
2023/0310

Applicant: Mr & Mrs N Blair

Development: Erection of 1 dwelling

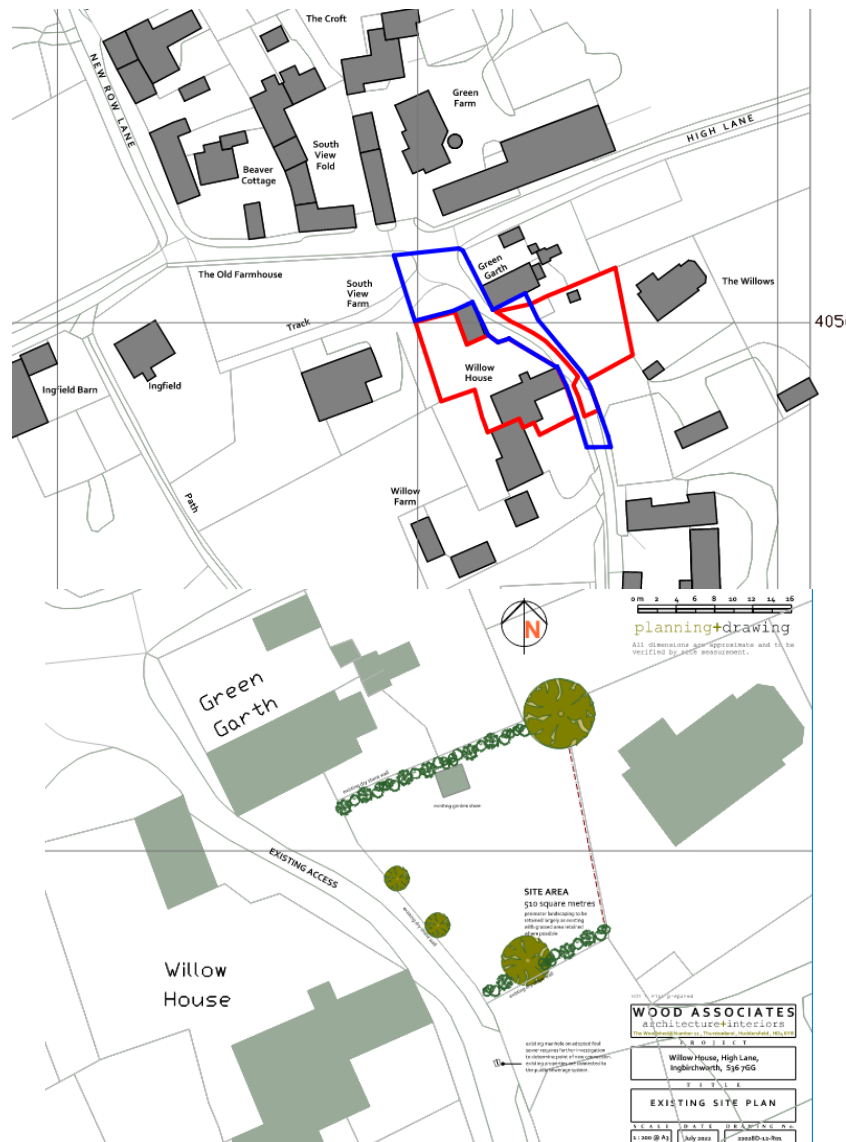
Address: Willow House, New Row Lane, Ingbirchworth, S36 7GG

Site Location & Description

The site is accessed from a track where High Lane meets New Road Lane in Ingbirchworth. The site is located within the Ingbirchworth Conservation Area and is washed over with Green Belt. The site is an undeveloped plot of land currently used as garden area for Willow Farmhouse which is located immediately across the lane to the west. To the east of the site is The Willows which is a C20 dormer bungalow. The site forms a semi formal garden with shrubs, trees and borders. There is a small single storey modern outbuilding at the northern edge of the site that is used a garden store, constructed in blockwork.

