Land to the rear of Greenland Cottage, High Hoyland Lane ("the Site")

Proposed Erection of a Single Dwelling ("the Proposed Dwelling")

Background

1. We are asked to advise Mr Stephen Warsop in relation to an anticipated planning application seeking approval for the Proposed Dwelling, and specifically upon the potential applicability of the policy exception relating to the construction of new buildings in the Green Belt found in paragraph 149(e) of the National Planning Policy Framework (**"the NPPF"** or **"the Framework")**. Aerial photographs and Layer Maps showing the Site's location within its surrounding context are enclosed Appendix 1.

2. Any planning application for the Proposed Development will fall to be assessed by Barnsley Council **("the Council")** against the policies contained in the development plan, and other material planning considerations. The development plan for the Site consists of the Barnlsey Local Plan (2019) **("the Local Plan")**, with Policy GB1 confirming that Green Belt land will be protected from 'inappropriate development' in accordance with national policy. The Framework sets out the relevant national policy in this regard, with paragraph 149 of the Framework setting out those circumstances in which construction of new buildings will be considered to be appropriate in principle. The paragraph 149 exceptions represent 'a closed list'.[1] A proposal will therefore need to be fall within one of these exceptions in order not to require justification through 'very special circumstances'.[2]

3. Paragraph 149(e) of the NPPF states that one such circumstance will be where the construction of new buildings constitutes "limited infilling in villages". We are asked to advise as to whether the Proposed Dwelling should be regarded as falling within this exception.

Analysis

4. In order to fall within the exception at paragraph 149(e) of the Framework, two separate points must be satisfied:

   (i) the relevant site must be located in a village; and
   (ii) the proposed development should constitute 'limited infilling'.

5. There are no definitions of a 'village' or 'limited infilling' in either the Local Plan or the NPPF. The application of the matters raised in points (i) and (ii) above to any particular development scheme therefore involves the exercise of planning judgments by a planning decision-maker, having had

[1] Timmins and Lymn v Gedling BC [2015] All ER 170
[2] Paragraph 147 of the Framework

regard to all relevant factual circumstances. However, previous court judgments and appeal decisions provide useful guidance as to how each of these issues ought to be approached.

6. It would seem to be uncontroversial that High Hoyland is a 'village' for the purposes of paragraph 149 of the NPPF. It is identified as a 'village' in the settlement hierarchy at paragraph 5.9 of the Local Plan, and has its own parish council. Correspondence between Mr Warsop and the Council's Head of Elections (see Appendix 2) reveals that there are 55 households on the Council's electoral register with a High Hoyland address, with the settlement also noted as having a population of approximately 125 persons as at 2021[3]. The village incorporates a public house, is served by public transport services, and historically had its own places of worship. It therefore satisfies the natural definition of a 'village' in that it consists of a group of houses and associated buildings in a rural area.

7. There has however been historical inconsistency as to whether the Site is located within High Hoyland village. These inconsistencies appear to stem from the settlement boundary demarcations for High Hoyland shown on the Council's Policies Map, the relevant extract of which can be seen at Appendix 3. Specifically, the part of the settlement to the north-east of the junction of Bank End Lane and High Hoyland Lane is denoted on the Policies Map as 'Urban Fabric' (an area of no specific policy designation), and is not washed over by Green Belt. Previous decisions relating to the Site have therefore proceeded on the basis that the village boundaries reflect the Urban Fabric delineation shown on the policies map, and exclude any areas of washed over Green Belt.

8. Indeed, we have had sight of a report prepared by the Council's planning officer **("the Officer's Report")** in respect of a previously submitted application seeking approval for construction of a dwelling on the Site (application reference 2018/0380) **("the Previous Application")**, and which was refused by the authority on the basis that the Site was outside of High Hoyland (see Appendix 4). The Officer's Report confirms that this conclusion was based on the fact that "the main settlement is defined as that part of the village located in Urban Fabric…the proposed development sits outside of this area weakening the case that the proposed (sic) could be described as limited infill in a village". The report also refers to a 2014 appeal decision relating to a separate site in High Hoyland in support of this position, a copy of which is enclosed at Appendix 5 (reference 2225500) **("the 2014 Appeal Decision").** That decision makes the same argument to that discussed in the Officer's Report, with paragraph 6 stating that the development plan regards the relevant site as being outside of the village because it does not fall within the 'Urban Fabric' area shown on the Policies Map.

9. Since the 2014 Appeal Decision was issued, the courts have made clear that settlement boundaries or delineations on policies maps should not be determinative in themselves when establishing the extent of a village for Green Belt policy purposes. Rather, an assessment of such

[3] High Hoyland Parish Website

issues will depend on the position on the ground, having consideration to all relevant factors.[4] Paragraph 5.10 of the Local Plan expressly recognises this fact, stating that the extent of any village settlement "will be a matter of interpretation on a case-by-case basis". Settlement boundaries identified on the Policies Map are not therefore "intended to be interpreted as defining development limits" given that there are areas of Green Belt between existing localities in some places.

10. The 2014 Appeal Decision's reliance upon the settlement boundaries delineated in the Council's policies map when identifying the extent of High Hoyland village is understandable given that appeal pre-dated the court judgment referred to above. That appeal was also considered against the authority's previous Unitary Development Plan document, rather than the Local Plan. The legal and policy context to this issue is now different to that which existed at the time of the 2014 Appeal Decision.

11. The Previous Application was also the subject of an appeal (reference 3247092) **("the Previous Appeal"**), the decision letter for which is enclosed at Appendix 6 **("the 2020 Appeal Decision").** It is important to note that the case in favour of that development was not primarily argued on the basis that it constituted limited infill within a village. Paragraph 6 of the 2020 Appeal Decision confirms this fact, noting that "the appellant has not expressly suggested that the proposal would not amount to inappropriate development in the Green Belt". Rather, the appeal case was largely presented on the basis that the design quality of the house would outweigh any harm to the Green Belt.

12. As such, there would appear to have been very little (if any) evidence before the Previous Appeal with regards to the extent of High Hoyland village. Indeed, paragraph 8 of the 2020 Appeal Decision suggests that the only written evidence available to the Inspector in considering this issue was the 2014 Appeal Decision. Clearly the Inspectors determining 2014 and 2020 appeals could have arrived at an entirely different conclusions on the extent of High Hoyland village had they been provided with additional information indicating that the village boundaries extended beyond the junctions of High Hoyland Lane with Back End Lane and Church Lane.

13. Looking at the aerial photographs at Appendix 1, the Site does not read on the ground as falling within an undeveloped open area. Rather, the Site and its immediate environs form part of a wider area of built form in visual terms. Spatially, and as can be seen from the maps enclosed at Appendices 1 and 3, the developed area to the south-west of the Bank End Lane and High Hoyland Lane junction that is washed over by Green Belt forms a continuum of built form when viewed in conjunction with the 'Urban Fabric' village area denoted on the policies map. There are no clear and obvious physical features that separate these two areas. Rather, the indentation morphology of both areas align with one-another in providing a consistent linear settlement pattern. We are

[4] Julian Wood vs Secretary of State for Communities and Local Government and Gravesham BC [2015] EWCA Civ 195

informed that 16 dwellings are located within the part of the settlement washed over with Green Belt, and which would not be regarded as forming part of the village on the basis of the conclusions reached by the 2014 and 2020 Appeal Decisions. That is a significant number in the context of a settlement that is understood to accommodate 55 households.

14. Paragraph 7 of the 2020 Appeal Decision comments that the "main village lies some distance from the Site". However, the Site is only 300 meters (approximately) and less than 5 minutes' walk from The Cherry Tree Public House, bus stops, and notice board facilities that the 2014 Appeal Decision noted as being "the main focus of the village" which the settlement is "primarily concentrated around". The annotated map at Appendix 1 shows the proximity between the Site and The Cherry Tree Public House for ease of reference.

15. Furthermore, facilities serving the village and local community have been historically sited in the Site's immediate vicinity and within the part of the settlement designated as Green Belt. The former High Hoyland Methodist Chapel (now a private residence having been converted in the 1990's) was constructed in 1890 and is located on High Hoyland Lane to the north-east of the Site. It is therefore clear that buildings along High Hoyland Lane have formed an important part of the village's social evolution and identity. It is also noted that street lighting and telecommunications paraphernalia extends along High Hoyland Lane well beyond the Site, providing a continuous linkage to the remainder of High Hoyland village on the ground. Indeed, the village street lighting extends beyond Deffer House, which the final property located along High Hoyland Lane.

16. Notwithstanding the position taken in the Officer's Report, the Council has also accepted that the Site lies within High Hoyland village when determining other recent applications. We attach a copy of the planning officer's report for a recently approved residential extension at 1-2 Greenland Cottage (reference 2022/0960) **("the 2022 Officer's Report")** (Appendix 7)**,** which expressly acknowledges that the property is "located within the village of High Hoyland". This Site is located immediately to the north of the property, and there are no features on the ground that would explain how the Council could consider the property to fall within the village boundary, but the Site to fall outside of it for these purposes.

17. The correspondence with the Council's Head of Elections at Appendix 2 also confirms that the authority regards properties situated along High Hoyland Lane as having a High Hoyland address for electoral purposes. It is also clear from the 2020 Appeal Decision and 2022 Officer's Report that High Hoyland Parish Council is consulted upon planning proposals beyond the 'Urban Fabric' boundaries identified in the policies map. As such, the Council seemingly progresses administrative matters affecting the Site on the basis that it falls within the village, both for planning purposes in the context of other regimes. We also note that third party data and gazetteer

publishers regard the Site as falling within High Hoyland on the basis of Ordnance Survey mapping and wider considerations.[5]

18. There is therefore a good basis upon which to conclude that the Site is located within High Hoyland village, notwithstanding the conclusions of the 2014 and 2020 Appeal Decisions. The Council has effectively acknowledged that the Site is within High Hoyland village when determining other applications, and has recognised that development beyond a primary village 'cluster' can still form part of a village when applying Green Belt policy.[6] Establishing the extent of a village in planning terms clearly requires consideration of matters beyond policy designations, and the boundaries of High Hoyland should not be identified solely by reference to policy designations. Indeed, the boundaries of other villages in the Council's administrative area would plainly not be identified purely by reference to the extent of identified 'Urban Fabric' in the Local Plan. For example, the village of Hoylandswaine[7] includes significant areas of built development along Barnsley Road and Skinpit Lane (including the Lord Nelson public house) that are washed over by Green Belt and outside of the 'Urban Fabric', but which are nonetheless part of the 'village' for these purposes.

19. No criticism is made of the 2014 and 2020 Appeal Decisions given that they fell to be decided by reference to the evidence submitted as part of those proceedings. It is clear that the evidence submitted in respect of this issue in both appeals was less than detailed, particularly given that the Previous Application and associated appeal were progressed on the basis of a design-quality argument rather than as an 'infill' case. However, consideration of relevant factors on the ground suggests that the village boundary ought to encompasses land washed over with Green Belt and which is outside of the Urban Fabric shown on the Policies Map. Indeed, the Council accepted that the Site's immediate locality falls within the High Hoyland village boundary in its recent determination of application reference 2022/0960.

20. Whether a proposal constitutes 'limited infilling' is a matter of planning judgment for a decision-maker. There is no definition of the term in the NPPF, and although the Local Plan contains a definition of 'Infill Development', that term is used in the context of other policies rather than Green Belt matters. A view must therefore be formed in light of the facts, although the courts have indicated that a conclusion on this issue will typically be formed following consideration of "the nature and size of the development, the location of the site, and its relationship to other existing development adjoining it and adjacent to it"[8].

[5] For example, GetTheData.com and Streetlist.com, with copies maps identifying the extent of their understanding of High Hoyland village enclosed at Appendix 8
[6] See for example, the Officer's Report for application reference 2016/1513 in which it was acknowledged that "further dwellings" sited along an adjoining highway outside of the 'main development' associated with the settlement still fell within the village boundary (Appendix 9)
[7] See the Policies Map Extract at Appendix 10
[8] R (Tate) vs Northumberland County Council [2018] EWCA Civ 1519

21. The proposed development in this instance would involve the construction of a single dwelling. It is therefore a small-scale project that should naturally be regarded as 'limited' for these purposes. As can be seen from the aerial photographs and maps at Appendix 1 to this note, the Site's vicinity is characterised by neighbouring residential development and its associated curtilage. The Greenland Cottages properties are located to the west of the Site, with 1-2 Greenland Cottage to the south of the Site expected to be developed imminently pursuant to planning permission reference 2022/0960. A residential property known as 'the Mount' is located to the north-east of the Site, with its garden and driveway running adjacent to the Site's eastern boundary. Garage buildings and structures associated with The Mount's residential use are located within the vegetation forming that property's boundary with the Site.

22. The 2020 Appeal Decision concluded that the construction of a dwelling on the Site would not constitute infill on the basis that the building would not occupy "an existing clear gap between the existing properties" and as surrounding dwellings "do not read as being directly adjacent to the site" as a result of vegetation to the north and west. However, it has been determined in separate appeal decisions that 'infill' should not necessarily be confined to the infill of a gap in an otherwise built-up frontage, but can extend to development within the context of a wider group of buildings.[9] Similarly, such decisions have noted that 'infilling' suggests development of land surrounded by existing development on at least 2 sides within reasonable proximity, rather than requiring built form along each and every border[10].

23. The aerial photographs and maps at Appendix 1 show how the Proposed Development would be positioned within the wider collective of buildings in the vicinity. The Proposed Development would adjoin long-established residential plots to the east and south/west, and occupy a vacant space within the contextual grain of the surrounding built form. The Site is bordered by 'previously developed land' for the purposes of the Framework on all sides other than to the north, and does not abut any agricultural land or other uses that might otherwise affect the surrounding character of the area. The Site's positioning within the street scene and the vegetation to its northern and eastern boundaries provide an obvious gap in spatial terms. Indeed, the Site has historically been developed and accommodated substantial built form, as can be seen from the enclosed historical map extract from 1893 (Appendix 12). Beyond the immediate vegetation to the northern boundary are substantial detached residential properties, with generous curtilage. As can be seen from the Maps at Appendix 1, the Site is regarded in land use and spatial terms as forming part of a wider area characterised by development.

24. Paragraph 10 of the 2020 Appeal Decision suggests that the Site ought not to be regarded as 'infill' land on the basis that its frontage is set back from High Hoyland Lane. However, the concept of infilling does not expressly require plots to abut a public highway, and the appeal decisions

[9] See for example, appeal reference 3227776 at Appendix 11, endorsed in the recent appeal decision reference 3299298

[10] See paragraph 13 of the above appeal decision

identified above indicate that a broader view should be taken in considering a site's relationship to its wider context. In any event, the Site directly adjoins an access which connects to the public highway, and which serves the Greenland Cottages. The Proposed Dwelling would be sited between established residential land uses, with the broader area also predominantly characterised by residential use.

Conclusion

25. In view of the above discussion, there is a reasonable basis upon which to conclude that that the Proposed Dwelling would fall within the exception at paragraph 149€ of the Framework. The applicability of this exception to the Proposed Dwelling requires the exercise of planning judgments. However, consideration of circumstances on the ground indicates that the Site should be regarded as being located within High Hoyland village, and the Council has reached this conclusion itself when considering other applications.

