2020/1224

Applicant: Mrs Hollins

Description: Extension of domestic garden and conversion of existing barn to form a detached extension/ addition to the existing dwelling (ancillary).

The Water Mill, Ings Lane, Little Houghton, Barnsley, S72 0HR

Site Description

The Water Mill is located at the end of Ings Lane, in an isolated green belt location to the west of Little Houghton and the A6196 Park Springs Road.

The property is a converted Water Mill and barn which were converted to residential use in 2013 under approved application 2013/0345 (retrospective). The approved application red line corresponded with the proposed, albeit the residential curtilage was shown as excluding the area of land which it the subject of this application.

The land proposed for use as a garden is currently largely hard surfaced and fenced off as part of the wider curtilage of the property. There are a number of vehicles stored on it as well as 3 storage containers. The barn / building is located to the east of the site and is a large stone building with a metal roof. It is currently used to miscellaneous store vehicles and materials. The vehicles and storage containers etc are stated to be associated with the applicant's business.

Proposed Development

It is proposed to change the use of the land to garden / residential curtilage and to convert the building to residential use.

No floor plans have been provided but it is stated in the Planning Statement accompanying the application that the building would be ancillary to the main residential property. The elevation plans show the front of the building being infilled and three large barn style doors being created. A small pedestrian access is also proposed to the site. No change is proposed to the metal roof.

The applicant has confirmed in correspondence with the EA that the building is intended to be used as a swimming pool and has also agreed to have a condition on in line with that.

Background / Planning History

2013/0345 - Conversion of former mill and barn into 1no detached dwelling with detached workshop and office. (Part retrospective) – Approved

It is noted that when the conversion of the Water Mill was approved in 2013, the officers report refers to the removal of temporary storage and obsolete machinery from the site on completion. In addition, the building(s) as converted included a storage/garage/workshop/office for the applicant's business.

2020/0535 - Lawful development certificate for existing use as residential garden area forming part of curtilage to property known as the Water Mill – Withdrawn

This application related to the land now proposed for change of use to garden and the case officer previously dealing with this advised that the land appeared to be in storage use and not as garden. The applicant was advised to submit this change of use application and present a case for VSC

based on there being an improvement in terms of the impact on the Green Belt between the proposed and existing.

Policy Context

Planning decisions 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 3rd 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.

The site lies within the Green Belt where Local Plan Policy GB1 protects land from development in accordance with National Planning Policy whereby inappropriate development is, by definition, harmful and should not be approved except in very special circumstances.

Policy GB3 relates to 'changes of use in the green belt' and allows the conversion of buildings subject to various criteria. The policy states that we will not generally allow the change of use of Green Belt land to extend residential curtilages as gardens.

SD1 'Presumption in Favour of Sustainable Development'.

GD1 'General Development' provides a starting point for making decisions on all proposals for development setting out various criteria against which applications will be assessed.

LG2 'The Location of Growth' sets out the priority given to development by location with the Principle Towns second in the hierarchy after Urban Barnsley.

T4 'New Development and Transport Safety'

D1 'High Quality Design and Place Making'

LC1 'Landscape Character' development is expected to retain and enhance the character and distinctiveness of the individual Landscape Character area in which it is located.

Policy GI1 'Green infrastructure' seeks to protect, enhance and create an integrated network of connected and multi-functional Green Infrastructure assets.

GS2 'Green Ways and Public Rights of Way' seeks to protect rights of way from development. where new development is close to a Green Way or PROW it me be required to provide a link and or improve the existing route or contribute to a new route.

BIO1 'Biodiversity and Geodiversity' requires development to conserve and enhance biodiversity and geodiversity.

CC1 'Climate Change'

CC2 'Sustainable Design and Construction'

CC3 'Flood Risk'

CC4 'Sustainable Urban Drainage'

CC5 'Water Resource Management'

RE1 'Low Carbon and Renewable Energy'

CL1 ‘Contaminated and Unstable Land’

Poll1 ‘Pollution Control and Protection’

AQ1 ‘Development in Air Quality Management Areas’

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.

Consultations

Biodiversity – No comments

Environment Agency – Initial concerns have been resolved subject to conditions requiring the proposed is in accordance with the FRA submitted with the application and that the use of the building restricts ground floor sleeping.

Highways Drainage – No objections or conditions, subject to consultation with the EA.

Highways DC – No comments

Pollution Control – No objections.

Yorkshire Water – No comments

Ward Councillors – No comments

Parish Council – No comments

Representations

The application was advertised by neighbour letters, two objections have been received regarding the status of the building which does not have planning permission, one stating the building has only been built in the last 2/3 years and another referring to the previous works on the Water Mill which didn’t have planning permission prior to works commencing.

There is also reference to the applicant taking land from the EA, extending a flood banking and fencing past the ownership of the applicant and into a wildlife area along the river. This is not a planning issue however and has not been raised by the EA in their responses.