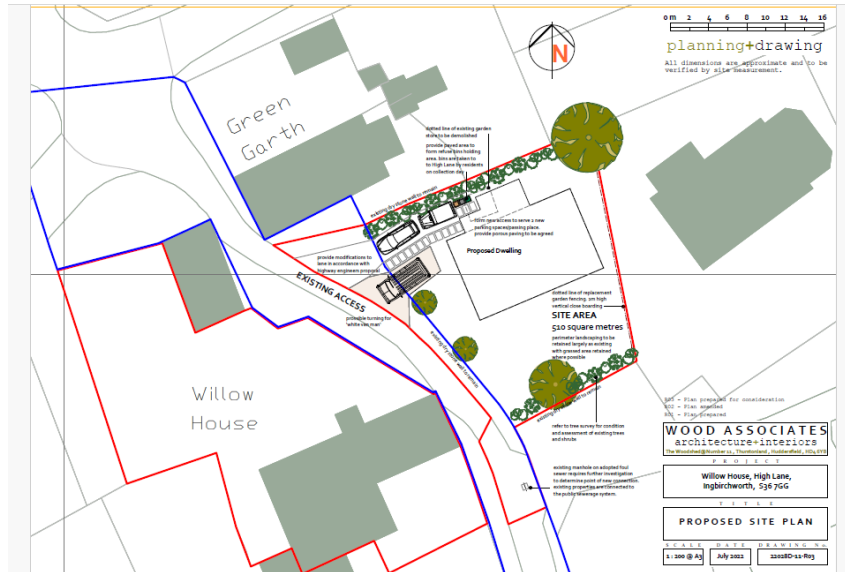
Willow Farmhouse is a grade II listed building and is immediately west within 3m of the red line boundary, and circa 10m to the southwest of the southwestern corner of the proposed dwelling. There are a number of other listed buildings in this setting including the grade II listed converted barn adjoining and to the south of Willow Farmhouse as well as the listed buildings at Broadfield Farm grade II listed Broadfield Farmhouse and the grade II listed barn immediately southeast of Broadfield Farmhouse at circa 40-50m to the south (respectively).

There are other unlisted but historically notable buildings surrounding the proposal plot including Green Garth and Green Barn. These buildings together with the modern bungalow (The Willows) provide a sense of physical enclosure around the proposal site. The Willows is notable as a relatively uncharacteristic building that is neither historic nor particularly in keeping with the historic vernacular. With the exception of The Willows, the conservation area boundary clearly includes the buildings and spaces of most historic significance in this part of the conservation area.



Proposed Development

The proposal involves the erection of a single storey dwelling with rooms in the roof space. The property has been designed with a pitched roof and the gable will face New Row Lane. The property will have 3 bedrooms, 2 on the upper floor both with en-suites. The property will measure 14m x 12m, 6.7m total height and 3.11m to the eaves. There will be single storey extensions to the northwest elevation providing a store and porch projecting 3m. On the southeast elevation facing into the open green belt will be 3 sets of bi-folding doors. Roof lights will be located on both elevations and second storey side windows serving the upper bedrooms will be located on the gable ends. Two tandem off road parking spaces will be provided at the front of the property. The existing dry-stone walls will remain with the erection of a 2m high fence located along the boundary with The Willows. The proposed dwelling will be constructed in natural stone and slate.



Relevant History

None relevant

Policy Context

Planning decisions should be made in accordance with the current development plan policies unless material considerations indicate otherwise; the National Planning Policy Framework (NPPF) does not change the statutory status of the development plan as the starting point for decision making. The Local Plan was adopted in January 2019 and is now accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment, and mixed-use sites). In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies which are a material consideration in the decision-making process.

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.

The property is located within the rural Barnsley and is designated as Green Belt in the adopted Local Plan and falls within the Ingbirchworth Conservation Area.

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 LG2: Location of Growth
Policy H1: The number of new homes to be built
Policy H2: The distribution of New Homes
Policy H4: Residential Development on Small Non-allocated sites
Policy H6: Housing Mix and the Efficient Use of Land
Policy GB1: Protection of the Green Belt
Policy GB3: Changes of Use in the Green Belt
Policy LC1: Landscape Character
POLL1: Pollution Control and Protection
BIO1: Biodiversity and Geodiversity
Policy T3: New Development and Sustainable Travel
Policy T4: New Development and Highway Improvement
Policy CC1: Climate Change
Policy CC2: Sustainable Design and Construction
Policy CC4: Sustainable Drainage Systems (SuDs)
Policy RE1: Low Carbon and Renewable Energy
Policy HE1: The Historic Environment
Policy HE3: Developments affecting Historic Buildings
Policy HE4: Developments affecting Historic Areas or Landscapes
Policy D1: High quality design and place making

SPD: Biodiversity and Geodiversity
SPD: Parking
SPD: Trees and Hedgerows
SPD: Sustainable Travel
The South Yorkshire Residential Design Guide (SYRDG)

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.

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.

