
2021/0949

Mr J Marshall

Retrospective application for erection of agricultural building, poultry unit and access track

Land adjacent Bower Hill Road, Oxspring, Sheffield

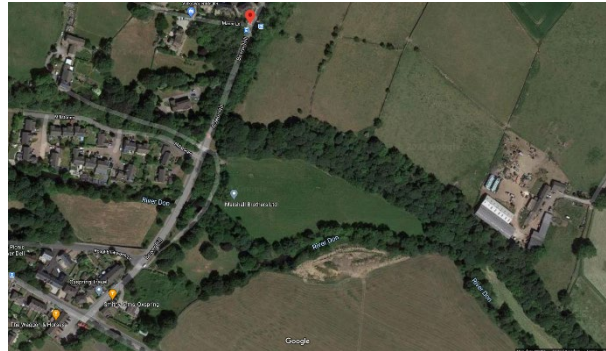
Description

The site is located on the periphery of Oxspring settlement, to the east of Bower Hill linking the village with to the A629 linking Huddersfield and Sheffield.

The site is bounded to the south by the river Don and a band of mature trees to the north known as Pickliffes Rocher.

Access to the site is taken via a single track from Bower Hill, opposite Millstones and the Grade II listed bridge to the south.

Residential properties are located to the south and west with open agricultural land to the north and east.



Site History

2020/1033 - Installation of access road and erection of building to store farm machinery and stone (Part Retrospective) – Refused March 2021 for the following reasons:

1. *The site lies within the Green Belt on the approved Barnsley Local Plan, wherein it is the Policy of the Local Planning Authority not to permit new development except in very special circumstances, for purposes other than those set out in paragraphs 145 and 146 of the NPPF. Local Plan Policy GB1 reflects national policy and precludes development for purposes other than agriculture, forestry, essential facilities for sport and recreation, extension or alteration to existing buildings, replacement buildings, limited infilling, limited affordable housing or redevelopment of previously developed land, which preserve the openness of the Green Belt. In the opinion of the LPA, based on the information gained through the course of the application, the building is being used for commercial purposes and as such would constitute inappropriate development contrary to policy and prejudicial to the character and openness of the Green Belt. Furthermore, there are considered to be no very special circumstances to justify the granting of planning permission in this instance.*
2. *Based on the information submitted, the erection of the building and the associated use fails to comply with Local Plan Policy T4 in that the increased heavy vehicle movements into a substandard access would have a detrimental impact on the safe and free flow of traffic. In addition, no dedicated off-street parking and manoeuvring areas have been shown.*
3. *The erection of the building and the associated use fails to comply with Local Plan Policy POLL1 in that it would have an unduly harmful impact on the amenity of the nearby by way of increased noise and disturbance especially close to the entrance to the site.*
4. *The erection of the building and the associated use would change and erode the setting of the Grade II listed Oxspring Bridge contrary to Local Plan Policy HE3 and NPPF paragraph 194.*

Proposed Development

The applicant seeks permission for the retention of an access track, a poultry unit and an agricultural building for the storage of farm machinery and animals.

The poultry unit measures 9m by 2.5m with a height of 2.7m, the agricultural building measures 9.1m by 18.2m with an overall height of 4.2m, with a proposed additional bay measuring 4.6m in width the overall building will have a footprint of 22.8m by 9.1m

The poultry unit is located towards the north eastern corner of the site, adjacent to the northern boundary and faces a southerly direction.

The agricultural building is located centrally within the site, approximately 140m from the access and faces an easterly direction.

A bund is indicated on the submitted plans; this is for indicative purposes only and is not being applied for as part of this application.

Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the National Planning Policy Framework (NPPF) does not change the statutory status of the development plan as the starting point for decision making. The new Local Plan was adopted at the full Council meeting held 3rd January 2019 after it was found to be sound by the appointed Planning Inspector following the examination process.

Local Plan

The site is allocated as Green Belt within the Local Plan Proposals Map and therefore the following policies are relevant:

Policy GB1 Protection of Green Belt - Green Belt will be protected from inappropriate development in accordance with national planning policy.

Other relevant policies include:

SD1 Presumption in Favour of Sustainable Development.

GD1 General Development – sets the overarching principles to ensure that the proposed development is appropriate to its surroundings.

T4 New Development and Transport Safety - Development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air, surface water and groundwater, noise, smell, dust, vibration, light or other pollution which would unacceptably affect or cause a nuisance to the natural and built environment or to people.

Policy D1 High quality design and place making – sets overarching design principles for the borough to ensure that development is appropriate to its context, and improves what needs improving, whilst protecting what is good about what we have.

