

Planning, Design & Access Statement

**RESIDENTIAL DEVELOPMENT OF ONE DETACHED DWELLING,
INCLUDING DEMOLITION OF EXISTING GARAGE**

**HUDROYD HOUSE, GENN LANE, WARD GREEN, BARNSELEY, S70
6NW**

**PREPARED FOR: MR M THORNHILL
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1.0 INTRODUCTION

This statement has been prepared to support the submission of an application for full planning permission for the demolition of a detached garage and the construction of one detached dwelling house.

Planning permission has recently been granted for a substantial extension to the existing detached garage which will result in a very large outbuilding once completed. The proposed dwelling has been carefully designed in order to achieve a reduction in built volume within the site compared to the extended garage as approved, thereby achieving the redevelopment of previously developed land which would not have a greater impact on Green Belt openness.

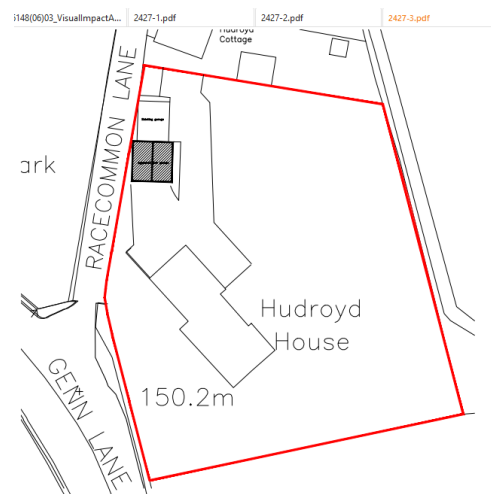
The proposal therefore represents an appropriate form of development within the Green Belt. The proposal would deliver a new home in a sustainable location in a manner that would not have any adverse impacts.

This statement should be read in conjunction with the supporting plans and technical reports which demonstrate the credentials of the scheme in more detail.

This statement now proceeds to give details of the site. The details of the proposal are then set out. The planning merits of the scheme are then discussed in relation to relevant planning policies contained in the statutory development plan, together with Government guidance principally set out in the NPPF. In particular, it will be demonstrated that the proposal would not be detrimental to openness. The development would give rise to no adverse impacts in respect of amenity or highways considerations.

2.0 THE SITE

The application site is the existing dwelling at Hudroyd House, along with its associated external space and detached garage:



The site lies close to the junction of Genn Lane and Racecommon Lane, with access to the site taken from the latter. Neighbouring residential dwellings lie to the north and west, with open land to the south and west. Locke Park lies a short distance from the site on the northern side of Racecommon Lane.

Hudroyd House is a substantial two storey dwelling with large garden spaces. The site is enclosed by mature hedges and is well screened from the adjacent highways. To the north of the main dwelling there is a detached garage for which permission has recently been granted for a substantial extension.

The site lies within the Green Belt. The site is not within a Conservation Area. Nearby Locke Park is a grade II registered historic park and garden. The park also contains a grade II listed bandstand. Park View Guesthouse also lies a short distance to the north of the site and is grade II listed. The site is within a Coal Authority Development High Risk Area.

3.0 THE PROPOSAL

Full planning permission is sought for the demolition of the existing detached garage and the construction of one new detached dwelling.

More information about the proposal can be found in the accompanying plans and supporting technical documents. The key elements of the proposal are as follows:

- The existing garage building is to be completely removed.
- The proposed dwelling has a smaller cubic volume than the garage as approved to be extended, thereby achieving an overall reduction in built form within the site and preservation of openness.
- The proposed dwelling would be set back slightly further into the site than the existing garage. This would achieve better separation distances between buildings and would minimise the visual impact of development when viewed from outside of the site.
- The proposed dwelling is of appropriate traditional design and references architectural details of the existing dwelling. It's scale and position would ensure a subservient relationship with the existing dwelling.
- The modest scale and position of the new dwelling would ensure no impact at all on the setting of the nearby heritage assets.
- The development would provide a much needed new family home that would achieve a very high standard of housing amenity.
- The new dwelling would utilise the existing access point from Racecommon Lane. The accompanying report from Paragon Highways demonstrates that the access arrangement is suitable for the additional traffic that would be generated by the proposal.