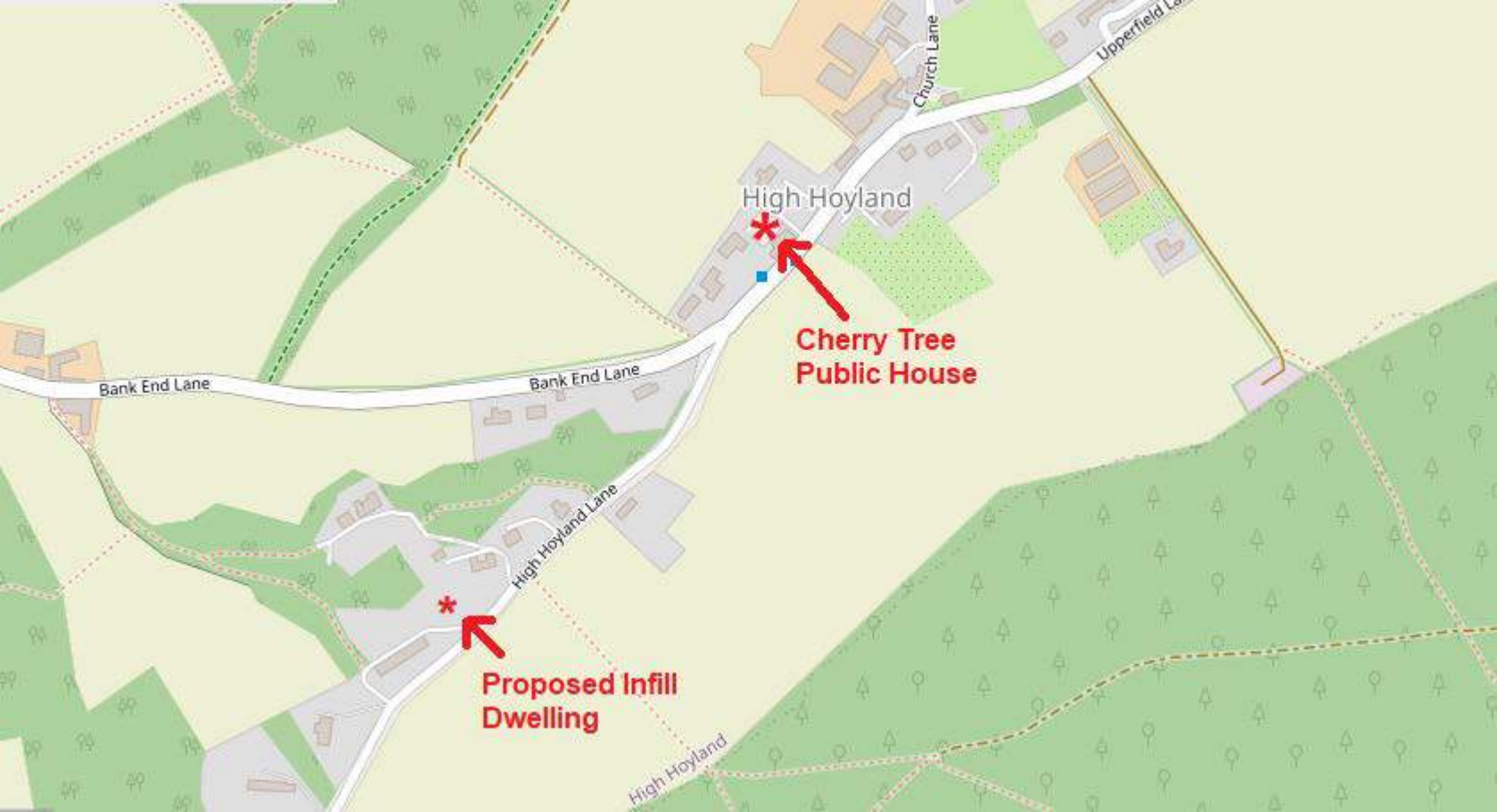
26. Similarly, when regard is had to the spatial pattern of buildings and land uses within the Site's vicinity, there is a reasonable basis upon which to conclude that the Proposed Dwelling would constitute infill for the purposes of paragraph 149(e) of the NPPF. The construction of a single dwelling would constitute 'limited' infill in such circumstances given the small scale of development involved.

27. If the Proposed Dwelling is considered to fall within the exception at paragraph 149(e) of the Framework, it will be regarded as appropriate in principle for its Green Belt location. However, the proposal would still need to be assessed against all other relevant Local Plan policies and material considerations in considering whether the application should be approved. We understand that the Proposed Dwelling will be of a high-quality design and achieve a Future Homes Standard. We are also informed that the Proposed Dwelling will incorporate a range of sustainability measures so as to be zero carbon, including heat pump technologies, as well as solar PV and rainwater harvesting. The Proposed Dwelling would therefore comply with policies CC1 and RE1 of the Local Plan by accommodating suitable design features to reduce emissions**.** The Council considered the previous residential development proposals for the Site to be acceptable in highways terms, have a positive impact on visual amenity, and be sympathetic to landscape character. It is therefore hoped that the Council (or an inspector on appeal) would resolve to grant planning permission for the Proposed Dwelling should it consider the exception at paragraph 149(e) to be applicable on this basis.

Walton & Co

31 May 2023


High Hoyland
Church Lane
Upperfield
Bank End Lane
nk End Lane
High Hoyland Lane
High Hoyland


High Hoyland
Church Lane
Upperfield La
Bank End Lane
Bank End Lane
High Hoyland Lane
High Hoyland
Cherry Tree
Public House
Proposed Infill
Dwelling







RE: Electoral census

Dear Mr Warsop,

Thank you for your enquiry. We currently have 55 households on the Electoral Register with a High Hoyland address.

Please contact me if you have any further information.

Kind Regards,

Peter Clark BA (Hons), FInstLM, AEA (Dip.)
Head of Elections
Core Services
Barnsley Metropolitan Borough Council
Phone (forwarded to mobile): 01226 772343
Email: peterclark@barnsley.gov.uk
Post: PO BOX 634, Barnsley, S70

SW **Steven Warsop** Yesterday
To: electoralservices@barn... >

Electoral census

Ftao Peter Clark
Thankyou for your prompt reply I wonder could you confirm that the 55 number you relate to in the highhoyland village in your previous correspondence takes in that of my self and my nieghbours , numbers 1 to 7 Greenland cottages Highhoyland Lane ? I am aware that our own home number 1+2 is at the moment one dwelling and also numbers 4 and 5 the same , therefore the number of 7 dwellings is only 5 for council tax purposes thanking you in advance best regards Steven Warsop
Sent from my iPhone

PC **Peter Clark** 10:11
To: Steven Warsop >

RE: Electoral census

Dear Mr Warsop,

We are aware that there currently only 5 residential properties on Greenland Cottages which are included in this figure.

Kind Regards,

Peter

Peter Clark BA (Hons), FInstLM, AEA (Dip.)
Head of Elections
Core Services
Barnsley Metropolitan Borough Council
Phone (forwarded to mobile): 01226

MAP 8

Adopted Local Plan 2019

Go to Map 1

Go to Map 9

LITHEROP ROAD

CHURCH LANE

High Hoyland

SL28

UPPER FIELD LANE

BANK END LANE

HOLLIN HOUSE LANE

HIGH HOYLAND LANE

Cawthorne Park

Scale 1:7500

NORTH

Go to Map 16

© Crown copyright and database rights (2018).Ordnance Survey licence number 100022264.

2018/0380

Applicant: Mr Steven Warsop

Proposal: Erection of 1 residential dwelling and associated infrastructure (Amended Plans)

Address: Land to rear of The Greenland Cottage, High Hoyland Lane, High Hoyland, Barnsley

Two rounds of consultation have been undertaken, one in May 2018 when 12 objections and 10 letters of support were received. A second consultation was undertaken in August 2019 when amended plans were received; this resulted in 6 letters of objection. High Hoyland Parish Council objects.

Update

This application went before Members at the October Planning Board and was deferred to allow Members the opportunity to visit the site. Provisions have therefore been made for Members to visit the site prior to the Planning Board meeting.

Site Location and Description

The application site is located to the south of High Hoyland, off High Hoyland Lane. There is a row of cottages to the front (west), Greenland Cottages, and The Mount lies to the east, with the garden to this property wrapping around the site. To the rear of the site there is The Perch and Hoyland Hills Cottage.

The application site is approximately 0.14 hectares in size and presently consists of a redundant back filled quarry that is in private ownership. The site has also historically contained buildings within it as shown on the OS plans from 1960 and earlier.

The site's topography is sloping from north to south, with a cliff face (associated with the former quarry use) that is located approximately 15m from the proposed site access. The land plateaus from the cliff face to the proposed site access on High Hoyland Lane. There is a second plateau at the top of the cliff face.

Proposed Development

It is proposed to erect a single dwelling cut into a rock face on the site. Set over three storeys the property has 6 bedrooms, integral garage and workshop with open plan living space on the top floor.

The building is designed to step in, over three terraces with various elements at single or two storeys. The proposed building will sit within an excavated former quarry, resulting in the lower floors being essentially below ground. The principal elevation facing High Hoyland Lane will be visible beyond the site boundaries.

Although rectangular in footprint, the building is designed to minimise the visual impact of the lower floors with the upper floor level being more transparent and a 'lighter' structure. The upper 'pavilion' is 'linear' in form. The block plan indicates how the proportions of the 'above ground' building elements integrate into the built fabric of the wider settlement.

A substantial reduction of approximately 50% has been made to the size of the footprint of the upper floor. The original proposal had a footprint of 253 sq. m. The revised proposal reduces this figure down to 127 sq. m.

The garden areas are at a higher level, on the top of the cliff face, behind the dwelling.

The height of the building would be considerably lower than 'The Mount', the adjacent dwelling to the north.

A landscape architect has been involved in the preparation of a landscaping scheme to enhance the building and ensure it is successfully integrated and respects the surrounding landscape. Man-made external features are kept to an absolute minimum with the regrading of the landscape designed to minimise the need for retaining walls or steps, and quarried stone used to give the appearance of the building emerging from the quarry face.

Planning History

2008/0541 – Erection of a domestic detached garage – Withdrawn

2014/0078 – Erection of a single storey detached annexe building – Approved with conditions 30/04/2014.

2017/0333 – Erection of a single storey detached annexe building – Approved with conditions 27/04/2017.

Policy Context

Planning decision 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 3th January 2019 after it was found to be sound by the appointed Planning Inspector following the examination process. This means that it now takes on full weight for decision making process in planning law terms as the development plan for the Borough, superseding the remaining saved policies from the Unitary Development Plan (adopted in the year 2000) and the Core Strategy (adopted in 2011).

Local Plan Policies

The site is allocated is located in the Green Belt in the Local Plan where GB1 applies, protecting the Green Belt in accordance with National Planning Policy.

Other relevant policies include:

SD1 – Sustainable Development
GD1 – General Development
LG2 – The Location of Growth
H1 – The Number of New Homes to be Built
H2 – The Distribution of New Homes
H5 – Residential Development on Large Non-allocated Sites
H6 – Housing Mix and the Efficient Use of Land
T3 – New Development and Sustainable Travel
T4 – New Development and Transport Safety
D1 – High Quality Design and Place Making
LC1 – Landscape Character
HE1 – The Historic Environment
HE2 – Heritage Statements and general application procedures
BIO1 – Biodiversity and Geodiversity
GB3 – Changes of use in the Green Belt
CC1 – Climate Change
CC2 –Sustainable Design and Construction
CC3 – Flood Risk
CC4 – Sustainable Drainage Systems (SuDs)
CC5 – Water Resource Management
RE1 – Low Carbon and Renewable Energy
Poll1 – Pollution Control and Protection

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.

Paragraph 143 is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Whilst paragraph 144 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 145 clarifies that new buildings are inappropriate development with few exceptions.

Paragraph 79 relates to isolated homes in the countryside, allowing them only under specific circumstances including where the design is of exceptional quality in that:

"it is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area".

Paragraph 131 requires, in determining applications, '*great weight to be given to outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit with the overall form and layout of their surroundings*'.

Consultations

Biodiversity – Requires a landscape strip of 5m in the north-eastern corner to protect bluebells present on the site. In addition, tree planting should be hedgerow species to enhance the bluebell habitat.

Coal Authority – Material consideration, the site is in a High Risk Area

Drainage – No objections

Design Officer – Supports the proposal as an outstanding design in the greenbelt.

Highways – No objections subject to conditions.

Regulatory Services – No objections.

SYMAS – The site is in a Coal Authority referral area and the Coal Mining Risk Assessment recommends further intrusive investigation. This can be secured by condition therefore, no objections subject to this being carried out and a report detailing the findings provided prior to commencement.

Trees – The updated report deals with the arboricultural issues satisfactorily and only one category C tree requires removal to facilitate the development. I concur that T2 and T3 will be relatively unaffected due to the presence of the rock layer, however protection measures will still be required as part of an arboricultural method statement. There is no objection to the proposed development subject to a suitable condition.

Ward Councillors – Councillor Bernard and Councillor Wilson have objected to the proposal and requested the application be presented to PRB and that a site visit be undertaken by Members.

YW – No objections subject to conditions.

Representations

The application has been advertised by way of a press advert, site notice and properties within the vicinity have been consulted directly in writing. Two rounds of consultation have been undertaken, one in May 2018 when 12 objections and 10 letters of support were received. A second consultation was undertaken in August 2019 when amended plans were received; this resulted in 6 letters of objection.

The objections received raise concerns regarding:

- Insufficient parking for a large property where there is already a parking issue. This is likely to lead to parking on High Hoyland Lane which is a through route to Cannon Hall and Cawthorne.
- The site is in the green belt and similar applications have been refused.
- Loss of privacy for residents of Greenland Cottages.
- Not in keeping with the historic context of the surrounds
- This is over development, alongside the approved annex (2017/0333)
- Noise disturbance
- Increased pressure on the existing poor drainage in the area, no provision for a septic tank
- The house is too large
- The applicant has already cleared the land, removing trees and impacting on wildlife
- The village is in the green belt and highly visible, the proposed would undermine the planning policy for the whole village
- The access is also a public right of way

In addition, the Parish Council (PC) has objected on the grounds that the proposed is located in the Green Belt, is too large, the design is out of keeping with the existing settlement character and form, the impact on drainage, and issues over access during construction and occupation. The PC has referred to previous applications and appeals within the village that have been refused as well as a previous application for a garage on this site which was withdrawn. The PC have also stated that they believe the applicant has undertaken landscaping works on the site and that a retaining wall has collapsed leading to the site being seen as it is today.

Some concerns have also been raised regarding land ownership and right of access disputes; however, this is outside of the planning process.

Assessment

Principle of Development

The site is located in the Green Belt whereby the construction of dwellings (with the exception of dwellings for agricultural and forestry workers) is classed to be an inappropriate form of development under paragraph 145 of the NPPF. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Any harm to the Green Belt should be given substantial weight. Very special circumstances shall not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations.

