



PLANNING SUPPORT STATEMENT

DETAILED APPLICATION FOR 1NO DWELLING
FOLLOWING DEMOLITION OF EXISTING STABLES
AND ASSOCIATED STRUCTURES (RESUBMISSION
OF APPLICATION 2021/0571)

LAND OFF ROYD MOOR ROAD,
THURLSTONE,
SHEFFIELD

MR AND MRS L BARDEN

FEBRUARY 2022

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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 Royd Moor Road, Thurlstone which is currently used for equestrian purposes. This proposal seeks detailed permission for the construction of 1No dwelling following the demolition of the existing stables and associated structures. This application is a resubmission following refusal of the previous application and dismissal on appeal. The scheme has now been redesigned and amended to fully address the Inspector's concerns.

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

- (i) Full plans and details – Stephen A Welcer;
- (ii) Planning Support Statement – Townsend Planning Consultants;
- (iii) Bat Report - Middleton Bell Ecological Consultancy;
- (iv) Highways Report – Paragon Highways; and
- (v) Appendices.

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 with equestrian use of the land for circa 19 years. The Council granted planning permission for stables on the site in 2002 (ref B/02/0123/PU). Subsequently, permission was granted by the Council in 2005 for the extension to the stables (ref B/05/0612/PU) and in 2016 granted permission for an equestrian and exercise arena (ref 2016/0863).

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 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, its current uses and specifically the comments of the previous inspector are outlined. The details of the proposal as now amended 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 and finally the conclusion is reached that planning permission should be granted for the proposal to proceed. Nevertheless, the applicants remain willing to discuss all aspects of this proposal with the Council.

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 19 years. The Council granted planning permission for stables on the site in 2002 (ref B/02/0123/PU). Subsequently, permission was granted by the Council in 2005 for the extension to the stables (ref B/05/0612/PU) and in 2016 also granted permission for an equestrian exercise arena (ref 2016/0863).

The applicants live away from the site and make a minimum of 5 visits per day to the site for tending the horses, riding and training. There are 4 horses on site and other visits to the site include veterinary visits; food and hay deliveries; and taking horses off site for shows and eventing. The use of the site for its lawful equestrian use generates significant amounts of vehicular movement.

The site is located off Royd Moor Road, to the north west of the village of Thurlstone. The site is accessed via a gated access and contains an 'L' shaped stable building, ménage and areas of hardstanding set amongst wider fields (in the applicant's ownership) for horse grazing. The site is located wholly within the Green Belt.

It is acknowledged that the previous proposals for the site were dismissed at appeal. In the Inspector's decision the Inspector raised a number of issues of harm which led to the Inspector concluding that the development constituted inappropriate development, which included:

- (i) Increase in the height of the ridge line in comparison with the existing building resulting in a greater overall mass.
- (ii) Harm raised in respect of design elements, including "extensive glazing and chimney breast".
- (iii) Domestic paraphernalia.

These issues have been fully addressed in the redrafting of the proposed scheme as follows:

- (a) Reduction in the height of the building (it does not exceed the height of the existing stables and as a consequence reduces mass);
- (b) Reduction in footprint/volume from the previous proposal. The volume of the proposal now constitutes 70% of the building to be removed; and
- (c) Simplification of the design to reflect the existing form of the building, including:
 - 1. Monopitched roof;
 - 2. Simplified rectangular built form;
 - 3. Reduction in fenestration;
 - 4. Building to be clad in timber;
 - 5. Reduction in volume;
 - 6. Reduction of the residential curtilage by 20%;
 - 7. Boundary planting identified (which can be conditioned); and
 - 8. Removal of chimney breast.

It is considered that these amendments fully address the Inspector's concerns.

The subject proposal seeks to develop 1No dwelling following demolition of the stables and associated structures 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 buildings to be removed (around 70%) which will be of significant benefit to 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 – see revised proposals), 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. It will be noted that amended proposals are submitted with this appeal which will reduce the originally proposed curtilage from that considered by the Council.

