
2022/0342

Outline application for the erection of a community facility and café

Land off Mortimer Road, Midhopestones, S36 4GW

Site Location & Description

The site is located within the village of Midhopestones, on the corner of Mortimer Road, accessed from the A616 Stocksbridge bypass. The site is located within the green belt, close to a public right of way (PROW), highlighted as a green way within the Local Plan, which is formed from a disused railway line, and is in the process of being upgraded to a bridleway as part of the Little Don Trail, which will become part of the Trans Pennine Trail network when completed. The site is located adjacent to a bridge with the green way running above. The site slopes down towards Mortimer Road and is bound by a traditional stone walling. Within the site is a small storage container. There are some trees within this site and beyond the site boundaries. The site is set back away from the green way, with a steep banking in-between which forms the boundary with the green way and bridge. This land is not part of this proposal and contains several mature trees.

Beyond the green way to the south of the bridge are a number of converted listed buildings within Midhope Court. These are a collection of former farm buildings and coach house which have been converted, are stone built accessed via the courtyard. This complex is located on the corner of Mortimer Road and the A616 Stocksbridge Bypass. Surrounding the site to the North, East and West is green belt and farmland.

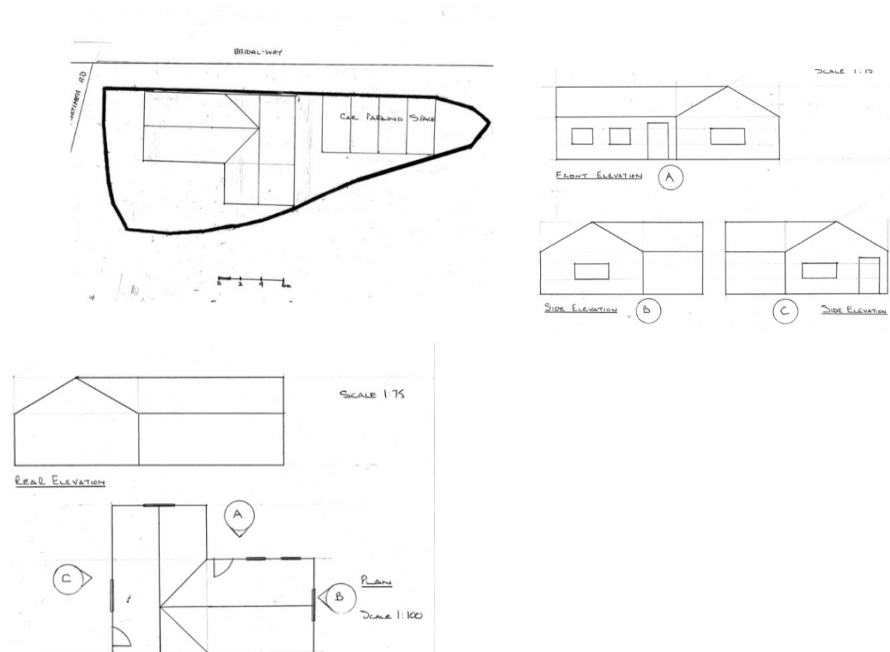


Proposed Development

The application is for outline permission. The proposal is to erect a single storey building with associated access, servicing and landscaping. The development is for a community facility and café with the provision of toilets and horse-riding facilities. It is intended that there will be both outside and inside seating areas associated with the café, the outside

provision is to include a lightweight canopy and grassed area with picnic tables. The development is proposed to provide a meeting place for local residents.

The proposed appearance of the development is to be considered as part of this application. The Planning Statement makes reference to a Design and Access Statement, this has not been submitted as part of this application. When the applicant was questioned about this document, he stated that at this stage a design and access statement will not form part of this planning application, therefore, the proposal will be assessed with the information provided. The plans submitted are relatively basic, showing the position and simplistic design of the proposal as shown on the drawings below.



The proposal is for a single storey building, designed in an L shape with the access facing away from the green way. The building has been designed with a pitched roof with gables facing Mortimer road and a farm access road with Green Belt beyond. A car parking area has been provided, with 4 parking spaces located at the side of the building. The building will measure 4.25m in height, approximately 14.10m in length and 9.5m in width.

The agent has supplied the following justification in support of the application:

- Providing a community facility
- Providing toilet facilities and information facilities (Promoting tourism)
- Make a positive contribution to the rural community
- Encouraging a healthier lifestyle
- Supporting the development of the bridleway
- Support local businesses by using local produce
- Charging facility for disability scooters
- Providing corral with hitching rail, drinking water, mounting block for horse riders
- Providing jobs

Policy Context

Planning decision should be made in accordance with the local 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 Council has also adopted a

series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

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, relevant policies include:

Paragraph 138 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 149 of the NPPF states:

A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

- c) 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;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); 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; 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.

