
2022/1256

Applicant: Mr Paul Woodcock

Agent: Ms Beverly Smith

Description: Erection of two holiday cabins and associated parking

Site Address: Bence Farm Court, Barnsley Road, Darton, Barnsley, S75 5NT

Site Description

The proposed cabins would be in the north-eastern part of the Bence Farm complex. The site consists of eight dwellings including the original farmhouse, set out in a courtyard arrangement. There are also two garage blocks, one of which is adjacent the proposed site.

Bence Farm is enclosed by a wall adjacent to Barnsley Road to the west. There are fields to the east and south and a menage and livery stables to the north. Several trees are located along the northern boundary including a group protected by a Tree Preservation Order. To the east is the River Dearne and the site is located within the associated flood plain.

Access is from Barnsley Road via a shared drive.

Proposed Development

The proposed application is a re-submission of 2021/0580 to erect 2 small cabins, located in the north-eastern corner of the site adjacent one of the garage blocks.

The cabins are 27.55sqm, timber in construction with a mezzanine floor and full glazing to the eastern elevation which faces onto a pond adjacent the site. The cabins have a mono pitched roof which slopes steeply to the rear and will incorporate a green roof system. There is a small-raised walkway and decking area located facing the pond.

Each cabin includes an open plan living space with kitchenette and small shower room and WC at groundfloor. A mezzanine space provides room for a double bed, adjacent the windows.

The internal access road, parking and pathway have been amended to avoid tree protection zones and an electric vehicle charging point has been added into the parking area.

Further, the foundation plan has been revised to show that the cabins and decking are in fact elevated and 'sit' on four concrete foundation pads. The finished floor levels of the cabins are 58.7m (approximately 1.4m above the recorded flood level)

History

There is a long history of applications at the site. The main ones of significance are as follows:-

2021/0580- Erection of two holiday cabins and associated parking- Refused on 23/03/2022 for the following reasons:

1. The site lies within the Green Belt on the approved Barnsley Local Plan, where in accordance with Policy GB1 the Local Planning Authority will not permit new development except in very special circumstances, for purposes other than those set out in paragraph 149 of the National Planning Policy Framework. In the opinion of the LPA the proposed holiday cabins constitute inappropriate development contrary to policy and prejudicial to the character and openness of the Green Belt. Furthermore, there are no very special circumstances, sufficient to outweigh the harm to the Green Belt and other harm identified, therefore, planning permission is refused in this instance.
2. There is insufficient information provided to fully assess the impact on trees resulting from this development. Further, the proposed will impact on existing trees covered by a TPO. This is contrary to Local Plan Policy BIO1 and the accompanying guidance in the Trees and Hedgerows SPD.
3. The applicant has not applied the sequential approach to locating development as required by Local Plan Policy CC3 and paragraph 162 of the National Planning Policy Framework.

B/77/1592/DT – Outline for Residential Development - Refused

B/89/1176/DT – Outline for conversion of barns into four dwellings and farmhouse into two dwellings – unknown decision

B/95/1313/DT – Erection of block of three garages – unknown

B99/1026/DT - Conversion of barn into three dwellings - unknown

B/04/1342/DT - Erection of garage/car port/store, 4 Bence Farm – Approved

Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The Local Plan was adopted in January 2019 and is also now accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment and mixed-use sites). In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies and are a material consideration in the decision-making process.

The Local Plan review was approved at the full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering its objectives. This means no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review. The next review is due to take place in 2027 or earlier if circumstances, require it.

Local Plan Policies

The site is in the Green Belt as shown on the adopted Local Plan, where Local Plan Policy GB1 protects land from development in accordance with national green belt policy.

Other relevant policies include:

SD1 Presumption in Favour of Sustainable Development
GD1 General Development
LG2 The Location of Growth
E5 Promoting Tourism and Encouraging Cultural Provision
E6 Rural Economy
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
GB3 Changes of use in the Green Belt
CC1 Climate Change
CC2 Sustainable Design and Construction
CC3 Flood Risk
CC4 Sustainable Drainage Systems
CC5 Water Resource Management
RE1 Low Carbon and Renewable Energy
CL1 Contaminated and Unstable Land
Poll1 Pollution Control and Protection

NPPF

The National Planning Policy Framework 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.

Section 13 Protecting Green Belt Land

Paragraph 137 attaches great importance to Green Belts and the fundamental aim of green Belt Policy is to prevent urban sprawl and keep land permanently open.

Para.147: Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Para.148: 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.