In respect of this application, relevant sections include:

Paragraph 2 states that planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development.

Paragraph 8 provides three overarching objectives to sustainability, social, environmental and economic.

Paragraph 115 – Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network should be severe.

Paragraph 131 - The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 139 – 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.

Paragraph 152 states that, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 153 states that 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 154 states that 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
- g) 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 180 states that planning decisions should contribute to and enhance the natural and local environment by d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Paragraph 201 states that the LPA should identify and assess heritage significance including the setting and erect of the proposal.

Paragraph 205 states that great weight should be given to the asset's conservation, irrespective of the degree of harm.

Paragraph 209 states that any harm to or loss of significance will require clear and convincing justification.

Consultations

Yorkshire Water – No comments received.

Local Councillors – No comments received.

Gunthwaite and Ingbirchworth Parish Council – No objections.

Drainage – No objections, happy for building control to check details.

Highways – Objections on the grounds of intensification of use of substandard access and issues with collection of refuse

Forestry Officer – Objections due to impact on Category A tree

Conservation Officer – Objections due to impacts on listed buildings and conservation area

Pollution Control – No objections, subject to condition.

Biodiversity – No objections subject to conditions.

Representations

5 objections have been received with the following comments:

- Overlooking into private gardens
- Bats have been noted, bat flight path disrupted.
- Access issues for proposed and existing
- Loss of light
- Loss of privacy
- Design not in keeping with the area.
- Noise issues
- Loss of Green belt
- Increase in traffic and parking.
- Highway safety issues
- Impact to trees
- Impact to local wildlife

- Impact on the character and appearance of the area
- Impact to visual amenity
- Negatively affect the setting of Listed Buildings and Conservation area
- Will not enhance the character of the Conservation Area

Loss of the existing view has also been mentioned several times with the objectors' letters, however this is not a material consideration and cannot be considered.

Assessment

Principle of development

Policy GB1 of the Local Plan states that the Green Belt will be protected from inappropriate development in accordance with National Planning Policy. Paragraph 152 of the NPPF states that inappropriate development, is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 states that when considering any planning applications, LPA's should ensure that substantial weight is given to the harm to the Green Belt, and 'Very Special Circumstances' will not exist unless the potential harm by reason of inappropriateness is clearly outweighed by other considerations.

The exceptions are set out in paragraph 154 of the NPPF, and include (e) limited infilling in villages and (g) 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 LPA.

The applicant has suggested that the proposal would not amount to inappropriate development in the Green Belt and that the proposal site is an infill site and should be assessed against exception (e) or (g) of paragraph 154. The applicant has argued that the proposal can be classed as limited infilling within a village and is therefore appropriate development. The applicant suggests that the proposal is located within the village envelope of Ingbirchworth, and whilst the village is not defined on the Local Plan, that it is reasonable to look at what is around the site and also the conservation area boundary. The applicant states that the plan submitted shows a small settlement that has developed around Huddersfield Road and New Row Lane and considers the proposal as limited development and therefore appropriate development within the Green Belt.

The Council considers that the proposed development does not represent limited infilling and therefore concludes that the proposal would be inappropriate development in the Green Belt. Neither the Local Plan nor the NPPF define limited infilling and therefore, it is a question of fact and judgement. The Council believes that the proposal site is located outside the defined boundary of the village, and that in fact the village lies some distance from the site to the north and northwest. There is a clear break in development between the properties within this locality and properties along Huddersfield Road. Whilst the Council is not disputing that the proposed site is amongst other development rather than standing alone, as there is a clear break in development from the village, having regard to the location of the site and the characteristics of the area, the site would not constitute limited infill within a village. Furthermore, 'very special circumstances' do not exist to outweigh the fact that the proposal is classed as inappropriate development within the Green Belt.

In conclusion regarding the matter of principle, and in relation to paragraph 152 of the NPPF, the proposal is inappropriate development in the Green Belt which is by definition harmful and substantial weight is given to this harm in the planning balance. Very special

circumstances cannot be said to exist as required by paragraph 153 of the NPPF and Local Plan Policy GB1.

Visual Amenity, Conservation Area, and Listed Buildings

The site forms part of the domestic curtilage today, although it has been noted by our Conservation Officer that historically that may not have been the case. It is clearly within the setting of the grade II listed buildings, Willow Farmhouse and its attached barn and within the Conservation Area as defined within the Local Plan. In terms of its contribution, the Conservation Officer states that the plot contributes positively and strongly to the setting of both the listed buildings and the conservation area in the immediate vicinity. This contribution includes the fact its boundary is identifiable and unchanged which provides legibility of the historic arrangement and also serves as a small but important historic green space between the buildings. This green space provides an important buffer to both Willow Farm, Green Garth, and Green Barn that compliments their setting.

