



Appeal Decision

Site visit made on 24 January 2023

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 February 2023

Appeal Ref: APP/R4408/W/22/3308346

Land off Old Anna Lane and Work Bank Lane, Thurlstone, Sheffield S36 9RR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Roger Coldwell against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2022/0732, dated 7 July 2022, was refused by notice dated 6 September 2022.
 - The development proposed is described as 'detailed application for 1no dwelling following demolition of existing stables.'
-

Decision

1. The appeal is dismissed.

Preliminary matter

2. The appellant has submitted revised plans as part of the appeal, on which the Council has had an opportunity to comment. The amended plans are minor, amending the extent of glazing, and do not alter the original site layout or the scale of the development. I am satisfied that no party would be prejudiced by my taking revised Drawing No. 103-65-03 Revision E into account and I have made my decision on that basis.

Main Issues

3. The main issues are:
 - Whether the development would be inappropriate in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; and
 - Whether appropriate living conditions would be provided for future occupiers of the proposal, with particular regard to noise, odour, loss of privacy and disturbance.

Reasons

Inappropriate development

4. The appeal site is located within the Green Belt. Policy GB1 of the Barnsley Local Plan (LP) indicates that the Green Belt will be protected from inappropriate development in accordance with national planning policy. The

National Planning Policy Framework (the Framework) establishes that new buildings in the Green Belt are inappropriate other than for specified exceptions as set out in paragraph 149. One such exception, at paragraph 149(g)(i), relates to limited infilling or the partial or complete redevelopment of previously developed sites, 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.

5. There is no dispute between the parties that the site falls within the definition of previously developed land as set out in Annex 2 of the Framework and I find no reason to conclude otherwise. Whilst referring to the existing stable building on the site being constructed of less substantial materials and therefore less likely to remain and continue to have an impact on the landscape after the use has ceased, the Council do not suggest that it is a temporary building. From the evidence before me, planning permission was granted for the stable block in 2002 and that it has been on site for a significant period. I therefore find that it should not be regarded as temporary.
6. The effect of the development on the openness of the Green Belt will therefore determine whether it is inappropriate development.
7. The volume and footprint of the proposed building would be smaller than the existing stable building, and its height would be no greater. Accordingly, whilst the proposed building would be of a more permanent construction and residential style than the stable buildings, it would have less of an impact on the openness of the Green Belt compared to the existing circumstances.
8. The existing site has a cluttered appearance due to the combination of the large footprint of the existing stable building and the associated paraphernalia contained within the site. Even when the domestic paraphernalia and activity associated with residential use is taken into consideration, it has not been shown that the site would be more cluttered or contain more paraphernalia as a result of the proposal. The introduction of the garden area and the associated reduction in hardstanding would improve the appearance of the site from the limited views that are available along the site access and through the boundary hedge.
9. The site is located on the edge of Thurlstone, however, given the proximity of the site to the dwellings on Matthew Gap and the sporadic dwellings along Work Bank Lane, the proposed dwelling would not appear isolated. Overall, the proposal would have no greater visual or spatial impact on the Green Belt than the existing site.
10. As such, the proposal would not be inappropriate development in the Green Belt and would therefore not conflict with LP Policy GB1 and the Framework.

Living conditions

11. An existing agricultural building adjoins the proposed dwelling and is accessed through the appeal site. The access would continue to be shared with the proposed dwelling and would pass directly in front of its small garden area. The opening into the agricultural building would be in very close proximity to the proposed dwelling and its garden.
12. The appellant indicates that the building is used for the storage of agricultural machinery in connection with the maintenance of the wider holding. At the time

of my visit there was no odour and no audible activities or agricultural operations taking place within the building, and the noise and odour level in the vicinity of the appeal site was generally low. Nonetheless, given the close relationship between the agricultural building and the proposed dwelling there is the potential for significant noise, loss of privacy, odour and disturbance to be experienced by its occupants.

13. The case is made that to address any impact on living conditions arising from the use of, and access to, the agricultural building, a condition could be imposed restricting occupation of the new dwelling to purposes ancillary to the wider landholding. The appellant has pointed towards a planning decision at Birkwood Farm, Wood Lane, Middlestown, Wakefield as an example of where a condition has been imposed that sought to prevent subdivision of a dwelling from an associated equine use.
14. I accept that rural workers and those with a close connection to an agricultural holding would, in all likelihood, be more accepting of overlooking, noise, odour and other disturbance associated with agricultural activity. As such I consider that it is the nature of the occupier of the new dwelling that would make it acceptable in planning terms. However, the suggested condition does not include an occupancy restriction and I have no information that suggests that the occupants would be actively engaged in the agricultural activity taking place in the building. Furthermore, I note that the suggested condition does not prevent the agricultural building being separately used and such use may not amount to subdivision from the wider land holding.
15. The suggested condition would not, therefore, be suitably precise to address the identified harm to the living conditions of the future occupants of the proposal. Moreover, on the information before me, I have no basis to conclude that the wording of the condition could be amended to suitably restrict occupancy of the proposed dwelling.
16. I therefore find that appropriate living conditions would not be provided for future occupiers of the proposal, with particular regard to noise, odour, loss of privacy and disturbance. As such it would conflict with LP Policy GD1 which seeks, amongst other things, to ensure that there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents.

Other matters

17. The appellant has raised concerns about the Council's handling of the planning application, however, that is not relevant to my findings on the planning merits of the scheme.

Conclusion

18. While the proposal would not be inappropriate development in the Green Belt that amounts to a lack of harm and so is a neutral matter. As such, the harm to the living conditions would bring the proposal into conflict with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm.

19. Accordingly, I conclude that the appeal should be dismissed.

Elaine Moulton

INSPECTOR