2023/0712

Applicant: Mr Anthony Holley

Conversion of domestic garden area to mixed use including garden and short term holiday let/activity space with the erection of detached shepherds hut and installation of ground-mounted solar panels (part-retrospective)

Castle Hill House, Castle Lane, Penistone, Sheffield, S36 8AN

Site Description and background

The application site is a detached stone and rendered dwelling located in a fairly remove location off Castle Lane in Penistone, accessed via a short and narrow access track leading up to the dwelling, which is slightly raised above Castle Lane itself. The site is located in the Green Belt and has no immediate neighbours. The dwelling has undergone substantial change in the past with numerous extensions, and the erection of a detached double garage to the rear. The dwelling is situated in a substantial sized plot which contains a paddock area to the Rear/North which is separated by a hedgerow. There is also a large parking area to the rear of the site.

The site has substantial planning history relating to residential extensions to the dwelling. Permitted Development Rights were removed through application ref. 2017/1429. The applicant also submitted a scheme described as 'proposed shepherds hut' earlier this year (2023/0429) which comprised of a change of use and a commercial element and was subsequently withdrawn. The application is part-retrospective as the Site Visit showed that the hut has already been installed on site.

Relevant Site History

B/02/0678/PR – Erection of rear two storey extension and detached garage to dwelling (Refused)

B/02/1463/PR – Erection of two storey rear extension and creation of vehicular access (Historic)

B/03/1525/PR – Erection of rear conservatory (Historic)

2010//0560 – Erection of single storey side/rear extension to dwelling (Approved with Conditions)

2013/0429 – Erection of single storey side/rear extension to dwelling (2010/0560 extension of time limit) (Approved with Conditions)

2017/1429 – Erection of two single storey extensions to each side of dwelling (Approved with Conditions)

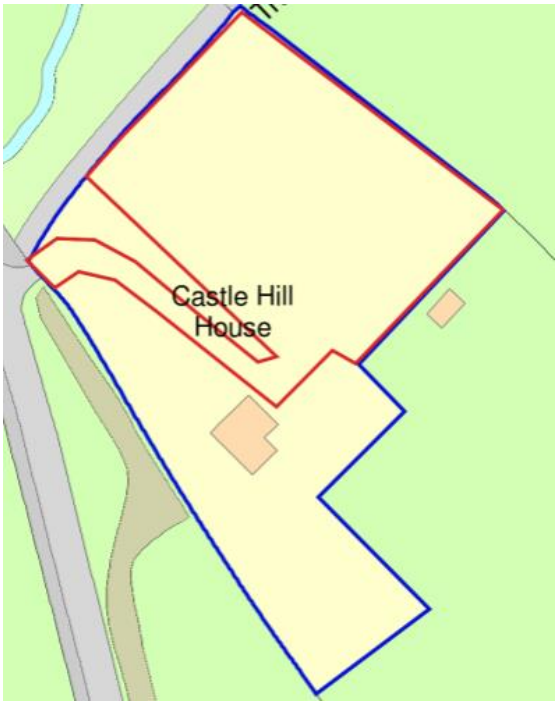
2020/1043 – Erection of detached double garage (Approved with Conditions)

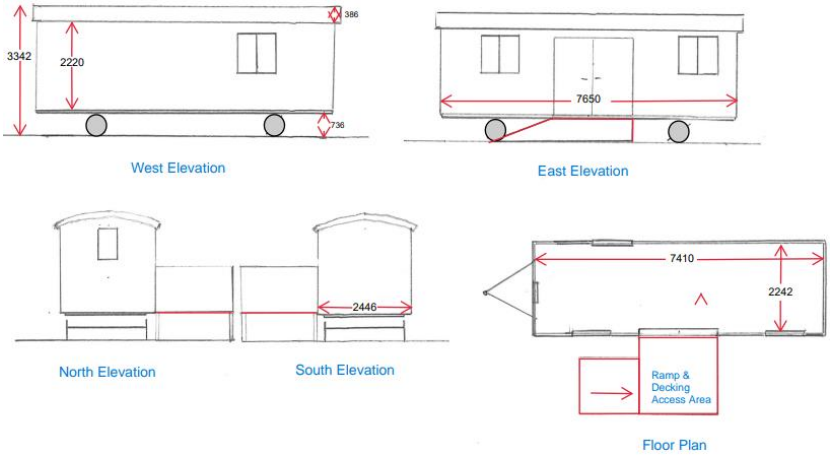
2023/0429 – Proposed Shepherd Hut (Withdrawn)