The applicant has suggested that the development will lead to less than substantial harm to the character of the Conservation Area and the setting of the listed buildings. They point out that the NPPF states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The applicant argues that in this case the design and location of the building will improve the appearance of the conservation area by screening the 'out of character' bungalow to the rear of the site.

The Conservation Officer does not agree that the harm is mitigated toward any public benefit by erecting a building closer to the setting of the listed buildings, and although it might provide some screening of the C20 bungalow it will impinge of the listed buildings setting. The Officer also notes that The Willows is considered neutral in the Conservation Area and not harmful, therefore there is no public benefit by erecting a building within 10m of the listed building in order to provide screening from another dwelling of neutral contribution which is 30m to the east.

The Conservation Officer has fully assessed the proposal within this setting and is of the opinion that the development of the site would impinge on the setting, in particular Willow Farm, and introduce a sense of crowding and overdevelopment to this historical open space. As a consequence, this would introduce harm to the setting of the adjacent listed and historic buildings as well as to the Conservation Area. As a result, the proposal is contrary to Local Plan Policy HE1 and HE3.

Residential Amenity

It has been highlighted within several objection letters that the neighbouring dwellings have concerns with regards to loss of residential amenity. In terms of any impact upon adjacent dwellings the proposed dwelling is considered to have an impact upon residential amenity by way of potential overlooking and loss of privacy. The proposed rear gable of the dwelling will introduce a bedroom window at second story height facing towards the neighbouring property The Willows. The distance between the properties is 8m and the distance from the shared boundary is 2.12m.

Proposed habitable room windows at first floor level and above should be a minimum of 10 metres from the boundary of any private garden which they would face. A distance of 12m should be maintained to a blank gable wall and a distance of 10m should normally be provided between rear-facing windows on the first floor and the rear boundary. The proposed dwelling does not meet these requirements. The proposals, consequently, are contrary to Local Plan Policy and are not acceptable in terms of residential amenity.

It is noted that the proposal does meet the internal spatial standards set within the SYRDG. Although the distance from the property to the rear boundary is very limited, the proposed amenity area will be located at the site beyond the southern elevation. This garden area meets the size requirements set within the above guidance.

Highway Safety

The proposal would create a three-bedroomed dwelling on land recently used as garden for Willow House. New Road Lane is an unadopted track off High Lane and presently serves a number of long-standing farm buildings and dwellings. Although a passing place/ turning area is included in the amended proposals, New Row Lane remains well below the modern standards of an access intended to serve more than one dwelling. Even the adopted public highway of High Lane is so narrow as to make it impassable by two vehicles apart from informal passing places created by driveways and widened sections of verge.

Additional detail regarding delivery vehicle parking and bin storage have been proposed within the amended plans, however, the highways department still wish to raise concerns regarding the intensification of use of a substandard access. The highways department state that the scheme would not comply with statutory government guidance 'Fire Safety: Approved Document B' where the recommended minimum road width between kerbs is 3.7m. They also note that the dragging distance from storage to collection points is still above the recommended and furthermore, there is no route through for the bins when the vehicles are parked tandem on the driveway.

Given the above, the Council has concerns with the intensification of vehicle use on the unsuitable road structure. The Council's highway department concludes that even with the proposed widening of the lane, the intensification of the substandard route is unacceptable on highway safety grounds and is as a consequence contrary to Local Plan Policy T4.

Biodiversity

The Council has reviewed the submitted documents in connection with this development. The biodiversity department do not wish to raise any concerns to the proposal in compliance with Local Plan Policy BIO1.

Trees

The site falls within the Inbircworth Conservation Area and as such the trees are protected. The Tree Officer has assessed the proposal and submitted documents and concludes that there are some potential issues surrounding the trees. The proposed dwelling is located in close proximity to the category A tree T5 and as a result will encroach into both the rooting area and the canopy spread. The Tree Officer has expressed concerns in relation to future pressure on T5 as a result of the proximity of the proposed dwelling. As a result the Tree Officer has objected to proposal due to the impact on the category A tree T5 contrary to Local Plan Policy BIO1 and SPD Trees and Hedgerows

Recommendation

Refuse