JR Planning Consultants
Sheffield



PLANNING STATEMENT

S73 PLANNING APPLICATION TO VARY CONDITION 2 OF PERMISSION NO. 2016/1400 TO ALLOW FOR AN AMENDED HOUSETYPE

AT

DOVECOTE FARM, WESTFIELD LANE, BARNBURGH, DONCASTER, DN5 7HS

PREPARED FOR: MR J RICHARDSON
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1.0 INTRODUCTION

This statement has been prepared to support the submission of an application to vary condition 2 from previously approved scheme 2016/1400. The application is submitted under the provisions of S73 of the Town and Country Planning Act 1990 and seeks a minor-material amendment to the previously approved scheme.

The condition in question states as follows:

"The development hereby approved shall be carried out strictly in accordance with the amended plans (site plan and elevations plan received 2nd May 2017) and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality accordance with Core Strategy Policy CSP 29, Design."

The applicant seeks to amend this condition to relate to amended plans. The primary reason for the amended design is to provide increased head height in the upper floor. The original design featured a one and a half storey design which is incompatible with the needs of the applicant - both adults who will be living in building exceed 6ft 3' in height and the upper floor rooms would have been difficult to utilise.

It will be noted that the proposal would result in a reduced internal floor area when compared to that previously approved. Furthermore, there would not be a significant increase in built form at the site above and beyond that previously approved.

This statement should be read in conjunction with the supporting plans supplied by Neil Bowen Architects which demonstrate the credentials of the scheme in more detail. It is anticipated that the Local Planning Authority (LPA) will adopt a progressive approach to this sustainable scheme.

This statement now proceeds to give details of the site. The details of the proposal are then set out. The planning merits of the scheme are then discussed in relation to relevant planning policies contained in the statutory development plan, together with Government guidance principally set out in the NPPF. In particular, it will be demonstrated that the proposal would result in a sustainable form of development, would have no detrimental impact on the openness of the greenbelt and would have no adverse visual or landscape impact. It will be demonstrated that the planning merits of the amended design are similar to those of the previously approved scheme.

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The conclusion is then reached that permission should be granted by the LPA.

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2.0 THE SITE

The LPA's delegated report on the previous application included a description of the site which is still considered valid:

"Dovecote Farm is located in the open countryside on land in between Goldthorpe and Barnburgh, close to the Barnsley borough boundary with Doncaster. The farm comprises of a range of livestock, produce and storage buildings together with agricultural land. The site is accessed off Westfield Lane.

The farm business has ownership of 216 acres of land and farms a further 201 acres under a tenancy agreement. The main farm business is based around the dairy herd of Jersey cows, however, the farm also deals in arable farming and sheep farming.

The applicants, the Richardson family, own the farm and it has been in their family since 1930. There is an existing farmhouse on the site which serves as the only dwelling connected with the farm. This is occupied by Mr and Mrs Richardson (senior) together with their sons, Matthew and John Richardson and their young families. In total this means that there are 6 adults and 2 children currently living in the farmhouse. Mr and Mrs Richardson (senior) are now retired from the farming enterprise although Mrs Richardson (senior) does run a cattery from the site. It is therefore left to Matthew and John Richardson to meet the functional requirements of the farm.

Currently the livestock on the site consists of 100 dairy cows, 25 in-calf and served heifers, 50 youngstock (6-15 months) and 25 calves under 6 months. All progeny from the dairy herd are kept as replacements and all bulls are reared and finished for beef with the heifers retained for replacements and to allow the continued expansion of the dairy enterprise. The application states that the farm enterprise is looking to expand the number of dairy cows to 150 within the next 18 months to two years."

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3.0 THE PROPOSAL

The applicant seeks permission to vary condition 2 from previously approved scheme 2016/1400. Condition 2 relates to the approved plans and the applicant is therefore effectively seeking a minor material amendment to the previously approved housetype.

It is suggested that condition 2 could read along the following lines:

"*The development hereby approved shall be carried out strictly in accordance with the approved plans (2036:OS and 2036:1) and specifications as approved unless required by any other conditions in this permission.*

Reason: In the interests of the visual amenities of the locality accordance with Core Strategy Policy CSP 29, Design."

