

Application to Barnsley Council

Erection of 4 bungalow properties on land adjacent

137 High Street, Great Houghton, Barnsley S72 0AZ

Applicant:	Mr Bailey
Date:	18 th July 2019
Prepared:	TP
Checked:	JH

Justification Statement

Regional Contacts

LEEDS - 0113 123 4567 BOLTON - 01234 567891 HULL - 01234 567891

CONTENTS

1.0 Introduction_____Page 3

2.0 The Site_____Page 4

3.0 Proposal_____Page 5

4.0 Policy_____Page 7

5.0 Assessment_____Page 10

6.0 Conclusion_____Page 17

Appendix A – Photographs of Machinery

Appendix B – Block Plan (current use superimposed)

Appendix C – Operators Licence

Appendix D – Additional Vehicle evidence

1.0 INTRODUCTION

1.1 RBA Town Planning have been instructed by the Applicant, Mr M Bailey the owner of the Application Site to act on their behalf in the preparation and submission of an outline application for the cessation in use of the site for commercial plant and excavation business and erection of 4 bungalow properties.

1.2 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing. (*National Planning Policy Framework 47*).

1.3 This Statement sets out the Appellant's Case and makes reasoned justification against Adopted Plan Policies and the National Development Framework. This statement should be read in conjunction with the proposed plans and all other documentation submitted as part of the original planning application.

2.0 THE SITE

2.1 The Application site is currently used as a Commercial Plant Hire and Haulage yard on the edge of a residential area. This includes storage, servicing and repairs to heavy machinery and vehicles.

2.2 The current use of the site sees the significant level of parking and storage of HGV's and Heavy Plant Machinery. The site holds a HGV Operator Licence for 6 HGV's, the HGV's used in connection with the business include articulated tractor units each with tipper trailers and low loader trailers and 8 Wheel tipper HGVs, these are parked within the site on evening and weekends and on frequent occasion during the day when not needed at site.

2.3 In addition to the HGV's the site is home to a number of heavy plant machinery including 360 Excavators, Front Loaders, JCB Diggers, Dumper Trucks. In varying degrees the site can be full of the equipment and in other instances when in use is on construction site for the period of contract and maybe returning for service, maintenance or repair all of which is undertaken within the workshop slightly adjacent to the application site but backing on to adjacent residential properties.

2.4 In addition the site is also subject to a number of storage containers and Office building which is necessary to operate the business, in addition other paraphernalia such as large tyres, materials and hardstanding is also present on site.

2.5 The immediately adjacent properties consist of detached bungalows and a row of terraced houses, with a housing estate made up of a mixture of one and two storey properties; both detached and semidetached, a little further away.