The proposals have also been drawn up in association with Paragon Highways who have produced an updated Highways Statement setting out the suitability of the

proposals, including its sustainability. As part of the proposals a passing place is proposed to the east of the site access to assist in traffic flow along Royd Moor Road if required. In terms of traffic movements it is considered that should be no additional traffic when compared to the existing use and that the site has suitable access to sustainable transport modes including public transport, cycling and walking on this Council defined Green Way.

Whilst the subject site is outside the settlement, it is situated in a sustainable location and the following issues are considered relevant:

- a. Bus stop – Windsor Avenue (hourly service) - 0.5 miles.
- b. Walking distance to schools/village primary school - 0.4 miles.
- c. Walking distance to public house – 0.6 miles.
- d. Walking distance to bakery – 0.7 miles.
- e. Walking distance to takeaways – 0.7 miles.

Given its rural context, it is considered there are some reasonable options for public transport for future occupiers. The walking distances to services and facilities in the settlement are only around 10 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 rural site would be accessible by a range of modes of transport.

Therefore, the site is within walking distance of essential facilities and as such the need for travel is reduced and essential travel needs can be met by use of modes of transport other than the private car.

It is considered that the 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.

It is noted that the Inspector did not dismiss the appeal based on issues of sustainability.

The proposal, therefore, comprises of the reuse of a brownfield site with a built form materially smaller than the existing 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. This is located in a sustainable area.

It is considered that the amended proposals now fully address the Inspector's previously stated concerns and that the proposal does not constitute inappropriate development.

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 consideration 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. 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 the more than offsets any harm in respect of the impact on openness of the formation of the residential curtilage. As shown on the submitted revised 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. The boundaries of the site will be formed by post and rail fencing together with native hedge planting which will screen the site. Therefore there will be benefit to openness.

3.1.2 Planning Practice Guidance - Green Belt

National Planning Policy Guidance 'Green Belt' published on the 22nd July 2019 is clearly an important material consideration.

The advice sets out “***what factors can be taken into account when considering the potential impacts of development on the openness of the Green Belt.***” The advice identifies that this “***requires a judgement based on the circumstances of the case***”. It also goes on to set out that the Courts have identified a number of matters which may be taken into account, which include:

- “• ***Openness is capable of having both spatial and visual aspects – in other words the visual impact of the proposal may be relevant as could its volume;***
- ***the duration of the development and its remedially taking into account the provisions to return the land to its original state or to an equivalent or improved state of openness; and***
- ***A degree of activity likely to be generated such as traffic generation.***”

In the context of the above, in this instance:

- (i) In spatial and visual terms, the level of building proposed on site is significantly less in terms of volume than the existing building on site. Any visual impact can be mitigated by timber cladding the building and reducing the existing working area. As such, the proposal is of benefit to openness when considered in the context of the volume and visual impact.

- (ii) In terms of duration, the impact is neutral.
- (iii) In terms of the generation of activity, the proposal will result in decreased activity than the lawful use. A dwelling would generate less activity than the existing use, which will be of benefit to openness.

It is clear that the revised proposals submitted conform with this up to date advice on considering the issue of openness.

3.2 Local Planning Policy

The Development Plan for Barnsley MBC consists of the Core Strategy (September 2011) and the recently adopted Local Plan.

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 single one 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.

(vi) Policy GS2 – Green Ways and Public Rights of Way

Policy GS2 states:

“We will protect Green Ways and Public Rights of Way from development that may affect their character or function.

Where development affects an existing Green Way or Public Right of Way it must:

Protect the existing route within the development; or

Include an equally convenient and attractive alternative route.

Where new development is close to a Green Way or Public Right of Way it may be required to:

Provide a link to the existing route; and/or

Improve an existing route; and/or

Contribute to a new route.

In some cases, we will ask developers to make a financial contribution to meet those requirements in accordance with the Infrastructure and Planning Obligations Policy.”

The supporting text at Para 17.20 states:

“When considering new development, we will make sure that it helps create places that connect with each other, providing the right conditions to encourage walking, cycling and the use of public transport.”