4.0 PLANNING HISTORY AND PRE-APPLICATION DISCUSSIONS

A search of the Council's online records shows the following previous applications:

2008/0983 – Erection of a first-floor extension above existing side extension – Refused
October 2008

2009/0051 – Erection of a first-floor extension above existing side garage of dwelling
(resubmission) – Approved February 2009

2009/0619 – Installation of dormer window to front of dwelling (amendments to previously
approved planning consent 2009/0051) – Approved June 2009

2016/1547 – Erection of a detached garage and the installation of a pitched roof to the
existing detached garage – approved February 2017 (permission was not implemented and
lapsed).

2022/1004 - Erection of double garage extension to existing detached garage and new
pitched roof above existing flat roof of the garage – approved November 2022.

Due to the resource pressures faced by the LPA, pre-application discussions have not been
requested in this instance. The applicant has, however, enlisted the services of JR Planning,
Neil Bowen Architects and a team of technical consultants to advise on the design of the
development.

5.0 ALLOCATION AND POLICIES

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning
applications to be determined in accordance with the Development Plan unless material
considerations indicate otherwise. In this instance the Development Plan consists of the
Barnsley Local Plan which was adopted in January 2019 and the Joint Waste Plan.

Material considerations exist in the form of national policy and guidance contained within the
National Planning Policy Framework (NPPF) as updated in July 2021 and the suite of
documents comprising National Planning Practice Guidance (NPPG). The Council's SPDs
are also considered of relevance.

The site is within the Green Belt as identified under the local plan.

National

The NPPF is reflective of the guidance contained within the NPPG. The following sections of the revised NPPF are considered of direct relevance to the current proposal:

- Section 2 - Achieving sustainable development
- Section 4 - Decision-making
- Section 5 – Delivering a sufficient supply of homes
- Section 12 – Achieving well-designed places
- Section 13 – Protecting Green Belt Land
- Section 15 – Conserving and enhancing the natural environment
- Section 16 – Conserving and enhancing the historic environment

The overarching message of the NPPF is that LPAs should adopt a positive and pro-active approach to planning proposals, particularly those that result in sustainable development. LPAs should not place unnecessary burdens on developers and should look to support appropriate schemes such as this.

Barnsley Local Plan

- SD1 Presumption in favour of 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
- H4 Residential Development on Small Non-allocated Sites
- H6 Housing Mix and Efficient Use of Land
- H9 Protection of Existing Larger Dwellings
- T3 New Development and Sustainable Travel
- T4 New development and Transport Safety

- D1 High Quality Design and Place Making
- LC1 Landscape Character
- BIO1 Biodiversity and Geodiversity
- GB1 Protection of Green Belt
- GB2 Replacement, extension and alteration of existing buildings in the Green Belt
- CC1 Climate Change
- CC2 Sustainable Design and Construction
- CC3 Flood Risk

Supplementary Planning Guidance

Regard has been had to the LPA's Design of housing development and Biodiversity and geodiversity SPDs.

6.0 ASSESSMENT

Principle of Development

Sustainability

As will be discussed in more depth below, the proposal represents the redevelopment of previously developed land which would not have a greater impact on openness than the existing development. The development therefore accords with local and national Green Belt policy.

Notwithstanding the need to comply with Green Belt policy, the main emphasis of current national planning policy is to ensure proposals are compliant with the definition of sustainable development set out within the NPPF. Sustainability is multifaceted. The Government's view of what sustainable development means in practice is to be found throughout the Framework, taken as a whole. To achieve sustainable development, the

Framework states that economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

The proposal would be wholly sustainable using the definition set out in the NPPF for the following reasons:

- **Social:** The proposed development would result in the gain of an additional family dwelling. The development would provide very high-quality family housing for future occupiers in a sustainable location in a sought-after location. The proposal would not result in any adverse social impacts.
- **Economic:** The development would provide growth and investment in the locality. Additional economic activity would be created during the construction phase. The new dwelling would be likely to provide additional custom at existing local services in the locality.
- **Environmental:** The development would preserve Green Belt openness and would have no adverse impacts on biodiversity interests or visual and landscape character.

