the site, an assessment of whether one additional residential property results in an unacceptable impact on highway safety, or whether the residual cumulative impacts on the road network would be severe has been undertaken. It is concluded that neither of these criteria are met and therefore there are no objections to the proposal subject to conditions. No objections are raised on highway safety grounds and the proposed complies with Local Plan Policy T4.

### Land Stability / Coal Authority

The Coal Authority originally objected to the scheme as records indicate that mine shaft 421402-006 and its associated zone of influence are present within the northern part of the application site. In addition, the site lies in an area where recorded and possibly unrecorded coal mining activity has / is likely to have taken place at shallow depth.

Subsequently the applicant provided an Intrusive Coal Mining Assessment (September 2021, prepared by RB Geotechnical). This indicated that a borehole investigation carried out at the site did not encounter any coal or evidence of shallow workings or unstable ground.

On this basis, the report author was satisfied that the site can be regarded as being stable from a shallow mining perspective. The Coal Authority noted that unsuccessful trenching works have been undertaken in an effort to locate the recorded mine shaft and considered these works to be inadequate. Further, although the applicants amended plans relocated the proposed dwelling at Plot 1 clear of a 20m no-build zone, the proposed scheme of development included associated development (driveway and vehicle parking) within this area, leading to an intensification in domestic activity in the vicinity of the shaft. On this basis, the Coal Authority suggested a condition requiring further intrusive investigation.

The applicant has sought to avoid this requirement by a further amendment, relocating the drive and parking outside of the 20m no-build zone. The Coal Authority have accepted that this will remove the need for the proposed condition, however, they have queried how the use of the land can be controlled and if it should be outside if the red line.

Whilst it is accepted that the use of the land would be difficult to control, it is not actually changing being residential garden currently. The relocation of the drive and parking from the zone means that the land is un-developed and PD rights can be removed to ensure against any further encroachment. On this basis, there is no intensification or change in use and the proposed is acceptable.

An informative will be added to the decision as requested by the Coal Authority.

### **Recommendation**

Grant subject to conditions