

Applicant: Mrs L Wood

Description: Erection of 1no dwelling following removal of existing stables, equestrian storage building and residential static caravan (revised proposal for a dormer bungalow compared with planning permission 2019/1452).

Site Address: Hardy Acres, 15 Moor Lane, Barnsley, S71 5JX

Site Description

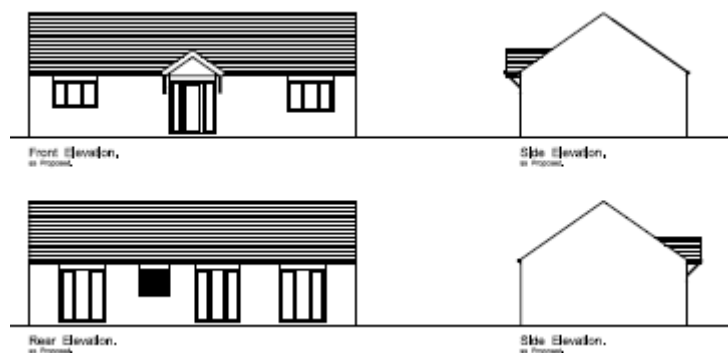
The application relates to a site measuring approximately 720m² located to the South East of Pontefract Road (A628). The site is within the Green Belt and on the outskirts of Lundwood and is accessed via Moor Lane which is a partially tarmac/unmade track which links to the A628. The site accommodates a recently constructed detached dormer bungalow which was approved under planning application 2020/0334. The site is mainly enclosed by trees and hedges but does have an open access to an adjacent field in the South Eastern corner. The land slopes up from North to South.

To the North and South of the site are fields, to the East is a tree belt and to the West is a bungalow with associated outbuildings.



Site history

2019/1454 - Erection of 1no dwelling following removal of existing stables, equestrian storage building and residential static caravan – approved subject to conditions



2020/0334 - Erection of 1no dwelling following removal of existing stables, equestrian storage building and residential static caravan (revised proposal for a dormer bungalow compared with planning permission 2019/1452) – approved subject to conditions



Proposed development

Following on from the approvals outlined above and the completion of the dormer bungalow in accordance with application 2020/0334, the applicant now seeks permission for a garage extension to the side of the property. The garage would measure 5.5m wide and 10m long. The eaves and the ridge of the garage would be lower than the host property and the front elevation would be set back from the front elevation of the host property. However, the rear elevation of the garage would project beyond the original rear elevation by circa 3m.



Policy Context

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 site is allocated as Green Belt within the Local Plan Proposals Maps and therefore the following policies are relevant:

Policy T4 New development and Transport Safety

Policy SD1 Presumption in favour of Sustainable Development

Policy LG2 The Location of Growth

Policy GD1 General Development

Policy D1 High Quality Design and Place Making.

Policy Poll1 Pollution Control and Protection

Policy BIO1 Biodiversity and Geodiversity

Policy CC2 Sustainable Design and Construction

Policy GB1 Protection of Green Belt

Policy GB2 Replacement, extension and alteration of existing buildings in the Green Belt.

SPD's

Those of relevance to this application are as follows:

- House extensions and other domestic alterations
- Parking

Other

South Yorkshire Residential Design Guide

NPPF

The 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 the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

Paragraphs of particular relevance to this application include:

Para 7 - The purpose of the planning system is to contribute to the achievement of sustainable development.

Para 11 – Plans and decisions should apply a presumption in favour of sustainable development.

Para 93 - Planning policies and decisions should aim to achieve healthy, inclusive and safe places

Para 111 - Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Para 126 - The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Para 137 – The Government attaches great importance to Green Belts. The fundamental aim of the Green Belt Policy is to prevent Urban Sprawl by keeping 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 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.

Consultations

Biodiversity – No comments but no objections to previous scheme

Highways – No objections subject to condition

Public Rights of Way – No objections subject to informative

Ward Councillors – No comments

Representations

7 letters were sent to neighbouring residents and a site notice was erected within the immediate area. No objections have been received.

Assessment

Principle of development

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. A local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt.

