



PLANNING SUPPORT STATEMENT

DETAILED APPLICATION FOR 1NO DWELLING
FOLLOWING DEMOLITION OF EXISTING STABLES
AND AGRICULTURAL BUILDINGS
(RESUBMISSION OF AND VARIATION TO APP NO 2022/0732)

LAND OFF OLD ANNA LANE/WORK BANK LANE,
THURLSTONE,
SHEFFIELD

MR R COLDWELL

MARCH 2023

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1.0 INTRODUCTION

The proposal which forms the subject of this application for detailed planning permission for 1no dwelling relates to a site located off Old Anna Lane/Work Bank Lane, Thurlstone which is used for equestrian purposes. This proposal seeks detailed permission for the construction of 1No dwelling following the demolition of the existing stables, an adjacent lean to structure and an agricultural building (the latter two not being in equestrian use).

The application is essentially a resubmission of the previous scheme following the refusal of the previous application (ref 2022/0732) and dismissal on appeal (ref APP/R4408/W/22/3308346). The sole reason for the appeal dismissal related to the impact of the adjacent agricultural building on future residents. The scheme now put forward includes the demolition of the agricultural buildings on site to fully address that issue.

It will be noted that notwithstanding the Council's previous reason for refusal, the Inspector concluded that the proposed dwelling was acceptable in terms of Green Belt policy.

In terms of the proposed the proposed dwelling the scheme submitted replicates the previous proposal in terms of form, design and curtilage. The land on which the agricultural building to be demolished stands will be replanted and returned to agriculture.

The following supporting documents/information are submitted with the application:-

- (i) Full plans and details – NYP Architectural Services;
- (ii) Planning Support Statement – Townsend Planning Consultants;
- (iii) Bat Report - Middleton Bell Ecological Consultancy;
- (iv) Highways Report – attp; and
- (v) Previous Appeal Decision.

It is considered that this statement, together with the accompanying plans and documents, clearly demonstrate to the Council that the proposal as now amended accords with national and local planning policy and, when judged against this and all

material considerations, it is clearly the case that notwithstanding the site's green belt status planning permission should be granted.

The subject site has a longstanding use for equestrian purposes for circa 20 years. The Council granted planning permission for stables on the site in 2002 (application ref B/02/0036/PU).

It will be noted that in the context of the adopted NPPF, as the site forms a brownfield site within the Green Belt, the proposal does not constitute inappropriate development (as concluded by the Inspector). As such, no "very special circumstances" are necessary to justify the grant of planning permission in the green belt.

This statement now proceeds to give details of the background to the site including the planning history. The details of the proposal are then set out. Relevant planning policy and central government advice in the form of the National Planning Policy Framework is then discussed. The issues that the proposal raises are also examined in particular the recent appeal decision. Finally the conclusion is reached that in the light of the recent appeal decision and amendments to the previous scheme the only reasonable conclusion that can be reached is planning permission should be granted for the proposal to proceed.

2.0 THE SITE, THE PROPOSAL AND BACKGROUND

The subject site has a longstanding use for equestrian purposes with equestrian use of the land for circa 20 years. The Council granted planning permission for stables on the site in 2002 (ref B/02/0036/PU).

The site is located on the corner of Old Anna Lane and Work Bank Lane, to the eastern fringes of the village of Thurlstone. The site is accessed via a gated access and contains an 'L' shaped stable building with a lean to structure. The site is located wholly within the Green Belt.

Of particular relevance to the consideration of this application is the recent planning history. Planning Application 2022/0782 sought the demolition of the stables and construction of 1no dwelling. That application was refused by the Council on the basis of:-

- (i) The proposal constituting inappropriate development in the Green Belt; and
- (ii) The impact of the living conditions on occupiers by virtue of the adjacent agricultural building.

The matter was pursued to appeal (Appeal ref APP/R4408/W/22/3308346). The Inspector's decision was issued on the 22nd February 2023 in terms of Green Belt. The Inspector concluded at Para 10:-

"As such, the proposal would not be inappropriate development in the Green Belt and would therefore not conflict with Policy GB1 and the Framework" (TPC underlining).

In terms of living conditions at Para 16 the Inspector concluded

"I therefore find that appropriate living conditions would not be provided". (This was owing to proximity to the adjacent agricultural building and the appeal was dismissed as such).

The Inspectors decision has fully informed the redrafting and resubmission of this proposal.