Poll1 Pollution Control and Protection - Development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air, surface water and groundwater, noise, smell, dust, vibration, light or other pollution which would unacceptably affect or cause a nuisance to the natural and built environment or to people.

HE1 – We will positively encourage developments which will help in the management, conservation, understanding and enjoyment of Barnsley's historic environment, especially

HE3 – Proposals involving additions or alterations to listed buildings or buildings of evident historic significance such as locally listed buildings (or their setting) should seek to conserve and where appropriate enhance that building's significance.

BIO1 Biodiversity and Geodiversity – Development will be expected to conserve and enhance the biodiversity and geological features of the borough

CC1 Climate Change – We will seek to reduce the causes of and adapt to the future impacts of climate change

CC3 Flood Risk

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.

The Government attaches great importance to Green Belts; 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.

Para 147: Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Para 149: A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

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

- a) mineral extraction
- b) engineering operations
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;

- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds; and
- f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.

Para 159 Planning and Flood Risk – in appropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.

Paragraph 197 states that in determining applications, local planning authorities should take account of; the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation (and the more important the asset, the greater the weight should be).

Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification.

Paragraph 206 states the local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Oxspring Neighbourhood Plan

Policy OEN2 Protecting Local Green Spaces

The following areas are protected as Local Green Space:

- A1 West Crescent Allotments
- A2 Clays Green Allotments
- A3 Roughbitchworth Lane/Long Lane Allotments
- G1 – Anthills
- G2 – Playing Fields and Pinfold
- G3 – Bower Dell
- G4 – Village Green and Playground
- G5 – Rookery
- G6 – Gordon's Garden
- G7 – Castle Dam Car Parking Area
- G8 – Longley Ings Field.

These areas are as identified on Maps 2, 3, 4, 5, 6, and 7.

New development which impacts adversely on the openness of these sites or adversely affects the attributes for which they were designated will not be acceptable other than in very special circumstances.

Consultations

Oxspring Parish Council – raise no objection to the use of the land or the erection of the agricultural buildings in principle. However, concerns have been raised in relation to the ongoing

advertisement of the applicant's stone business on social media which gives the application site address as the stone business address, and that the land will be used as the stone reclamation business once planning permission has been granted.

Thurgoland Parish Council – object to the scheme in that there is concern that the land will be used as the stone reclamation business once planning permission has been granted, given that the site address for the stone reclamation business is that of the site address for this application.

Highways – No objections subject to conditions

Pollution Control – No comments received

Yorkshire Water – No comments received, however no objections were received in relation to the previous application.

Drainage – No objections, ensure EA are consulted

Environment Agency – no objections to the proposal, whilst the proposed building is located within Flood Zones 2 and 3 the application is for a storage building which is classed as 'less vulnerable' based on the details provided within the Flood Risk Assessment the EA raise no objection. However concerns have been raised that an un-permitted bund near to the development has been constructed.

Public Rights of Way – No comments received

Conservation Officer – raises concerns that the works constitute a degree of harm to the Grade II Listed Oxspring Bridge.

Ward Councillors – No comments received

Representations

The application has been advertised by way of a site notice and properties within the vicinity have been consulted; 8 letters of objection have been received in total; 6 on the original submission and 2 additional comments post re-consultation.

Objections have been raised on the following grounds.

- Existing stone reclamation business running from the site
- Not an agricultural use, animals brought in to justify use
- Impact on wildlife and eco systems
- Waste material – disposal of
- Fires – burning waste
- Increase in pollution
- Disregard for the planning process

Assessment

Principle of development

The site is located within an area designated as Green Belt where the construction of new buildings is classed as inappropriate development unless it comes within one of the exception categories. New buildings that don't fall within these categories would, by definition, be harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight is given to any harm to the Green Belt and very special circumstances do not exist unless the potential harm to the Green Belt and any other harm is clearly outweighed by other considerations.

Local Plan Policy GB1 states that the Green Belt will be protected from inappropriate development in accordance with National Planning Policy.

The existing buildings and proposed extension are to be used for agricultural purposes and as such the building falls within one of the exceptions outlined within paragraph 149 of the NPPF and therefore are acceptable.

It is acknowledged that the previous building, subject to application 2020/1033, was of the same size, with the exception of the extension and was refused.

Whilst the applicant had stated within the previous application form that the building was for the storage of farm machinery, and it has the appearance of an agricultural building; it was clear from the comments from local residents, Ward member, and the Parish Councils that the building and the land was not being used for agricultural purposes and was being used as the company's office base, and for the storage and working of stone, neither of which fell within the exceptions outlined within paragraphs 149 and 150 of the NPPF and no justification or very special circumstances had been put forward.