Full details of the amended design can be found in the submitted plans from Neil Bowen Architects. However, at this stage the main details are as follows:

- Proposed dwelling to contain ground floor living accommodation including an open-plan kitchen/ diner and a separate lounge.
- Proposed internal floor area of approximately 145sqm, which is less than the amount agreed on the previous submission (165sqm).
- Proposal to contain 3no. Bedrooms as previously approved.
- Proposal to feature amended fenestration to that previously approved.
- Two storey design with hipped roof to ensure there would not be a significant increase in built form from the previously approved scheme.
- Vehicular access and parking arrangements unaltered from previously approved scheme.

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4.0 PLANNING HISTORY

There is an extensive planning history for the site. However, it is considered that the following application is considered of primary relevance to the current scheme:

- 2016/1400 - Erection of detached agricultural workers dwelling (Re-submission of application 2016/0822) - approved 2017.

This permission secured the principle of residential development at the site.

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5.0 PRE-APPLICATION DISCUSSIONS

Brief verbal discussions were held with the LPA's Planning Officer, Mr Matthew Smith, regarding the proposal. Mr Smith was able to advise on the best format of application.

The applicant has also enlisted the services of a chartered town planner (James Roberts) and fully chartered architect (Neil Bowen) in the drafting of this scheme.

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6.0 ALLOCATION AND POLICIES

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this instance the Development Plan consists of the Core Strategy and saved Unitary Development Plan policies. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

Further material considerations exist in the form of national policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising National Planning Practice Guidance (NPPG).

National

The NPPF is reflective of the guidance contained within the NPPG. The following sections of the NPPF are considered of direct relevance to the current proposal:

Paragraph 14 states that at"…the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking."

The NPPF makes it clear that sustainable development comprises three strands; economic, social and environmental. It also states that sustainable developments should be approved without delay.

Paragraph 19 states that planning "...should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system."

Paragraph 35 states that LPA's should avoid new isolated homes in the countryside unless there are circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside .

Chapter 9 is concerned with protecting Green Belt land.

Paragraph 87 establishes that *"inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."*

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Paragraph 88 states that "*when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.*"

Paragraphs 89 and 90 establish a 'closed list' of the types of development that are not inappropriate within the Green Belt. Significantly for this application, paragraph 89 makes it clear that buildings for agriculture and forestry are not inappropriate.

The overarching message of the NPPF is that LPAs should adopt a positive and pro-active approach to planning proposals, particularly those that result in sustainable development. LPAs should not place unnecessary burdens on developers.

The NPPG provides the following guidance in relation to applications of this type:

An application can be made under section 73 of the Town and Country Planning Act to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied.

Planning permission cannot be granted under section 73 to extend the time limit within which a development must be started or an application for approval of reserved matters must be made.

Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended.

A decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged.

As a section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission. If the original permission was subject to a planning obligation then this may need to be the subject of a deed of variation.

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There is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.

Pre-application discussions will be useful to judge the appropriateness of this route in advance of an application being submitted.

Local

The application site is within an allocated Green Belt under the provisions of the UDP. Policies

Policies GS7and GS8 are therefore considered of relevance.

The following policies, taken from the Core Strategy, are also considered of relevance:

CSP34 Protection of Green Belt CSP29 Design
CSP21 Rural Economy
CSP36 Biodiversity and Geodiversity

The following Supplementary Planning Documents are relevant to the proposal:-

'Designing New Residential Development' sets out the standards that will apply to the consideration of planning applications for new housing development.

'Parking' states that the parking standards for new housing development shall be 1 space for dwellings under 3 bedrooms in size and 2 spaces for 3 bed dwellings and above.

The South Yorkshire Residential Design Guide has been adopted as a best practice guide by the Council and covers issues relating to sustainability, local distinctiveness and quality in design and is underpinned by the principles in the CABE 'Building for Life' scheme.

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7.0 ASSESSMENT

Principle of development in the Green Belt

The application proposes an agricultural workers dwelling within the Green Belt. The principle of siting an agricultural workers dwelling has been fully established in the granting of permission 2016/1400. It is not considered necessary to resupply all financial/ business justification as there have been no material changes in either relevant planning policy or the circumstances of the applicant in the intervening period.

The following extracts, taken from the officer report on 2016/1400, is of particular relevance:

" Given that Mr and Mrs Richardson (senior) are aged 75 and 65 respectively then the main activities of working with the animals falls to the two sons. It is therefore considered that there is a justification for the sons to be within sight and sound of the barns in order to deal with the activities mentioned and that, therefore, there is a justifiable need for suitable accommodation to provide for the application site. "

And,

"Given the justification put forward it is considered that that an adequate case has been put forward of an 'essential need' to comply with the NPPF and part a of the criterion under Policy GS8B".