It is noted that applications 2019/1452 and 2020/0334 approved a detached dwelling on the Green Belt site in accordance with the exceptions set out in NPPF paragraph 149 which allow 'the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces' and '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'.

Given the site accommodated a residential caravan and numerous outbuildings it was considered that the removal of the buildings and caravan which were scattered across the site and the

replacement with a single modest dwelling centrally within the site would arguably be an improvement and would maintain openness. Furthermore, the volume of the existing buildings on the site was 516 cubic metres and the dormer bungalow as built is 362 cubic metres, as such, there was an overall reduction in volume.

The applicant now seeks permission to extend the recently constructed dormer bungalow by approximately 222m² which equates to a 56% increase. Clearly if the dwelling as currently proposed would have been put forward in the previous applications it would have significantly exceeded the size of the original buildings on site and arguably would not have been supported under the NPPF exceptions as it could have had a greater impact on the openness of the Green Belt.

However, the applicants have built out the dormer bungalow approved under application 2020/0334, as such, the current development is no longer considered a replacement building or a partial or complete redevelopment of a previously developed site. Instead it is now an extension to a completed dwelling and falls under a different exception under paragraph 149 of the NPPF.

In relation to extensions, NPPF paragraph 149(c) states it is not inappropriate development if 'the extension or alteration of a building does not result in disproportionate additions over and above the size of the original building'. Local Plan Policy GB2 'Replacement, extension and alteration of existing buildings in the Green Belt' allows the 'extension or alteration of a building where the total size of the proposed and previous extensions does not exceed the size of the original.

As outlined above, the proposed extension is a 56% increase in floorspace compared with the existing dwelling, as such, it meets the criteria of NPPF paragraph 149 (C) and Local Plan Policy GB2.

The proposal must ensure that living conditions and overall standards of residential amenity are provided or maintained to an acceptable level both for new residents and those existing, particularly in respect of the levels of mutual privacy. In addition, development will only be granted where the development would maintain visual amenity and not create traffic problems or prejudice the possible future development of a larger area of land.

Case Law

To explain a little further, the 'original building' is defined as a building as it existed on 1st July 1948 or if constructed after 1st July 1948, as it was built originally.

The following cases establish that if a dwelling or building no longer exists it cannot be used as a reference when considering the proposals put forward. A new planning unit is created on completion of the new building and it would no longer be appropriate nor relevant to compare the buildings which were previously on site.

Case law has confirmed this principle, both on appeal and in the High Court. In the High Court case of *Runnymede Borough Council v The Secretary of State for the Environment, Transport and the Regions and Montague* [2000] PLCR 253 QBD 15 December 1999, the court upheld the view that a detached coach house was capable of being considered an existing dwelling for the purposes of PPG2, despite having originally been part of a larger dwelling. The Coach House was in the garden of the Old Vicarage South and was situated in the Green Belt. In that case the original building had been used as a dwelling for nearly 30 years, until 1991. At that time the occupier moved out and into the adjacent house, The Old Vicarage, on the death of his father. A single storey wing containing the kitchen, washroom and toilet was demolished and these facilities were not replaced. The building was then used for storing furniture for a while, but the former

occupier moved back in for just under a year, using the facilities in The Old Vicarage, before moving away in 1994/1995.

The owner submitted retrospective planning application for the rebuilding of the existing coach house. On October 29, 1997 the Council refused permission on the grounds that the rebuilding of the structure would be tantamount to a new building in the Green Belt.

In May 1999, the Planning Inspector quashed two enforcement notices issued by the Council in respect of the site and allowed the appeal against the refusal of planning permission to rebuild the Coach House. In view of the previous long history of residential use the Inspector had considered that it would be inequitable to consider the new dwelling anything other than as a replacement dwelling. The Inspector noted that the new dwelling followed the 'footprint' of the original building and was clear that his decision to grant planning permission depended to a large extent on the fact that the new dwelling was very little different in size to the original building.

The Council submitted to the High Court that the Inspector had erred in law in taking an irrelevant consideration into account – namely a finding that the original building was not “beyond any doubt” an independent dwelling – in deciding that the development was appropriate development in the Green Belt. However, the High Court upheld the Inspector’s interpretation that the property was used as an independent dwelling and that this was therefore considered as an existing dwelling for the purposes of PPG2.