The revised subject proposal seeks to develop 1 No dwelling following demolition of the stables as well as the attached lean to and agricultural building (not in equestrian use) as shown on the submitted plans. The proposal has been sensitively designed and is appropriate in scale form and layout for this Green Belt location. It will be noted that the size of the dwelling proposed is significantly less than the size of the stable building to be removed (around 56%) which will be of significant benefit to openness and is the same as that previously submitted which was confirmed by the Inspector not to constitute inappropriate development. It should be noted that whilst the agricultural lean and agricultural building are to be demolished this does not form part of the volume calculations albeit that its removal will also benefit openness.

The dwelling will be located on broadly the same footprint as the existing stables and the formed curtilage will be less than the defined working areas of the existing equestrian use (including hardstanding), again benefiting openness. Care has now been taken to ensure that the residential curtilage is small scale and the boundary treatment is appropriate for a rural area, hedging is proposed to the north and west of the proposed dwelling to provide additional screening, no different to the proposals the Inspector considered not to constitute "inappropriate development".

The sole difference with the previous submission is the incorporation of the proposal to include demolition of the adjacent agricultural building which the Inspector concluded would harm residential amenity of future occupiers. This fully addresses the reason for the dismissal of the appeal.

The proposals have also been drawn up in association with Attp who have produced an Highways Statement setting out the suitability of the proposals, including its sustainability. The applicant lives away from the site and make regularly makes visits to the site. Indeed the stables were rented to a third party for a number of years. The use of the site for its lawful uses generate significant amounts of vehicular movement. In terms of traffic movements it is considered that should be a reduction in traffic when compared to the existing uses and lawful uses. The site also has suitable access to sustainable transport modes including public transport, cycling and walking.

Whilst the subject site is adjacent to the settlement is situated in a sustainable location and the following issues are considered relevant:

- a. Bus stop – Towngate (hourly service) - 0.1 miles.
- b. Walking distance to schools/village primary school - 0.1 miles.
- c. Walking distance to public house – 0.1 miles.
- d. Walking distance to bakery – 0.3 miles.
- e. Walking distance to takeaways – 0.3 miles.

Given its rural context, it is considered there are reasonable options for public transport for future occupiers. The walking distances to services and facilities in the settlement are only around 5 minute walk. There would be opportunities for walking and cycling to access local services and facilities within reasonably accessible distances. Future occupiers may well use private vehicles but the number of trips would not be great and this site would be accessible by a range of modes of transport.

It is considered that in the context of the requirements of the Framework (NPPF) to have regard to the need to recognise rural areas will have less opportunities to maximise sustainable transport solutions than urban areas, the degree of environmental harm will be negligible.

The proposal, therefore, comprises of the reuse of a brownfield site with a built form materially smaller than the existing stable building which will benefit openness, as will be the reduction in the existing hardstanding working area around the stables. That existing working area located outside the proposed residential curtilage will be set to grass which will improve the greening of the site. There is also the removal of a lean to building and agricultural building and the provision of additional landscaping via a hedge on the western and northern boundary of the proposed house.

It is considered that in the context of the Development Plan and all material considerations, the proposal is acceptable and planning permission should be forthcoming.

3.0 PLANNING POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise. The National Planning Policy Framework also advises of a presumption in favour of development which accords with the Development Plan. The importance of the statutory Development Plan in the decision making process necessitates an examination of the relationship between the policies and proposals of the Plan and to Government Guidance.

3.1 Central Government Policy Advice

3.1.1 National Planning Policy Framework

The following are comments on the advice in the Framework which are considered to be relevant to the consideration of the proposal:

- (i) Para 2 of the 'Introduction' sets out that:

“Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.”

- (ii) Section 2 sets out the aims of achieving sustainable development.

- (iii) At Para 38 with regard to decision making, it states:

“Local Planning Authorities should approach decisions on proposed development in a positive and creative way... and work proactively with applicants to secure developments that will improve economic, social and environmental conditions in the area. Decision makers at every level should seek to approve applications for sustainable development where possible.”

- (iv) Section 12 provides advice on ***“Achieving Well-Designed Places”***.

At Para 130 it states that:

“Decisions should ensure that developments:

...(b) are visually attractive as a result of good architecture, layout and effective landscaping.

(c) are sympathetic to local character and history including the surrounding built environment and landscape setting...

Para 132 states:

"...where the design of a development accords with clear expectations in plan policies, design should not be used by the decision maker as a valid reason to object to development."