Following a site visit by Local Planning Authority officers, it was clear, that whilst some stone remained on site that the land and the associated building was being used for agricultural purposes.

At the time of the site visit it was also noted that several other structures had been erected on site which were not included within the original submission. These buildings included a portacabin style building located in the north western corner of the site, adjacent to the northern boundary referred to as the mobile poultry unit and a makeshift 'hay store' which comprised of four telegraph poles as the supporting corners, covered in a tarpaulin.

In relation to the hay store, the applicants indicated that this was temporary until the extension to the barn had been approved and once the extension was completed the hay store would be repurposed into a cattle crush.

Whilst the location is considered acceptable and given its temporary nature, no major concerns were raised in relation to this structure. However, the height of this structure is significantly greater than the height of the barn and its proposed extension and it was considered that if the authority was mindful to approve the application a condition would be included to reduce the height of said structure to minimise the impact on the area when viewed from the west.

In relation to the poultry unit, it was argued by the applicant and their agent that it was a temporary structure as it is sited in skids and had the ability to move; whilst this might be the case it is considered that there would be some degree of permanence to this structure and should be included in the application.

Whilst there is some stone still remaining on site, the LPA officers were assured that this was for maintaining and re-building the dry-stone walls surrounding the site. A significant amount of stone has been removed from the site since the first site visit and given the level of complaints received when the site was first used as an unauthorised stone reclamation yard in comparison to now, it is likely that this element of the applicant's business has ceased from the site.

It is acknowledged that the applicants stone business still advertises its address as Bower Hill, the Planning Authority has no control over this, however should the site be once again used as a stone reclamation site any complaints will be investigated and the appropriate action taken.

Based on the above it is considered that the proposed development and use of the land falls within one of the exceptions outlined within paragraph 149 of the NPPF and as such is acceptable in principle.

Residential Amenity

The building is located approximately 140m from the western boundary with Bower Hill and therefore is it unlikely to have an impact on residential amenity of the surrounding properties in terms of overshadowing, overlooking or loss of outlook.

Whilst the site has moved from an open piece of agricultural land to a piece of land which now houses animals and associated agricultural buildings it is not considered that the level of use would lead to a detrimental impact on residential amenity by means on increased noise or disturbance from the activity on site given the distance from the nearest residential properties.

As such it is considered that the proposals would not have a detrimental impact on residential amenity and is in compliance with Local Plan Policy GD1.

Visual Amenity

The scale, design and construction materials of the building are synonymous with the agricultural style prevalent within the surrounding area.

The building is modest in scale, is set back from the highway and is screened from the surrounding highways by the surrounding vegetation, with limited views of the building from public vantage points.

Whilst the building would still be prominent in this open landscape and would result in the introduction of an access track and hard standing it is considered that given it is surrounded by trees and vegetation which allows limited views of the site it is not considered to impact on the openness of the Green Belt.

Based on the above assessment it is therefore considered that the proposal is considered acceptable in terms of visual amenity and in compliance with Local Plan Policy GB1 and D1.

Historic Environment

The site is located adjacent to the Grade II listed Oxspring Bridge, which is of late 18th Century and marks the original route over the river Don. It appears on the first edition 1850 and due to its age, architectural quality and group association with Willow Bridge and Boulder Bridge (also constructed in the 1700's) has national significance.

The field where this scheme is located has been free of development and this open and agricultural land and is considered by the authority conservation officer, a material part of the setting of Oxspring Bridge.

The main area of concern from a conservation perspective is the obvious change a building in the field adjacent will have to the setting but also the proposal to close off the site to the west using leylandii trees. Clearly this will result in a change to the landscape setting of the listed bridge as well as a materially different approach along the roadside when travelling south looking south east.

The comments of the Conservation Officer have been noted; the planting of the leylandii trees, while not a well-thought-of species of tree, do not require planning permission. The agricultural buildings are located within an agricultural field, some 140m from the bridge. They appear agricultural in appearance and therefore do not look out of place in the rural landscape. Views of the bridge from the road are partially screened by well established trees, different to the leylandii, and the same type of trees also appear in between the bridge and the agricultural building. In addition, to the west of the bridge is a length of metal pipework and the modern highway bridge

spanning the river which are located immediately adjacent to the historic bridge and impact on its setting. Modern housing to the west is also closer and as such, notwithstanding the concerns from the Conservation Officer, it would be difficult to substantiate a refusal on the impact of the bridge given the distance to the proposed structures and their use, for agricultural purposes, being compatible with a rural area.