In the case of *West Wing, Dunham Woods, Charcoal Road, Bowdon, Altrincham WA14 4RU (APP/Q4245/D/12/2171839) 5 April 2012*, the appeal property was one half of what was original a single dwelling at Dunham Woods. The Planning Officer’s report had treated the property as it existed immediately after the subdivision in the 1980s as the original house. The Inspector stated that he agreed with that approach.

Case law is very clear in that once a building is constructed then it should be considered the “original” building for interpreting Green Belt policy. The Council has granted permission for a dwelling on the site and that has been completed. The new dwelling should now be considered as the “original” building for the purposes of this application of extensions policy. Any other decisions would conflict with the interpretation of policy provided by Planning Inspectors and the High Court.

In short, irrespective of the previous buildings on site the Council must determine the subject application on the basis that the building as now constructed constitutes the ‘original’ building.

Green Belt

As outlined above, although recently built, the application property is an existing dwelling within the Green Belt, as such, the exception set out in paragraph 149(c) of the NPPF and Local Plan Policy GB2 apply which allow extensions and alterations to existing buildings where the total size of the proposed (and previous) extensions do not exceed the size of the original.

The proposed extension is circa 222m² compared to the existing dwellings 390m² which results in a 56% increase in floorspace, as such, the increase meets the requirements of the NPPF in that it does not exceed the original.

There is concern that the proposed garage extension has been applied for following the construction of the original dwelling to try and add more living space which may not have been supported under NPPF paragraphs 149 d & g as well as Local Plan Policy GB2 with the previous applications for a replacement dwelling. However, the application has to be assessed on its own merits and in accordance with the relevant policies and guidelines for extensions within the Green Belt.

Residential Amenity

Neighbouring properties are a significant distance from the site and there is mature planting along a number of the boundaries. Furthermore, the proposed extension would be located on the Southern elevation and project towards Moor Lane and the fields beyond rather than the neighbouring properties, as such, it would not increase overshadowing or be an overbearing feature, in accordance with Local Plan Policy GD1.

As the extension would accommodate a garage no additional habitable room windows would be incorporated, as such, privacy levels would be maintained.

Visual Amenity

The site is set a significant distance away from Pontefract Road, is on a lower level and is partially screened by mature planting around the boundary. As such, the site is not in a prominent position and is not highly visible from public vantage points.

In any case, the proposed garage would have a lower eaves and ridge height than the host property and its front elevation would be set back from the original front elevation, as such, despite its relatively large size (circa 56% of the volume of the host dwelling) it would be a subordinate addition to the host property. It is acknowledged that the rear elevation of the garage would project beyond the rear elevation of the host dwelling but again it would have a lower eaves height and appear a subordinate addition to the original.

Highways

The previously approved parking and turning arrangements would not be significantly impacted by the proposed extension. Highways have been consulted on the application and have raised no objections subject to a condition.

Trees

There are no trees or hedges located centrally within the site but there are a number along the boundaries, although they are not subject to TPO's. The applicant has not submitted a Tree Survey; however, the proposed extension would project away from the trees and would not impact them compared with the dwelling as built, which is located closer.

Summary

The proposed extension is circa 222m² compared to the existing dwellings 390m² which results in a 56% increase in floorspace, as such, the increase meets the requirements of the NPPF in that it does not exceed the original. The scheme falls within the Green Belt exceptions set out in paragraph 149 of the NPPF and, as such, the development is not considered to be inappropriate development within the Green Belt.

There are concerns that, given the site history for the dwelling as built, the applicants have tried to gain more space by building a modest dwelling first and then applying for an extension after to increase footprint and volume. However, each case should be assessed on its own merits and against the relevant policies and guidelines.

Taking into account the relevant development plan policies and other material considerations, it is not considered that there are any significant and demonstrable adverse impacts that would outweigh the benefits associated with the granting of planning permission for the revised scheme.

The proposal therefore complies with the development plan as a whole and the advice in the NPPF.

As such the revised scheme is considered to accord with policies and guidelines and is recommended for approval.

Recommendation

Approve subject to conditions