2.6 The site is allocated as Green Belt on the current Local Plan.

2.7 Photographs of the site and typical machinery and vehicles are attached as Appendix A

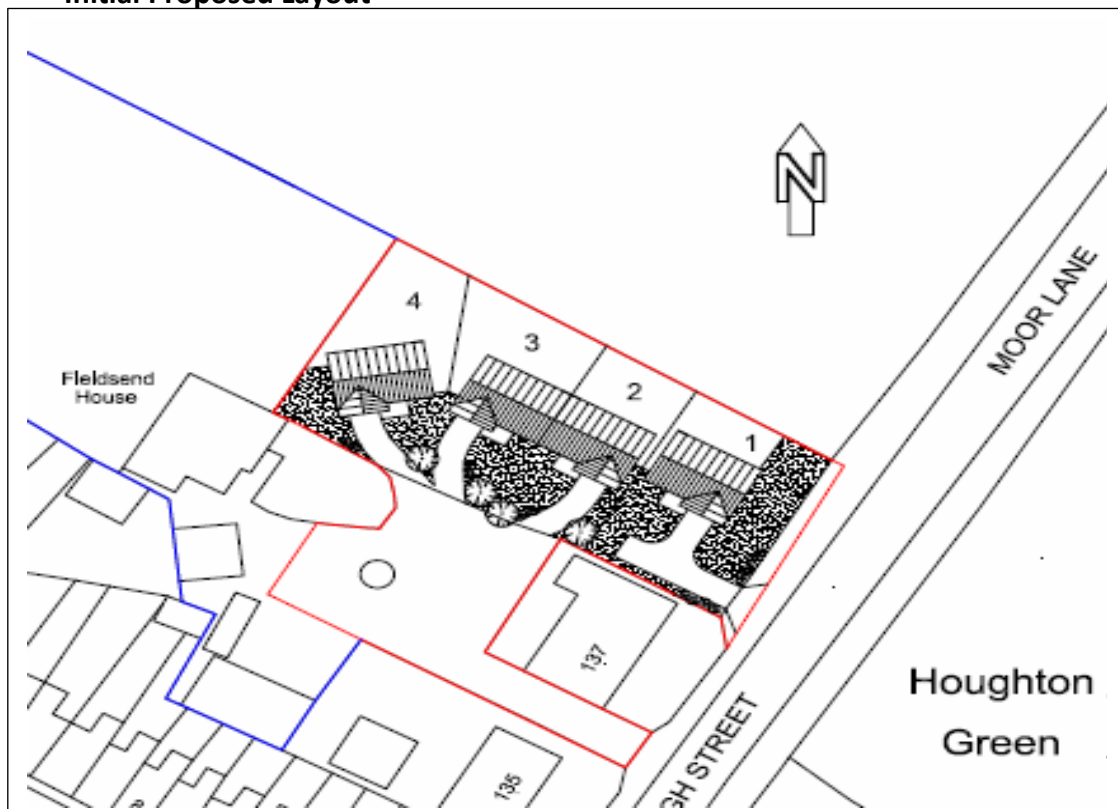
3.0 POPOSAL

3.1 Outline Planning Consent is sought for the erection of 4 bungalow properties on the site, this would see the removal of a highly inappropriate use of the site within the Green Belt and the Village location.

3.2 Whilst only at outline stage consideration has been given to the openness of the location, the properties are proposed at single storey with a height not exceeding 4.5m, space been given between the properties so as to not provide a cramped form of development.

3.3 The layout has been revised with a widened carriageway of 5m and pedestrian hard margins to each side. The access proposed at present would not be adopted and would remain as a private drive, however, it has now been revised to allow the further development of land to the rear which sits outside the application site but is within the ownership of the Application. The development of this land at present is not supported by Planning Policy, however its protection to enable future development has been addressed.

Initial Proposed Layout



Amended Proposed Layout



3.4 Whilst landscaping is a matter reserved it is envisaged that low native planting could be undertaken along the rear boundaries of the properties to firstly provide a definitive boundary to the wider Green Belt and secondly to provide a softer natural boundary to reflect the adjacent hedgerows and protect the character and appearance of the location.

4.0 POLICY

4.1 National Planning Policy Framework – Achieving Sustainable Development

There are three dimensions to sustainable development: economic, social and environmental.

These dimensions give rise to the need for the planning system to perform a number of roles:

- **An economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- **A social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality-built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- **An environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

4.2 These roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities.

4.3 Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.

4.4 National Planning Policy Framework – Presumption in favour of sustainable development
at the heart of the National Planning Policy Framework is a **presumption in favour of**

sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For **plan-making** this means that:

- local planning authorities should positively seek opportunities to meet the development needs of their area;
- Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.

For **decision-taking** this means:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted

4.5 National Planning Policy Framework – Delivering a wide choice of quality homes

Local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens. Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

4.6 National Planning Policy Framework – Protecting Green Belt

The Government attaches great importance to Green Belts. 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. Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

4.7 As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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, is clearly outweighed by other considerations.

4.8 A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- 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;
- 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 under policies set out in the Local Plan; or

4.9 limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

4.10 Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:

- mineral extraction;
- engineering operations;
- local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- the re-use of buildings provided that the buildings are of permanent and substantial construction; and
- development brought forward under a Community Right to Build Order.

5.0 ASSESSMENT

5.1 The National Planning Policy Framework (NPPF) states in paragraph 10 to ensure that “sustainable development is pursued in a positive way, at the heart of the framework is a presumption in favour of sustainable development”. The proposal comprises sustainable development when considered against guidance in the NPPF. The framework advises that developments should respond to local character and history and reflect the identity of local surroundings and materials, whilst not discouraging appropriate innovations.

5.2 Development Principle –

The provision of new buildings within the Green Belt is considered to be inappropriate unless very special circumstances can be demonstrated to outweigh harm by virtue of its inappropriateness. There is no definition as to what would constitute special circumstances, however special circumstances would usually be unique to the application site and outweigh the harm already identified by being inappropriate.

5.3 The National Planning Policy Framework (NPPF) states in paragraph 14 that there should be a presumption in favour of sustainable development. The proposal comprises sustainable development when considered against guidance in the NPPF. The framework advises that developments should respond to local character and history and reflect the identity of local surroundings and materials, whilst not discouraging appropriate innovations.

5.4 The site has been used for commercial use for a considerable number of years, in 2010 under reference 2010/0945 the site was subject to the granting of a Certificate of Lawful Use for the use of the site as a haulage and plant yard including site office with no hours of operation restriction. The current use is considered to be highly inappropriate within the Green Belt by virtue of its fixed development and hard surfaced areas, parking and storage of plant machinery, commercial paraphernalia, all of which has significant impacts upon the openness of the location. Other implications on are evident however for the purpose of Green Belt Assessment these are not considered relevant and will be addressed later within the statement.

5.5 The application site falls within the definition of previously developed land for the purposes of Planning in that the site is subject to lawful consent for the use and is subject to hard standing and the siting of containers. In addition, the site was formally used as a garage. Given the highly sustainable location and the built environment in which the site is positioned.

