

Planning Application for a change of use of an existing building from a barn to an event location at Riddle Pit Farm, Flint Lane, Hepworth, Barnsley, HD9 2TR.

This statement includes a Design & Access Statement within it.

Location

The site is located close to the village of Hepworth, accessed by a single track lane off Flint Lane. It currently is used for residential purposes with a large, detached dwelling to the South of the site and several outbuildings including the barn which is the subject of this application – located to the North-West of the dwelling, in close proximity.

The site is located within close proximity (40m to the North and 120m to the West) to the Western Moors which is a Local Wildlife Site.

Forward

The previous planning application was refused on two points, the first being ecological concerns, the second concerning access and parking.

The applicant has resided at the property in excess of ten years, and it had not been used as an agricultural farm for many years before that. The applicant owns 11 acres of land, but it is poor quality, and cannot sustain a working viable farm. The applicant is therefore keen to look at viable uses for the existing old agricultural buildings on site, and hence the idea of setting-up a wedding and venue business.



Google Maps

Synopsis

This revised application seeks to address the previous reasons for refusal through the submission of an ecology assessment and revised details of the car parking and access arrangements to the venue.

The car parking arrangements have been re-designed with a one way system, which will be stewarded when in use, and new access gates, clear of the entrance from the highway. Further to this, the red line has subsequently been re-drawn around the venue building, applicant's dwelling and outhouses and the parking area.

Consideration is given to guidance in the National Planning Policy Framework and the Barnsley Local plan, with particular reference to those policies that have resulted in the reasons for refusal, namely policies B101 and T4.

Previous History

Application 2020/0629 was refused for the following reasons;

1. The site is located in close proximity to the Western Moors Local Wildlife Site which is a key ecological asset for Barnsley. Whilst the applicant has submitted an ecology report with their submission that recommends a number of mitigation and enhancement measures the applicant has indicated they would not be implementing these. In the opinion of the Local Planning Authority, without the recommended mitigation and enhancement measures, the nearby biodiversity feature, and the supported habitats, will not be suitably conserved or enhanced by the proposed development, contrary to Local Plan Policy BIO1: Biodiversity and Geodiversity and Supplementary Planning Document: Biodiversity and Geodiversity.

2. In the opinion of the Local Planning Authority, the proposed development fails to provide sufficient and suitable vehicular access into the site or parking facilities within the site in connection with the proposed use. The site is accessed via a single lane with no passing place, despite this being requested by the Local Planning Authority, and the plans do not provide adequate details on potential number of guests and sufficient and acceptable areas to accommodate the vehicles, to the detriment of the safe and free flow of traffic to Local Plan Policy T4: New Development and Transport Safety.

B/89/0208/PR – Erection of garage block with flat above (Refused)

B/90/1459/PR – Erection of two storey extension to farmhouse and attached garage with hay loft over (Historic)

2009/1185 – Erection of boarding kennels and change of use of part of barn for use as dog hydrotherapy centre (Withdrawn)

2010/0947 – Erection of boarding kennels and change of use of part of barn for use as a dog hydrotherapy centre (Resubmission; refused).

Planning Policy

National Planning Policy Framework

Paragraph 11 - Sustainable Development
Paragraphs 130 & 134 - Design
Paragraphs 147, 148, and 150 - Green Belt
Paragraphs 179, 180 and 182 - Habitats and biodiversity.

Local Plan

The new Local Plan was adopted at the full Council meeting held 3th January 2019 after it was found to be sound by the appointed Planning Inspector following the examination process. This means that it now takes on full weight for decision making process in planning law terms as the development plan for the Borough, superseding the remaining saved policies from the Unitary Development Plan (adopted in the year 2000) and the Core Strategy (adopted in 2011). In reference to this application, the following policies are relevant:

Policy SD1: Presumption in favour of Sustainable Development – sets out principles when considering development proposals.

Policy GD1: General Development – sets out appropriate proposals for development.

Policy D1: High quality design and place making – sets overarching design principles for the borough to ensure that development is appropriate to its context, and improves what needs improving, whilst protecting what is good about what we have.