The applicant has sought to argue that the proposed is limited infilling in a village and therefore an exception under paragraph 145 of the NPPF and they have referred to an appeal decision in Huthwaite (2014/1240) which was allowed. However, the village of High Hoyland, unlike Huthwaite, is not entirely located in the green belt. The main settlement is defined as that part of the village located in Urban Fabric, as shown on the Local Plan Policies Map (and previous UDP). The proposed development sits outside of this area weakening the case that the proposed could be described as limited infilling in a village. It should also be noted that an appeal decision related to an application for 2 houses on a site nearby in High Hoyland, similarly located outside of the main village as defined on the Policies Map (2014/0520), was dismissed with the Inspector finding that it would not qualify as limited infilling. I have therefore concluded that the proposed is inappropriate development in the Green Belt and does not qualify as an exception under NPPF paragraph 145. Similarly, the site is not considered suitable as a rural exceptions site under Local Plan Policy H7 which allows limited affordable housing to meet community needs in or on the edge of a village; because its location is outside of the main village and physically separate from it. On this basis substantial weight is afforded to the harm to the Green Belt.

A 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. The development site is surrounded by residential development and associated curtilages. Planning history for it shows it as being within the ownership of 1-2 Greenland Cottages since 2008 at least. It is also apparent that buildings have previously been located here as shown on the historic mapping back to 1865 and as recently as 1960. Finally the site has been quarried, as evidenced in the Coal Mining Risk Assessment which states it shows as a quarry on the 1815 OS; this has also been confirmed by records held by the Council. Whilst the previous quarrying of the site does not make it previously developed land (as defined in the NPPF) nor would it being part of the domestic curtilage of No.1/2 Greenland Cottages (if this were to be proved) the character of the site is defined by the cliff face and the various parked vehicles and storage structures located on it. The visibility of the site, with public views limited to those available from High Hoyland Lane and a PROW to the south, is also a factor in relation to the impact on openness.

The high quality, bespoke design and eco credentials of the proposal does weigh in its favour. Paragraph 131 of the NPPF states that *'great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help to raise the standard of design more generally in an area, so long as they fit with the overall form and layout of their surroundings'.* The application is assessed on this basis, taking account of Green Belt Policy (GB1), Design Policy (D1) and Landscape Character Policy (LC1) as well as Low Carbon and Renewable Energy (RE1) and Climate Change (CC1) and any other relevant policies as quoted.

The proposed plans were considered by the Barnsley Design Review Panel, who in assessing the site concluded it had characteristics capable of supporting an innovative and outstanding designed building. The panel made a number of recommendations regarding the design approach including the use of a Landscape Architect, which the applicant has taken on board in redesigning the proposed. Following this, the plans have been carefully scrutinised by the Council's Senior Urban Design Officer who attended the original Design Review Panel meeting and has sought to assess the plans taking on board the comments that were made by the members of the panel. In arriving at the conclusion that the proposed design is of an outstanding and innovative nature the Senior Urban Design Officer has afforded weight to a number of aspects of the design including:

The building is bold and confident in its architectural expression but firmly rooted in the narrative of the site as a former quarry and the character of its surroundings. There is an assurance in the composition of its elements, in its architectural arrangement and proportions, in its solid to void relationship and in the attention to detail in the appearance of the natural stone.

The single external facing material would be natural stone (including some from the quarry face), clearly showing a direct narrative with the former use of the site as a quarry and with the predominant facing material of buildings in the vicinity. The main face of the building will be crafted to appear as dry stone walling and the front projection, which relies on a flatter profile to enable its architectural expression, would be in smooth facing ashlar. Clearly there is a commitment to making the best use of high quality, sustainable materials. In addition large rocks (from the quarry face) will be used on the retaining bank on either side of the front elevation, further extending the narrative of the former use of the site.

There is a clear hierarchy of windows shown in the front elevation, with a strong contrast between two main expanses of glazing, (these being located on the top floor of the main building and in the picture window of the projection), and the more playful arrangement of the smaller windows. Combined with the very large expanses of natural stone on the elevations, this solid to void arrangement adds to the rugged appearance of the building and again the connection back to the former use of the site as a quarry. This ruggedness is further emphasised by the depth of the windows - they are considerably setback from the face of the stone adding further shadow and relief. Depth is also strongly expressed with the overhanging picture window and its 'frame'.

The front elevation of the building has a forward projection to break down the massing of the building. This projection forms a visual bookend to Greenland cottages, wrapping around the long and thin form of Greenland cottages.

The overhanging flat roof of the proposed building has been designed to appear as light and floating as possible and gives a strong horizontal emphasis to the building, matching the long horizontals of the roof of Greenland Cottages.

The bulk of the volume of the building will be set back into the quarry face, following excavation; with a sunken courtyard at the rear, bringing light into the middle of the house and allowing direct access from the bedrooms to outside.

The applicants have provided a photomontage of how the building would look from the public footpath in the field down from the site. This shows the building in the context of Greenfield Cottages, the Mount and the single storey dwelling located next to the Mount. From this view the building appears nestled in the tall tree canopies behind it. The existing dwellings appear much more dominant in this montage.

With regards to landscape character, the Barnsley Landscape Character Assessment places the site in E1: West Barnsley Settled Wooded Farmland and assesses the landscape as strong and in good condition. It has a high sensitivity to, and low capacity for, change. Local Plan Policy LC1 expects development to retain and enhance the landscape character area in which it is located. One of the recommendations of the design review panel was to involve a landscape architect in the scheme which the applicant has taken on board. A number of changes have been made including the use of the stone taken from the cliff face in the external elevations and landscaping and the careful regrading of land rather than utilising retaining structures. The building is now more closely tied to its location and landscape.

As stated, the previous use of the site as a quarry, does not qualify it as brownfield or previously developed land under the definitions as set out in Annex 2 of the NPPF and it is also accepted that this use is historic. Nevertheless, a review of aerial photos shows that the site was densely vegetated in 2002 but that by 2009 a significant amount of trees had been removed and the various porta cabins and vehicles currently present on the site had appeared. It is therefore evident that it has been in its current state (or thereabouts) for circa 10 years. The tidying up of the site and addition of a well-designed building, which has taken its design ques from the site and surrounding landscape will enhance the current site. In addition, the proposed landscaping scheme adds to this through the use of quarried stone and appropriate planting. In this respect the proposed is an outstanding, innovative design and its overall form and layout is clearly tied to its surroundings in compliance with paragraph 131. In addition it complies with Local Plan Policy LC1 in that it retains and enhances the character and distinctiveness of the individual landscape character of the site and wider area.

In terms of the sustainability of the building, the applicant has employed Award Energy Consultancy and provided a designer's response following the design panel, which confirms the following:

- Stone from the quarry face would be excavated and re-used as walling material and in the formation of the retaining embankments. This approach is highly sustainable.

In terms of a fabric first approach high levels of air tightness would be achieved throughout and potential thermal bridging details would be avoided.

- The building would utilise a fully externally insulated reinforced raft slab, preventing cold bridging issues and the walls would be constructed in a 350mm Neopor Block system, which provides a U value of 0.14W/m2K which supersedes Pasiv Haus requirements. It has a core of 150mm concrete with 150mm external sleeve of insulation and a 50mm internal sleeve. Plastic hard ties eliminate any thermal bridging. Upper floors would be constructed in an insulated 'Op- Dek' system using profiled metal sheet and concrete, achieving high levels of insulation.

- The roof which is designed to have a minimum thickness with a 'floating thin edge' projecting overhang beyond the glass and stone walls would be constructed in timber and steel and incorporate an insulated 'cut to falls' warm roof with an 'Armourplan' single layer pvc membrane roof finish.

- The main windows are located on the south and south-western elevations, where the advantages of passive solar design would come into play. The windows would achieve high U value standards. Roof overhangs would be created over most of these windows to allow shading in the height of summer.

A number of sustainable technologies are also proposed:

- A mechanically vented heat recovery system would be introduced as part of a comprehensive programme of energy saving measures.

- Heating and hot water would be provided by a specialist designed system incorporating an air source heat pump and bio-mass boiler.

- 'Grey water' and rainwater would be recovered and harvested.

- A ground based photovoltaic array would take advantage of the wider screened garden area and this would be discretely located remote from the building. The site is large enough and the topography such that the panels can be successfully screened from view without reducing their efficiency.

In this respect the proposed promotes a high level of sustainability in accordance with paragraph 131 of the NPPF and Local Plan Policies CC1, CC2, CC5 and RE1.

In conclusion regarding the matter of principle, and in relation to paragraph 143 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. In addition, in relation to paragraph 144 of the NPPF, the proposal would also result in loss of openness which also must be given substantial weight in the planning balance. However, it is considered by Officers that the character, location and visibility of the site, alongside the design of the proposed dwelling are such that the impact on openness is limited. Further, the outstanding and innovative design alongside the high levels of sustainability which the proposed house can be said to achieve is afforded considerable weight. It has taken into account the land form and history of the site and its surrounds, being cut into the rock face and utilising local stone it blends with and is grounded to, the previous quarrying that occurred in this area. In this respect is fits with the form and layout of its surrounds. The residential character in the area is mixed with no set style or specific standard of design and the introduction of the proposed would bring a modern design form that would add interest and could be said to raise standards. Finally, the proposed would improve the landscape of the site (as it currently stands) and make a positive contribution to landscape character in the area. Officers also take the view that it would be perverse to allow new isolated dwellings in the countryside which satisfy the outstanding or innovative design test under paragraph 79 of the NPPF, where the potential for harm to openness is much greater, but not proposals that satisfy this test on less isolated sites, as the case here taking into account that the site is positioned between existing dwellings. Taken as a whole these positive considerations can be said to constitute very special circumstances in favour of the proposed which are considered sufficient to outweigh the harm that would occur to the Green Belt in this particular case.

Visual Amenity

The Landscape Statement provided by the applicant identifies the visual impact of the development as being limited to local views only from two public rights of way running through the field opposite the site from Margery Wood to the east and as pedestrians or vehicles travel along High Hoyland Lane. Other views would be from the adjacent cottages, albeit these are to the side with no windows looking directly at the site. The visual impact is therefore limited by this reduced visibility of the site itself. The visuals provided give an impression of what the building would look like when viewed up close (from the road) and the photomontage provides a distant view from the footpath; demonstrating how the existing landscape and trees will soften and screen the building.

The location, scale and design of the house would also have a limited impact on visual amenity being screened from view by the landform that surrounds it and existing trees; as well as the wider topography in terms of long distance views. It is also worth noting that permission has been granted for an annex to 1-2 Greenland which would be located in front of the proposed and further screen it.

Finally, the proposed is a well-designed scheme with a strong relationship to the landscape in which it is sited. In this respect, and taking account of the current status of the site, it will have a positive impact on visual amenity in accordance with Local Plan Policy D1 and LC1.

Residential Amenity

There are a number of residential properties around the site albeit there is very little in the way of visual connectivity between the various properties and therefore no real impact on amenity.

The proposed is located to the rear of Greenlands Cottages; however, it is set to one side and does not directly face any of the properties in this terrace. The scheme as amended initially had a terrace to the front which was removed from the plans in part because it would have overlooked the rear gardens of Greenland Cottages.

The glazed top floor is the main living space for the proposed property and does have a large area of glazing around the rear, side and front which has the potential to give rise to issues of privacy or overlooking. This is mitigated in part by the retention of existing trees to the side of the proposed and the angle of the building which is such that views would be mostly over the garden to the side of 1-2 Greenland Cottages which is in the same ownership and is in any case not private amenity space, being open to the road. The approved annex to the front has habitable room windows to the rear, but these are secondary windows with the main aspect facing forwards. They are also at a lower level and would look at the garage of the proposed rather than any windows and are set at an angle.

There are two smaller bedroom windows in the side elevation of the lower pavilion, however, the level changes, landscaping and the angle at which the property is set minimises any overlooking resulting from these.

The proposed dwelling is acceptable in residential amenity terms and complies with Local Plan Policy D1 and the accompanying Designing New Housing Development SPD in this regard.

Highways

The proposed property is to be served by a private driveway with a gated entrance to hide the appearance of cars on the site's frontage. The approach to the access is from the existing access on High Hoyland Lane. Parking provision includes an integral garage with a driveway in front to park 2 vehicles. This level of provision satisfies the existing and draft SPD and so there are no grounds to raise concern with the proposal on those grounds. Highways have confirmed no objections.

Conclusion

In conclusion, the proposal is inappropriate development in the Green Belt which is by definition harmful, and has an impact on openness, and substantial weight is given to this harm in the planning balance. Nevertheless it is accepted that very special circumstances have been demonstrated by virtue of the outstanding design and high levels of sustainability achieved, alongside the uniqueness of the development site. The Officer recommendation is therefore one of approval.

Recommendation

Approve subject to conditions:

1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.

2 The development hereby approved shall be carried out strictly in accordance with the plans and specifications as approved:

2016/07/02 - Rev B Site Layout
2016/07/03 - Rev B Floor Layouts
2016/07/04 - Rev C/1 Elevations
2016/07/05 - Rev A Sections
R/2259/1A - Landscape Masterplan

unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1, Design.

3 Upon commencement of development details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.

4 Upon commencement of development a plan indicating the position of boundary treatment(s) to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details and shall thereafter be retained.
Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property in accordance with Local Plan Policies GD1 General Development Policy and D1 High Quality Design and Place Making

5 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.

6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration of the dwellings which would otherwise be permitted by Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority, and no garages or other outbuildings shall be erected.
Reason: To safeguard the openness and visual amenities of the Green Belt in accordance with Local Plan Policy GB1 Protection of Green Belt.

7 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any part thereof, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out in accordance with the approved plan.
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1 Biodiversity.

8 Pedestrian intervisibility splays having the dimensions of 2 m by 2 m shall be safeguarded at the drive entrance/exit such that there is no obstruction to vision at a height exceeding 1m above the nearside channel level of the adjacent highway.
Reason: In the interest of road safety in accordance with Local Plan Policy T4 New Development and Transport Safety.

9 All surface water run off shall be collected and disposed of within the site and shall not be allowed to discharge onto the adjacent highway.
Reason: In the interests of highway safety in accordance with Local Plan Policies T4 New Development and Transport Safety and POLL1 Pollution Control and Protection.

10 The site shall be developed with separate systems of drainage for foul and surface water on and off site.
Reason: In the interest of satisfactory and sustainable drainage in accordance with Local Plan Policy CC3

11 No trees or other landscape features shall be located over or within 5 metres either side of the centre line of the public sewer i .e. a protected strip width of 10 metres that crosses the site . If the required stand-off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.
Reason: In order to allow sufficient access for maintenance and repair work at all times.

12 The site has been identified to be at risk from potential coal mining legacy. An intrusive site investigation must therefore be undertaken by a suitably qualified person to evaluate the ground conditions and determine any actual mining legacy risks. The site investigation should also consider the risk of the development spanning a former quarry 'high wall' in the northern extremity of the proposed footprint. The site investigation and subsequent development must be undertaken in compliance with Construction Industry Research and Information association publication 32 "Construction over abandoned mine workings" where applicable. A report detailing the findings of the investigation and any recommended mitigation shall be submitted for approval in writing by the Local Planning Authority, the development thereafter shall be carried out in accordance with the approved details. Responsibility for securing a safe development rests with the developer and/or landowner.
Reasons: NPPF 120/121 Land stability

13 Vehicular and pedestrian gradients within the site shall not exceed 1:12 to ensure safe and adequate access.
Policies T4 New Development and Transport Safety and POLL1 Pollution Control and Protection.

14 Prior to commencement of development full details of the sustainable design credentials set out within the Design Statement submitted with the application, including the proposed photovoltaic array, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.
Reason: The proposed development in a Green Belt location is only regarded to be acceptable due to the exceptional and innovative nature of the design in accordance with Local Plan Policy GB1 and NPPF Paragraph 131.