Whilst the proposal is of a different design to that previously approved, this does not alter the fact that the principle of residential has been established and that the applicant is not required to provide very special circumstances to justify the proposal.

Impact on Openness

The following extract, taken from the officer report on 2016/1400, describe how the LPA judged the visual impact of the original design in relation to Green Belt openness:

"In terms of the second and third criterion under Policy GS8B, there has been no separation of a farm dwelling from the agricultural land and the applicant has reduced the size of the dwelling from the previous proposal. The footprint of approximately 165 square metres (measured

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externally) is at the top end of what would be considered acceptable. Previous decisions have shown that a floor area of 150 square metres has been accepted. The dwelling is just above this but given that the garage has now been removed from the scheme, and that permitted development rights can also be conditioned to be removed, and that the first floor has been contained within the roof space, then the scheme is not considered to be of significant size to be of harm to the openness of the Green Belt."

The current scheme involves the provision of an increased roof height to provide full height accommodation on the first floor. However, this is offset by the introduction of a hipped roof design which ensures that the overall difference in built form is minimal.

It will also be noted that the proposed internal floorspace (approximately 145sqm) is smaller than that stated in the previous report. This should be seen as a net benefit.Furthermore, the proposed tweaks to the external fenestration are through client choice and have no overall impact on the openness of the Green Belt.

It is considered clear that the overall impact of the proposal would not be more harmful to the openness of the Green Belt than the originally approved scheme and should therefore be considered acceptable in this regard.

Sustainable Development

The main emphasis of national guidance is the need to achieve sustainable forms of development.

The proposal would be wholly sustainable using the definition set out in the NPPF for the following reasons:

- Social: The proposal would help to meet the changing needs of the wider family who reside at the farm. The proposal would have no detrimental impact whatsoever on any neighbouring residents or users.
- Economic: The proposal is intended to help the needs of the long-established agricultural enterprise. The proposal would benefit the local economy during the construction phase.
- Environmental: The scheme would be visually acceptable and would have no detrimental impact on the built environment or landscape of the locality. Significantly, the proposal would have no greater impact on the openness of the Green Belt than the previously approved scheme.

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It is clear that the proposal represents a sustainable form of development that is promoted by the NPPF.

Design and Visual Impact

The proposed dwelling is situated within an existing farm complex contains large scale domestic and agricultural buildings. The proposal would be wholly in keeping with the character of existing built form in the area and would have no detrimental impact on the character of the locality.

Residential Amenity

The proposal would be located a significant distance from any neighbouring building, excluding those which are within the farm complex.Given this it is considered clear that the development would not have an oppressive or overbearing impact when viewed from any other property, nor would there be any overshadowing.

The proposal would also ensure a high standard of living environment would be created within the site. The previously approved design would have resulted in cramped upper floor accommodation.

The development would not have any adverse impact on residential amenity and is entirely in accordance with local and national policy in this respect.

Drainage and Flood Risk

The application site does not fall within flood zones 2 or 3 as identified by the Environment Agency. Furthermore, given the nature and scale of the development proposed, it is considered that there would be no detriment to drainage infrastructure and the proposal would have no significant flood risk impacts. The implications of the scheme in this regard are therefore considered acceptable.

Transport and Accessibility

The proposed access and parking arrangements would be the same as those previously approved by the LPA. The proposal is of limited scale and would not result in an overall increase in vehicular movements to and from the farm. The development would not therefore have any adverse impact on highways safety and efficiency.

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Ecology

Given the small scale nature of the proposed development it is considered that the proposal will not lead to any significant ecological implications. The proposal would not therefore be harmful to any protected species.

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8.0 PLANNING BALANCE AND CONCLUSION

The applicant seeks to vary the approved plans relating to an agricultural workers dwelling in the Green Belt. The principle of residential development has been fully established and the proposed amendments to the design are primarily aimed to ensure that the first floor accommodation is useable and functions well.

The amended design would not be significantly larger than that previously approved and would not materially affect the level of internal accommodation or the impact of the scheme on the openness of the Green Belt. There are no technical grounds for the LPA to resist the scheme.

The proposed development represents a sustainable form of development that would not have any unacceptable impact for the reasons set out above and the LPA are respectfully urged to grant permission for the scheme.

The Applicant is willing to discuss any issues that may arise during the consideration of the proposal with the LPA.

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