Proposed Development

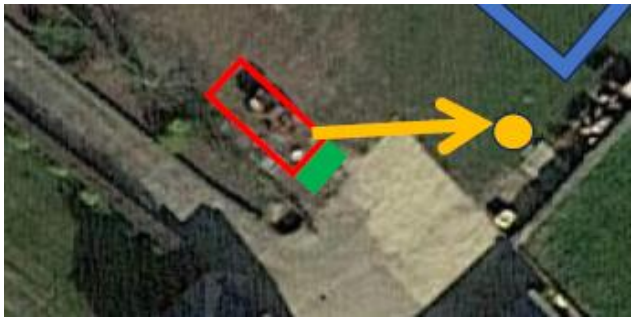
The applicant is seeking approval for the change of use of the paddock area – which is shown as being within the domestic curtilage through previous applications, to a mixed-use area including a domestic garden, a short-term holiday let/activity space with the erection of a shepherds hut. The D&A statement outlines that the land will have dual use as short term self-catering accommodation for hire and use for home working for the applicant to support new working commitments. The nature of the activities in the 'activity space' has not been specified.

The shepherds hut will be located on the Southern boundary of the paddock area, in close proximity to a hedgerow which borders the site and provides physical separation to the parking area. The hut will be on 4 x wheels, raised above the ground by 735mm, with a total height from ground floor level of 3.34m. The actual dimensions of the hut itself is 7.65m x 2.45m, with a ramp, decking and access area on the front (Northern-facing) elevation. The proposal also includes a small ground-mounted solar array to the East of the shepherds hut, 4 x solar panels are proposed each measuring 147cm x 68cm x 3.5cm to 'offset the energy requirements of the development'.





Proposed location of solar panels (demarked in the green area, and photographic example of the panels)





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. 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. As such, the following policies are relevant: to the application-

SD1: Presumption in favour of sustainable development – When considering development proposals we will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. We will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

GD1: General Development – Development will be approved if there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents.

GB1: Protection of Green Belt – Green Belt will be protected from inappropriate development in accordance with national planning policy.

GB2: Replacement, extension and alteration of existing buildings in the Green Belt - Provided it will not have a harmful impact on the appearance, or character and will preserve the openness of the Green Belt, the Council 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

This is providing that such development is of a high standard of design, has no adverse effect on the amenity of local residents, the visual amenity of the area, or highways safety and preserves the openness of the Green Belt.

GB3: Changes of use in the Green Belt – The Council 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.

This is providing that such development is of a high standard of design, has no adverse effect on the amenity of local residents, the visual amenity of the area, or highways safety and preserves the openness of the Green Belt.

D1: High Quality Design and Place Making – Development is expected to be of a high quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and other features of Barnsley.

T3: New Development and Sustainable Travel – New Development will be expected to:

- Be located and designed to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians and cyclists.

- Provide at least the minimum levels of parking for cycles, motorbikes, scooters, mopeds and disabled people set out in the relevant Supplementary Planning Document.

T4: New Development and Transport Safety – 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.

Poll1: Pollution Control and Protection - Development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air, surface water and groundwater, noise, smell, dust, vibration, light or other pollution which would unacceptably affect or cause a nuisance to the natural and built environment or to people.

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

E5: Promoting Tourism and encouraging Cultural Provision – The Council will promote tourism and encourage the growth and development of cultural provision.

E6: Rural Economy – The Council will encourage a viable rural economy by allowing development in rural areas if it:

- Supports the sustainable diversification and development of the rural economy;
- Results in the growth of existing businesses;
- Is related to tourism or recreation;
- or Improves the range and quality of local services in existing settlements.

All such development will be expected to not have a harmful impact on the countryside, biodiversity, Green Belt, landscape or local character of the area.

Supplementary Planning Documents

- Parking
- Sustainable Travel

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. 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.

Paragraph 147 of the NPPF states that: Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraphs 148 and 149 are alos considered to be of relevance to this application.

