

2022/0962

Mr & Mrs Steve & Teresa Rymer

Demolition of existing building and construction of new detached house
Land North of Cooper Lane, Hoylandswaine, Sheffield

Background

1993/0663 – Erection of stable - Approved with conditions

2010/0718 - Alterations and resurfacing of field access lane leading to existing stable combined with alterations and resurfacing to collecting areas to the north and south of the stable. (Retrospective) – Approved

2014/0624 - Conversion of existing stable into residential dwelling (resubmission) – Approved with conditions

Description

The site consists of an existing stone built stable building with associated hardstanding and surrounding curtilage. The stables are located to the north of Cooper Lane on the outskirts of the village of Hoylandswaine in the western rural part of the Borough. The stables were granted permission in 1993 and are of solid stone construction facing a north/ south direction. The stables are located at a higher level relative to Cooper Lane and as such only the roof of the stable block can be seen from Cooper Lane. Trees run around the site to the north and east which also screen the site, as well as a hedgerow which forms the west boundary with the adjoining field.

The access has been constructed off Cooper Lane and a hardcore area surrounds the stable block. The conversion of the stable into a dwelling has commenced, however it appears that only the roof of the building has been removed and the building is therefore not currently being used as a dwelling. No inspections have taken place by Building Control.





Site photos 2014



Proposed Development

The proposal involves the demolition of the existing stable building and replacement with one dwelling. The dwelling has a floor area of approximately 640sqm. This amounts to 428 sqm at ground floor level and 212sqm at first floor level. The existing building on site is single storey and has a floor area of approximately 136sqm. The previously approved conversion 2014/0624 proposed rooms within the roofspace. The curtilage to the proposed dwelling is similar to the curtilage approved with the previous stable conversion application 2014/0624.

The dwelling is a curved, almost L-shaped design, two storeys in part, with a large swimming pool at ground floor and a car port with a green roof. The dwelling has been designed with a pitched roof and has large windows and extensive glazing to the southern elevations to maximise solar gain. The dwelling would be finished in a light coloured render and a natural slate roof, with dark framed windows. The agent states within the planning statement that the building would be constructed to Passivhaus standards, stating that:- 'This will be a highly sustainable building, built to Passivhaus standards. It will be an exemplar of new construction in a rural location and will use renewable technologies to be largely self-sufficient. Construction materials will minimise the use of concrete and embodied carbon.' No further details have been provided in terms of the construction methods/materials to be used other than render to the walls, a slate roof to the main dwelling and a green roof to the car port.

A planning statement and bat survey have been submitted in support of the application. The application form submitted did not include the correct site address, however this has now been amended.



To the extent that development plan policies are material to an application for planning permission the decision on the application must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004).

The Local Plan was adopted by the Council in January 2019 and the Council has also adopted a series of Supplementary Planning Documents which are other material considerations. The National Planning Policy Framework represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application.

The property is located within the rural Barnsley and is designated as Green Belt in the adopted Local Plan. The following policies are therefore of relevance:-

Local Plan

SD1 – Sustainable Development
GD1 – General Development
LG2 – The Location of Growth
H1 – The Number of New Homes to be Built
H2 – The Distribution of New Homes
H4 – Residential Development on Small Non-allocated Sites
H6 – Housing Mix and the Efficient Use of Land
T3 – New Development and Sustainable Travel
T4 – New Development and Transport Safety
D1 – High Quality Design and Place Making
LC1 – Landscape Character
BIO1 – Biodiversity and Geodiversity
GB1 - Protection of Green Belt
GB2 - Replacement, extension, and alteration of existing buildings in the Green Belt
GB3 – Changes of use in the Green Belt
CC1 – Climate Change
CC2 – Sustainable Design and Construction
CC4 – Sustainable Drainage Systems (SuDs)
RE1 – Low Carbon and Renewable Energy
Poll1 – Pollution Control and Protection

SPDs (Supplementary Planning Document)

Supplementary Planning Document – Design New Housing Development
Supplementary Planning Document – Parking
Supplementary Planning Document – Trees and Hedgerows
Supplementary Planning Document – Sustainable Travel
The South Yorkshire Residential Design Guide (SYRDG)

NPPF

The National Planning Policy Framework 2021 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied.

At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, unless the

application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.

5 Delivering a sufficient supply of homes

Paragraph 80 relates to isolated homes in the countryside, allowing them only under specific circumstances including where the design is of exceptional quality in that:

“it is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area”.