Paragraph 150 states:- Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.

These are:

- a) mineral extraction
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

Local Plan

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

Policy SD1: Presumption in favour of Sustainable Development
 Policy GD1: General Development
 Policy T3: New Development and Sustainable Travel
 Policy T4: New Development and Highway Improvement
 Policy E5: Promoting Tourism and encouraging Cultural Provision
 Policy HE1: The Historic Environment
 Policy E6: Rural Economy
 Policy GB1: Protection of Green Belt
 Policy BIO1: Biodiversity and Geodiversity
 GS2: Green Ways and Public Rights of Way
 POL1: Pollution Control and Protection
 Policy D1: High quality design and place making

SPD: Parking

SPD: Biodiversity and Geodiversity

These policies are considered to reflect the Principles in the NPPF, which relates to high quality design and good standard of amenity for all existing and future occupants of land and buildings.

Consultations

Yorkshire Water – No comments received

Ward Councillors – No comments received

Langsett Parish Council – Concerns regarding parking and highway safety

Coal Authority - The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

Sheffield Council – 1 letter of support from Councillor Chinchin

Conservation Officer – From the perspective of the heritage setting which mainly relates to that of the listed Lower Hand Bank Farmhouse and the other historic buildings at Midhope Court on Manchester Road I think the potential for harm is low.

Biodiversity – Additional information required

Forestry Officer – Comments regarding the retention of trees on site are preferable.

Drainage – No objections subject to conditions

Highways –Based on the information so far submitted, the proposals are considered unacceptable from a highway's development control perspective

PROW – Concerns with regards to the insufficient parking arrangements and potential highway safety issues, although in principle do not object to the proposal.

TPT – Support the proposals

SY Mining - A further phase 2 intrusive investigation is required to fully determine any coal mining legacy risks to the proposed development, namely associated with shallow coal/mine workings. If permission is to be granted, SYMAS recommend conditions.

Representations

- 2 Objections to the proposal
- 82 Letters of support for the proposal

Assessment

Principle of development

The application needs to be assessed in principle against the Local Plan Policies which accord with Government advice set out in the NPPF. The NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 149 of the NPPF states that the construction of new buildings are inappropriate within the Green Belt and lists exceptions to this rule. The use of land and buildings in the connection with the café do not fall under any of these exceptions and as such very special circumstances need to be demonstrated, therefore in principle the proposal is unacceptable and constitutes as inappropriate development within the green belt.

Harm to the Green Belt and Visual Amenity of the Area

The applicant has sought to justify that the development would fall in the category of:

the provision of appropriate facilities (in connection with the existing use of land or a change “of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;”

However, the site has no existing recreation or sports use on it and has been described as wasteland by the applicant on their application form. The proposal is not therefore considered to be in direct connection to a recreation or sports use. In addition the facilities, due to their size and scale compared to the red edge application site are would not preserve the openness of the Green Belt. As such the proposal is not considered to fall into the exemption category outlined above, nor any of the other exemption categories and as such very special circumstances need to be demonstrated,

The applicant considers that the proposal is justified due to: -

- Providing a community facility
- Providing toilet facilities and information facilities (Promoting tourism)
- Make a positive contribution to the rural community
- Encouraging a healthier lifestyle
- Supporting the development of the bridleway
- Support local businesses by using local produce
- Charging facility for disability scooters
- Providing corral with hitching rail, drinking water, mounting block for horse riders
- Providing jobs

It is considered that any planning application needs to make a case for very special circumstances that are fully evidenced and justified. In terms of justification, the applicant has submitted some supporting evidence to show that there is a desire for a café facility with toilet facilities within this rural area, and the letters of support also address the desire within the community however, it does not outweigh the significant impact of the development upon the green belt and its openness.

The application expresses that the provision of sustainable development will help to secure the very special circumstances when assessing the Green Belt impact. Policy SD1 maintains that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development, to secure development that improves the economic, social and environmental conditions of the area. The proposal is in an isolated rural position. Whilst the applicant states that it will be used mainly by walkers, cyclists and horse riders it is likely that many people will access the site by private car even if they are also going on a walk or cycle and there is nothing to stop people arriving and utilising the café by car. Public transport options to the site are limited and as such it is not considered to be in a sustainable location contrary to Policy SD1.

