The Planning Inspectorate

Appeal Decision

Site visit made on 22 June 2020 by L Wilson BA (Hons) MA MRTPI

Decision by Chris Preston BA (Hons) BPl MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2020

Appeal Ref: APP/R4408/W/20/3247092
Land to the rear of The Greenland Cottage, High Hoyland Lane, High Hoyland, Barnsley

- 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 Steven Warsop against the decision of Barnsley Metropolitan Borough Council.
- The application Ref 2018/0380, dated 26 March 2018, was refused by notice dated 22 November 2019.
- The development proposed is development of 1 residential dwelling and associated infrastructure.

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are as follows:

   i. Whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the 'Framework') and development plan policy, including an assessment of the effect on the openness of the Green Belt;

   ii. If the development is inappropriate, whether the harm, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons for the Recommendation

Inappropriate Development

4. Policy GB1 of the Barnsley Local Plan (2019) (LP) states that the Green Belt will be protected from inappropriate development in accordance with national planning policy. Paragraph 143, of the Framework, states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

5. The exceptions are set out in paragraph 145 of the Framework, and include (e) limited infilling in villages 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.

6. The appellant has not expressly suggested that the proposal would not amount to inappropriate development within the Green Belt and a large part of the case presented is based on the argument that the design quality of the house should be considered to outweigh any harm to the Green Belt. Notwithstanding that, the appellant does assert that the appeal site is an infill site, however they have not stated whether the proposal should be assessed against exception (e) or (g) of paragraph 145. On the other hand, the Council consider that the proposed development does not represent limited infilling and therefore conclude that the scheme would be inappropriate development in the Green Belt. I note that this stance is inconsistent with their pre-application response.

7. Neither the Framework nor the LP define limited infilling and therefore, it is a question of fact and planning judgement for the decision-maker. The Council, and local residents have highlighted that the appeal site is located outside the defined boundary of the village. It was evident on my site visit that the main village lies some distance from the site, to the north east. There is a clear break in development between the dwellings along High Hoyland Lane and the main village.

8. The Parish Council and local residents have referred to a number of refused planning applications which they consider are similar to the proposed scheme. However, information, such as the officer's report, has not been provided, so I cannot make a direct comparison between the appeal scheme and these cases. However, a copy of an appeal decision which sought planning permission for two dwellings also in High Hoyland has been provided[1]. The Inspector found that the proposal did not represent limited infilling in the village because the site was located outside the defined village boundary. Given that the same applies in this instance I see no reason why a different conclusion should be reached.

9. Greenland Cottages sit to the west of the site and The Mount is located to the east. The Mount is set within large grounds which wrap around the site. To the north are also residential properties and planning permission has recently been granted for an annex building to the front of the site[2]. Although there are dwellings nearby, High Hoyland Lane does not have a continuously built up frontage.

10. Due to the site being a former quarry, the development would not fill an existing clear gap between the existing properties. The surrounding dwellings do not read as being directly adjacent to the site. This is because there is dense vegetation between the appeal site and the properties to the north and

[1] APP/R4408/A/14/2225500
[2] 2017/0333

west. In addition, the adjoining plots are adjacent to the highway whereas the appeal site frontage is predominantly set back from High Hoyland Lane.

11. For all of those reasons, having regard to the location of the site and the characteristics of the area, the site would not constitute limited infill within a village.

12. The appellant has not argued, for the purposes of Green Belt policy, that the site should be considered as previously developed land, and I have no evidence to the contrary. The land appears to sit outside the enclosed garden of the adjacent cottage on the opposite side of the access track. Consequently, it is not clear that the site could be considered to form part of the residential curtilage of an adjacent dwelling. No argument has been made to that effect. The land is part of a former quarry, with hard surfacing and contains a small structure but much evidence of any former use has been eroded by surrounding vegetation. Consequently, it is a moot point whether the site should be considered as previously developed land. In any event, any exception under paragraph 145(g) only applies subject to the proviso that the proposal would not have a greater impact on openness than the existing use.

13. The 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 Council consider that there would be a loss of openness, but this would be limited due to the character, location and visibility of the site, alongside the design of the proposed dwelling.

14. The proposed dwelling would be situated towards the centre of the site and would have a footprint less than 30% of the application site's total area. It would also not be higher than the existing surrounding dwellings and the upper levels would be stepped back. Nonetheless, it would be located on land which is not occupied by any buildings. The scheme would be significantly more noticeable than the metal containers, cars and machinery currently occupying the site.

15. The erection of a substantial three storey dwelling, new parking area and domestic curtilage with associated paraphernalia would have a significant adverse impact on openness. The street scene drawing shows that the dwelling would be visible. The development would however be to some extent screened due to the appeal site being stepped back from High Hoyland Lane, the existing dense vegetation boundary and Greenland Cottages. When approaching from the east of High Hoyland Lane the scheme would be well screened. Nevertheless, I observed on my site visit that the development would be more visible when approaching from the south west and along the PROW to the south.