The proposal conforms with the above advice.

v) Section 13 deals with Protecting Green Belt Land. At Para 147 it states:

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

Para 149 goes on to state:

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

...(g) Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (except temporary buildings), which would:

- not have a greater impact on the openness than the existing development; or***
- not cause substantial harm to the openness of the Green Belt where the development would reuse previously developed land and contribute to the meeting and identified affordable housing need within the area of the local planning authority."***

The site constitutes a brownfield site and the Inspector considered that the proposals did not constitute inappropriate development. As such, the redevelopment of the site is clearly acceptable in principle and does not

constitute inappropriate development. It is clear that this proposal will not have a greater impact on the openness of the Green Belt than the existing development it seeks to replace. The built form of the proposed dwelling is significantly smaller than the existing stable block and this more than offsets any harm in respect of the impact on openness of the formation of the residential curtilage. Indeed as part of the proposals the removal of a lean to building and agricultural building which is used for non equestrian purposes will be removed.

As shown on the submitted plans, the proposed residential curtilage is smaller than the working areas, access and hardstanding of the stables, which will be returned to grass therefore greening the site. Further screening is proposed to the north and west of the building through hedging as per that which runs along the southern boundary. Therefore there will be benefit to openness.

3.2 Local Planning Policy

3.2.1 Barnsley Local Plan

The Development Plan for Barnsley MBC consists of the Barnsley Local adopted in January 2019. It should be noted that on the supporting proposals map the site falls wholly within the Green Belt.

The following policies are considered relevant to the proposals:-

(i) Policy GD1 General Development

The policy sets out a range of requirements for proposals to comply with before planning permission would be granted these include:-

- ***“There will be no significant adverse effect on the living conditions and residential amenity of existing and future residents;***
- ***They are compatible with neighbouring land and will not significantly prejudice the current or future use of the neighbouring land;***

- ***They will not adversely affect the potential development of a wider area of land which could otherwise be available for development and safeguards access to adjacent land;***
- ***They include landscaping to provide a high quality setting for buildings, incorporating existing landscape features and ensuring that plant species and the way they are planted, hard surfaces, boundary treatments and other features appropriately reflect, protect and improve the character of the local landscape;***
- ***Any adverse impact on the environment, natural resources, waste and pollution is minimised and mitigated;***
- ***Adequate access and internal road layouts are provided to allow the complete development of the entire site for residential purposes, and to provide appropriate vehicular and pedestrian links throughout the site and into adjacent areas;***
- ***Any drains, culverts and other surface water bodies that may cross the site are considered;***
- ***Appropriate landscaped boundaries are provided where sites are adjacent to open countryside;***
- ***Any pylons are considered in the layout; and***
- ***Existing trees that are to remain on site are considered in the layout in order to avoid overshadowing”.***

The proposals have been drafted in the context of these requirements and it should be noted that there is no conflict with the requirements of the above (some of which are not relevant to the proposals).

(ii) Policy T3 New Development and Sustainable Travel

This policy is relevant to all development proposals. The application is supported by a Highways Statement to ensure the Council’s accessibility standards can be

met. The proposals will also provide required level of vehicle parking for a two bedroom property.

(iii) Policy T4 New Development and Transport Safety

The policy requires new development to be designed and built to provide all transport uses within and surrounding the development with safe, secure and convenient access and movement. A highways statement supports the proposal and demonstrates this can be achieved.

(iv) Policy D1 High Quality Design and Place Making

The policy requires development to be of high quality design. The policy provides a checklist of requirements (some of which are not relevant to the proposal). It is considered that the proposals do not conflict with the requirements of the policy.

(v) Policy GB1 Protection of Green Belt

The policy sets out the Green Belt is set out on the proposals map.

3.2.2 Penistone Neighbourhood Development Plan

The Penistone Neighbourhood Development Plan became part of the statutory development plan for Barnsley Council in August 2019. The application site falls within the Neighbourhood Plan Area, however, the Plan does not add any additional policy designation on the site.

(i) BE1: Design of the built environment

The policy forms the predominant policy for new housing in the neighbourhood plan area. The policy makes number of requirements including:

- Where new housing developments are proposed, homes should be reflective of local architecture and in keeping with the surrounding area including using external building materials that reflect the characteristic of development in the locality; and
- Use of appropriate landscaping.

4.0 THE ISSUES

4.1 The Development Plan

The form of development proposed (i.e. the redevelopment of a brownfield site in the Green Belt) and national policy (the NPPF) towards such development is silent in the Development Plan.

As set out in the text of this statement, by reference to the NPPF and policy to the redevelopment of brownfield sites in the Green Belt, the development does not constitute inappropriate development subject to a test of “openness” and the impact on the purposes of including land within the Green Belt. It is clear that this proposal in respect of height, mass, footprint, scale and design will not give rise to issues of harm in terms of the openness of the Green Belt and not harm the purposes of Green Belt.