Consultations

Highway Drainage – No comments received.

Highways DC – Castle Hill House is served by a private drive from the public highway of Castle Lane. The application form suggests that five off-street parking places will be retained, but there is no demonstration provided as to how the parking for the shepherds' hut will be separated from the dwelling. It is suggested in the Planning and Design Statement that not only will the hut be used as short-term let accommodation but there is also an intention that the space can be used to hire for outdoor sports and recreation. There are no details as to how this element of the scheme will work or how many visitors would be anticipated at any one time. The Application Form states that the refuse collection arrangements will stay the same, but it is apparent that at least two of the proposed uses could generate a significant amount of additional waste that could require a second bin; this may also be required to be for commercial use. Further information is requested.

Oxspring Parish Council – No response received.

Pollution Control – No objection received.

Yorkshire Water – No comments received.

Ward Councillors – No comments received.

Representations

There were no immediate neighbours to be consulted on the development, but a site notice was placed near to the site. Two comments in support of the application were received outlining that the application site would act as a good base for people to explore the area, it is in close proximity to the TPT and would increase the accommodation offering in the area.

Assessment

Principle of Development and Impact on the Green Belt:

The site is located in the Green Belt, includes the change of use of Green Belt land alongside the erection of a structure. Local Plan Policy GB1 and NPPF paragraph 149 states that the erection of new buildings is inappropriate development in the Green Belt with several exceptions. The intentions of the proposed shepherds hut is for dual use, split between a home working building for the applicant and a self-catering short-term holiday let, with an unspecified 'activity space'. None of these uses falls within the exception list in NPPF paragraph 149 and the development is considered to be inappropriate development in the Green Belt.

Additionally, it should be noted that the application was initially submitted as a householder (ref. 2023/0429) and was subsequently withdrawn given that it comprised a change of use of the land and had a commercial element. As such, Local Plan Policy GB2 which refers to domestic extensions and alterations is not relevant in this case as there is clearly an intended detachment from the main part of the dwellinghouse given that it is a change of use. In any case, the 100% restriction set by the Council in this policy has already been exceeded and this would also be unacceptable development in this circumstance. Further, permitted development rights have been removed from the site under app ref 2017/1429 given that the GB restriction has already been exceeded.

There is an argument presented by the applicant in the statement that the proposed shepherds hut is related to the provision of appropriate facilities for outdoor sport and recreation. However, it's acknowledged that the use of the hut is purely for home working as well as for short term holiday let. Whilst it can be appreciated that the accommodation will perhaps attract visitors who wish to visit the area for outdoor sport and recreation purposes, the proposed facility is not in itself a facility for the provision of such. It will likely be used for other visitors also and tourist accommodation is not in the exception list in NPPF paragraph 149. Additionally, there are other appeal decisions (APP/D0121/W/18/3216683 – Leavesden, Upton Lane, Dundry, Bristol and APP/P2935/W/21/3282705 – Kingshaw Green, Warden, Hexham) which have established that this type of accommodation does not represent outdoor recreational activity in its own right and does not fall within the exception list of NPPF paragraph 149b.

The applicant has submitted a case for very special circumstances and indicated that the hut would have minimal harm on the openness of the Green Belt. It is acknowledged that the hut is not large in scale, is located in an area in the site which has screening to three sides. However, ultimately the erection of a new building is inappropriate development in the Green Belt and as referenced in NPPF paragraph 147, inappropriate development, by definition, is harmful to the Green Belt and should not be approved except in very special circumstances. Local Planning authorities, when making such decisions, should give substantial weight to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt is clearly outweighed by other considerations. As such, a planning balance is required with the bar for very special circumstances being high, both locally and nationally.

The Very special circumstances cases sets out an argument that the hut would do the following things:

- The hut would add to the accommodation offering of Penistone and the Rural West of the Borough. It is close to the District Centre of Penistone with direct walking links via the TPT. The proposal would be in line with local policies which seek to encourage and support tourism in these areas.
- The accommodation would support visitors for outdoor sport and recreation, especially considering the close proximity to active travel routes such as the TPT. Information has been provided of the nearby outdoor sport and recreation activities which would be accessible for visitors.
- The accommodation would have economic benefits to the area given the close proximity to the Penistone and Oxspring, as well as cycling routes, with information provided in the statement in regard to how much outdoor-minded visitors typically spend per head.
- The hut is screened from the surrounding area by a mixture of the dwelling, the outbuilding and the hedgerows/existing planting.