Furthermore, at Para 17.21 it states:

“One of the benefits of Green Ways and Public Rights of Way is that they allow connections with and access to leisure and facilities. In some cases, small scale tourism and leisure development may improve the quality of routes. Any such proposals must meet the criteria of E8 (Rural Economy) and may include such things as cafes, campsites, bike hire centres, public art and sculpture walks. We must also ensure that there are no negative visual or environmental effects and that development is consistent with Green Belt policy.”

It will be noted that the subject road, Royd Moor Road, is a designated Green Way and as such by reference to the Council’s adopted policy this is suitable for walking, cycling and the use of public transport.

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 revised 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 Brownfield Development

The subject site 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, storage and curtilage land for equestrian use.

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. 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 curtilage.

4.2.2 Planning History

It is fully acknowledged that the previous proposals for the site were refused and subsequently dismissed on appeal. Indeed, the Inspector's decision was the starting point for the redrafting of these proposals which have significantly amended the scheme to address the stated concerns. In short, to address the Inspector's concerns the following approach and amendments has been adopted:

- Simple monopitching of roof to reduce height
- Simplified layout with rectangular form;
- Reduction in fenestration
- Building to be clad in timber
- Reduction in volume of built form
- Reduction of residential curtilage
- Boundary planting
- Design amendments including removal of domestic elements and chimney breast

It is considered that these amendments fully address the Inspector's previous concerns.

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 proposal in 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.

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 10 minutes of a public bus stop. 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.”

The site is also on a Council defined Green Way where cycling and walking are encouraged.

4.2.5 Other Decisions and Case Law

Attention is also drawn to the Supreme Court judgement (Samuel Smith Old Brewery v N Yorkshire County Council). It is pointed out that the Court ruled that openness does not ***“imply freedom from all forms of potential development.”*** Furthermore, ***“On the proper reading of the NPPF and its historic context, visual quality of landscape is not in itself an essential part of openness for which the Green Belt is protected.”***

The legal commentary on this case concluded that protecting openness does not imply freedom from all forms of development and the Court confirmed that ***“not***

inappropriate development can proceed.”

A recent appeal decision is also appended in relation to a site at Cliff Hollins Lane, East Bierley (APP/Z4718/W/20/3251182). Whilst that decision was for development outside the district, it has clear parallels with the subject case – it sought the redevelopment of a brownfield site (stables) with a reduction in the proposed built form. It will be noted that the area around the subject property was ‘open’ in character. The Inspector considered that the main issue was the effect on openness. The Inspector noted a number of issues that were considered to impact on openness (which are considered relevant to this proposal), including:

- (i) The access is as existing.
- (ii) The vehicle movements associated with equestrian could provide an intensive element.
- (iii) The impact of parking in respect of a single dwelling would be minimal.
- (iv) Domestic paraphernalia would be low level and boundary treatment would provide screening.

The overall conclusion was no harm to openness.

There are clear parallels with the subject site.

5.0 CONCLUSION

The recent planning history of this site was the starting point for the redrafting of these proposals. Specifically the scheme has been drafted to fully account for the previous Inspector's comments and concerns.

It is considered that the issue of openness is fully addressed through the details of the scheme with:

- (i) The significant reduction in the built form on the site to improve openness;
- (ii) A reduction in built form in comparison with the previous scheme in terms of height, mass, scale, volume and footprint;
- (iii) The reduction in the previously proposed application curtilage which will result in the hard surfaced/working areas being reduced and a greening of the site;
- (iv) The reduction in activity on the site over and above the lawful use;
- (v) Amendments to the finished materials to reduce the visual impact;
- (vi) Amendments to the design, including a reduction in fenestration and the remove of the chimney; and
- (vii) The provision of native hedge planting to screen the residential curtilage.

It was also demonstrated that this site is situated in a sustainable location located on an identified 'Green Way' where cycling and walking are encouraged.

It is contended that this proposal must be considered in the context of up-to-date government guidance in the NPPF and PPG and also in terms of up to date Local Planning policy and case law. All of which point to the grant of planning permission.