GB1: Protection of Green Belt – In accordance with the NPPF, the erection of new buildings within the green belt will be classed as ‘inappropriate’ development with sites in the green belt being protected from such. Exceptions to this are:

- Buildings for agriculture and forestry;
- Provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries;
- **The extension of alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;**
- The replacement of a building provided the new building is in the same use and not materially larger than the one it replaces;
- Limited infilling in villages, and limited affordable housing for local community needs; and
- **Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land).**

All such buildings will still be considered in terms of their impact on the openness of the green belt and whether they cause other harm.

In accordance with the NPPF and as set out in GB1, the Council will not allow proposals for ‘inappropriate’ development in the Green Belt unless it can be shown that there are very special circumstances that justify setting aside local and national policy.

GB2: Replacement, extension and alteration of existing buildings in the Green Belt – Provided that it will not have a harmful impact on the appearance, or character and will preserve the openness of the Green Belt, we will allow the following development in the Green Belt:

- Replacement buildings where the new building is in the same use and is not materially larger than that which it replaces;
- **Extension or alteration of a building where the total size of the proposed and previous extensions does not exceed the size of the original building;**
- Dividing an existing house to form smaller units of accommodation.

All such development will be expected to:

- Be of a high standard of design and respect the character of the existing building and its surroundings, in its footprint, scale and massing, elevation design and materials; and
- Have no adverse effect on the amenity of local residents, the visual amenity of the area, or highway safety.

Policy GB3: Changes of use in the Green Belt – The LPA will allow the change of use or conversion of buildings in the Green Belt provided that:

- The existing building is of a form, scale and design that is in keeping with its surroundings;
- **The existing building is of a permanent and substantial construction and a structural survey demonstrates that the building does not need major or complete reconstruction for the proposed new use;**
- The proposed new use is in keeping with the local character and the appearance of the building; and
- The loss of any building from agricultural use will not give rise to the need for a replacement agricultural building, except in cases where the existing building is no longer capable of agricultural use

Policy T4: New Development and Highway Improvement - New development will be expected to be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement.

Policy BIO1: Biodiversity and geodiversity – Development will be expected to conserve and enhance the biodiversity and geological features of the borough by:

- Protecting and improving habitats, species, sites of ecological value and sites of geological value with particular regard to designated wildlife and geological sites of international, national and local significance, ancient woodland and species and habitats of principal importance identified via Section 41 of the Natural Environment & Rural Communities Act 2006 (for list of the species and habitats of principal importance) and in the Barnsley Biodiversity Action Plan.
- Maximising biodiversity and geodiversity opportunities in and around new developments.
- Conserving and enhancing the form, local character and distinctiveness of the boroughs natural assets such as the river corridors of the Don, the Dearne and Dove as natural floodplains and important strategic wildlife corridors.
- Proposals will be expected to have followed the national mitigation hierarchy (avoid, mitigate, compensate) which is used to evaluate the impacts of a development on biodiversity interest.
- Protecting ancient and veteran trees where identified.
- Encouraging provision of biodiversity enhancements.

SPDs

- Parking

Principle of Development

The property resides within the green belt. Local Plan Policy GB3 states that the LPA will allow for the change of use of the building subject to the following:

- The existing building is of a form, scale and design that is in keeping with its surroundings;
- The existing building is of a permanent and substantial construction and a structural survey demonstrates that the building does not need major or complete reconstruction for the proposed new use;
- The proposed new use is in keeping with the local character and the appearance of the building; and
- The loss of any building from agricultural use will not give rise to the need for a replacement agricultural building, except in cases where the existing building is no longer capable of agricultural use

In this case, the site is no longer used for agriculture so the conversion of the barn will not give rise to an additional agricultural building and the development will be a straight conversion without significant adaptation or extension. The applicant has indicated that temporary facilities will be installed before each event for the toilet and catering facilities. The temporary toilet facilities will measure 17.5sqm and the catering facility will measure 16.8sqm. In comparison to the existing buildings on site, even the barn

and dwelling itself, these facilities are not considered excessive and are clearly a necessary addition to allow for the running of the proposed venue. Additionally, the applicant has confirmed that the temporary facilities will be added to the site the day before the event takes place and removed the day after, which can be covered by the LPA under a condition (which should be worded to allow for flexibility to account for weather conditions and market forces). The planning Officer had stated under the previous submission that 'it is a suitable arrangement and any deviation from the condition can be assessed by Planning Enforcement with action taken if necessary'.

As such, it is considered that the proposal is in compliance with Local Plan Policy GB3 and does not have a detrimental impact upon the openness of the Green Belt and is acceptable in principle.