- The hut would enable working at home and includes the installation of green energy (4 x small solar panels) to offset the energy generation/usage of the development.

The above points have been acknowledged and can be understood, especially given the Policy directions within the Local Plan referring to E5 and E6 which relate to promoting tourism, cultural provision and supporting the rural economy. However, the overriding policy for development in the Green Belt ultimately is GB1 and NPPF paragraph 149 in which the erection of new buildings is inappropriate development. NPPF paragraph 148 is fairly clear in that inappropriate development needs to be clearly outweighed by very special circumstances. The Site Visit showed that there are some views into the site from nearby public area, with gaps within the surrounding planting. The hut is positioned within an open and undeveloped 'paddock' area (as described by the applicant) within the curtilage, and therefore impacts on green belt openness.

Likewise, it should be noted that the sub-text to policies E5 and E6 both state that developments must protect the countryside and the Green Belt with the following wording. Developments 'must also be sensitive to and integrate well with its countryside and landscape' (sub-paragraph 8.31 in the Local Plan) and that developments 'must not be at the expense of maintaining the character and quality of Barnsley's environment. Development in rural areas must have due respect to the character of the landscape, biodiversity, and the Green Belt' (sub-paragraph 8.33).

A large part of the applicant's case for Very Special Circumstances is centred on the shepherd's hut promoting outdoor sport, recreation and acting as a base for such for visitors to explore the area by active means (i.e. walking and cycling, for example) and visiting the nearby local centres of Penistone and Oxpsring. Bringing economic benefits and promoting tourism. How this will be achieved in the long run is not detailed however, and there is no part of the statement which indicates that the accommodation would be solely for the use of such outdoor-minded visitors. Likewise, there is no information to detail how the accommodation would be marketed, and how visitors will be directed to visit the local centres. The application is also identified as being 'self-catering' which would indicate there is a level of potential visitors bringing their own goods from outside of the borough to consume and use on site, bringing no benefit to the local area or Borough as a whole. Of course, it would be unreasonable for such accommodation not to allow for this, and the Council wouldn't be minded to attach any conditions to restrict this, if the application was approved. However, it gives rise to the wide range of potential visitors to use the accommodation and the emphasis placed in the applicant's statement in regard to the accommodation directly supporting outdoor sport and the nearby centres is perhaps unsubstantiated. Likewise, there is no information as to what facilities the shepherds hut will have.

In any case, a singular hut would most likely provide limited accommodation for a single person, couple or a small family and the economic benefit to the nearby centre would be limited purely by the small number of potential guests. The fact that the hut would be used for dual purposes would also indicate that it would be let on a part time basis. Again, this has not been confirmed within the submitted statement, but the dual use would indicate that the hut would be let for limited periods in the year which further reduces the potential economic benefit to the nearby area. Equally, there is no business plan submitted to support the application which would confirms the day-to-day running of the accommodation.

Another element of the application which has not been confirmed is why the red line boundary encompasses the whole paddock area. The submitted statement indicates (first line) that there will be an 'activity space' within the area but doesn't go on to detail what type of activity this is. Local Plan Policy GB3 refers to changes of use within the Green Belt but the wording of this policy largely relates to conversion of existing buildings which is clearly not relevant here. However, it is made clear, through both LP policies GB1 and GB3 that all such development shall preserve the openness of the Green Belt. Additionally, NPPF paragraph 148 refers to 'any other harm' which would arise from proposals in the Green Belt, and without information to evidence what the 'activity space' would entail, the Council would consider that this may add to the harm already considered through the erection of an inappropriate structure.