In terms of the location of the site for residential development, although the site is within the Green Belt it is still in a sustainable location. The site is very clearly within the developed envelope of Wood Green and is closely related to existing neighbouring buildings. The site has easy access to the local services and amenities that are centred around the nearby A6133. The site also have easy and convenient access to Barnsley town centre.

The adopted housing policies set out that the majority of new housing will be delivered in Urban Barnsley. The site is only a few metres from the defined boundary of Urban Barnsley. Given the site is so closely positioned to the settlement boundary, and visually and spatially appears to be part of the built-up envelope by virtue of being located in between existing buildings, the principle of development here should be viewed favourably.

Although the site is just outside of the defined boundary for Urban Barnsley, it would result in no conflict at all with the strategic aims of adopted housing policy. Policy H4 is supportive of

residential developments on unallocated sites such as this, providing that other policies of the plan are complied with. It is demonstrated below that the proposal is policy compliant.

The proposal would not result in any material harm and the presumption in favour of sustainable development must be applied. The broad principle of development must therefore be considered acceptable.

Green Belt

The NPPF states that new development is inappropriate within the Green Belt, with defined exceptions provided in the 'closed list' of development types set out in paragraphs 149 and 150.

Paragraph 149 confirms that the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), is an appropriate form of development in the Green Belt provided that it would not have a greater impact on the openness of the Green Belt than the existing development.

The proposal seeks to replace the existing detached garage with a new dwelling. The site is within the residential curtilage of the host dwelling Hudroyd House. The site contains development in the form of the existing house, the garage and large areas of hardstanding around both the house and the garage.

The NPPF sets out that previously developed land includes the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). The exclusion of garden land from the definition of previously developed land does not apply here as the site is outside of the defined settlement boundary.

The proposed dwelling is not sited precisely on the footprint of the existing garage as it is beneficial for amenity and visual reasons to locate it slightly further back within the land parcel. However, the extent of the parcel of previously developed land clearly goes well beyond just the footprint of the garage itself. The setting back of the dwelling from the existing garage secures the best outcome and there is no reason why it should be

considered to constitute anything other than the redevelopment of previously developed land.

As the proposal represents the redevelopment of previously developed land, it is an appropriate form of development in the Green Belt providing that it would not have a greater impact on openness than the existing development.

At this point it is important to refer to the November 2022 permission for a substantial extension to the detached garage. Whilst this permission has not yet been implemented, it remains a valid permission for almost three years and the applicant has every intention of carrying out the approved building works if necessary. For the purposes of considering the proposal against paragraph 149 of the NPPF, the 'existing development' should be taken to be the extended garage.

Whilst the extension has not yet been constructed, the applicant could undertake the works at any time and the extended garage would then certainly be the existing development to which the impacts of the new development would be compared. This would necessitate buildings works and the use of resources only for them to be undone upon the granting of consent for a new dwelling. This would be hugely inappropriate at time when good planning needs to achieve sustainable outcomes more than ever. The pragmatic solution is to consider the 'existing development' to be the as approved extended garage and for the comparative openness impact judgement to be made on that basis.

In terms of the comparative impacts of green belt openness, the proposed dwelling has a smaller cubic volume (293 cubic metres) than the extended garage (305 cubic metres).

It has been established that openness has a spatial and visual impact. In spatial terms the proposal achieves clear betterment. The removal of the garage from a position close to the road and setting the new dwelling slightly further back into the site achieves better separation distances between buildings, therefore improving openness throughout the site as a whole. Spatially, the proposal represents a better outcome than the existing development.

This also makes the proposed development less visible from outside of the site than the existing development. The proposal involves the replacement of a single storey building with a two storey building, but the increase in height is more than compensated for by the reduction in total volume and the significant consolidation of the building footprint.

The proposed building would have a reduced impact on openness both spatially and visually.

There are no issues in this instance relating to the introduction of domestic paraphernalia as the entirety of the site is already domestic curtilage. Since all of the site is residential garden and parking space already, there will be no perceptible change or introduction of activities and associated items that do not already exist. The site lends itself very well to subdivision to two dwellings and the garden space for the existing and proposed dwellings will be easily achieved through appropriate planting, likely in the form of a hedgerow. As such, there are no harmful impacts to openness by way of domestication of the site.