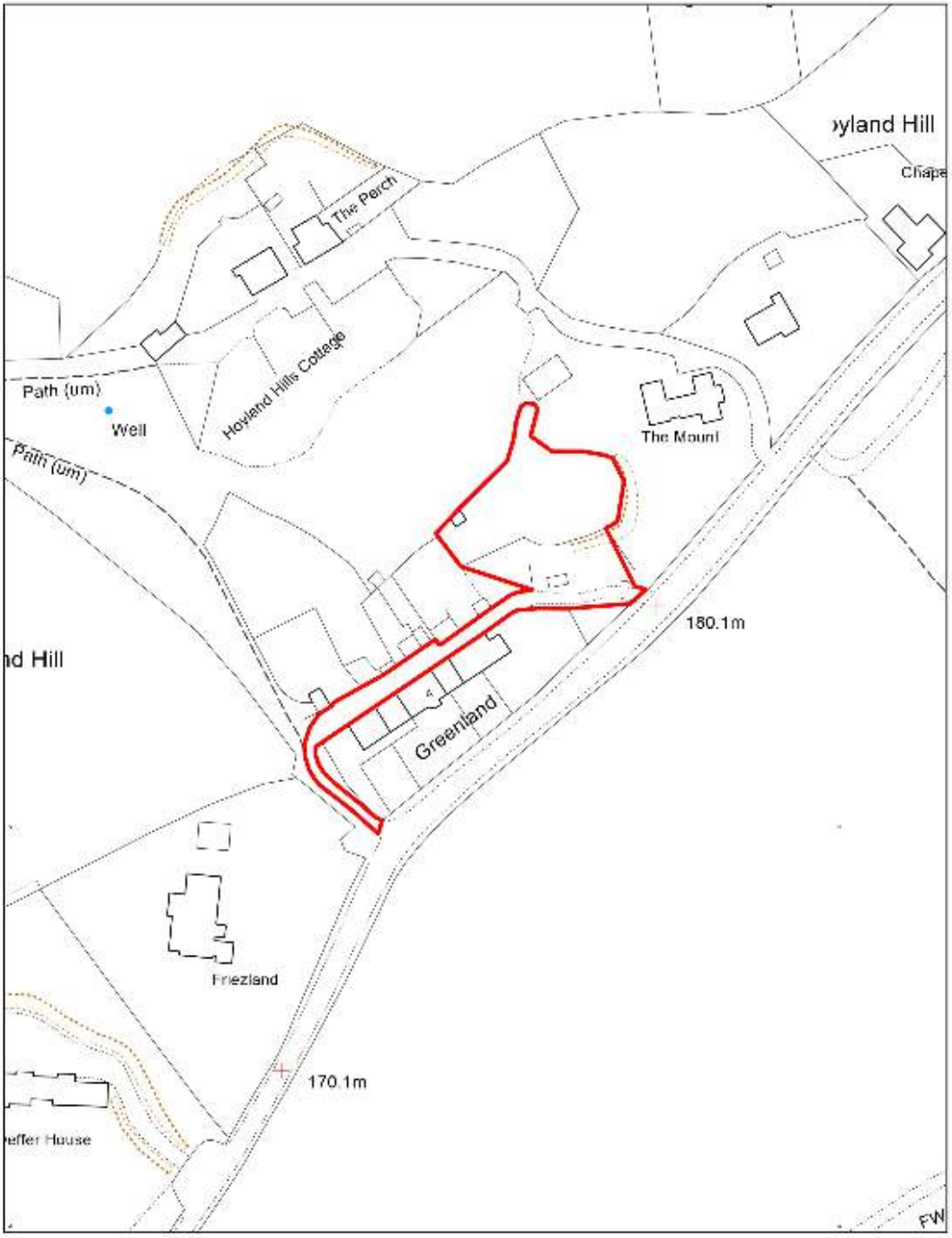
15 No development or other operations being undertaken on site shall take place until the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:

Tree protective barrier details
Tree protection plan
Arboricultural method statement

Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality.

16 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species.
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1 Biodiversity.

PA Reference:- 2018/0380



© Crown Copyright & Database Rights (2019) 100022264

BARNSLEY MBC - Regeneration & Property

N

Scale: 1:1250

The Planning Inspectorate

Appeal Decision

Site visit made on 11 November 2014

by Matthew Birkinshaw BA(Hons) Msc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2nd December 2014

Appeal Ref: APP/R4408/A/14/2225500
Bank End Lane, High Hoyland, Barnsley, South Yorkshire, S75 4BB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Miss Tracy Carr against the decision of Barnsley Metropolitan Borough Council.
- The application Ref 2014/0520, dated 6 May 2014, was refused by notice dated 21 August 2014.
- The development proposed is 2 four bedroomed detached properties between Bank End Lane and High Hoyland Lane.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline with all matters reserved. I have therefore determined the appeal on this basis, taking into account the type of dwelling and their design as indicative. I have also referred to the site address used on the appeal form, as this more accurately describes the location.

Main Issues

3. The main issues are:

    - Whether or not the proposal is inappropriate development in the Green Belt for the purpose of the National Planning Policy Framework and development plan policy;
    - The effect of the proposal on the openness of the Green Belt; and
    - If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether Inappropriate or Not

4. The appeal relates to an open parcel of land situated adjacent to Norfield House within the Green Belt. Paragraph 89 of the National Planning Policy Framework ('the Framework') is therefore relevant and states that the construction of new buildings should be regarded as inappropriate development in the Green Belt.

5. One of the exceptions listed under paragraph 89 includes "*limited infilling in villages*". With this in mind the submitted plans illustrate that the appeal site is bounded on one side by Norfield House and on the other by West Bank. The erection of two detached dwellings would therefore result in the continuation of residential development along this part of Bank End Lane and represent the 'limited infilling' set out in the Framework. Consequently, the main area of dispute surrounds whether or not the appeal site is located in a village.

6. The Framework does not provide a definition of a village. However, the *Barnsley Unitary Development Plan* Proposals Map delineates the extent of High Hoyland and establishes its boundary to the north-east of the appeal site on the opposite side of Norfield House. Thus, for the purpose of development plan policy, the proposal does not represent limited infilling in the village of High Hoyland.

7. Furthermore, during my site visit I saw that the main focus of the village is primarily concentrated around 'The Cherry Tree' pub up to the junction of High Hoyland Lane and Church Lane. The speed limit along this part of the road reduces to 30mph and contains a bus stop on either side, a post box and the village notice board. Further west, and beyond 'The Cherry Tree' High Hoyland Lane reverts back to the national speed limit and the density of development decreases, with predominantly large detached houses set back from the road in generous, mature landscaped plots. Thus, notwithstanding the boundary on the Proposals Map, I am not persuaded that the appeal site forms part of a village where the exception afforded to limited infilling applies.

8. For the purpose of the Framework, which is the most relevant policy referred to by the Council, I therefore conclude that the proposal does not constitute limited infilling in a village in the Green Belt. As a result, it fails to meet any of the exceptions for new housing and is inappropriate development, which, by definition is harmful to the Green Belt and should not be approved except in very special circumstances.

Openness

9. The Framework also states that the essential characteristics of Green Belts are their openness and their permanence. In this case the proposal would be well-screened by large trees and would be bounded by two detached properties and two main roads. As a consequence, its impact on the Green Belt and wider countryside would be limited, with little scope for any further development.

10. Nonetheless, by redeveloping a parcel of land which is currently open, or free from development, the introduction of two detached houses would reduce the openness of the Green Belt. Whilst limited, the harm caused would therefore still be material.

Other Considerations

11. Despite its designation the appellant suggests that the site does not typify its Green Belt location and does not fulfil any of the five purposes of Green Belt in the Framework. However, by continuing the spread of residential development beyond the village to the south-east the introduction of two detached houses on an open parcel of land would result in encroachment into the countryside.

12. I have also taken into account comments that the site is included in the Council's latest Strategic Housing Land Availability Assessment (SHLAA). Within the SHLAA it is identified in 'Category 1', performs well against suitability, availability and achievability criteria and is recognised as being able to accommodate high quality, low density housing. Nevertheless, the SHLAA is only a technical appraisal of land which forms part of the Council's evidence base and does not allocate the site for housing. Whilst scoring highly against its criteria, the weight which can be attributed to this is only limited.

13. Furthermore, the appellant states that there is insufficient land outside of the Green Belt to meet the Council's housing needs, and that the site is the only one locally which is not within the open countryside and would not represent the start of urban sprawl which the Framework seeks to prevent. However, no appraisal of other sites has been provided to substantiate these comments.

14. Reference has also been made to the Council's requirement for 1,200 'executive homes' over the next 15 years, with 100 needed in the short-term. By focusing on building executive houses the appellant states that the scheme would bring new 'high net worth' residents to the area who would be in a position to contribute towards the local and regional economy. However, whilst of benefit, the contribution that two additional properties would make to the local economy and housing land supply would only be relatively limited.

15. Finally, the Council has not raised any concerns with regard to the outlook from neighbouring properties, highway safety, the character and appearance of the area or with regard to any features of outstanding beauty on the site. Based on the evidence provided I see no reason to disagree, although the lack of any harm in this regard is only a neutral factor in the overall planning balance.

Conclusions

16. The proposal would be inappropriate development in the Green Belt for the purposes of the Framework. The Framework clearly states that inappropriate development is harmful to the Green Belt, and that substantial weight should be attached to that harm.

17. The contribution that the scheme would make towards addressing housing need and the Council's aspirations for a greater number of 'high-end' properties weigh in its favour, as do the economic contributions that potential future occupiers could bring about. The appeal site has also been found to be suitable for development in the SHLAA, is neglected and no longer serves a functional purpose and the scheme would not harm the living conditions of neighbouring residents, the character and appearance of the area or highway users.

18. However, based on the evidence provided these factors do not clearly outweigh the substantial harm as a result of inappropriateness, and the harm caused by the reduction in the openness of the Green Belt. As a result, the very special circumstances necessary to justify granting planning permission do not exist.

19. For this reason, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Matthew Birkinshaw

INSPECTOR

The Planning Inspectorate

Appeal Decision

Site visit made on 22 June 2020 by L Wilson BA (Hons) MA MRTPI

Decision by Chris Preston BA (Hons) BPl MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2020

Appeal Ref: APP/R4408/W/20/3247092
Land to the rear of The Greenland Cottage, High Hoyland Lane, High Hoyland, Barnsley

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Steven Warsop against the decision of Barnsley Metropolitan Borough Council.
- The application Ref 2018/0380, dated 26 March 2018, was refused by notice dated 22 November 2019.
- The development proposed is development of 1 residential dwelling and associated infrastructure.

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are as follows:

   i. Whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the 'Framework') and development plan policy, including an assessment of the effect on the openness of the Green Belt;

   ii. If the development is inappropriate, whether the harm, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons for the Recommendation

Inappropriate Development

4. Policy GB1 of the Barnsley Local Plan (2019) (LP) states that the Green Belt will be protected from inappropriate development in accordance with national planning policy. Paragraph 143, of the Framework, states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

5. The exceptions are set out in paragraph 145 of the Framework, 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 local planning authority.

6. The appellant has not expressly suggested that the proposal would not amount to inappropriate development within the Green Belt and a large part of the case presented is based on the argument that the design quality of the house should be considered to outweigh any harm to the Green Belt. Notwithstanding that, the appellant does assert that the appeal site is an infill site, however they have not stated whether the proposal should be assessed against exception (e) or (g) of paragraph 145. On the other hand, the Council consider that the proposed development does not represent limited infilling and therefore conclude that the scheme would be inappropriate development in the Green Belt. I note that this stance is inconsistent with their pre-application response.

7. Neither the Framework nor the LP define limited infilling and therefore, it is a question of fact and planning judgement for the decision-maker. The Council, and local residents have highlighted that the appeal site is located outside the defined boundary of the village. It was evident on my site visit that the main village lies some distance from the site, to the north east. There is a clear break in development between the dwellings along High Hoyland Lane and the main village.

8. The Parish Council and local residents have referred to a number of refused planning applications which they consider are similar to the proposed scheme. However, information, such as the officer's report, has not been provided, so I cannot make a direct comparison between the appeal scheme and these cases. However, a copy of an appeal decision which sought planning permission for two dwellings also in High Hoyland has been provided[1]. The Inspector found that the proposal did not represent limited infilling in the village because the site was located outside the defined village boundary. Given that the same applies in this instance I see no reason why a different conclusion should be reached.

9. Greenland Cottages sit to the west of the site and The Mount is located to the east. The Mount is set within large grounds which wrap around the site. To the north are also residential properties and planning permission has recently been granted for an annex building to the front of the site[2]. Although there are dwellings nearby, High Hoyland Lane does not have a continuously built up frontage.

10. Due to the site being a former quarry, the development would not fill an existing clear gap between the existing properties. The surrounding dwellings do not read as being directly adjacent to the site. This is because there is dense vegetation between the appeal site and the properties to the north and

[1] APP/R4408/A/14/2225500
[2] 2017/0333

west. In addition, the adjoining plots are adjacent to the highway whereas the appeal site frontage is predominantly set back from High Hoyland Lane.

11. For all of those reasons, having regard to the location of the site and the characteristics of the area, the site would not constitute limited infill within a village.

12. The appellant has not argued, for the purposes of Green Belt policy, that the site should be considered as previously developed land, and I have no evidence to the contrary. The land appears to sit outside the enclosed garden of the adjacent cottage on the opposite side of the access track. Consequently, it is not clear that the site could be considered to form part of the residential curtilage of an adjacent dwelling. No argument has been made to that effect. The land is part of a former quarry, with hard surfacing and contains a small structure but much evidence of any former use has been eroded by surrounding vegetation. Consequently, it is a moot point whether the site should be considered as previously developed land. In any event, any exception under paragraph 145(g) only applies subject to the proviso that the proposal would not have a greater impact on openness than the existing use.

13. 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. The Council consider that there would be a loss of openness, but this would be limited due to the character, location and visibility of the site, alongside the design of the proposed dwelling.

14. The proposed dwelling would be situated towards the centre of the site and would have a footprint less than 30% of the application site's total area. It would also not be higher than the existing surrounding dwellings and the upper levels would be stepped back. Nonetheless, it would be located on land which is not occupied by any buildings. The scheme would be significantly more noticeable than the metal containers, cars and machinery currently occupying the site.

15. The erection of a substantial three storey dwelling, new parking area and domestic curtilage with associated paraphernalia would have a significant adverse impact on openness. The street scene drawing shows that the dwelling would be visible. The development would however be to some extent screened due to the appeal site being stepped back from High Hoyland Lane, the existing dense vegetation boundary and Greenland Cottages. When approaching from the east of High Hoyland Lane the scheme would be well screened. Nevertheless, I observed on my site visit that the development would be more visible when approaching from the south west and along the PROW to the south.

16. For the above reasons, the proposed development would harm the openness of the Green Belt in both visual and spatial terms. The scheme would therefore be contrary to the purposes of Green Belt policy, as stated in the Framework, to keep land permanently open. Therefore, even if the proposal amounted to development on previously developed land, which has not been demonstrated, the scheme would not meet the exception at paragraph 145(g) on account of the effect on openness.

17. Consequently, the proposal would not fall under any of the exceptions listed in the Framework and would be inappropriate development in the Green Belt having regard to Policy GB1 of the LP and the Framework.