It is therefore considered that whilst there may be some impact of the proposal on the listed bridge it is not sufficient to justify refusal solely on these grounds given the reasons listed above and therefore in compliance with Local Plan Policy HE3 – Developments Affecting Historic Buildings

Highway Safety

Highways have been consulted on the application and raise no objection to the proposal; it is acknowledged that the previous application was refused on highways grounds, however this was based on the site being used as a stone reclamation yard, irrespective of the permission being sought at the time.

The site is accessed via a 'slip road' off Bower Hill, the access is of insufficient width for two vehicles to pass and deficient in terms of visibility to the right up Bower Hill to the north and therefore is considered unsuitable for any intensification of vehicular use.

However, consideration must be given to whether the proposal for which permission is sought results in the number of vehicular movements being greater than those that could be generated by the site as used for agricultural purposes but without an agricultural building, poultry shed and access track.

The supporting information submitted as part of this application states that these proposals would result in a reduction in vehicle movements, citing the reason that the agricultural building will allow livestock to be kept on the site for long periods of time rather than be regularly moved on and off site. The authority can neither confirm nor dispute the accuracy of this statement. It is certain however, that the site can be used for the housing of livestock and generate daily vehicle movements with or without the agricultural building.

With regard to the poultry unit, if this were not present and the site were to be utilised for the housing of cattle/sheep and not poultry it would, as mentioned above, generate daily vehicular traffic, it is acknowledged that the poultry unit requires daily visits to collect eggs etc. nevertheless this is carried out at the same time as the daily visits to check on other livestock so effectively this element does not generate additional traffic in its own right.

On balance it is considered that the proposals put forward would not lead to an intensification of vehicular use and on balance, the proposals are acceptable from a highways development control perspective and in compliance with Local Plan Policy T4.

Flood Risk

The site is located within a flood plain and in accordance with requirements a flood risk assessment has been submitted. The Environment Agency have been consulted and whilst the building is located within Flood Zones 2 and 3 the application is for a storage building which is classed as 'less vulnerable' based on the details provided within the Flood Risk Assessment and therefore the Environment Agency raise no objection.

Concerns have been raised in relation to an un-permitted bund which has been installed near to the development, which along with the building is located within all three flood zones.

The bund has been shown on the submitted plans, and is located approximately 13m from the river, is 'L' shaped with the maximum length and width of 13m and 8m respectively and between 1m and 1.5m in height.

Whilst the bund has been shown on the plans, Environment Agency had raised concerns in their initial response and requested that separate modelling is provided in relation to flooding. Following the site meeting the Environment Agency were contacted, however no response was received.

It may be considered that the bund is acceptable, however, without the required modelling and response from the Environment Agency, permission cannot be granted for the bund. The applicant has also indicated that the bund is likely to be reduced in size due to the extension being built. Therefore, whilst indicated on the submitted plans, permission is not granted for this element and has been stipulated within the planning conditions as such

Other Issues

Concerns have been raised by local residents and the Parish Councils in relation to stone remaining in site and that the applicants stone business still advertises its address as Bower Hill, the application site.

The authority has been assured that the stone remaining on site was for maintaining and re-building the dry-stone walls surrounding the site. It is acknowledged that the applicants stone business is advertising as the application site, however the Planning Authority has no control over this, nevertheless should the site be again used as a stone reclamation site any complaints will be investigated and the appropriate action taken.

Oxspring Parish Council made several objections in relation to, the parking of vehicles belonging to the applicant on the listed bridge, animal waste within the site located adjacent to the river, and a regular tanker which visits the drain at the entrance to the site.

Parking has taken place along Bower Hill and the listed bridge, prior to the applicants taking an interest in the land, as known by local planning officer's knowledge of the area; there are no parking restrictions within this area and the parking of vehicles cannot be attributed to the applicants. The site is an agricultural field, and some animal waste can be expected from this kind of use. The drain in question is located outside the red line boundary.

Conclusion

The proposed agricultural building is located in an agricultural field and is proposed to be used for agricultural purposes and is screened from the surrounding public vantage points by the existing trees and shrubbery located along the northern, southern and western boundaries and whilst it would be visible from some points along these boundaries it would not form a dominant feature within the vicinity to the detriment of visual amenity or the openness of the Green Belt. Whilst the proposal would have some impact on the setting of the listed bridge it is not considered sufficient to warrant refusal when all other considerations are acceptable as assessed above and as such the proposed works are acceptable and a recommendation for approval subject to conditions is made.

Recommendation

Approve with Conditions