Business Plan

The proposed use is mainly aimed at attracting business as a wedding venue.

The 'wedding season' is predominantly March to October, when most of the future bookings are likely to occur, but the venue is a year-round enterprise. On a typical venue operating day, guests will be marshalled into the proposed parking area close to the public highway and will park on the edge of a flat area of the field adjacent to the access track. Guests will then walk across to the venue, a distance of around 120 metres, along the access track.

The venue is large enough to host an average wedding party gathering, and outside catering and temporary toilets will be brought in accordingly to cater for demand, as shown on the proposed plans.

Visual Amenity

There are very little outlined external alterations to the building with the exception of a new opening added to the side elevation of the barn, but this is not visible from the front of the barn in the courtyard and will have little impact upon visual amenity. The proposed location plan shows a portable catering preparation area which is attached to the front of the barn in between the barn and the stables, and a portable toilet facility attached to the dwelling.

These are fairly small scale in comparison to the existing buildings on site, including the dwelling itself. The toilet measures 16.8m² and the catering facility measures 17.5m² which in comparison to the existing buildings, is modest. Additionally, the applicant has confirmed that these facilities will be added to the site a day before the event takes place and taken down the day after (if conditioned, then this needs to take into account some flexibility as addressed above). This can be included as a condition and therefore the proposed impact upon visual amenity is considered to be acceptable. The proposed development is considered to be in keeping with Local Plan Policy T4: New Development and Highway Safety, and is therefore considered to be acceptable, as per the previous scheme.

Impact on Biodiversity/Ecology

The potential impact on bird nesting and habitat behaviour was a key factor in the previous application, and although the LPA supported the Bird Survey and its findings, it was the applicant's lack of agreement to carry out the proposed mitigation measures that led to the reason for refusal.

For clarity I enclose below the case officer's assessment of this matter in the previous application.

'The site is located in very close proximity to the Western Moors which is a Local Wildlife Site – around 40m to the North and 120m to the West from the existing barn. A Bat and Bird Assessment has been submitted which outlines a number of mitigation and enhancement measures, however the applicant has indicated that they would not be implementing these. The Ecology Officer has been consulted on this proposal and has outlined that there is no reason that the LPA should not require full compliance with the Bat and Bird Assessment, which the applicant has submitted in support of the application. As outlined in the subtext of Local Plan Policy BIO1: Biodiversity and Geodiversity, the Western Moors is one of the Borough's 57 Local Wildlife Sites which are key ecological assets for Barnsley. This policy states that development will be expected to conserve and enhance the biodiversity and geological features of the borough. The bat and bird assessment which has been submitted is considered to be

adequate and has been produced by a qualified professional with a number of important recommendation measures which ensure that policy BIO1 and the SPD: Biodiversity and Geodiversity is complied with. Indeed, the Council's ecology officer mentioned that the ecologist is very qualified in birding and the recommendations will not be included in the report unless they would fully benefit the nearby ecological asset. It is felt that the close proximity of the asset should mean that the LPA and the applicant should work to ensure that it is protected, conserved and enhanced wherever possible. The Bat and Bird Assessment is considered adequate with the recommendations, but not without and the applicant should adhere to them. As such, as the applicant has made it clear that the recommendations will not be implemented, the LPA considers that the Local Plan Policy Bio1 and SPD: Biodiversity and Geodiversity is not complied with and there is little to suggest that the development will conserve or enhance the nearby biodiversity feature'.

The proposed mitigation measures were;

In order to avoid or mitigate ecological impacts of the scheme, it is advised that the following recommendations are adopted:

- The building should have acoustic panels installed in the roof and on the walls to prevent noise pollution extending beyond the building.
- Access for visitors should be limited to areas where potential disturbance to foraging and nesting birds will not occur. This comprises land access to the east of the barn only. Fencing may be used to restrict guests to this area

As a response to this, the applicant secured a further Bird survey with greater clarity of assessment with regards to birds, their nesting and habitat, and potential noise output from the venue, with music playing at various decibels over a period of time, and measured accordingly.

The concluding response to the second survey, which was conducted during the breeding season, that being April and May, was as follows;

The venue being only 34m from the western boundary of the Tinker's Hill LWS, meant that the survey concentrated on the nesting and habitat behaviour of wading birds in particular, but also others that nested in the area, and referred to Curlews, Lapwings and Golden Plovers.