The proposal therefore represents the redevelopment of previously development land which would have no greater impact on openness than the existing development. It is, therefore, an appropriate form of development within the Green Belt as defined by paragraph 149 of the NPPF.

It is acknowledged that this assessment is based on a presumption that the LPA will take a pragmatic view and accept that the 'existing development' should be taken to be the extended garage as per the November 2022 permission. If the LPA take a view that the existing development must be taken to be the garage as it stands today, then the proposed dwelling is a larger building and, arguably, would have a greater impact on openness. This would render the proposal a type of development that is by definition inappropriate in the Green Belt.

However, even if the LPA does view the proposal in that manner, then the November 2022 permission still amounts to a fall back position that constitutes a very special circumstance which clearly outweighs any harm by definition.

Case law has established that weight should be given to the fall back position in such considerations. Case law has also established that a fall back position exists providing there is a realistic likelihood of the alternative development going ahead. The securing of permission as recently as November 2022 for the garage extension signals the applicant's intention to carry out that development if necessary. It is not necessarily the applicant's first choice of development options. The applicant would prefer to develop the site with the dwelling that is proposed under this application, and it is clearly preferable to do so without having to carry out works to the garage first that would then become obsolete. However, the applicant is prepared to do so if necessary and there is a realistic likelihood of the garage extension going ahead. It therefore forms a viable fall back.

As discussed above, the extended garage is a larger building than the proposed dwelling and it occupies a more prominent position. The dwelling would secure a better outcome for openness. Securing this betterment, whilst also providing a much needed new home, at the expense of the fall back position, represents a clear very special circumstance that clearly outweighs the harm by definition.

Because the proposed dwelling occupies a different footprint to the garage, it is acknowledged that appropriate steps need to be taken to secure the removal of the garage in order to make the proposal acceptable. A condition requiring the garage to be demolished prior to the commencement of the new dwelling would achieve this. Because the permission pursuant to application 2022/1004 was specifically for an extension to the existing garage, it would no longer be possible to implement that permission once the existing garage has been demolished (as a requirement of approval of the current application). This allays any concerns that the 2022 permission and the current proposal could both be implemented.

JR Planning have recently secured permission for a dwelling at Fox Cottage, Whitley via appeal (appeal reference APP/Z4718/W/22/3292554) where very similar circumstances

applied. Permission was in place for a stable building, but it had not yet been constructed. The proposed dwelling was of similar scale to the approved stable and the Inspector stated:

“I further note that planning permission has been granted for the erection of a stable at the site of the same size as the proposed dwelling. While this may have been permitted under a different policy exception, it nevertheless represents an approved element of built form, such that it is a legitimate fallback position. Other buildings at the site would not be removed if the stable were constructed. As such, even acknowledging that it would not be in residential use or feature a residential curtilage, when combined with the other buildings that would remain at the site the presence of the stable would have a greater impact on the spatial and visual openness of the Green Belt than the proposal.

“As such, while the proposal would have a larger footprint than the development presently at the site and would introduce a residential curtilage, it would result in both the consolidation and reduction in volume of built form at the site. As a result, I find that it would not have a greater impact on the openness of the Green Belt than the existing development or, as outlined above, the fallback position.”

The parallels between the two cases are obvious and it is considered clear that the LPA should take the same stance as the Inspector in relation to the fallback position.

Summary in respect of Green Belt Considerations

The proposed dwelling would have no greater impact on openness than the garage if it were to be extended as per the 2022 consent. The new dwelling has a smaller volume than the extended garage and would be sited in a position that further reduces its impact in comparison to the 2022 permission scheme.

The pragmatic approach for the purpose of considering the current proposal against paragraph 149 of the NPPF is to take the ‘existing development’ to be the 2022 approval. When this is done, it is clear that the current proposal represents the redevelopment or previously developed land which has no greater impact on openness. It is therefore a form of

development that is appropriate in the green belt and wholly accords with paragraph 149 of the NPPF and relevant local plan policy.

However, if the LPA takes an alternative approach and considers that the comparison must be made between the proposed dwelling and the un-extended garage, then the 2022 permission forms a fall back position that constitutes a very special circumstance in any case. The very special circumstance clearly outweigh any harm by definition and the proposal therefore remains in accordance with the NPPF. This position is supported by the recent appeal decision highlighted above.