It has been demonstrated that the proposal conforms with national guidelines and, as such, it can be argued that there is no conflict with the Development Plan.

4.2 Other Material Considerations

4.2.1 Planning History

This submission seeks planning permission for 1no dwelling following the demolition of the existing stables. This is a variation to the previous proposal which was refused by the Council on Green Belt and residential amenity grounds. The subsequent appeal was dismissed on the basis of the impact on the residential amenity of future residents owing to the proximity to an adjacent agricultural building. The Inspector concluded in Green Belt terms that the proposal was acceptable and did not constitute inappropriate development.

The scheme therefore addresses fully the previous concerns of the Council and Inspector by incorporating removal of the agricultural building within the proposals. In addressing this issue and in the light of the Inspectors decision clearly the only reasonable conclusion that can be reached is that planning permission should be granted.

4.2.2 Brownfield Development

The part of the site, subject of the application constitutes a longstanding equestrian site.

The NPPF defines previously developed land as:

“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structures or fixed surface infrastructure have blended into the landscape.”

The whole of the application site therefore falls within the definition of previously developed land, as it has been and continues to be used as stables. The non equestrian lean to building, to be demolished will not form part of the volume relied upon in the proposals. The Inspector concludes at Para 5 that the site falls within the definition of previously developed land.

It is acknowledged that this is subject to a test of ‘openness’. It will be noted that the proposed building is significantly smaller in volume and no greater in height than the built form on site. In addition a lean to and agricultural building used for non equestrian purposes will be demolished as part of the proposals but is not relied upon in the volume calculations. The proposal residential curtilage (shown on the submitted scheme) is also smaller than the overall curtilage/working area of the existing use, again to the benefit of openness. It is proposed to provide native hedge planting around the site which will effectively screen the proposed building.

The Inspector concludes at Para 7 that:-

“it would have less of an impact on the openness of the Green Belt compared to the existing circumstances”. (TPC underlining).

4.2.3 Green Belt

It is considered that the proposal will benefit the Green Belt and a number of factors must be considered:

- (i) The significantly reduced built form of the proposed building in comparison with the existing building. It is considered in the light of the recently published PPG that this should carry significant weight.
- (ii) A proposed residential curtilage which will result in a reduction in the hard surfacing/working area of the stables and in the 'greening up' of the site.
- (iii) A reduction in activity on the site in the context of the lawful use.
- (iv) Screening of the site through native hedge planting.

It is considered in terms of the balance of all of these issues that it is clear that the proposal is of benefit to openness a conclusion clearly by the previous Inspector. Furthermore in Green Belt terms the Inspector concluded that the development did not constitute inappropriate development on the Green Belt.

4.2.4 Sustainability

As demonstrated in this submission, the site has access by foot to local services in the village including some schooling, shopping and recreational facilities. The site is within 5 minutes of a public bus stop and adjacent to the village.

As stated in the NPPF Para 105:

“However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan making and decision making.”

4.2.5 Residential Amenity

The Inspector states at Para 12 of the appeal decision:-

“Nevertheless, given close relationship between the agricultural building and the proposed dwelling there is the potential for significant noise, loss of privacy,

odour and disturbance to be experienced by its occupants”.

“I have therefore find that the appropriate living conditions would not be provided for future occupiers of the proposal”

This revised proposal fully addresses these concerns by incorporating the removal of the agricultural building which will ensure the suitable standard of amenity for future residents.

4.2.6 Highways

In relation to highways matters the application is supported by a Highways Statement by ATTP. It considers that the proposals will result in a reduction in traffic to and from the site and no doubt its recommendations can be dealt with via condition.

4.2.7 Bats

A Bat Survey Report is submitted with this application, no doubt its recommendations can be dealt with via condition.

5.0 CONCLUSION

The starting point for redrafting of the revised proposal was the Inspector's decision on the previous application. The Inspector who dismissed the appeal concluded that:-

- (i) In Green Belt terms the proposal did not constitute inappropriate development and clearly concluded no other issues of harm in terms of the Green Belt; and
- (ii) The proposal would provide insufficient residential amenity for future occupiers owing to the adjacent agricultural building.

This scheme replicates the previous submission but now incorporates the removal of the agricultural building identified as giving rise to the issues of harm to residential amenity. Under the circumstances the only reasonable conclusion that can be reached is that:-

- (i) The proposal is acceptable in Green Belt terms as determined by the Inspector; and
- (ii) The amenity issues are fully addressed in incorporating the removal of the agricultural building.

The only conclusion that can be reached is that in light of the appeal decision and revisions to the scheme that planning permission should now be granted.