Other Considerations

18. Substantial weight should be given to any harm to the Green Belt. Development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. The appellant has set out other considerations which they consider amount to the very special circumstances required to justify the proposal. I also note that the application was recommended for approval by Officers as they considered that very special circumstances had been demonstrated to outweigh the harm that would occur to the Green Belt, by virtue of the outstanding design and high levels of sustainability achieved, alongside the uniqueness of the development site.

19. In support of the proposal, the appellant has drawn my attention to paragraph 79 of the Framework which states that isolated homes in the countryside should be avoided unless they fall within a number of exceptions. One such exception includes circumstances where the design is of exceptional quality, in that it is truly outstanding or innovative. However, the proposed dwelling would not be deemed 'isolated' under the Framework because of the site's proximity to neighbouring development, thus this paragraph does not apply to the proposal. Nonetheless, Paragraph 131 of the Framework states that great weight should be given to outstanding or innovative designs which promote high level of sustainability.

20. The scheme's design has been carefully considered, reflecting the character of the site's former quarry use and topography. The proposal was considered by the Barnsley Design Review Panel (BDRP). The Framework advocated the use of design review panels and states that, in assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels.

21. The BDRP concluded that the originally submitted scheme had characteristics capable of supporting an innovative and outstanding designed building. The Panel made a number of recommendations. The appellant took these recommendations on board and revised the proposal. The revised drawings were then considered by the Council's urban design officer, who attended the Panel meeting, and they concluded that the revised proposed design is of outstanding and innovative nature. I have had regard to the reasons for this which include the developments architecture, use of materials, high levels of air tightness and the use of sustainable technologies.

22. The scheme would be unique in its design and would be commendable in seeking to achieve high standards, including that of sustainable technologies. However, given advances in renewable technology the sustainable measures that would be incorporated into the building's fabric would not be unduly innovative or outstanding. Although commendable the use of solar gain, 'Passive Haus' standards, a green roof, rainwater harvesting and ground source heat[3] are all based on well-established technology. I find that there would be

[3] As listed at paragraph 2.23 of the Design and Access Statement

nothing particularly novel in that respect that would be said to drive up local standards.

23. The design of the dwelling has been carefully considered to take account of the context of the site which sits in a former quarry with panoramic views across surrounding countryside. The form of the dwelling seeks to provide a modern take on the industrial structures found within quarry settings and the outward profile reflects the linear shapes of surrounding dwellings, taking account of advice from the design panel. The structure would be set down in the landscape and the use of planting and local building materials would help to assimilate the building into a sensitive location. The large areas of glazing would provide a light and contemporary feel to the upper pavilion. Whilst the structure would not match the more traditional appearance of neighbouring dwellings it would provide an attractive, well thought out, design response to the specific context of the site.

24. That said, the proposal is essentially a local design response taking account of the features of the site and the surrounding context. Although the design is modern and light it does not incorporate any novel features or new concepts. Paragraph 127 of the Framework identifies that all development should add to the quality of an area; be visually attractive as a result of good architecture; and should be sympathetic to the local character and landscape. Those requirements apply to all development. The proposal would achieve those requirements but, for these reasons given, I am not persuaded that it would be truly outstanding or innovative. Moreover, I am not satisfied that there is any evidence that the dwelling would raise the standard of design more generally in the area. It would be a well-designed house that would contribute positively to its immediate setting. Therefore, whilst I find that the proposal would not be truly innovative or outstanding, the high design quality of the scheme is of merit and attracts moderate weight in favour of the proposal.

25. The appellant highlights that the proposal would contribute to the need for executive family homes and would therefore help the Council in meeting their economic and housing objectives. The Council agree that the current evidence base does show a need for executive family homes. Nonetheless, the Council can demonstrate a five-year supply of deliverable housing land and the SHMA is over five years old. Furthermore, such benefits could be achieved by siting a dwelling in a more sensitive location. In any event, the provision of one dwelling would provide a very modest contribution to the supply of executive homes and the local economy. Consequently, I attach limited weight to that matter.

26. The appellant states that the development would provide a self-build home and the LP supports custom build and self-build projects. The Framework provides a useful definition for such housing. There is no evidence before me to suggest that the proposal complies with the relevant legal definition of self-build housing. Consequently, based on the evidence submitted, I do not consider that the proposed dwelling would be a self-build project, in line with the definition provided within the Framework.

27. The appellant also asserts that the site is located within a sustainable location, and there are services and facilities within 2km of the site. They state that there are bus stops approximately 300 metres from the site, but no information has been provided to show the frequency or where the busses travel to.

Residents have disputed that there are bus services and advise that no bus services have been running through the village for many years.

28. The location of the site is unlikely to encourage walking as High Hoyland Lane is subject to the national speed limit and there are no footpaths. Thus, based on the evidence before me, future occupiers would be largely reliant on the use of a private vehicle to access day to day needs due to the lack of footpaths and alternative modes of transport. Consequently, the proximity of the site in relation to local shops and services is not a factor that weighs in favour of the proposal.

29. In addition, the appellant considers that the proposal would not have an adverse impact on the local context. Although the development would result in the removal of the metal containers, vehicles to the front of the site and machinery which detract from the character of the area, I would not describe the current site as an eyesore as alluded by the appellant. Even if that were not the case Councils have powers under section 215 of the Town and Country Planning Act 1990 to address untidy land that effects the amenity of an area. Allowing land to become untidy would not represent justification to allow a dwelling in a location that would otherwise be unacceptable.

30. The appellant has highlighted that there are no technical or environmental constraints associated with the delivery of the development. I have no reason to disagree with this statement and note that the Council did not refuse the application on this matter. However, the absence of harm does not amount to a positive factor in favour of development.

31. The appellant refers to an allowed appeal decision to support their application[4]. The Council has highlighted that the village of High Hoyland, unlike Huthwaite which the appeal refers to, is not entirely located in the Green Belt. From the evidence before me, the main reason for allowing the development was because the Inspector considered that the development was not inappropriate development because it formed limited infilling in a village and therefore there was not a requirement to demonstrate very special circumstances. I have found that the scheme before me does not constitute limited infilling in a village due to the nature of the appeal site. Therefore, the appeal decision cannot be directly compared to the proposal before me and it does not set a precedent.

32. Local residents have also expressed concern that the proposed dwelling would result in overlooking. In contrast, the appellant asserts that the scheme would not have a detrimental impact on the residential amenities of neighbouring properties. Again, the Council did not refuse the application on this matter. Based on the evidence submitted, I am satisfied that the proposal would not harm the living conditions of the occupants of neighbouring properties due to the distance to other dwellings, existing boundary treatment and level changes. That would be expected of any new development and the absence of harm does not amount to a positive factor in favour of the scheme.

Whether Very Special Circumstances Exist

33. The Framework identifies that substantial weight should be given to any harm to the Green Belt and that inappropriate development is, by definition, harmful

[4] APP/R4408/W/15/3134783

to the Green Belt. The proposed development constitutes inappropriate development in the Green Belt, which carries substantial weight and additional weight is given to its harm to the openness. As cited above, the proposal conflicts with both local and national planning policy.

34. The scheme is well-designed but I am not convinced that it amounts to an innovative or outstanding proposal that would raise design standards in the local area and I attach moderate weight to the benefits of the design. The advanced considerations relating to the delivery of an executive family home is given limited weight. I have found that the proposal does not represent infill development, so this carries neutral weight in that it neither weighs in favour or against. Similarly, the arguments relating to self-build, access to services and facilities, lack of harm to the character and appearance of the area, lack of harm to existing neighbouring occupants, the allowed appeal and the deliverability of the site are also given neutral weight.

35. Although there would be compliance with some parts of the development plan the proposal would be in conflict with the development plan, when read as a whole. On the evidence before me, the development plan should be regarded as being up to date and decisions should be taken in accordance with the plan unless material considerations indicate otherwise.

36. When drawing this together, the other considerations advanced by the appellant results in a finely balanced decision. However, the other considerations would need to clearly outweigh the substantial harm to the Green Belt by reason of inappropriateness, openness and purposes of the Green Belt. The other considerations would need to clearly outweigh the harm. Consequently, when applying the Green Belt balance, despite the significant merits of the proposal, the advanced considerations in support of the appeal whether taken individually or cumulatively, do not, on balance clearly outweigh the conflict with planning policies that seek to protect the Green Belt. The Framework states that 'great weight' should be given to outstanding or innovative designs and 'substantial weight' must be given to any harm to the Green Belt. Although these terms are not quantified within the Framework, I am not satisfied that the proposal would clearly outweigh the harm even if the scheme was outstanding or innovative. However, for the reasons given, I find that is not the case. Therefore, the very special circumstances necessary to justify the development do not exist.

Conclusion

37. For the reasons given above the proposal would amount to 'inappropriate development' that would cause harm to the openness of the Green Belt and there are no very special circumstances to outweigh the harm caused in that respect. The development is contrary to the relevant policies of the development plan when read as a whole and there are no material considerations to indicate that a decision should be taken other than in accordance with that plan.

38. For all of those reasons I recommend that the appeal should be dismissed.

L M Wilson

APPEALS PLANNING OFFICER

Inspector's Decision

39. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree and conclude that the appeal should be dismissed.

Chris Preston

INSPECTOR

2022/0960

Mr and Mrs Dimberline
Erection of single storey detached annexe building
1-2 Greenland Cottage, High Hoyland Lane, High Hoyland, Barnsley

Background

2008/0541 – Erection of detached garage – Withdrawn by applicant

2014/0078 - Erection of single storey detached annexe building – Approved with conditions

2017/0333 - Erection of single storey detached annexe building – Approved with conditions



Description

The application relates to an end of terrace property of a single storey construction fronting onto High Hoyland Lane and at a higher level. The property is located within the Green Belt and within the village of High Hoyland.

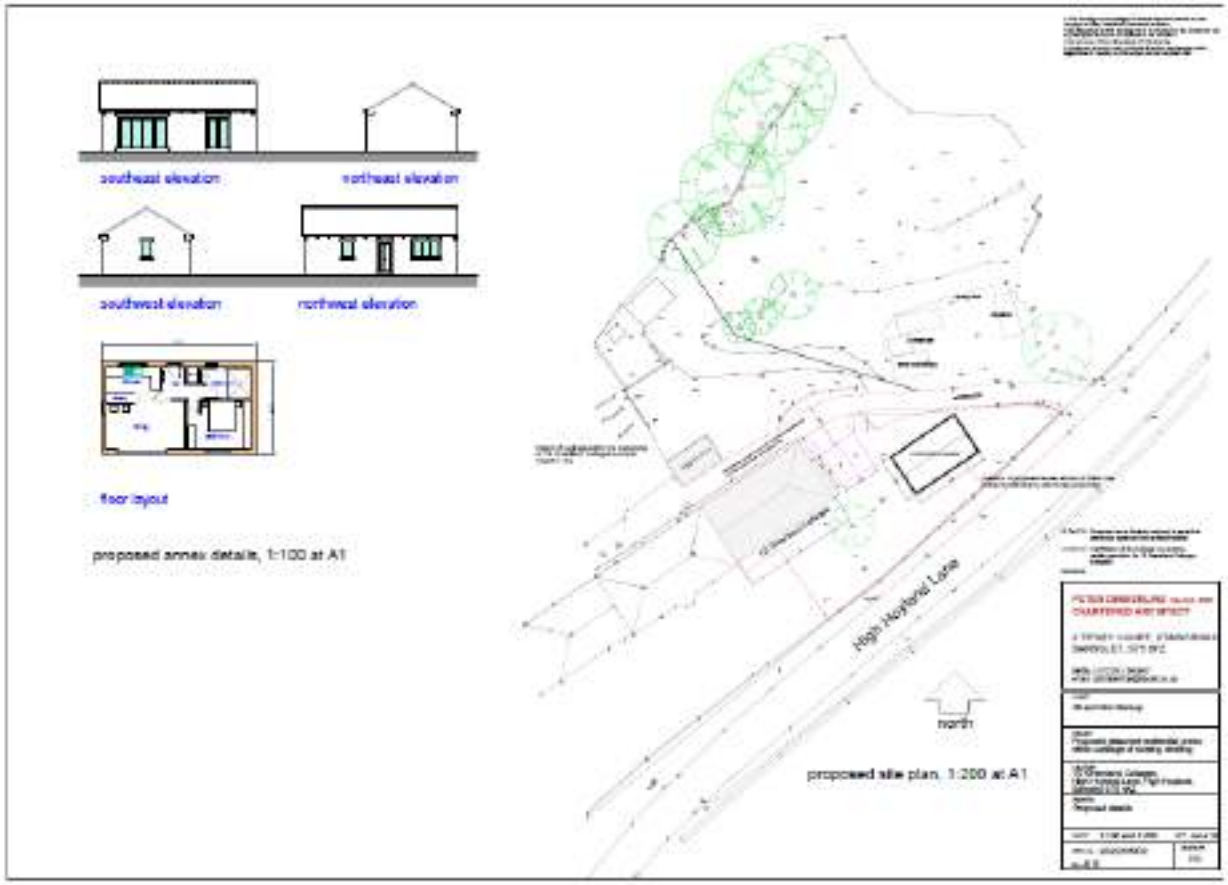
The property has a large side and front garden, bounded by a dry stone wall and planting. Part of the land owned by the applicant is separated by a shared access and set to the north. This is currently used as parking and is not part of the defined curtilage. The terrace consists of 3 properties; the central dwelling is two storey with the attached properties at either side being single storey.





Proposed Development

The proposal involves the erection of a detached single storey annex which measures 10.2m by 6m (61sqm). The floor area of the annex is identical to the annex approved under applications 2014/0078 and 2017/0333. The eaves are approx. 2.7m in height and the ridge height 4.6m. The annex would accommodate a bedroom, lounge/kitchen, and wet room. Two parking spaces for the dwelling are shown adjacent to the existing dwelling and annex.



Policy Context

To the extent that development plan policies are material to an application for planning permission the decision on the application must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004).

The Local Plan was adopted by the Council in January 2019 and the Council has also adopted a series of Supplementary Planning Documents which are other material considerations. The National Planning Policy Framework represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application.

In reference to this application the site is situated within an area of Green Belt as allocated in the Local Plan proposals map, therefore the following policies are relevant:

Policy GD1: General Development

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

Policy D1: High quality design and place making

Policy T4: New Development and Highway Safety

SPD: House extensions and Other Domestic Alterations

Supplementary Planning Document - House Extensions sets out the design principles that specifically apply to the consideration of planning applications for house extensions, roof alterations, outbuildings & other domestic alterations. The general principles are that proposals should:

1. be of a scale and design which harmonises with the existing building
2. not adversely affect the amenity of neighbouring properties
3. maintain the character of the street scene and
4. not interfere with highway safety.

The following section of the SPD is particularly relevant to this application:

Outbuildings and Annexes:- outbuildings should relate sympathetically to the main dwelling in style, proportions and external finishes. An annex building may be permitted in a rear garden where it would not occupy a disproportionate amount of the garden and would not have its own separate access or garden area. An annex should normally have a close physical relationship with the host dwelling, be single storey and in all circumstances it should only have 1 bedroom and no more than 3 rooms in total.

SPD Parking:

Other:

South Yorkshire Residential Design Guide

NPPF:

The NPPF 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

High Hoyland Parish Council – An application to erect an annex at this property was approved by the Planning Authority in 2014, renewed in 2017, and then allowed to lapse. Since this application is very similar, High Hoyland Parish Meeting has no objections. However, we will expect that if the LPA approves this new application, that the same or similar conditions would be applicable as before.