12 Achieving well designed places

Paragraph 134 requires that development that is not well designed be refused, but conversely: *‘significant weight should be given to:*

- a. development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
- b. outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit with the overall form and layout of their surroundings’.*

13 Protecting Green Belt Land

Paragraph 147 states that, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 148 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 resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 149 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

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

not have a greater impact on the openness of the Green Belt than the existing development; or–

not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

15 Conserving and enhancing the natural environment

Para 174 states that planning decisions should contribute to and enhance the natural and local environment by d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Para 180 states that when determining a planning application, local authorities should apply the following principles a) if significant harm to biodiversity, resulting from development, cannot be avoided (through locating on an alternative site with less harmful impacts) adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Penistone Neighbourhood Development Plan (August 2019)

BE1: Design of the built environment

All new housing proposals should adhere to the following principles, where it is appropriate:

a) Where new housing developments are proposed, homes should be reflective of local architecture and in keeping with the surrounding area. In particular, the following design principles should be adhered to:

- To have no houses above two storeys on the perimeter of built up areas where it adjoins open countryside, where they have a greater impact upon the surrounding area in order to preserve and enhance the character of the area, in particular allocation sites HS70, HS71, HS74, HS75 as shown in Barnsley Local Plan.

- New developments should use external building materials that reflect the characteristic of development in the locality.

b) All residential developments will be expected to be designed so as to be sensitive to any existing wildlife habitat and corridor and should be appropriately landscaped and in particular development on the edge of the existing settlements shall incorporate tree planting so as to soften the built-up edge of the settlement as viewed from the countryside. Any residential development of 20 or more units will be expected to make provision for the appropriate amount of open space, in accordance with Barnsley MBC standards.

c) Development proposals should respect and maintain key views as identified on maps 2 and 3, in order to maintain the character and appearance of the town and villages.

Consultations

Penistone Town Council – No comments received

Cawthorne Parish Council – No comments received

Legal – The development of the conversion 2014/0624 has commenced

Yorkshire Water Services Limited – No comments received

Coal Authority – No objection subject to condition

SYMAS – No objection subject to condition

Urban Design Officer – No comments received

Drainage – Details to be checked by Building Control

Biodiversity – No objections subject to conditions

Representations

2 letters of objection have been received

- The address is incorrect (now resolved)
- 'Having built a house on Cooper Lane around 5 years ago and being subject to very stringent planning conditions- all of which were adhered to- I am wondering why similar conditions would not be applied. There was a height limitation on our development which meant digging into the ground to comply. The use of extensive landscaping and a green roof was also considered mandatory. We were happy to comply with these conditions as we wanted the house to blend into its surroundings. The current scheme here does not seem to do that.'
- Impact on the light of the adjacent properties
- The height of the two storey dwelling is not in keeping with the area
- The proposal will have a negative / adverse visual impact on the landscape and be detrimental to the character of the local area and green belt. Other accepted planning applications in the area have all been of a single storey nature which is more in keeping with the area.

Assessment

Principle of development

The site is situated within the Green Belt as allocated within the Barnsley Local Plan. The proposal involves the replacement of the existing stable building with a new dwelling, therefore para 149 of the NPPF is of relevance. The building has a previous planning permission to convert the building into one dwelling, however it appears that only the roof of the building has been removed. No further works have taken place and the building is not currently occupied as a dwelling, which means that the building is still a stable in terms of its existing use. The development would therefore not amount to the replacement of an existing dwelling and could not be considered under Local Plan policy GB2 'replacement, extension, and alteration of existing buildings in the Green Belt' as the proposed dwelling would not be in the same use as the existing stable.

In terms of the status of the land, agricultural land and buildings are specifically excluded from the definition of previously developed land, however the keeping of horses for recreational use does not fall within the definition of agriculture. The site would therefore fall under the definition of 'previously developed land' as set within the NPPF and 149 point (e) would be of relevance. The NPPF states a local planning authority should regard the construction of new buildings as inappropriate in Green Belt, with certain exceptions which include limited infilling or the partial or complete redevelopment of previously developed land (PDL), whether redundant or in continuing use (excluding temporary buildings), which would:

– not have a greater impact on the openness of the Green Belt than the existing development;
or

– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

In terms of the developments impact upon openness, the existing building is a small, single storey stone built building of approximately 136sqm. The proposal involves the demolition of the existing stable building and replacement with one large detached dwelling. The proposed dwelling is substantial in size and has a floor area of approximately 640sqm. The dwelling is a curved, almost L-shaped design, two storeys in part with a large swimming pool at ground floor and a car port. The proposal amounts to a 370% increase in the size of the original building.

In terms of the use, the building was previously used as a stable, however does have a previous extant conversion permission to be used as a dwelling. The residential use and the curtilage of the site has already been established by the previous planning permission; however the previous permission involved the conversion of the existing building with no extensions, therefore the impact of this small residential use would have been much more limited than the substantial dwelling now proposed. In terms of visual impact, the stables are located at a higher level relative to Cooper Lane and as such only the roof of the stable block can be seen from Cooper Lane. The proposal dwelling put forward is a significant increase in size, scale and prominence and would be visible from Cooper Lane and would undoubtedly have a 'greater impact on the openness of the Green Belt than the existing development' contrary to paragraph 149 of the NPPF.

Very Special Circumstances

The applicant has sought to demonstrate very special circumstances by way of achieving an outstanding or innovative design. Paragraph 80 of the NPPF relates to isolated homes in the countryside, allowing them only under specific circumstances including where the design is of exceptional quality in that:

"it is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area"

The applicant also considers that Paragraph 134 is also of relevance. Paragraph 134 applies significant weight to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit with the overall form and layout of their surroundings'.

A fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The agent states that the dwelling 'is to be generous in size but with an equivalent visual impact as the existing stables building.' The proposed dwelling is a large scale, detached house and is approximately 370% larger than the existing building on site. The proposal would therefore not have an 'equivalent' visual impact. The scale of the dwelling

aside, the design put forward is a simple, two storey, pitched roof, fully rendered dwelling. The design fails to be sensitive to the defining characteristics of the local area, which include more traditional stone-built farmsteads. Whilst elements of the design could be considered characteristic of some of the properties within Hoylandswaine village, the dwelling is not located within the village, nor is this design considered innovative. No details have been provided in terms of the 'sustainable' materials proposed and the overall design is not considered to be outstanding or innovative in nature contrary to the NPPF.

Sustainability

In terms of the sustainability of the building, the site is not in a sustainable location being outside of the village of Hoylandswaine as defined on the Local Plan Proposals Map. The applicant states that the dwelling 'is to be built to Passivhaus standards, will utilise renewable technologies, and will be constructed from sustainable materials. This will make the building low carbon both in construction and use.'

The Passivhaus approach is not innovative, but it is accepted that it would achieve a high level of sustainability and that with limited Passivhaus buildings in the UK, the proposed would be of some benefit in raising standards, through providing a further example. It is noted, however, that there is no guarantee of reaching Passivhaus standards. In this respect the building could promote a high level of sustainability in accordance with paragraph 134 of the NPPF, however, its location is not sustainable in accordance with Local Plan Policy T3 and therefore the overall effect is judged to be neutral.

In conclusion regarding the matter of principle, and in relation to paragraph 147 of the NPPF, the proposal is inappropriate development in the Green Belt which is by definition harmful and substantial weight is given to this harm in the planning balance. As discussed above, the design of the proposed dwelling is not considered to be innovative or outstanding. Furthermore, whilst there are benefits to achieving Passivhaus standards, the site is not sustainably located. Therefore, the overall benefits do not outweigh the harm to the Green Belt and very special circumstances cannot be said to exist as required by paragraph 148 of the NPPF and Local Plan Policy GB1.

Residential Amenity

In terms of any impact upon adjacent dwellings the proposed dwelling is set a significant distance away and would not cause any significant impact upon residential amenity by way of overlooking or loss of privacy. The proposed dwelling is large and is set within a large plot, therefore would meet the internal and external spacing standards set within the SYRDG and the SPD Design of Housing Development. The proposal is therefore acceptable in terms of residential amenity.

Highway Safety

The site is located on Cooper Lane, a rural access route, with no footways or street lighting and is subject to the national speed limit. Access to the site will be gained over the existing access on Cooper Lane. There is adequate space to the front/side of the proposed dwelling in order to park and turn two vehicles as required by the SPD.

The site has an established use as a stable and paddock, therefore any increase in vehicular movements from the proposed dwelling, would not be of any significant detriment to highway safety given the existing use and the previously approved application to convert the building into a dwelling. The proposal is considered in accordance with policy T4 of the Local Plan.

Impact on protected species

Due to the nature of the building and its location, it must be assessed whether the development will cause any impact upon protected species such as bats. The bat and bird survey report details the methodology and findings of a survey of the building proposed for demolition to facilitate the proposed development. The survey methodology used is considered sufficient. Bat droppings were identified within a wall crevice and DNA assessment of the droppings confirmed that these belong to common pipistrelle. The applicant's Ecologist and the Council's Ecologist consider that the building is likely to be used as a day roost by a small number of common pipistrelle bats and is therefore a roost of low conservation importance.

The report sets out that the demolition of the building will either need to be registered on the Bat Mitigation Class Licence or that a European Protected Species Mitigation licence will be required. A copy of the licence should be issued to the LPA prior to works commencing. This should be secured by way of a planning condition. Recommendations made within section 6.3 of the bat and bird survey report should be further detailed within a protected species mitigation scheme, which should also be secured by way of a planning condition. This would include precautionary measures to be adopted during demolition works, the proposed locations and type of bat and bird boxes to be installed integrally within the new building and the adoption of a sympathetic lighting scheme to avoid the illumination of habitats of value, such as woodland, unintensively managed grassland, etc. within close proximity of the proposals site.

The Council's Ecologist has been consulted and has no objection to the proposal and subject to the above conditions being applied to any approval, the proposal would be acceptable in terms of the impact upon Ecology in accordance with Local Plan Policy BIO1.

Trees

Trees run around the site to the north and east which also screen the site, as well as a hedgerow which forms the west boundary with the adjoining field and despite the number and proximity of the trees to the site, a Tree Survey has not been submitted with the application.

There are trees which surround the site which should be retained as part of any redevelopment proposals and as such the information provided is insufficient to enable the Authority to assess this properly, contrary to Local Plan Policy BIO1 Biodiversity and Geodiversity and the accompanying Trees and Hedgerows SPD.

Recommendation

Refuse