16. For the above reasons, the proposed development would harm the openness of the Green Belt in both visual and spatial terms. The scheme would therefore be contrary to the purposes of Green Belt policy, as stated in the Framework, to keep land permanently open. Therefore, even if the proposal amounted to development on previously developed land, which has not been demonstrated, the scheme would not meet the exception at paragraph 145(g) on account of the effect on openness.

17. Consequently, the proposal would not fall under any of the exceptions listed in the Framework and would be inappropriate development in the Green Belt having regard to Policy GB1 of the LP and the Framework.

Other Considerations

18. Substantial weight should be given to any harm to the Green Belt. Development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. The appellant has set out other considerations which they consider amount to the very special circumstances required to justify the proposal. I also note that the application was recommended for approval by Officers as they considered that very special circumstances had been demonstrated to outweigh the harm that would occur to the Green Belt, by virtue of the outstanding design and high levels of sustainability achieved, alongside the uniqueness of the development site.

19. In support of the proposal, the appellant has drawn my attention to paragraph 79 of the Framework which states that isolated homes in the countryside should be avoided unless they fall within a number of exceptions. One such exception includes circumstances where the design is of exceptional quality, in that it is truly outstanding or innovative. However, the proposed dwelling would not be deemed 'isolated' under the Framework because of the site's proximity to neighbouring development, thus this paragraph does not apply to the proposal. Nonetheless, Paragraph 131 of the Framework states that great weight should be given to outstanding or innovative designs which promote high level of sustainability.

20. The scheme's design has been carefully considered, reflecting the character of the site's former quarry use and topography. The proposal was considered by the Barnsley Design Review Panel (BDRP). The Framework advocated the use of design review panels and states that, in assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels.

21. The BDRP concluded that the originally submitted scheme had characteristics capable of supporting an innovative and outstanding designed building. The Panel made a number of recommendations. The appellant took these recommendations on board and revised the proposal. The revised drawings were then considered by the Council's urban design officer, who attended the Panel meeting, and they concluded that the revised proposed design is of outstanding and innovative nature. I have had regard to the reasons for this which include the developments architecture, use of materials, high levels of air tightness and the use of sustainable technologies.

22. The scheme would be unique in its design and would be commendable in seeking to achieve high standards, including that of sustainable technologies. However, given advances in renewable technology the sustainable measures that would be incorporated into the building's fabric would not be unduly innovative or outstanding. Although commendable the use of solar gain, 'Passive Haus' standards, a green roof, rainwater harvesting and ground source heat[3] are all based on well-established technology. I find that there would be

[3] As listed at paragraph 2.23 of the Design and Access Statement

nothing particularly novel in that respect that would be said to drive up local standards.

23. The design of the dwelling has been carefully considered to take account of the context of the site which sits in a former quarry with panoramic views across surrounding countryside. The form of the dwelling seeks to provide a modern take on the industrial structures found within quarry settings and the outward profile reflects the linear shapes of surrounding dwellings, taking account of advice from the design panel. The structure would be set down in the landscape and the use of planting and local building materials would help to assimilate the building into a sensitive location. The large areas of glazing would provide a light and contemporary feel to the upper pavilion. Whilst the structure would not match the more traditional appearance of neighbouring dwellings it would provide an attractive, well thought out, design response to the specific context of the site.

24. That said, the proposal is essentially a local design response taking account of the features of the site and the surrounding context. Although the design is modern and light it does not incorporate any novel features or new concepts. Paragraph 127 of the Framework identifies that all development should add to the quality of an area; be visually attractive as a result of good architecture; and should be sympathetic to the local character and landscape. Those requirements apply to all development. The proposal would achieve those requirements but, for these reasons given, I am not persuaded that it would be truly outstanding or innovative. Moreover, I am not satisfied that there is any evidence that the dwelling would raise the standard of design more generally in the area. It would be a well-designed house that would contribute positively to its immediate setting. Therefore, whilst I find that the proposal would not be truly innovative or outstanding, the high design quality of the scheme is of merit and attracts moderate weight in favour of the proposal.

25. The appellant highlights that the proposal would contribute to the need for executive family homes and would therefore help the Council in meeting their economic and housing objectives. The Council agree that the current evidence base does show a need for executive family homes. Nonetheless, the Council can demonstrate a five-year supply of deliverable housing land and the SHMA is over five years old. Furthermore, such benefits could be achieved by siting a dwelling in a more sensitive location. In any event, the provision of one dwelling would provide a very modest contribution to the supply of executive homes and the local economy. Consequently, I attach limited weight to that matter.

26. The appellant states that the development would provide a self-build home and the LP supports custom build and self-build projects. The Framework provides a useful definition for such housing. There is no evidence before me to suggest that the proposal complies with the relevant legal definition of self-build housing. Consequently, based on the evidence submitted, I do not consider that the proposed dwelling would be a self-build project, in line with the definition provided within the Framework.