Para.149: A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include:

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

Section 14 Meeting the challenge of climate change, flooding and coastal change

Para.159: Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Para.162: The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding

Other relevant guidance

Barnsley Visitor Economy Strategy 2017-2020

The Visitor Economy Strategy for Barnsley sets out a broad vision and key priorities for the Council and its Visitor Economy sector partners to address. Coordinating activity across the sector will enable the Borough to realise the benefits from the development and growth of the Visitor Economy sector. The strategy links closely to the Borough's corporate priority of growing a Thriving and Vibrant Economy and to the themes of the approved Jobs and Business Plan.

The strategy identifies the narrow range of accommodation available as a weakness in the current offer and that there is a need to attract private investment.

Consultations

Biodiversity- No objection subject to condition.

Coal Authority- No objection subject to condition requiring further investigation.

Drainage- Details are sufficient and can be checked by building control.

Environment Agency- No comment on the proposal. Flood risk standing advice should be applied.

Forestry Officer- No objections from an arboricultural perspective subject to conditions.

Highways DC- No objection subject to condition.

Pollution Control- No objection subject to condition restricting hours of construction/demolition work.

South Yorkshire Mining Advisory Service- No objection subject to condition.

Yorkshire Water Services- Recommend conditions to protect the local aquatic environment and Yorkshire Water infrastructure.

Representations

The application was advertised by site notice, press advert and neighbour notification. One letter was received raising the following concern:

- Object to application for all the same reasons as the previously rejected application.

Assessment

The site is in the Green Belt as allocated on the adopted Barnsley Local Plan where inappropriate development is, by definition, harmful and should not be allowed except in very special circumstances. Planning Authorities are required to regard the construction of new buildings as inappropriate development in the Green Belt with only a few exceptions. These include: 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.

The proposed is located on land within the curtilage of Bence Farm, as it has been defined in previous applications. However, the land is currently open with no buildings or structures and the NPPF is clear in stating residential gardens are excluded from the definition of Previously Developed Land (Annex 2). On this basis, the proposed is not considered to be limited infilling or redevelopment of previously developed land and is inappropriate development where very special circumstances must be demonstrated which outweigh the harm to the Green Belt and any other harm resulting from the proposal.

The applicant has provided evidence within the supporting statements that the proposed will provide holiday accommodation needed within the area. This is stated to be particularly relevant in relation to the recent covid 19 pandemic which has seen the tourism industry impacted significantly but also supports a predicted increase in demand for staycations and self-contained accommodation.

The applicant already operates a holiday let on the site from no.4 Bence Farm Court which is a 4-bed house and is let out to groups of 6 plus through AirBnB. The property is on the website, with recommendations of local attractions to visit and there are over 100 positive reviews. The applicant has also provided details of how they support local businesses through employing a local cleaner, laundry service and providing a welcome basket of local produce.

The applicant points to the fact that 'The Barnsley Tourism Strategy' estimates the economic impact of a visitor overnight stays to be £38 and that based on past occupancy of no.4 Bence Farm Court of 140 nights per annum, the proposed cabins would have an economic impact of £21,000 per annum ((4 adults x £38) x140 nights).

Previously refused application (2021/0580) consulted with the Council's Head of Culture and Visitor Economy and it was confirmed that there is a need to support the diversification of the tourism accommodation offer in the borough and demand for

this type of accommodation post covid with Welcome to Yorkshire and Visit England currently looking to capitalise on the expansion of the staycation market.

Supplemental to the above, the agent has revised the planning statement and now considers that the proposal will help to promote and boost the visitor economy and tourism in the Borough in line with the Tourism Strategy for Barnsley (2017-2020) and the Visit Britain Tourism Strategy 2020-2022. The latter seeks to promote tourism as a vital economic powerhouse and seeks to extend the length of visitor stays and short breaks throughout the regions.

It is considered that the economic case for the development has not changed and weight can be afforded to the economic case for the proposed in compliance with this and Local Plan Policies E5 (Tourism) and E6 (Rural Economy). However, the weight in support of the scheme needs to clearly outweigh the harm of inappropriateness and any other harm. The other aspects are therefore discussed below.

Visual amenity and Openness

In considering the impact on openness, the NPPG provides some guidance as to what factors can be considered and the proposed is assessed in this context.

The cabins are proposed in the north-eastern corner of Bence Lane Court, on a part of the site which is currently undeveloped and is occupied by various trees. The proposed cabins are timber construction with a mono pitched roof. They are single storey to the rear and two storeys to the front, facing the stream and pond at the rear of the site. The front elevation is glazed and there is an external decking area. In addition, they are proposed to include green roofs. The design approach, materials and relatively small scale of the cabins mitigates the visual impact but does not remove any impact on openness.