In either situation, the proposal accords with local and national Green Belt policy and should be supported.

Design

The proposed dwelling is of simple and traditional form under a pitched roof. The window pattern and architectural detailing references the host dwelling, without trying to compete with the much grander existing building. The result is a simple and attractive building that is entirely compatible with its setting and would add seamlessly to the built environment. The modest scale of the dwelling, set in this large and well screened site, would have no adverse impact at all on the wider landscape character. The proposal fully accords with policies D1 and LC1.

Heritage Considerations

The site lies a short distance from Locke Park, a grade II registered historic park and garden. The 2022 application for the garage extension was subject to consultation with the LPA's Conservation Officer and it was noted that there would be no impact on Locke Park.

The separation distance, intervening boundary treatments and modest scale of the proposed development means that it remains the case that the new development proposal would have no impact on the setting of Locke Park. Similarly, there would be no impact on the setting of the two nearby listed buildings.

The proposal fully accords with policy HC3 and the guidance within section 16 of the NPPF.

Amenity

The layout of the development ensures very good separation distances between the new dwelling and both the host dwelling and the neighbouring dwelling to the north of the site. The submitted plans demonstrate that the siting of the new dwelling would not interfere with a 45 degree angle taken from the nearest window to the rear elevation of the neighbouring dwelling to the north. There would be no harmful impacts by way of overlooking, overshadowing or oppressiveness.

The very large size of the site allows for the subdivision to two dwellings whilst achieving very generous garden areas for both the existing and proposed dwellings.

Policy H9 seeks to resist the subdivision of larger plots when it will have an adverse impact on the setting of the original dwelling, and the size of the remaining garden area. The plans demonstrate that Hudroyd House will retain a very large garden area and generous space contributing to its setting. There would be no adverse impact at all in this instance and there is no conflict with policy H9.

The layout of the proposed dwelling will deliver well-proportioned rooms with excellent levels of natural light and outlook. Combined with the separation distances to neighbouring buildings and the very generous outdoor space, the new dwelling will provide a very good standard of housing amenity for future occupiers.

Highways

The proposed dwelling will utilise the existing access point from Racecommon Lane that serves Hudroyd House. The submitted plans show alterations to the boundary wall alignment in order to achieve the necessary visibility splays. Subject to this, the access point is safe and suitable for the traffic that would be generated by one additional dwelling. This is confirmed in the accompanying report from Paragon Highways.

The proposal includes the provision of two parking spaces for the new dwelling and three spaces for Hudroyd House. The plans also show appropriate circulation and turning spaces within the site for both dwellings.

Overall, the proposal would give rise to no issues in respect of highways safety and efficiency and is fully policy compliant in this respect.

Ecology

As well as setting out the biodiversity enhancement measures that are set out above, the accompanying Ecological Appraisal also sets out the impacts that the removal of the existing buildings would have on ecology interests. It confirms that no evidence has been found of roosting bats in the existing buildings and that the site provides suboptimal foraging opportunities. The appeal of the site to nesting and feeding birds will increase as a result of the development.

Overall, the redevelopment scheme will cause no harm to protected species and will significantly enhance the biodiversity value of the site.

The development proposal fully accords with local and national policy in this respect.

Flood Risk

The application site is within flood zone 1 as identified by the Environment Agency so is not at undue risk of flooding. The site area is well below the threshold at which an FRA is required for development within flood zone 1.

Land Stability

The site is within a Coal Authority Development High Risk Area. A Coal Mining Risk has been prepared by RB Geotechnical and are submitted separately.

The CMRA recommends that further investigative works should be completed prior to development going ahead. This can be made a condition of planning approval. The report is

sufficient to allow understanding of the potential risks and the next steps that will be required to inform any required mitigation measures.

7.0 CONCLUSION

The proposal is an appropriate form of development in the green belt which would preserve openness and would have no other harmful impacts. The development would deliver a high quality family home in a suitable and sustainable location.

The proposal applies with all relevant local and national planning policy and should be approved.

The Applicant is willing to discuss any issues that may arise during the consideration of the proposal with the LPA.

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