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# Appeal Decision

Site visit made on 3 January 2017

**by Mike Hayden BSc DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 18 January 2017**

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**Appeal Ref: APP/R4408/W/16/3160662**

**Little Royd Farm, Halifax Road, Penistone S36 7EY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Gordon Beever against the decision of Barnsley Metropolitan Borough Council.
  - The application Ref 2016/0769, dated 12 June 2016, was refused by notice dated 16 August 2016.
  - The development proposed is new access to property built under application Ref 2013/0344.
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## Decision

1. The appeal is allowed and planning permission is granted for a new access to property built under application Ref 2013/0344 at Little Royd Farm, Halifax Road, Penistone S36 7EY in accordance with the terms of the application, Ref 2016/0769, dated 12 June 2016, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: MGB001/001 and A2 6/2016.
  - 3) Notwithstanding condition 2 no development shall take place until details of a landscaping scheme along the length of the new access, the marker walls and gate shown on plan no. A2 6/2016 and the surface materials to be used in the construction of the access track have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
  - 4) Before the access hereby approved is brought into use, the existing field access onto Halifax Road to the immediate north-west of approved access shall be closed to all vehicles.

## Main Issues

2. The main issues in this appeal are:
  - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies; and
  - The effect of the proposed development on the character and appearance of the surrounding countryside.

## Reasons

### *Whether inappropriate development in the Green Belt*

3. The appeal site lies within the Green Belt. The proposal is for the construction of a new vehicular access from the A629 Halifax Road to a former stable building at Little Royd Farm which has been converted to residential use. Section 336 of the 1990 Act defines the formation or laying out of a means of access to a highway as an engineering operation. Paragraph 90 of the National Planning Policy Framework (the Framework) states that engineering operations are not inappropriate development in the Green Belt, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.
4. With regard to the effect of the proposed access on the openness of the Green Belt. Whilst the access as an engineering operation would constitute development, the track would be constructed on the surface of the field and as such would not reduce the openness of the land as seen from Halifax Road and other surrounding viewpoints. I note the proposal includes two small 900mm high stone walls to mark the entrance and a set of gates positioned around 15 metres back from the highway. Although these would rise above ground level, they would be seen against the backdrop of the existing field boundary and have little if any effect on the overall openness of the land. Accordingly, the appeal proposal would preserve the openness of the Green Belt.
5. Paragraph 80 of the Framework defines the five purposes of the Green Belt. Given the location of the appeal site in the open countryside, the proposed access would neither cause the unrestricted sprawl of a large built-up area nor lead to neighbouring towns merging. Although the access would be visible, given that it would preserve openness, it would not cause the further encroachment of buildings on the appeal site into the countryside. It would have no effect on the purposes of the Green Belt in preserving the setting and character of historic towns and assisting urban regeneration. Therefore, the proposal would not conflict with the purposes of including land in the Green Belt.
6. I note the Council's concern that any decisions on this site could set a precedent for new accesses to other barn conversions in the area. However, it is a core principle of the planning system that each application is determined on its own merits. My finding in this case that the proposed access would preserve the openness of the Green Belt and not conflict with its purposes should not undermine the considered application of Green Belt policy by decision makers to other sites in the borough.
7. Accordingly, I conclude that the appeal proposal would not be inappropriate development in the Green Belt, as defined by paragraph 90 of the Framework. Therefore, it would not conflict with the fundamental aim and essential characteristics of the Green Belt as set out in paragraph 79 of the Framework and would not cause harm to the Green Belt. Consequently, it would also meet with the expectations of Policy CSP 34 of the Barnsley Local Development Framework Core Strategy (2011) (the Core Strategy), which seeks to safeguard the Green Belt.

### *Character and appearance*

8. The appeal site lies to the north of Penistone in open countryside, characterised by large fields bounded by hedges and stone walls, with sporadically occurring dwellings and farmsteads set well back from the road and accessed off long tracks or drives. The field across which the access is proposed slopes gently up from Halifax Road, such that the route of the track is visible in views from the west, rising up the field alongside the boundary hedge on its south-eastern side.
9. The proposed access, including the track and its entrance features would have an urbanising effect on what is currently an open and undeveloped field. However, on its south-eastern side the track would be largely screened from view by the existing field hedge. With suitably specified landscaping using native species, planted along the length of the access on its north-western side and supplementing gaps in the existing field hedge, the visibility of the track would be substantially mitigated. It would be similar in appearance to other hedged and walled tracks serving isolated houses and farms in the area. As such, it would not be out of keeping with the overall character of the surrounding countryside as described above.
10. In addition, the low stone walls and gates comprising the entrance feature could be designed to reflect field gates and boundary walls seen elsewhere in the landscape. The surface materials to be used for the construction of the track could also be specified to reduce its visibility. Details of the landscaping, entrance feature and surface materials could be made subject to condition to ensure control over the final appearance of the access.
11. On this basis, I conclude that the proposed development would not cause unacceptable harm to the character and appearance of the surrounding countryside. Therefore, it would satisfy the design principles in Policy CSP 29 of the Core Strategy, which, amongst other things, expect development to respect the landscape character around Penistone. It would also be consistent with the core principles in paragraph 17 of the Framework which expect planning to recognise the intrinsic character and beauty of the countryside.

### *Other Matters*

12. For the sake of completeness, I have considered the highway safety of the proposed access, although no objections were raised by the local highway authority to this aspect of the proposal. The existing field access is proposed to be closed off. Subject to this being implemented before the proposed access is brought into use there would be no conflict with farm vehicles entering or leaving the highway close to the new access. In addition, provided the proposed access is built in accordance with the submitted plans, the width of the verge and footpath adjacent to the carriageway of Halifax Road would ensure adequate visibility in both directions.

### **Conditions**

13. I have considered which conditions are required having regard to the tests set out in the Planning Practice Guidance. I have attached conditions limiting the life of the permission in accordance with the requirements of the Act and specifying the approved plans for the avoidance of doubt and in the interests of proper planning. A condition is necessary to ensure an appropriate landscaping scheme is carried out to screen the access and ensure the details of the gate

and low stone walls at the entrance to the access and its surface materials are agreed with the Council in order to maintain the character and appearance of the area. I have also attached a condition requiring the existing field access to be closed before the new access is brought into use in the interests of highway safety.

**Conclusion**

14. For the reasons given above I conclude that the appeal should be allowed, subject to the conditions specified.

*M Hayden*

INSPECTOR