The monitoring of noise levels within the LWS, with various degrees of decibel output, resulted in no quantifiable impact on the birds and their behaviour, at levels up to 100 decibels. The conclusions of the report inferred that background ambient noise may have de-sensitised the birds somewhat, such as road noise, turbines and aeroplanes (the site is under the Manchester airport flight path). The minimal response from bird behaviour to any increase in noise emanating from the venue building, was therefore perhaps understandable to a great degree.

In set trails, noise levels reached 90-100 decibels, but were then increased to 110 decibels, and it was this increase to a higher level, that gave a minor response in at least one bird during the surveys. As outlined in the report, music, and amplified sound in the vast majority of events is not likely to exceed 90 decibels, and therefore there would/should be no material response from birds within the LWS to any noise level expected from the venue during activities.

The result of this further, and expanded, bird survey, suggests that the sound insulation measures recommended as mitigation in the previous survey and report are not now required.

The proposed plans show two entrance/exit points to the venue itself. I would suggest that the guests use the eastern elevation doors for access and egress and the door in the northern elevation is used as an emergency exit only. This would therefore encourage guests to congregate in the yard to the east, where noise would be dampened from transmission west by the venue building itself, therefore minimising noise transmission to the LWS. The restriction of use for the northern elevation door prevents outdoor guest expansion to the north, which would then be open to the west for noise transference. This offers a pragmatic and practical solution, as guests will enter from the east anyway.

This then addresses the second mitigation measure addressed in the first survey and suggests that any further monitoring is therefore not required.

The previous bird and bat report suggested that a number of enhancements should be considered so as to accord with the guidelines of the NPPF (Chapter 15), although these enhancements were not referred to in the current survey with this application. This chapter focuses on conserving and enhancing the natural environment, and in particular emphasises net gain from development for bio-diversity.

Although we have argued that the results of the more detailed survey indicate that the proposal would have no significant impact on wildlife habitat, and that there are no bat roosts in the venue building, the applicant is keen to help to conserve and enhance the natural habitat where possible, and accordingly would be in agreement to provide the habitat enhancements identified under 6.4.1 of the previous bird and bat study, and this will help assist accordance with guidance in Chapter 15 of the NPPF.

The revised and expanded Bird Survey report results in the proposal now being in accordance with Local Plan Policy BIO1.

Residential Amenity

The site is in a very remote location with no immediate neighbours, so therefore no impact on any residential amenity.

Parking and Access

Concerns were raised with the previous application with regards to access and parking, and in particular the single-track road, leading from the highway to the venue, a distance of about 120m.

Concerns raised by Highways was that the single-track road may/would lead to congestion with traffic moving in different directions, and there was therefore a need for passing places to be put into the existing length of track.

This issue has been addressed with the creation of a temporary car park for 37 spaces, with two access gates at either end of the fence between the field and the track. These gates would be opened when the parking area was in use and a one-way system installed and marshalled accordingly. The entrance gate No.1 is far enough back from the access onto the highway, so as to allow easy access from it without resulting in any congestion, therefore not impeding any traffic flow on the highway itself.

The access from the road is wide with strong sightlines, as can be seen from the photographs below.



View of access onto the highway, looking north-west.



View of access onto the highway, looking south-east.



View of parking area and access track looking towards the venue.

The parking and access arrangements are now considered to accord with Local Plan Policy T4.

Summary

The proposal has previously been considered acceptable in principle for the conversion of the barn building to an events venue and accords with Green Belt Policy in the Local Plan and guidance in the NPPF.

The revised and expanded Ecology Report has taken extensive noise readings and observations of ground-based birds during the nesting season and concluded that the requirement for mitigation measures, suggested with the previous report are not now required, as the observed impact on the birds is negligible. This therefore addresses the first reason for refusal of the previous application.

The current proposal shows a parking area close to the highway, with adequate spaces for an event, two access gates and a one-way system. This therefore serves to address the Highways concern about the single-track road leading to the venue. The proposal therefore now addresses the second reason for refusal, identified in the previous application.

The proposal is sustainably sited in an old agricultural building in need of diversification and accords with all relevant aspects of the NPPF and Local Plan policies.

The current proposal should therefore be supported by the LPA.