The proposed includes parking for two cars, again located on part of the site currently open and green in nature. The design and materials seek to mitigate the impact of this area of hard standing, however, openness is also related to the degree of activity on site. The applicant has suggested a conservative estimate for the occupancy of the units at 140 nights per year. This is roughly 40% of the year, or if it is assumed to be mostly weekends (as suggested in the Planning Statement), equates to every weekend plus some mid-week stays in peak holiday periods. This increased level of activity on the site will impact on openness.

The revised supporting statement refers to the fact that that planning application 2021/1571 allowed for three dwellings and considered that there was no adverse impact on the openness of the green belt due to the scale of the proposed development. The agent has argued that is it appropriate to apply the same conclusion to the proposed development, however planning applications are to be considered on their own merits. Application 2021/1571 was permitted as it was previously developed land having been used for a livery business. The dwellings were two storey at 290sqm and replaced the existing buildings that had a floor area of 319sqm and as such an overall reduction in the built form on the site was achieved. The proposed development is not alike 2021/1571 in that the cabins are proposed on undeveloped land and do not meet any of the exceptions and would have an impact upon openness.

Based on the above, there is an impact on openness and visual amenity which will cause harm to the Green Belt and the visual amenity of this site contrary to Local Plan Policies GD1, D1 and GB1 alongside the NPPF and NPPG.

Residential Amenity

The scale, location and orientation and design of the proposed cabins is such that impacts on residential amenity in terms of overlooking or overshadowing directly from the cabins themselves are acceptable.

Bence Farm Court is a former farmstead / farmyard with the 8 houses currently on the site laid out in a courtyard formation. Private gardens are to the outer elevations with the internal courtyard a shared space. This arrangement limits private amenity space with the gardens for no's 1-3, in particular, facing onto the shared driveway which provides access to all the properties, including no.4 and the proposed cabins. Whilst residents will have been aware of this arrangement at the time of purchasing, the introduction of holiday lets increases the turnover of tenants on the site and the overall number of occupants. This increases the impact on privacy for the existing properties, particularly no's 1-3 and has given rise to issues with residents stating that the tenants in the holiday lets tend to want to explore the farmyard and in doing so unwittingly stray onto private property.

In addition, the comments made on this application indicate issues with noise disturbance from the holiday lets. This is consistent with this type of accommodation whereby the purpose of letting the property is for holiday and / or recreation which is more likely to give rise to increased noise and less sociable hours than longer term residential letting.

Therefore, the proposed will have a negative impact on residential amenity, resulting from increased noise and a loss of privacy, assessed in accordance with Local Plan Policies D1, Pol1 and the NPPF.

Biodiversity

The supporting statement refers to the fact that the ecological survey work undertaken for Preliminary Ecological Assessment remains valid and the recommendations made therein remain unchanged, however there have been two changes to the development plans which are described in the PEA. The footings of the buildings are now reduced in size and now comprise 6x 150mm pile foundation units and the footpath routes have been amended to further avoid impacts on tree roots.

The PEA assesses the value of the site and habitats making recommendations regarding mitigation works. No formal biodiversity metric calculation (DEFRA Metric) has been requested or provided.

The mitigation proposed includes avoiding bird breeding season and the removal of invasive species, planting of replacement bramble scrub to the site edges, sowing of a species rich wildflower mix on remaining areas of grassland, low UV lighting and planting of native flowering shrubs for bat foraging and the relocation of rubble piles which provide refugia for reptiles. In addition, the applicant is proposing bat boxes and that all trees are retained on site.

No detailed landscaping plans showing the mitigation are provided so it is not clear how the mitigation will be achieved within the red line. However, it is noted the applicant owns land beyond the red line, but included within a blue line, and therefore accepted that this could be secured through conditions (other than the retention of the trees which is covered later in the report).

The Biodiversity Officer has confirmed that the proposed is acceptable and sufficient to demonstrate compliance with Local Plan Policy BIO1.

Trees

The Forestry Officer indicates that the submission is a significant improvement over what was proposed as part of the previous application.

The proposal still requires the removal of G12 to facilitate the proposal and T13 is implicated although the arboricultural issues mean that this is not an issue.

The originally proposed layout showed the hard surfacing encroaching into the rooting area of the large category A tree T5 which was considered unacceptable. Amendments were sought and the turning area and parking were shifted slightly to reduce the incursion into the rooting area of T5 as much as possible. Therefore, there is no objection from an arboricultural method subject to conditions to ensure protection measures for the trees. In accordance with Local Plan Policy D1, BIO1 and the accompanying SPD Trees and Hedgerows.