Highways – Concerns raised with regard to the parking provision provided. The annex shall be ancillary to the main dwelling.

Drainage – Details to be checked by Building Control

Representations

No comments have been received

Assessment

Principle of Development

The principle of the development has already been accepted with the previously approved applications under application refs 2014/0078 and 2017/0333, however these permissions have not been implemented. As with the previously approved applications, the proposed annex is of the same floor area and does not increase the floor area of the dwelling to over 100% of the original floor area of the existing dwelling, in accordance with policy GB2 of the Local Plan and is therefore acceptable in principle.

Annex principle

The Supplementary Planning Document House Extensions and Other Domestic Alterations provides specific guidance for the erection of annex buildings. The SPD states that:- 'An annex building may be permitted in a rear garden where it would not occupy a disproportionate amount of the garden and would not have its own separate access or garden area. An annex should normally have a close physical relationship with the host dwelling, be single storey and in all circumstances it should only have 1 bedroom and no more than 3 rooms in total.'

The above SPD guidance limit annexes to three rooms, irrespective of size. The annex is of a similar layout to the previously approved annexes and has 3 rooms and a hallway. The annex is set to a side and not a rear garden, however as the property does not have a rear garden this is considered to be acceptable in this instance. The annex would share an access, parking and garden areas with the existing dwelling which is in compliance with the SPD.

Residential Amenity

The proposed annex would be located within the side garden and adjacent to the existing dwelling. There are no properties set to the side of the proposed annex, therefore would be no impact upon residential amenity in terms of overshadowing. Given the size of the garage/annex, any additional noise and disturbance generated as a result would not be unreasonable.

The proposed windows to the annex mainly face onto the agricultural land at the front and the applicants land to the rear which is acceptable in terms of impact upon residential amenity and overlooking in accordance with the SPD.

Visual Amenity

The annex would comply with guidance set out in SPD 'House Extensions' in that it would not occupy a disproportionate amount of the garden and would not have its own separate access or garden area. The annex would have a close physical relationship with the host dwelling, and is single storey, 3 rooms in total and could not be used as a separate dwelling at any time – which should be conditioned. Permitted Development rights should also be removed from the existing dwelling to prevent any further extensions being constructed without planning permission, in order to maintain the openness of the Green Belt and to protect residential amenity.

In terms of siting, the annex is set slightly forward of the frontage of the applicant's property due to the land ownership boundary and in order to allow sufficient access to the rear of the annex. It was previously suggested that the annex was attached to the main dwelling as an extension rather than a separate unit, however due to a covenant requiring access adjacent to the dwelling, the annex has been separated, however still allows for a close relationship between the host dwelling and annex. The revised siting of the annex allows for the main

dwelling to appear as the dominant feature and would be screened by planting to the east and south. The annex is situated within an existing pocket of properties, within the existing curtilage of the dwelling and would not encroach into the Green Belt or harm its openness, in accordance with policy GB2.

The design of the annex is similar to the previously approved applications and would be constructed with a low pitched roof and with materials to match the existing dwelling. The proposal is acceptable in terms of design and impact upon visual amenity in accordance with policy D1.

Highway Safety

Highways have raised concerns with regard to the parking provision on site, however the SPD House Extensions states that annex buildings should not have their own access. The property has sufficient parking space for two vehicles and separate parking is not required for an annex.

Recommendation

Grant subject to conditions

AA high hoyland village boundary

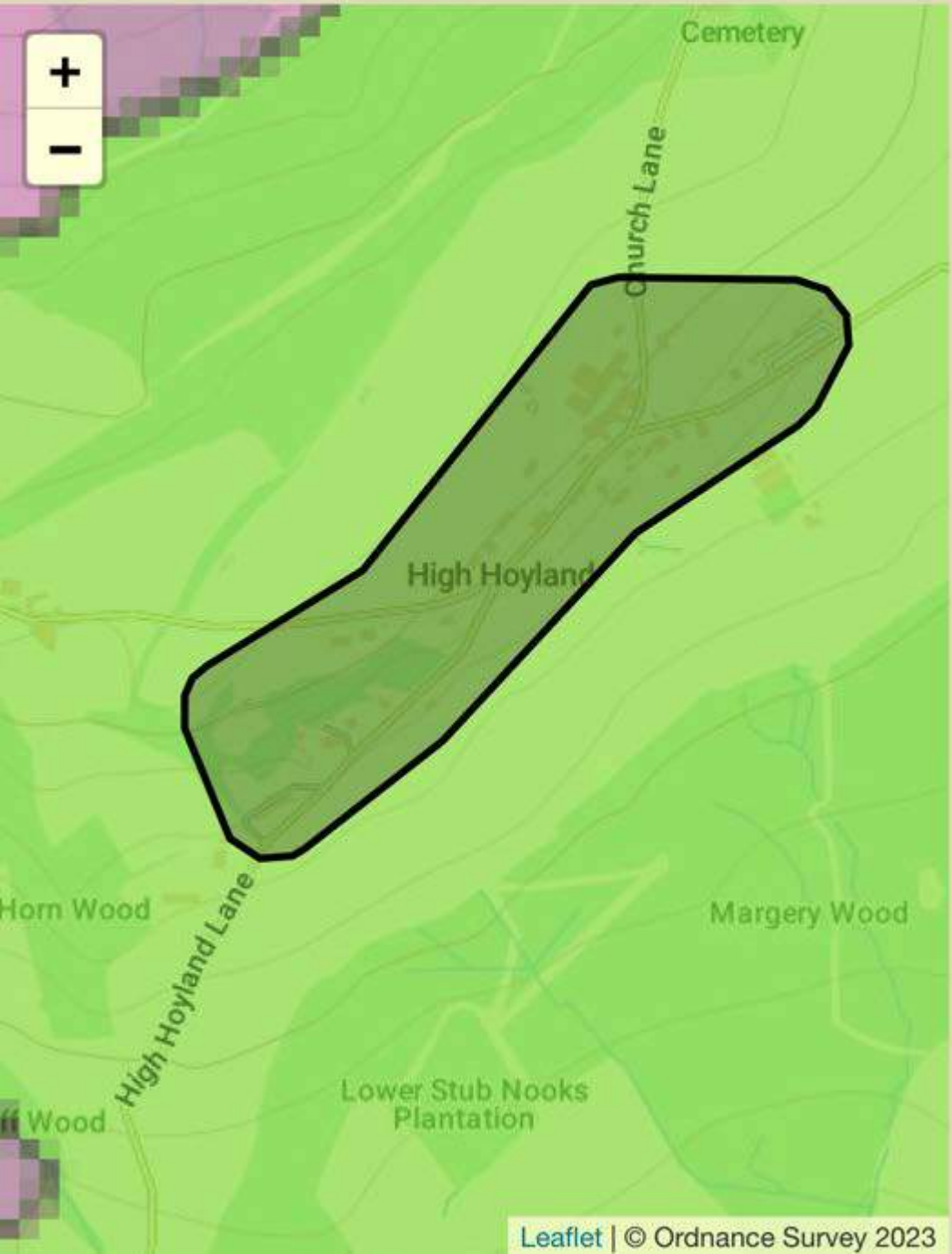
Get The Data

Map showing the extent of High Hoyland



Contains OS data © Crown copyright and database right 2021

Map of the village of High Hoyland



2016/1513

Applicant: Stephen G Wragg, C/o Agent Peter Dimberline RIBA

Description: Residential development of 3 no split level two/three storey detached dwelling houses, access road and associated works.

Site Address: Land Between Windy Ridge, Hollinberry Lane, Howbrook, Wortley, Sheffield, S35 7EL

9 letters of objections received from local residents.
Wortley Parish Council has objected to the scheme.
Councillor Barnard has objected and asked Members of the Planning Board to consider a site visit.

Site Description

The application site measures approximately 0.32 Hectares in size and sits to the North of Hollinberry Lane. It currently consists of an agricultural field which slopes from North to South and West to East. How Brook, a water course, runs along the Eastern boundary of the site at the lowest point and there is a tree belt to the South of the site running along the boundary with Hollinberry Lane.

Outside of the application site, there is a detached 1.5/2 storey property located to the West, known as Windy Ridge, which sits on a higher level than the application site and a detached 2.5 storey dwelling to the East. To the North of the site is an open field which runs along the boundaries of properties fronting Carr Head Road. To the South of the site, beyond Hollinberry Lane, are several split level properties.

Proposed Development

The applicant seeks permission to erect 3no. split level, detached 5 bedroom properties. The properties would appear 3 stories high from the front and 2 stories to the rear, incorporating an upper and lower ground floor. They would be arranged in a staggered line and be served by a private drive which would have a junction with Hollinberry Lane in the South West corner of the site. The drive would also provide access to the field to the rear of the site via single track along the Western boundary.

Each property would have a garden and driveway with turning facilities, providing access to an integral double garage, to the front and an enclosed private garden to the rear.

Policy Context

Planning decision 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 development plan consists of the Core Strategy, saved Unitary Development Plan policies and Waste Plan. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

The Council has submitted our emerging Local Plan to the Secretary of State but we are at an early stage in the examination process. It establishes policies and proposals for the development and use of land up to the year 2033. The document is a material consideration

and represents a further stage forward in the progression towards adoption of the Local Plan. As such increasing weight can be given to the policies contained within the document although, in accordance with paragraph 216 of the NPPF, the extent of this will depend on:

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

Core Strategy

CSP 4 'Flood Risk' The extent and impact of flooding will be reduced by expecting all development proposals on brownfield sites to reduce surface water run-off by at least 30%.

CSP 26 – New Development and Highway Improvement – New development will be expected to be designed and built to provide safe, secure and convenient access for all road users.

CSP29 – Design – High quality development will be expected, that respects, takes advantage of and enhances the distinctive features of Barnsley. Development should enable people to gain access safely and conveniently.

CSP 34 - 'Protection of Green Belt' in order to protect the countryside and open land around built up areas the extent of the Green Belt will be safeguarded and remain unchanged.

Saved UDP Policies

Policy H8 (Existing Residential Areas) – Areas defined on the proposals map as Housing Policy Areas will remain predominantly in residential use.

H8A – The scale, layout, height and design of all new dwellings proposed within the existing residential areas must ensure that the living conditions and overall standards of residential amenity are provided or maintained to an acceptable level both for new residents and those existing, particularly in respect of the levels of mutual privacy, landscaping and access arrangements.

H8D – Planning permission for infill, backland or tandem development involving single or a small number of dwellings within existing residential areas will only be granted where development would not result in harm to the local environment or the amenities of existing residents, create traffic problems or prejudice the possible future development of a larger area of land.

SPDs/SPGs

SPD 'Designing New Housing Development'

SPD 'Parking' provides parking requirements for all types of development.

Other material considerations

South Yorkshire Residential Design Guide - 2011

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 paragraph 58 (general design considerations) and paragraph 64, which states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'.

Chapter 9 of the Framework seeks to ensure that Green Belt land is protected. It sets out that the Green Belt serves the following five purposes:
• To check the unrestricted sprawl of large built-up areas;
• To prevent neighbouring towns merging into one another;
• To assist in safeguarding the countryside from encroachment;
• To preserve the setting and special character of historic towns; and
• To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraphs 87, 88 & 89 go on to state 'As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.88. 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, is clearly outweighed by other considerations.89. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include 'limited infilling in villages'.

Consultations

Wortley Parish Council – object for the following reasons;
- Size and scale of dwellings not in keeping
- Agricultural land
- Out of character with open feel
- Flooding issues within the area
- Reduce highway safety
- Disused mines on site
- Extension to the village not infill

Yorkshire Water – No objections

Pollution Control – No objections

Highways DC – No objections subject to condition

South Yorkshire Mining Advisory Service – No objections subject to conditions

The Coal Authority –Subject to the imposition of a suitable condition, no objections in principle.

Tree Officer – No objections subject to conditions

Ecology – No objections subject to conditions

Drainage – No objections subject to conditions

Ward Councillors – Cllr Barnard objects to the scheme for the following reasons;
- Had previous planning refusals in 1975 and 1988
- If considered infill then could set a precedent and further erode village
- Request that a site visit is considered

Representations

The application was advertised by way of a site notice to the front of the site and letters to neighbouring properties within the immediate area. As a result of the consultation 9 letters of objection have been received. The main points of concern are;
- Lack of facilities in the village
- Loss of wildlife
- Increase flood risk
- Development should not be considered infill
- Cause sewage problems
- Design of the dwellings not in keeping with the village
- Loss of outlook
- Reduced highway safety
- Set a precedent for future similar development
- Potentially disturb old mine workings
- Previous applications refused on the site
- Not a sustainable location
- Reduced privacy levels

Assessment

Principle of Development

The Core Strategy settlement hierarchy lists Howbrook as a village and the Local Plan, which is currently under examination, continues to list Howbrook as a village. The Core Strategy indicates within CSP8 'The Location of Growth' that within villages, development is likely to occur on small infill sites that are consistent with, and sensitive to, Green Belt policy.

The appeal site is located within the Green Belt, where the Framework says that inappropriate development should not be approved except in very special circumstances. The construction of new buildings is regarded as inappropriate development except where it comprises limited infilling within villages.

A village boundary has not been identified in the adopted UDP plan or Local Plan. The main development is clustered around Carr Head Road with further dwellings and development along Hollinberry Lane. The site itself has a frontage and existing access onto Hollinberry Lane and has residential properties to the West, East and South. On these facts and, given the scale of the development, It is considered that this proposal would comprise limited infilling in a village and would not be inappropriate development. The site is similar in some

ways to the application for 4 dwellings at Huthwaite Lane, near Thurgoland (application reference 2014/1240). In that instance the development was within the village of Huthwaite which itself does not have a defined village boundary. It was accepted in that application that as the development had a frontage onto a main road and had housing on at least two sides that it could be classed as limited infill within a village. Whilst it is acknowledged that the two sites are different they do display similar characteristics and as such it is considered that a similar classification of limited infilling can apply to this site in Howbrook. Accordingly, it is unnecessary to consider whether very special circumstances exist to justify the development.

It is acknowledged that previous planning applications for residential development have been refused on the site and appeals dismissed. Several residents and a local Ward Member have cited these decisions and state that little has changed since those decisions were made. However, those applications were made in 1975 and 1983, almost 30 years prior to the publication of the NPPF (2012) which, as outlined above, cites limited infilling in villages as an exception to Green Belt policy. As such, there has been a significant change in policy since those decisions and, as such, they carry little weight.

The development would inevitably have some effect on the openness of the Green Belt. However, given that it would represent limited infilling in a village, and also the topography of the site, the effect on openness would not be so significant that it would cause any significant material harm to the character and openness of the Green Belt. The visual impact of the development is discussed in further detail later in this report.

It is also important to note that the Council cannot demonstrate a deliverable five year supply of housing land and as such the presumption in favour of sustainable development in the National Planning Policy Framework (NPPF) applies. This means that permission should be granted unless the adverse impacts of the development significantly and demonstrably outweigh the benefits. The provision of 3 dwellings would make a small, but important contribution to the housing needs of the borough.

