



townsendplanning
consultants

PLANNING SUPPORT STATEMENT

**DETAILED APPLICATION FOR 1 NO DWELLING
FOLLOWING DEMOLITION OF EXISTING
STABLES & EQUESTRIAN STORAGE BUILDINGS**

**LAND AT BARNSLEY ROAD, BRIERLEY,
BARNSLEY, S72 9LQ**

MR G BURNS

SEPTEMBER 2020

CONTENTS

- 1.0 INTRODUCTION

- 2.0 THE SITE & THE PROPOSAL

- 3.0 PLANNING POLICY
 - 3.1 Central Government Policy Advice
 - 3.1.1 The National Planning Policy Framework
 - 3.1.2 Planning Practice Guidance – Green Belt
 - 3.2 Local Planning Policy
 - 3.2.1 LDF Core Document
 - 3.2.2 Unitary Development Plan Saved Policies

- 4.0 THE ISSUES
 - 4.1 The Development Plan
 - 4.2 Other Material Considerations
 - 4.2.1 Brownfield Development
 - 4.2.2 The Green Belt
 - 4.2.3 Visual Impact
 - 4.2.4 Bats
 - 4.2.5 Mining
 - 4.2.6 Highways

- 5.0 CONCLUSION

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 Barnsley Road, Brierley which has a longstanding use for equestrian purposes. This proposal seeks detailed permission for the construction of 1No dwelling following the demolition of the existing stables and storage buildings.

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

- (i) Full plans and details – NYPAS;
- (ii) Planning Support Statement – Townsend Planning Consultants;
- (iii) Bat Report - Middleton Bell Ecological Consultancy;
- (iv) Mining Report – ARP Associates; and
- (v) Highways Report – Paragon Highways.

It is considered that this statement, together with the accompanying plans and documents clearly demonstrate to the Council that the proposal 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 commercial equestrian purposes (40 years or thereabouts).

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 and its

current uses. 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 and finally the conclusion is reached that planning permission should be granted for the proposal to proceed. Nevertheless, the applicant remains willing to discuss all aspects of this proposal with the Council.

2.0 THE SITE AND THE PROPOSAL

The subject site, which extends to some 8 acres or thereabouts, forms a longstanding equestrian facility. In terms of the equestrian use, this dates back 40 years or thereabouts and has historically been used for commercial purposes as it is today.

The site incorporates a number of buildings including:

- (i) 8No stables; and
- (ii) Various buildings used for equestrian purposes, including storage of hay, tack and equipment.

The subject proposal seeks to develop 1No dwelling following demolition of the stables, storage building at the site 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 would be noted that the size of the dwelling proposed is significantly less than the size of the buildings to be removed (around 80%). The dwelling will be located towards the centre of the site and the formed curtilage will be less than the defined working areas of the existing equestrian use. Care has been taken to ensure the residential curtilage is small scale and that the proposed boundary treatment is appropriate for a rural area.

Reports in relation to bats and mining are provided with this submission. A highway report demonstrates that the site can be safely accessed.

It is considered that in the context of the Development Plan and all material considerations, the proposal is acceptable. Nevertheless, the applicant remains willing to discuss all aspects of the proposal with the Council.

3.0 PLANNING POLICY

By virtue of Section 38 (6) of the Planning and Compulsory Purchase Act 2004, the planning authority must determine the planning application in accordance with the statutory development plan (insofar as it is material to the application), unless material considerations indicate otherwise. The NPPF 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 government guidance.

3.1 Central Government Policy Advice

3.1.1 The National Planning Policy Framework

The following are comments on the advice in the Framework which is 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 13 deals with Protecting Green Belt Land. At Para 143 it states:

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

Para 145 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.”***

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.

3.1.2 Planning Practice Guidance – Green Belt

National Planning Policy Guidance ‘Green Belt’ published on the 22nd July 2019

which postdates the previous application has been taken into account in the drafting up of this scheme and 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 buildings on site and will be an improvement visually. 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 much decreased activity than the lawful commercial livery use which generates more activity than the proposed use, which will be of benefit to openness.