Assessment

The proposed development is for the extension of domestic garden and conversion of existing barn to form a detached extension / addition to the existing dwelling (ancillary). This description has been amended in agreement with the applicant to clarify the use of the building and to address concerns raised by the EA regarding the potential for sleeping facilities to be created at ground floor in an area at risk of flooding.

The development site is in Flood Zones 2 and 3, being adjacent to the River Dearne. Local Plan Policy CC3 seeks to restrict development where it would be at unacceptable risk of flooding and seeks to divert development to areas at lower risk first.

The site is also located in the Green Belt where inappropriate development is, by definition, harmful. The change of use of land to residential curtilage is stated to be something the Council will not generally allow under Policy GB3, however, the change of use of buildings can be acceptable subject to certain criteria.

The planning history for the site is limited and does not include planning permission for the building. In addition, it has been erected on an area of land which was excluded from the residential curtilage under planning application 2013/0345 which dealt with the conversion of the Water Mill and barn into its current residential form. The land proposed for garden is currently unvegetated other than along the boundaries and is clearly being used for storage of materials and vehicles. There is no planning history relating to this use either.

Therefore, before considering the impact of the proposed it is important to ascertain the current use of the land and planning status of the building. The applicant and their agent have advised that they operate a business from the site, Dearne Valley Plant Hire. A search on Google has confirmed that there has been a business with this name registered to this address albeit it is not clear if it remains operational.

The aerial photos provide some evidence with the one from 2002 showing the site with a greater covering of vegetation, including trees where the building is. Some cars and other vehicles are clearly parked on the wider site and the Water Mill and attached barn are much smaller.

By 2009 the whole site is cleared of vegetation and there are various storage containers and vehicles parked on the land.

By 2013 The Water Mill is extended and converted as set out in the approved application (2013/0345) and the wider site remains covered in hardstanding with vehicles, storage containers and materials. The walls of the building, which is the subject of this application, appear to be in place albeit it is not possible to see if this is a building or how high the walls are. There is no roof or front.

In the 2013/0345 application reference is made to the storage of materials and vehicles on the site but not to a building. The removal of these materials and tidying up of the site is included in part as justification for the development of the Water Mill but this has clearly not happened.

It can, therefore, be concluded that the site has been used for the storage of various materials since 2009 and that there has been hardstanding on the site since this time also. This is sufficiently long enough to suggest a material change in use has occurred.

Works to erect walls on the site of the building appear to have started back in 2013. However, it is unclear when they were completed, or when the structure became a building. Comments on the application from nearby residents suggest it has been in place circa 2/3 years. The applicant has provided a letter from a crane hire company which confirms a crane was hired by the application in 2016 to lift building materials and roof panels onto a stone building at the property. As the house was complete at this stage (as demonstrated by the aerial photos) it is reasonable to assume this building is the barn now proposed for conversion.

Taking account of the above it is apparent, although various works have occurred on the site without planning permission, these are now outside of the associated enforcement periods. A search of enforcement cases also confirmed no complaints or cases have been investigated on the site since the Water Mill and barn conversion in 2013. Therefore, the assessment of this application is on the basis that the land use changed to storage more than 10 years ago and the building has been in place for more than 4 years.

The requirements of Policy CC3 and the change of use to residential, a more vulnerable use than storage, is relevant. However, as the building is ancillary it is arguable that the sequential test cannot be applied as it wouldn't be possible to disaggregate the uses. The EA have also confirmed no objections subject to the building remaining ancillary and not including any sleeping accommodation. An FRA has been provided and the recommendations in this can also be conditioned. On this basis policy CC3 is complied with.

In considering the impact on green belt, looking at the garden extension first and having established the use of the site as no longer agricultural, the impact on the green belt of changing its use to garden can be partly mitigated by the removal of the various storage containers and vehicles alongside the reinstatement of vegetation on the site. It is judged that whilst gardens are intrinsically different in character from agricultural or open countryside in this case the change will create a more green and open character than the site currently. In addition, as the use of the site has changed already, changing it to garden will not impact on the purposes of including land within the green belt. Policy GB3 states that the Council will not generally allow the change of use of land to extend residential curtilages but this case is sufficiently unusual to justify an exception, given the potential positive impact on the green belt. It also complies with National Planning Policy.

The change of use of the building has been confirmed to be for ancillary residential accommodation and not to create a new dwelling. The materials used are complimentary to the existing dwelling being sandstone walls with a metal roof and the proposed windows/doors are designed to appear as an agricultural barn which is also in keeping with the local character and appearance of the building. The current use of the building is not agricultural and it is not located on an operational farm, therefore, the proposed is unlikely to give rise to the need for another barn or agricultural building. finally, there will be no adverse effect on the amenity of local residents and there is likely to be a positive impact on visual amenity with the site cleared up.

On this basis the proposed is recommended for approval. However, this will be subject to various conditions and it is anticipated that enforcement officers should be made aware of the site, its history and the conditions of this permission so that the benefits as set out in this report are realised and future activity on the site is appropriately monitored.

Recommendation

Approve