Sustainable Development

NPPF paragraph 6 says that the policies in paragraphs 18 to 219, taken as a whole constituter the Government's view on what sustainable development means for the planning system. Paragraph 7 identifies that there are 3 dimensions, to sustainable development; economic, social and environmental. Section 6 of the Framework deals with the delivery of housing. Key objectives that would contribute to the economic and social dimensions include boosting significantly the supply of market housing, delivering a wide choice of high quality homes and the creation of sustainable, inclusive and mixed communities. These objectives include planning for a mix of housing based on, amongst other things, the needs of different groups.

The provision of 3 dwellings of the type and size proposed would make an important, albeit small, contribution to the delivery of a wide choice of high quality homes and meeting the needs of different groups in the community. The introduction of 3, large detached houses into this setting would not conflict with the objective of encouraging inclusivity and would positively contribute to the creation of a mixed community consistent with the Framework.

The objectors suggestion that Howbrook, given its lack of services and limited access to public transport, is locationally unsustainable contradicts the identification of Howbrook as a village in the Core Strategy and emerging Local Plan settlement hierarchy where some development is envisaged. Manual for Streets (MfS) published in 2007 highlights that walking offers the greatest potential to replace short car trips, particularly those under 2km. Thus, whilst within Howbrook the availability of services is lacking, there is within 2km a

variety of facilities that could provide for the day to day needs of residents within High Green, albeit, it is acknowledged that access is across the A61. Whilst the bus service to Howbrook is limited, bus stops are available within approx. 150m and 325m of the site which are served by service 29 (Sheffield to Penistone). This service operates every 60mins between Monday and Saturday daytime. This situation is similar to that for the Huthwaite application previously mentioned, and in that case the Inspector accepted these circumstances as sufficient to compromise sustainable development.

The environmental dimension includes moving to a low carbon economy. In terms of housing, this can be achieved through the minimisation of resource and energy consumption. Although no specific measures are outlined, the dwellings would need to comply with Building Regulations requirements.

Residential Amenity

It is acknowledged that the site has been used for agricultural purposes for a number of years and the introduction of residential development on the site would inevitably introduce noise and disturbance through residential activity and vehicular movements. However, given the proximity of neighbouring residential properties, and the position of the site within the village, the introduction of 3no. units would not significantly reduce residential amenity as a result.

To the rear of the site are open fields and the properties to the South, opposite Hollinberry Lane, would be some 55m from the proposed front elevations, over double the recommended separation distance set out in SPD 'Designing New Housing Development'. Number 21 Hollinberry Lane is cited to the East of the site, with the dwelling on a lower level, however, the two sites would be separated by the water course and the existing side elevation would be approximately 30m from the proposed side elevation of plot C, as such, residential amenity for the above mentioned existing residents and the future residents of the proposed dwellings would be maintained to a reasonable degree.

The proposed development, especially plot A, would be closest to Windyridge to the West of the site. That plot would also be set back on its plot, positioned beyond the neighbouring rear elevation. However, there would be a separation distance of approximately 15m between the two side elevations and they would be separated by a track, providing access to the field to the North. It is acknowledged that windy ridge is a split level property whereas, the proposed properties would have 3 stories to the front. However, Windyridge is built on a higher level than the application site and the neighbouring ridge would be actually higher than those of the proposed dwellings. In addition, the development would be orientated to the North East of Windy Ridge.

Taking the above into consideration, it is not considered that the proposed development, given the orientation, positioning and levels, would significantly increase overshadowing or result in overbearing features. Furthermore, there are no habitable windows proposed on the upper floors of the side elevation of Plot A facing the boundary with Windyridge, therefore, privacy levels would be maintained to a reasonable degree.

With regards to the amenity of the future residents of the 3no. dwellings, the internal and external spacing standards exceed those set out in the South Yorkshire Residential Design Guide and SPD 'Designing New Housing Development'.

Visual Amenity

The proposed dwellings have been designed for the plot, as such, given the topography of the land, the resultant development is split level with 3 stories to the front and 2 to the rear. A number of objections have been received regarding the size and design of the dwellings stating they do not reflect the character of the village. However, Howbrook is made up of a mixture of properties from a wide range of sizes, designs, ages and styles. Therefore, there is not a set architectual 'style' or apperance that new dwellings would need to adhere to in order to harmonise with the existing stock.

It is acknowledged that 3 stories are not the norm within the immediate area, although there are some examples found across the village. However, given the topography of the surrounding area there are a number of split level properties which have an element of underbuild. Although the proposed dwellings have 3 stories to the front, they are not traditional 3 story properties as they are built into the hillside with the rooms to the rear of the lower ground floor not having access to natural light. When viewed from the rear the dwellings would have a more traditional 2 story apperances

It should be noted that Windyridge, due to the topography of the land,would retain a ridge height heigher than the proposed dwellings. The level of the land also drops from the level of Hollinberry Lane before it rises up again to the rear boundary. As such, the majority of the lower ground floor would be below the level of the highway, with the upper ground floor only 1m above it.

The impact of the proposed dwellings would also be greatly reduced given their position within the site, some 30 back from Hollinberry Lane and the retention of the mature trees and hedges to the back edge of the footpath serving the highway which are, in some cases, higher than the ridges of the proposed dwelling. The only break in the vegetation along the site frontage would be where the access point would be, which utilises an existing access where there is currently no mature vegetation. Additional planting is also proposed as part of the scheme and full details of the species, height and type would be conditioned. Furthermore, the dwellings would be viewed against the rising land levels to the rear of the site.

In terms of visual impact, given the comments above, whilst the proposed layout would inevitably result in a change in the appearance of the area it would not unacceptably diminish the spacious character of the immediate area or appear obtrusive and incongruous in the immediate setting. As such it is not considered that they would be significantly detrimental to the openness or character of the Green Belt or the visual amenities of the surrounding area.

Concern has been raised that if the application is approved it would set a precedent for further applications to come forward which could erode the character of the village. However, each case would have to be assessed on its own individual merits.

Trees

The arboricultural information submitted with the application shows that there will only be minimal encroachment into the rooting areas of the trees on site and that the development will not necessitate the removal of any trees. There is therefore no objection to the proposal from an arboricultural perspective providing that the trees are adequately protected during the development. As such tree protective barrier details will be required along with a tree protection plan showing their locations and any phasing of their positioning.

Highway Safety

Hollinberry Lane is a classified road (C74) and a bus route subject to a 30mph speed limit at the site. A visibility splay can be provided to the Southeast of the site, but to the Northwest the splay is over land not under the applicant's control; however it seems unlikely this will be obstructed in future. Given the existing use of the access position and the presence of other accesses nearby, the proposal is considered acceptable.

Each of the properties would have 2no. off street parking spaces, in addition to the integral garages, and adequate turning and manoeuvring space would be provided within the curtilage of the dwellings, and on the private drive serving the development to allow vehicles to enter and exit the site in a forward gear.

Highways DC have assessed the proposals and have not raised objection subject to the imposition of conditions.

Ecology

An Ecology Report has been submitted alongside the application. This report has been assessed by the Councils Ecologist who is satisfied with the findings. The report provides findings to show that there should be no detriment to any protected species and recommends a number of suitable mitigation measures including the retention of trees and additional vegetation planting. Suitable conditions are therefore recommended.

Mining

A Coal Mining Risk Assessment has been submitted alongside the planning application. SYMAS have assessed this report and commented as follows:

"As requested, the applicant has secured a Coal Mining Risk Assessment for the proposed development via ARP Geotechnical Ltd Consulting Engineers. We concur with the findings of this report, which in brief recommends that site investigation works are required with regard to the potential shallow coal and an old mine entry on the land. On this basis we would not object to planning permission being granted providing a condition to ensure the recommended works are undertaken is included"

The Coal Authority concur with the above and as such a suitable condition is recommended.

Summary

The application site is located within the Green Belt where the NPPF says that inappropriate development should not be approved except in very special circumstances. The construction of new buildings is regarded as inappropriate development, however, exceptions to this include where it comprises limited infilling within villages. It is considered that this proposal would comprise limited infilling in a village and would not be inappropriate development. Accordingly, it is unnecessary to consider whether very special circumstances exist to justify the development.

The proposed dwelling would ensure that living conditions and overall standards of residential amenity are provided or maintained to an acceptable level both for new residents and those existing. In addition, the development would maintain visual amenity and would not significantly reduce the openness of the Green Belt given its village location, in accordance with policies H8D, CSP 26, CSP 29, CSP 34, SPD's 'Designing New Housing Development' and 'Parking' and the NPPF.

Recommendation - Grant subject to conditions

1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.

2 The development hereby approved shall be carried out strictly in accordance with the plans (Nos 2016/18/01-sh.2, 2016/18/01, 2016/18/02, 2016/18/03 & 2016/18/04) and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.

3 No development shall take place until full details of the proposed external materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 29, Design.

4 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position of boundary treatment to be erected. The boundary treatment shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details and shall thereafter be retained.
Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property and in accordance with Core Strategy Policy CSP 29, Design.

5 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

6 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained. The approved hard landscaping details shall be implemented prior to the occupation of the building(s).
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.

7 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.

8 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.
Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.

9 All surface water run off shall be collected and disposed of within the site and shall not be allowed to discharge onto the adjacent highway.
Reason: In the interests of highway safety in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

10 Prior to commencement of development full details of the mitigation measures identified in the Ecological Survey, including a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
Reason: To conserve and enhance biodiversity in accordance with Core Strategy Policy CSP 36.

11 Development shall not commence until details of measures to prevent mud/debris from being deposited on the public highway to the detriment of road safety, have been submitted to and approved in writing by the Local Planning Authority, and such measures shall be retained for the entire construction period.
Reason: In the interest of road safety in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.

12 Pedestrian intervisibility splays having the dimensions of 2 m by 2 m shall be safeguarded at the drive entrance/exit such that there is no obstruction to vision at a height exceeding 1m above the nearside channel level of the adjacent highway.
Reason: In the interest of road safety in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.

13 A visibility splay, having the dimensions 2.4m x 71m, shall be safeguarded at the junction of the proposed access with Hollinberry Lane, such that there is no obstruction to visibility and forming part of the adopted highway
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.

14 Development shall not commence until details of all areas for the parking of all employees' vehicles, the storage of building materials and plant have been submitted and approved in writing by the Local Planning Authority, and such areas shall be retained for the entire construction period.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.

15 Vehicular and pedestrian gradients within the site shall not exceed 1:12 to ensure safe and adequate access.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.

16 The foul drainage from the proposed development shall be discharged to a Package Treatment Plant and soakaway system which meets the requirements of Building Research Establishment Digest 365 and which complies with the following:
a) there is no connection to any watercourse or land drainage system and no part of the soakaway system is situated within 10 metres of any ditch or watercourse.
b) porosity tests are carried out in accordance with BRE 365 to demonstrate that suitable subsoil and adequate land area is available for the soakaway.
Reason: to prevent the pollution of the water environment.

17 No development or other operations being undertaken on site shall take place until the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:

- Tree protective barrier details
- Tree protection plan

Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality in accordance with Core Strategy Policy CSP 36 Biodiversity and Geodiversity

18 The erection of barriers and any other measures specified for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.
Reason: To safeguard existing trees, in the interest of visual amenity.

19 Prior to the commencement of development a site investigation must be undertaken to fully investigate potential mining legacy risks. The investigation should be carried out in compliance with CIRIA publication 32 'Construction Over Abandoned Mine Workings', a report detailing the findings of the investigation and any recommended mitigation shall be submitted for approval in writing by the Local Planning Authority, the development thereafter shall carried out in accordance with the approved details.
Reason: In the interest of Land stability NPPF sections 120 & 121.

20 No development shall take place until:

(a) Full foul and surface water drainage details, including a scheme to maintain surface water run off at greenfield rates, and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority:

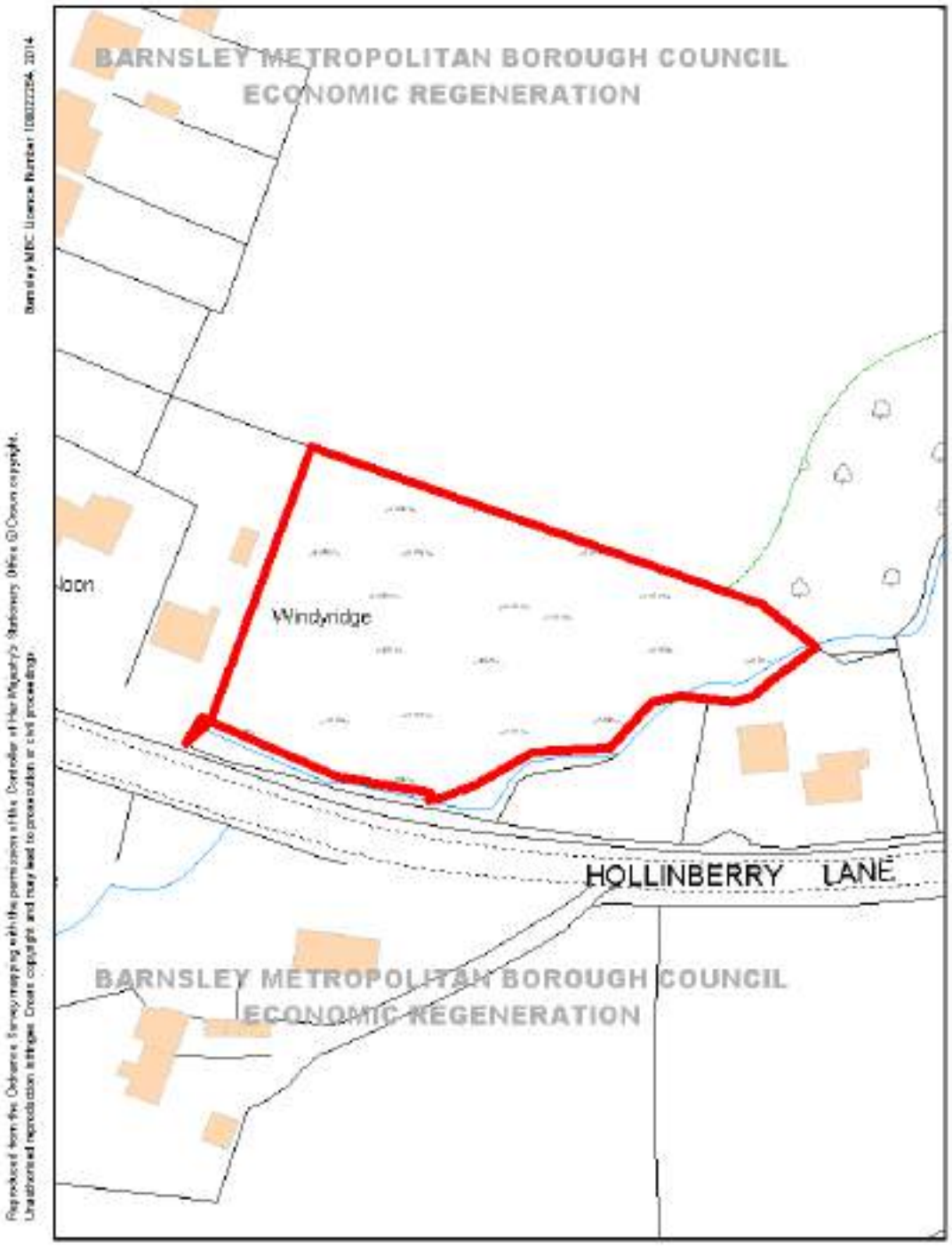
(b) Porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways;