The planning statement states that the proposal reflects the aspirations of Policy E5 and E6 by promoting and encouraging tourism growth and providing an appropriate cultural facility. It further states that it encourages a viable rural economy and allows for sustainable development related to tourism or recreation and improves the range and quality of local services.

Policy E6 states that the Council will encourage a viable rural economy by allowing development in rural areas if it supports the sustainable diversification and development of the rural economy, results in growth of existing businesses, is related to tourism or recreation and improves the range of quality of local services in existing settlements.

Development will be expected to be if a scale appropriate within the settlement, be directly related to the settlement needs, not have a harmful impact on the countryside, biodiversity, Green Belt, landscape or local character of the area.

Although it is discussed that the proposal reflects some of the aspirations of Policy E5 and E6, it does not meet the expectations. The development will have an impact on the openness of the Green Belt, in respect that the development by its very nature harms the openness of the site and Green Belt, and as a result will have a harmful impact on the countryside, landscape and local character of the area and is therefore in conflict with Planning Policy. As such some limited weight can be attached to the points put forward by the applicant, however, they do not amount to sufficient very special circumstances that outweigh the harm to the Green Belt contrary to Local Plan Policy GB1.

Visual Appearance and impact on listed buildings

The proposal is for an L shaped building, single storey in height, with the blank elevation facing the green way. The nearby properties within Midhope Court and along the A616 are of a simple traditional stone built with pitched roof designs, similar to that of the proposal. As the proposed design is simple with a single storey form not dissimilar to those within the locality in terms of appearance, notwithstanding the materials, is acceptable.

With regards to the listed buildings, as the Conservation Officer has noted, these mainly relates to that of the listed Lower Hand Bank Farmhouse and the other historic buildings at Midhope Court on Manchester Road. Given the scale of the scheme, the intervening trees and vegetation and the distance to these listed buildings it is not considered that the proposal would be of detriment to their historical setting in accordance with Policy HE1.

Biodiversity

The Council will encourage a viable rural economy by allowing development in rural areas if it supports the sustainable diversification and development of the rural economy, however, this must not have a harmful impact on biodiversity.

A tree survey and ecology appraisal have been submitted as part of the proposal, however the information provided was not sufficient, and additional information was requested by our Biodiversity Officer. The applicant was informed of the Officers request but has failed to provide the Council with additional information to allow the full assessment of the proposal in terms of potential biodiversity impact. It is therefore not possible to assess the full impact on biodiversity contrary to Local Plan Policy.

Highway Safety

The application proposes to erect a café on a small plot of land accessed off Mortimer Road adjacent to a ninety-degree bend. Within this location, approximately 70m from the A616 Stocksbridge Bypass, Mortimer Road is narrow, and has just one section of footway between the site and the A616, is deficient in terms of street lighting and the speed limit is derestricted.

There is insufficient parking proposed within the site when assessed against SPD: Planning.

It is noted in the planning statement that the intended use of the site is primarily for dog walkers, cyclists and horse riders but there would be no control over the number of car users attracted to this site. Furthermore, access from the green way to the site has not been demonstrated. The restriction of available parking spaces in this location type would not

typically dissuade car users from visiting and as a consequence would lead to parking on the highway surrounding the site, to the detriment of highway safety and efficiency.

Therefore, based on the information so far submitted, the proposals are considered unacceptable in terms of highway safety in contrary of Policies T3 and T4 of the Local Plan.

Conclusion

It cannot be denied that the proposal may help to improve the community facilities within the area and provide a useful service to encourage locals to lead healthier lifestyles as reiterated within the letters of support submitted to the Council, however, this should not be at the detriment of the Green Belt. It should be noted that the very existence of the Green Way and potential improvement to bridleway will in no doubt encourage healthier lifestyles, and a development of this type within this community may be desirable, it is the location of the proposal on Green Belt land that is arguable. It has been demonstrated that although the proposal is favourable to some community members and potential green way uses, when assessed very special circumstances have not been demonstrated to outweigh the harm by reason of inappropriate development, harm to the character of the Green Belt, harm to highway safety, and the potential harm to wildlife

The proposed café would cause significant harm to the openness of the Green Belt by way of its inappropriateness, visual impact and activity within the Green Belt and on balance the aspects put forward do not amount to very special circumstances which would outweigh the harm to the Green Belt and allow the relaxation of Green Belt policy, contrary to paragraphs 149 and 150 of the NPPF and policy GB1 of the Local Plan.

Recommendation

Refuse