27. The appellant also asserts that the site is located within a sustainable location, and there are services and facilities within 2km of the site. They state that there are bus stops approximately 300 metres from the site, but no information has been provided to show the frequency or where the busses travel to.

Residents have disputed that there are bus services and advise that no bus services have been running through the village for many years.

28. The location of the site is unlikely to encourage walking as High Hoyland Lane is subject to the national speed limit and there are no footpaths. Thus, based on the evidence before me, future occupiers would be largely reliant on the use of a private vehicle to access day to day needs due to the lack of footpaths and alternative modes of transport. Consequently, the proximity of the site in relation to local shops and services is not a factor that weighs in favour of the proposal.

29. In addition, the appellant considers that the proposal would not have an adverse impact on the local context. Although the development would result in the removal of the metal containers, vehicles to the front of the site and machinery which detract from the character of the area, I would not describe the current site as an eyesore as alluded by the appellant. Even if that were not the case Councils have powers under section 215 of the Town and Country Planning Act 1990 to address untidy land that effects the amenity of an area. Allowing land to become untidy would not represent justification to allow a dwelling in a location that would otherwise be unacceptable.

30. The appellant has highlighted that there are no technical or environmental constraints associated with the delivery of the development. I have no reason to disagree with this statement and note that the Council did not refuse the application on this matter. However, the absence of harm does not amount to a positive factor in favour of development.

31. The appellant refers to an allowed appeal decision to support their application[4]. The Council has highlighted that the village of High Hoyland, unlike Huthwaite which the appeal refers to, is not entirely located in the Green Belt. From the evidence before me, the main reason for allowing the development was because the Inspector considered that the development was not inappropriate development because it formed limited infilling in a village and therefore there was not a requirement to demonstrate very special circumstances. I have found that the scheme before me does not constitute limited infilling in a village due to the nature of the appeal site. Therefore, the appeal decision cannot be directly compared to the proposal before me and it does not set a precedent.

32. Local residents have also expressed concern that the proposed dwelling would result in overlooking. In contrast, the appellant asserts that the scheme would not have a detrimental impact on the residential amenities of neighbouring properties. Again, the Council did not refuse the application on this matter. Based on the evidence submitted, I am satisfied that the proposal would not harm the living conditions of the occupants of neighbouring properties due to the distance to other dwellings, existing boundary treatment and level changes. That would be expected of any new development and the absence of harm does not amount to a positive factor in favour of the scheme.

Whether Very Special Circumstances Exist

33. The Framework identifies that substantial weight should be given to any harm to the Green Belt and that inappropriate development is, by definition, harmful

[4] APP/R4408/W/15/3134783

to the Green Belt. The proposed development constitutes inappropriate development in the Green Belt, which carries substantial weight and additional weight is given to its harm to the openness. As cited above, the proposal conflicts with both local and national planning policy.

34. The scheme is well-designed but I am not convinced that it amounts to an innovative or outstanding proposal that would raise design standards in the local area and I attach moderate weight to the benefits of the design. The advanced considerations relating to the delivery of an executive family home is given limited weight. I have found that the proposal does not represent infill development, so this carries neutral weight in that it neither weighs in favour or against. Similarly, the arguments relating to self-build, access to services and facilities, lack of harm to the character and appearance of the area, lack of harm to existing neighbouring occupants, the allowed appeal and the deliverability of the site are also given neutral weight.

35. Although there would be compliance with some parts of the development plan the proposal would be in conflict with the development plan, when read as a whole. On the evidence before me, the development plan should be regarded as being up to date and decisions should be taken in accordance with the plan unless material considerations indicate otherwise.

36. When drawing this together, the other considerations advanced by the appellant results in a finely balanced decision. However, the other considerations would need to clearly outweigh the substantial harm to the Green Belt by reason of inappropriateness, openness and purposes of the Green Belt. The other considerations would need to clearly outweigh the harm. Consequently, when applying the Green Belt balance, despite the significant merits of the proposal, the advanced considerations in support of the appeal whether taken individually or cumulatively, do not, on balance clearly outweigh the conflict with planning policies that seek to protect the Green Belt. The Framework states that 'great weight' should be given to outstanding or innovative designs and 'substantial weight' must be given to any harm to the Green Belt. Although these terms are not quantified within the Framework, I am not satisfied that the proposal would clearly outweigh the harm even if the scheme was outstanding or innovative. However, for the reasons given, I find that is not the case. Therefore, the very special circumstances necessary to justify the development do not exist.

Conclusion

37. For the reasons given above the proposal would amount to 'inappropriate development' that would cause harm to the openness of the Green Belt and there are no very special circumstances to outweigh the harm caused in that respect. The development is contrary to the relevant policies of the development plan when read as a whole and there are no material considerations to indicate that a decision should be taken other than in accordance with that plan.

38. For all of those reasons I recommend that the appeal should be dismissed.

L M Wilson

APPEALS PLANNING OFFICER

Inspector's Decision

39. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree and conclude that the appeal should be dismissed.

Chris Preston

INSPECTOR