(c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways;

Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development.
Reason: To ensure proper drainage of the area in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

21 No hedges or trees on the site (except those shown to be removed on the approved plan), or their branches or roots, shall be lopped, topped, felled, or severed. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority. **Reason: To safeguard existing trees/hedges, in the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.**

PA reference :- 2016/1513

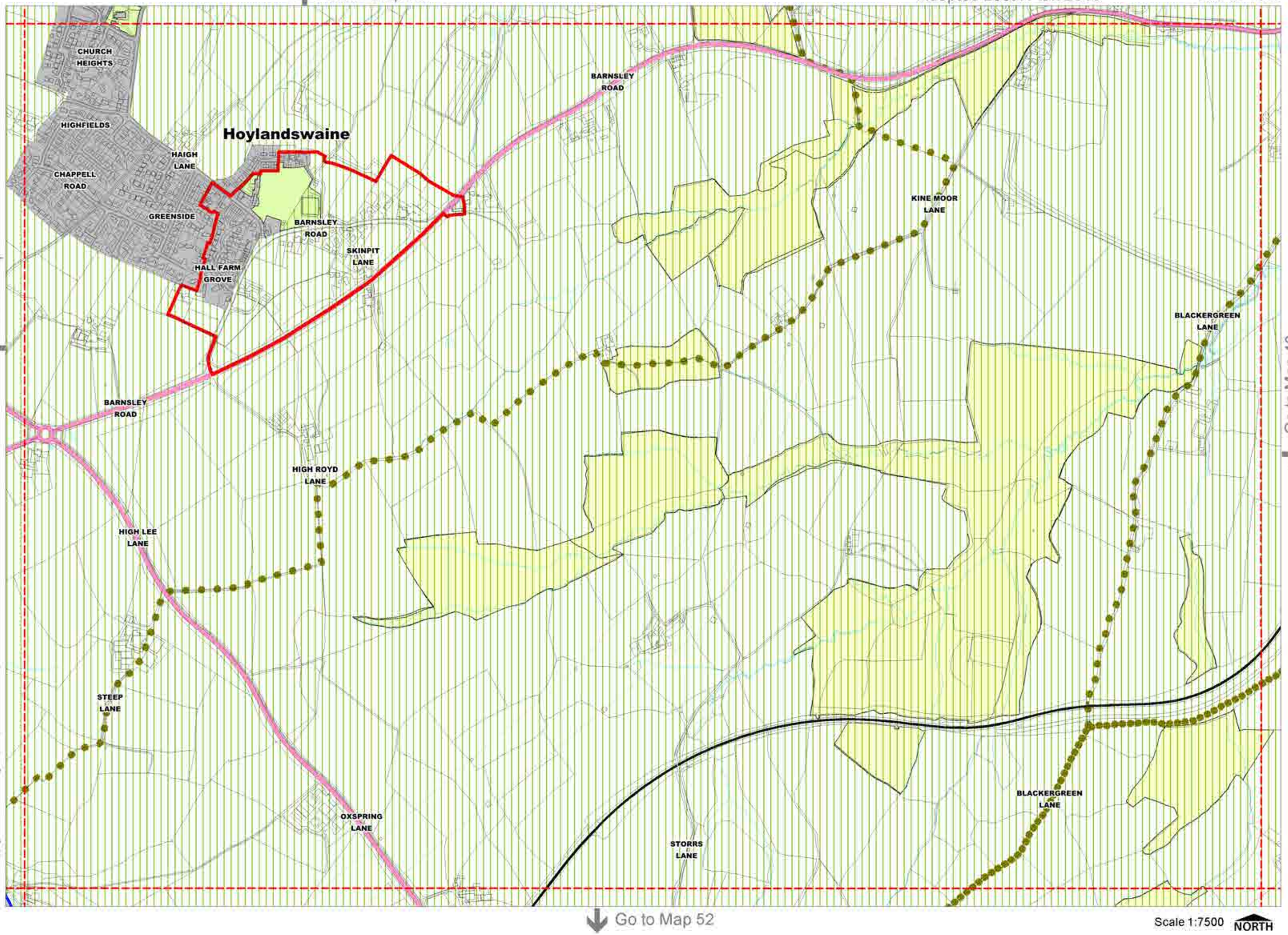


Barnsley MBC Licence Number 100022264, 2014
Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

BARNSLEY MBC - Economic Regeneration
Service Director: David Shepherd
Westgate Plaza One,Westgate,
Barnsley S70 9FD
Tel: 01226 772621

NORTH

Scale 1:1250



Go to Map 38

Go to Map 40

Go to Map 52

© Crown copyright and database rights (2018).Ordnance Survey licence number 100022264.

Scale 1:7500 NORTH

The Planning Inspectorate

Appeal Decision

Site visit made on 15 July 2019

by Laura Renaudon LLM LARTPI Solicitor

an Inspector appointed by the Secretary of State

Decision date: 15 August 2019

Appeal Ref: APP/W4223/W/19/3227776
Hawthorn Cottage, Lee Side, Kiln Green, Diggle, Oldham OL3 5JY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr & Mrs Broadbent against the decision of Oldham Metropolitan Borough Council.
- The application Ref PA/341852/18, dated 17 May 2018, was refused by notice dated 1 November 2018.
- The development proposed is described as a single storey extension to form bedroom and extension of small section of existing pitched roof to create porch.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the proposal was amended by agreement during the course of the Council's determination of the application. The Council's refusal of permission was for 1) change of use of land to extend residential curtilage including alterations to land levels 2) part-subterranean extension 3) single storey front extension 4) associated boundary treatment.

3. The principal element of the proposal is to build a part-subterranean extension to the north eastern side of the existing dwelling known as Hawthorn Cottage. The existing curtilage to the dwelling appears to be tightly drawn to this side, with an existing field gate and entrance beyond it, facing the road. The proposal involves excavating the land to build the extension into the field, and then re-grassing the field above it, with a raised ground level of approximately 50cm, and re-hanging the existing gate with the land rising, rather than falling slightly as it does at present, from the roadside to meet it.

4. The area of the proposed extension is within the 'red line' of the application site but, although the amended description of the proposal was agreed during the course of the application, the parties are in disagreement about whether there would be any associated change of use to residential curtilage. A vertical section of the resulting development would reveal two different uses; the residential bedroom below and the field entryway above. There would be no further curtilage area associated with the dwelling. As suggested by the appellants, these changes could be controlled by the imposition of a planning condition, to restrict the use and development of the field area above, if necessary.

5. The Council do not object to the front porch element of the proposal, and so I have considered the proposal as a whole but with particular focus on the bedroom element.

Main Issues

6. The site lies within an area of Green Belt, and also within the Diglea Conservation Area. The main issues arising in the appeal are therefore:

   (1) whether the proposal would amount to inappropriate development in the Green Belt, having regard to the National Planning Policy Framework ('the Framework') and any relevant development plan policies; and, if so, whether it would affect the openness of the Green Belt and whether there are any other considerations that might amount to very special circumstances to justify the harm to the Green Belt and any other harm that might arise; and

   (2) the effect of the proposal on the character and appearance of the area, with particular regard to whether the proposal would preserve or enhance the Diglea Conservation Area.

Reasons

Whether inappropriate development

7. Policy 1 of the Oldham Local Development Framework Core Strategy and Development Management Policies document adopted in November 2011 ('the CS') records that the Green Belt will be maintained, and Policy 22 is permissive of development in the Green Belt where no conflict with national Green Belt policy arises. That national policy is presently expressed in the Framework, which exhorts local planning authorities to regard the construction of new buildings (which would include an extension, as proposed here) as inappropriate in the Green Belt. Exceptions include extensions to buildings, provided that no disproportionate additions to the size of the original building result, and limited infilling in villages.

Extensions

8. The existing dwelling on the site has the appearance of having been constructed relatively recently, although documents supplied in the appeal suggest that the current dwelling results from the change of use and extensions to the former railway station shop. The external floor area of the proposed extension is said by the appellants to be approximately 40 m². The floor area or volume of the existing dwelling is not given, but from the plans I concur with the Parish Council that the increase appears to be of the order of around 50%. Whilst this is not necessarily a disproportionate extension in itself, I have no information concerning the dimensions of the 'original building', which, if it is the former shop, the Council describe as having been disproportionately extended already to result in the existing dwelling house, 'very special circumstances' having then been demonstrated. Consequently, I cannot conclude that the proposed extension would not be a disproportionate addition to the original building. The fact that much of the development would not be visible does not bear on the objective question concerning the increase in size.

Limited infilling in villages

9. The Council do not dispute that the existing dwelling lies within a village. The principal settlement of Diggle lies across the railway line, with the dwelling forming part of a loose line of buildings that appear to be 2 historically separate but closely connected hamlets, Diglea and Kiln Green, the former containing The Diggle Hotel and the latter containing a church and church hall.

10. The appellants have supplied a copy of the Proposals Map showing that most of the village of Diggle is excluded from the Green Belt. This 'settlement boundary' appears relevant to establishing the extent of the village of Diggle, although parts of the settlement area, including the appeal site, appear to lie beyond it. The appeal site lies close to the railway line historically serving the village. Although lying to the other side of the railway tracks from the village centre, it appears closely connected to the centre and is within easy walking distance of the village's main facilities. It was described by the Council's officer on an earlier application as being '*located within an urbanised part of the green belt alongside other dwellings and opposite the Diggle Hotel'*. I consider that the site lies on the outskirts of, but nonetheless within, the village of Diggle.

11. As to whether the development proposed would amount to 'limited infilling', the Council consider this requirement is not met, because the proposal does not amount to the development of a small gap in an otherwise continuous built-up frontage, or the small-scale redevelopment of existing properties within such a frontage. The appellants suggest that a wider interpretation, of buildings within the confines of a group of buildings, is appropriate.

12. There is no definition in the Framework of what constitutes 'limited infilling' and no definition that might be found in local planning policies has been suggested here. The appeal site is surrounded by buildings, albeit in a very loose arrangement, and, as described by the previous Council report, is in an urbanised area. Immediately to its north lies a field, separating it from the next house to the north east by around 30m. The Diggle Hotel lies further away, to the north. A pair of semi-detached dwellings lie to the south west, separated by a field from further dwellings in Kiln Green. Another dwelling lies opposite to the west.

13. Whereas 'infilling' suggests the development of land that is surrounded by existing development on at least 2 sides within reasonable proximity, the requirement for such infilling to be 'limited' requires consideration of both the development site and the scale and form of the proposed development. The proposed development would extend the house by a little more than 5m to its north eastern side, largely below ground level. On this issue I conclude that, although there is some distance across the field to the frontage of the next dwelling, 2 Diglea, to the north east, the spacious nature of this part of Diggle with its loose arrangement of buildings, combined with the small scale and the form of the development proposed, would amount to limited infilling within a village for the purposes of the Framework.

14. Accordingly I find that an exception to the Framework's requirement that new buildings should be considered as inappropriate in the Green Belt to have been established. The proposed development would not amount to inappropriate development in the Green Belt because it would constitute limited infilling within a village. It follows that no assessment of the effects on Green Belt openness or whether very special circumstances exist is necessary.

Character and appearance

15. The appeal site lies within the designated heritage asset that is Diglea Conservation Area, and accordingly special regard is to be had to the desirability of preserving or enhancing the Conservation Area when considering development proposals. The Framework advises that great weight should be given to the conservation of heritage assets, and this advice is largely reflected in CS Policy 24, requiring development proposals to have regard to national historic environment policy and to preserve or enhance the character or appearance of conservation areas.

16. The site lies at the south western edge of the Diglea Conservation Area, which consists of a small number of historic pre-Industrial stone buildings, together with buildings, such as the Diggle Hotel, and the appeal property in its original form, having had some association with the adjoining railway line. The site lies very close to the start of the Standedge railway and canal tunnels, which, although lying outside the Conservation Area, are significant examples of the achievements of the Industrial Revolution in the area. Some of the buildings, including the nearest dwelling to the appeal property within the Conservation Area, are listed. They lie on the rising land to the north and east of the appeal site, and are mostly abutted by open fields and the rising moorland beyond. Boundary treatments, in the Conservation Area and elsewhere in the vicinity of the appeal site, are mostly stone walls.

17. The appeal property lies at a prominent location at the junction of Station Road, crossing the railway line, with Lee Side which runs from Kiln Green towards the bottom of the hill up to Diglea which lies above it. The Pennine Bridleway crosses in front of the site, with a finger post sign opposite. Approaching the appeal property over the Station Road railway bridge, the adjoining field gate, marking the location of the proposed extension, lies ahead.

18. The appeal proposals involve raising the apparent land level behind the field gate by around 50cm. The extension would extend to the rear beyond the side of the existing south eastern elevation of the dwelling. The adjoining field slopes down with the road from the north. Insofar as the proposal involves raising the land level towards the front of the property and grassing over the roof of the proposed extension to appear as a continuing part of the field, I find that there would be no adverse impact on the character or appearance of the area, including the Conservation Area.

19. However, the proposal involves further elements that I consider would adversely affect the appearance of the area. The flat roof of the extension would extend into the field well above its existing land levels as they slope down towards the existing curtilage of the dwelling, and would protrude beyond these. Although the easternmost corner of the extension would appear to align with the field level at that point, the land continues to drop away and the development would increase in prominence towards the west, with a marked drop from its surface to the surrounding land level. The corollary of this is that the roof is to be surrounded on its southern sides by a timber fence, containing the area above it and replacing the existing aspect of the open field lying beyond the field gate.

20. The effect of these elements is that the existing views across the site to the countryside beyond would become considerably restricted by the incongruous timber fence, and evidence of the flat roofed extension protruding beyond the

adjoining land form would be readily apparent when viewed from its surroundings, particularly from the Conservation Area to the north east but also to users of the recreational Pennine Bridleway route passing in front of the site. Although the appellants consider that 'underground' or 'built in to the hillside' accommodation is part of the local Saddleworth vernacular, I saw no comparable examples of such development within the Conservation Area or within the vicinity of the appeal site.

21. As a result, the appearance of the area, and therefore the Conservation Area, would be harmed. In terms of the Framework this would amount to 'less than substantial' harm that should be weighed against the public benefits of the proposal.

22. The appellants consider the extension to be of a high architectural standard and an imaginative design. Putting the context aside, I do not dissent, but find the public benefits of this to be limited. Whilst some contribution to the local economy would be likely to result from the ability to house more occupants, this has not been quantified. The construction-related jobs would be a rather ephemeral benefit compared with the permanent harm to the Conservation Area. The ability of the appellants to house family members coming to stay constitutes a private rather than a public benefit.

23. Therefore on this issue I am unable to conclude that there are sufficient public benefits deriving from the proposal to outweigh the harm to the Conservation Area that I have identified. The proposal would thus conflict with heritage policies in the Framework and with CS Policy 24.

Planning Balance and Conclusion

24. I conclude that the proposal would amount to development constituting limited infilling within a village, and as a result it would not be inappropriate development in the Green Belt. This has a neutral effect on the outcome of the appeal. There would be harm to the Conservation Area, resulting from the protrusion into the landform of the extension and the fence above it. No public benefits arising from the development are sufficient to outweigh this harm, which is contrary to CS Policy 24 as well as the Framework. As no other material considerations have been raised that would justify departing from the development plan for the area, the appeal is dismissed.

Laura Renaudon

INSPECTOR

106
1795
Green