Highway Safety

The site takes access from Barnsley Road, close to the local centres of Darton and Kexbrough approximately 4km to the north west of Barnsley town centre. Barnsley Road is an 'A' classified road and is subject to a 40mph speed limit within the vicinity of the site. As such, the proposed access should achieve sight lines of 2.4m x 120m; however, whilst this distance can be achieved to the right (North), the sight line to the left (South) is substandard. The access is of sufficient width to allow two cars to pass.

The proposals comprise the erection of two holiday cabins that are each capable of accommodating two people. Based on the submitted information, the cabins would be occupied around 40% of the time. Considering the way in which the cabins would be used in terms of vehicular movements, it would be reasonable to compare the combined movements associated with the two cabins to be closely equivalent to those generated annually by one dwelling. When also taking into consideration the existing uses on the site and their associated vehicular movements, it is necessary to evaluate the impact of the proposals and determine whether or not they would have an unacceptable impact on highway safety, or that the residual cumulative impacts on the road network would be severe.

Notwithstanding the substandard visibility to the left from the site access, the impact of the proposals would not be severe or sufficiently prejudicial to highway safety to warrant the refusal of planning permission on highways grounds.

It is also noted that the main difference between this application and the previously refused submission from a highways point of view is that the parking and turning area has been reduced in size and the indicative cars shown on the site layout plan are only 3.5m in length (Fiat 500 size) to give the appearance that ample hardstanding space is to be provided. Notwithstanding this, the reality would be that larger cars would simply overhang the surrounding grassed area when parking/turning which would not result in any detriment to the operation of the site.

In taking the above into consideration, there are no objections, subject to conditions in accordance with Local Plan Policy T4.

Flood Risk

The development is located in an area identified as being in Flood Zone 2. The previous application was refused as the sequential approach had not been applied in accordance with National and Local Planning Policy. There was a previous misunderstanding of the requirements as set out in the NPPG however the revised Flood Risk Assessment (FRA) now includes a sequential assessment. The sequential test considered that a reasonable area of search was the Darton area with Urban Barnsley and applied the search criteria of small housing sites below 1ha and within Flood Zone 1, which are allocated or have extant planning consent and are reasonably available and land currently for sale. The test concluded that there are no reasonably available sites that could accommodate the proposed small-scale holiday let development within Flood Zone 1. On this basis, the findings of the sequential test are agreed.

The flood risk assessment concludes that the primary flood although the site is at risk to this site is fluvial flooding from the River Dearne which runs approximately 120m to the east of the site. The development proposals are over 1.0m above the maximum (1:200 RP) flood level and as such the development is at low (insignificant) risk of flooding. The proposals also include for permeable surfaces (SuDS) and no increase in surface run-off into the Dearne is anticipated. In addition, there are no objections from the Environment Agency, Yorkshire Water or Highway Drainage to this application. Thus, the proposal is acceptable from a flood risk point of view and the application is in accordance with paragraph 162 of the NPPF.

Land Stability

The application is accompanied by a Coal Mining Risk Assessment. This concludes that the site can be regarded as stable from a Deep Coal Mining perspective but recommends further intrusive investigation or the use of structurally strengthened foundation design solution as a result of the Shallow Coal Mining position.

In their response, the Coal Authority note that: *the application is not accompanied by a statement from a suitably qualified structural engineer which confirms that they are satisfied that the risk posed by possible unrecorded shallow coal mine workings can be adequately mitigated by a foundation design solution alone. Any such statement would need to address factors including the likely extraction ratio and thickness of workings associated with shallow seams. In any case, we must highlight that the latest application drawings indicate that each cabin will be constructed with piled foundations (rather than the pad/raft foundation mentioned in the report).*

The Coal Authority and SYMAS have recommended a condition requiring that further site investigation is carried out on the site prior to commencement in accordance with Local Plan Policy CL1.

Conclusion and Planning Balance

The site is in the Green Belt as allocated on the adopted Barnsley Local Plan where inappropriate development is, by definition, harmful and should not be allowed except in very special circumstances.

The cabins will provide an alternative accommodation option and there is an identified need to enhance the overall accommodation offer within the borough to support growth in the tourism industry with the recent pandemic highlighting the

benefits of self-contained accommodation. These economic benefits are in accordance with Local Plan Policies E5 and E6 and are afforded weight as a benefit of the scheme.

However, these benefits have to be weighed against the harm identified in this report including: the impact of inappropriateness, impact on openness, and harm to residential amenity.

Taking account of the above it is not considered that the economic benefits sufficiently and clearly outweigh the harm to the Green Belt and any other harm and therefore very special circumstances do not exist.

Recommendation

Refusal