In regard to the solar generation of the scheme, information has been submitted in Appendix 1 of the statement which confirms that the development will include a small array of 4 x solar panels (each measuring 147 x 68 x 3.5cm) which are ground mounted and would be installed to offset the energy requirements of the development. Whilst this is a positive element of the scheme, it is clear that the installation is smallscale, and whilst it would result in some offsetting of the energy usage of the scheme, the net result is still likely to be further energy usage on the site through the development. NPPF paragraph 151 relates to renewable energy projects in the Green Belt which are considered to be inappropriate development in themselves. However, the paragraph does make some allowance for very special

circumstances to include the wider environmental benefits associated with increased renewable energy production. No case has been put forward for this development and given the size of the solar panels and the wording of the statement – to 'offset the energy usage' of the hut, no wider benefit of the solar panels will be gained. In terms of the panels harm to the Green Belt, they are ground-mounted, directly adjacent to the proposed hut and would not be visible from the surrounding area. There is no significant harm caused by the solar panels to the Green Belt given their small nature.

In regard to the existing screening/planting on site, the statement refers to established planting on the Western and North-easterly side. It's clear from the site visit that there is screening, however from the adjacent PROW and some views from Castle Hill, as well as the start of the driveway, the hut is visible. Especially from the adjacent PROW, the hut is visible. There is no indication within the statement which refers to additional planting which would fill these gaps and therefore the hut impacts the openness and permanence of the Green Belt by being positioned on a previously undeveloped and open area within the site, with views from nearby public areas. This is clear in the photographs:





To conclude, whilst the submitted statement is detailed and the points enclosed can be acknowledged, the hut fundamentally represents lettable accommodation, which is inappropriate development in the Green Belt, on a site which has already exceeded the 100% restriction for extensions and outbuildings as allowed under LP policy GB2. The Council would only be able to apply limited, or perhaps moderate weight to the very special circumstances presented as the economic benefit on the surrounding area would be very modest from a singular shepherd's hut which would be used on a part-time basis. Additionally, the statement in somewhat lacking in the sense that it doesn't provide evidence in how this economic impact and the use of nearby active travel assets (such as the TPT) would be encouraged or how the accommodation would directly lead to the perceived benefits of such usage. The bar for very special circumstances is set high, both locally and nationally, and as the wording of NPPF paragraph 148 reads, the benefits need to clearly outweigh the potential harm to the Green Belt caused by its inappropriateness and detrimental impact on the openness of the Green Belt.

For the above reasons, the proposal is considered to be contrary to Local Plan Policy GB1, GB3 and NPPF paragraphs 137, 148 and 149 in the NPPF, is inappropriate development which has not been clearly outweighed by other considerations or a suitable case for very special circumstances.

Residential Amenity

There are no immediate neighbours to the development site which would be directly affected by the development.

Visual Amenity

The proposed hut is considered to be typical in design for such buildings and it is considered to be appropriate in terms of design.

Highways Safety

Highways DC have requested some further information about the application such as the potential widening of the access to the site, more detail of the activity to be undertaken on site (sports and recreation) and

refuse storage and collection pads being demonstrated. The application is considered to be inappropriate in principle so this information has not been sought from the applicant.

Conclusion

The applicant is seeking approval for the change of use of the paddock area which has been established previously to be part of the domestic curtilage of the dwelling – Castle Hill House, Penistone – into a mixed use area containing a garden area, a short term holiday let/activity space which includes the erection of a detached shepherds hut. The application site is located in the Green Belt with the erection of the structure for a dual use, to be used as a short-term holiday let and for a home working office for the applicant, is considered to be inappropriate development in the Green Belt, not included within the exception list in NPPF paragraph 149 and therefore very special circumstances would be required. The applicant has submitted a detailed planning statement which has been considered but the public/economic benefits of the scheme are considered to be limited, as is the weight given to the environmental benefits given the small nature of the solar panel installation. There is existing planting on site but nonetheless the hut is visible from surrounding public area, particularly the nearby PROW with gaps in the screening which allow views into the site. By its nature and siting, this openness is affected. As per the wording of NPPF paragraph 148, the Council is required to give substantial weight to any harm to the Green Belt, with the inappropriateness of the development alongside the harm caused to openness, permanence as well as the development resulting in urban sprawl, and very special circumstances would need to clearly outweigh this harm. The supporting evidence is therefore not considered to clearly outweigh the harm caused to the green belt and the proposed development conflicts with Local Plan Policy GB1 and NPPF paragraphs 137, 138, 148 and 149 and is inappropriate development in the Green Belt.

Recommendation

Refuse