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

3.3 Local Planning Policy

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

3.3.1 LDF Core Strategy

(a) CSP 29 Design

The policy sets out that development should:-

- **“CONTRIBUTE TO PLACE MAKING AND BE OF A HIGH QUALITY, THAT CONTRIBUTES TO A HEALTHY, SAFE AND SUSTAINABLE ENVIRONMENT.**
- **HELP TO TRANSFORM THE CHARACTER OF PHYSICAL ENVIRONMENTS THAT HAVE BECOME RUN DOWN AND ARE LACKING IN DISTINCTIVENESS**
- **ENABLE ALL PEOPLE TO GAIN ACCESS SAFELY AND CONVENIENTLY, PROVIDING, IN PARTICULAR, FOR THE NEEDS OF FAMILIES AND CHILDREN, AND OF DISABLED PEOPLE AND OTHER PEOPLE**
- **CONTRIBUTE TOWARDS CREATING ATTRACTIVE, SUSTAINABLE AND SUCCESSFUL NEIGHBOURHOODS**
- **ACHIEVE A BUILDING FOR LIFE ASSESSMENT RATING OF ‘GOOD’ OR EQUIVALENT AS A MINIMUM, IN DEVELOPMENTS OF 10 OR MORE DWELLINGS”.**

(b) CSP 34 Protection of Green Belt

The site falls within the Green Belt as shown on the proposals map.

3.3.2 Barnsley Local Plan

The Local Plan was adopted in 2019.

GB1 'Protection of Green Belt'.

The policy states:

"...Green Belt will be protected from inappropriate development in accordance with national planning policy."

It will be noted that notwithstanding that policy postdates the NPPF advice on policy on brownfield sites in Green Belt, the development plan includes no policies directly related to such proposals.

Under the circumstances, this proposal falls to be judged on guidance in the NPPF and PPG.

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 has changed since the Development Plan was adopted.

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 “openness” and the impact on the purposes of including land within the green belt. It is clear that this proposal 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 number of longstanding equestrian buildings, including stables and equestrian storage.

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 purpose 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 in the process of time.”

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 than the built form on site. The proposal residential curtilage is also smaller than the overall curtilage of the existing use.

4.2.2 The Green Belt

It is clear that this site constitutes brownfield development and in policy terms it falls to be judged in the context of para 145(g) of the NPPF.

It is clear that this proposal wholly conforms with the tests set out in the NPPF. The proposal constitutes the redevelopment of a previously developed site (brownfield) and this is in a manner which would not have a greater impact on the openness of the green belt and the purposes of including land within it than the existing development. By reference to the NPPF and PPG, clearly planning permission should be granted.

4.2.3 Visual Impact

In green belt terms, the proposal does not constitute inappropriate development.

Following demolition of the buildings, this proposal for a small scale dwelling will not harmfully impact on the openness, visual character and amenity of the green belt in this location. The proposed dwelling has been sensitively designed and will be smaller than the existing built form of development on the site.

4.2.4 Bats

An ecological report is submitted with this application.

4.2.5 Mining

A mining report is submitted with the application.

4.2.6 Highways

A detailed highways report submitted with the application demonstrates that the site can be safely access for the proposed use.

5.0 CONCLUSION

This application seeks the development of 1No residential dwelling on this site following demolition of stables and storage buildings. The use of the site constitutes brownfield development. By reference to the NPPF, the proposal does not therefore constitute inappropriate development and as such no 'very special circumstances' need to be demonstrated to justify the development. The proposal passes the test of openness in that the scale of the buildings and curtilage to be removed is greater than the scale of the buildings and curtilage to be built in replacement.

It is clear that the basis on which this application must be judged is the NPPF and PPG and this proposal wholly conforms to that.

Should the Council require any further information or wish to discuss the matter in more detail, please do not hesitate to contact me.