5.6 In principle the development of the site for residential purposes is primarily against policy on protecting Green Belt land. However, provision is made within the NPPF to suggest in very special circumstances development can be allowed if it can be clearly demonstrated that harm can be clearly outweighed by other material considerations. An Assessment should therefore be made relating to very special circumstances and identifying if any existing to allow development within the Green Belt.

5.7 In outline, there are considered to be significant levels of very special circumstances that exist to outweigh any perceived harm to the Green Belt, a full assessment of special circumstances will be addressed within this statement. In principle there is considered to be a strong case in favour of the proposal.

5.8 Very Special Circumstances – (VSC)

The application site comprises of a highly unsuitable use in both a Green Belt location and secondly a residential area, the site is considered to contribute negatively to the locality and wider reaching area both visually and in terms of noise and disruption to local residents. HGV's including plant machinery are stored and operated from the yard without any restriction of time in addition the repair and maintenance of both HGV's and plant machinery are also carried out. The granting of consent for residential development represents an opportunity to remove a highly unsuitable use from the Green Belt location, one that in our opinion has more significant and detrimental impacts upon the character of the area and openness of the location.

5.9 There are considered to be a number of very special circumstances that exist that would outweigh harm by virtue of inappropriateness and each one shall be identified and considered in turn.

5.10 VSC current impacts upon the openness

The current use is considered to have significant detrimental impacts upon the open character of the location. The site is perimeter bound by high metal fencing along the frontage with a 2-metre-high block work wall with coiled barbed wire to the top along the whole of the boundary with the adjacent agricultural fields.

5.11 The site as a whole is made up of a hardstanding and in isolation of any structures or storage has effect and negative impacts upon the Green Belt. In addition, the site is also subject to a number of storage containers and Office building which are necessary to operate the business, other paraphernalia such as large tyres, materials are also present on site.

5.12 The site holds an Operator's Licence for 6 HGV's, the HGV's used in connection with the business include 2 articulated tractor units each with tipper trailers and low loader trailers and 4 x 8 Wheel tipper HGVs, these are parked within the site on evening and weekends and on frequent occasion during the day when not needed at site. In addition to the HGV's the site is home to a number of heavy plant machinery including 360 Excavators, Front Loaders, JCB Diggers, Dumper Trucks. In varying degrees the site can be full of the equipment and in other instances when in use is on construction site for the period of contract maybe returning for service, maintenance or repair all of which is undertaken within the workshop slightly adjacent to the application site but backing on to adjacent residential properties. Attached as Appendix A are photographs of the vehicles and machinery, also attached as Appendix B is a site plan that illustrates the site at present and a typical level of storage, and Appendix C the Applicants Operators Licence.

5.13 it is considered that the current use of the site has significant detrimental impacts upon the openness of the Green Belt location as evidenced above and within the Appendices, a comparable assessment in relation to the proposal and conclusion will be assessed later within this statement.

5.14 VSC – Economic Benefits

The business is radially expanding with the Applicants Son eventually taking over the upon the Applicants retirement in the future. The business currently operates out of two sites, the application site and a secondary site within the Barnsley Borough. This situation isn't particularly of benefit to the business other than the Application Site is within ownership of the Applicant and therefore has no financial burden to the business. The plans would be to move the business to a larger scale location in a more suitable location in terms of access and neighbouring uses however this would come at significant cost. It is proposed that the profits from the development of the Application site can be re-invested into the business to relocate and further expand.

5.15 The business currently employees 12 full time local workers with grounds work contracts for large housing developers such as Gleeson and Redrow, in addition the business regularly undertakes work on behalf of the Environment Agency. The business has scope to expand and employ further workers however with this comes with the need to acquire further machinery which between the two sites cannot be adequately stored.

5.16 The development of the application site will essentially act as enabling development to expand and grow the business, employing further local workers and driving money into the Local Economy.

5.17 VSC – Residential Amenity Impacts

The site sits adjacent to residential properties with the site being unrestricted in terms of hours of operation. Given the nature of the business traffic movements from HGV's and machinery occur daily and usually within the early morning with vehicles returning to the site during the day, evening and occasionally night. Whilst the site is used for storage the site is also used for the maintenance and servicing of the business's machinery and other companies' machines. The servicing and maintenance of the machinery takes places within the yard area and the workshop all of which are within close proximity of residential properties and impact upon residential amenities in terms of noise and disturbance.

5.18 VSC – Highway Safety

Traffic movements to and from the site in this particular location are considered to be detrimental to highway safety and any reduction in traffic movements would create a betterment situation. On a usual day traffic movement would be as follows;

Between 5:30am – 8:00am 2 articulated HGV's leave the site

Between 5:30am – 8:00am 4 x 8-Wheeler HGV Tipper

Between 8.00am – 8pm – variations in use;

Articulated HGV's may return for second collection

Articulated HGV's may transport machines back for service

Smaller vans may return to site to collect items

Delivery of parts for machinery

Between 4.00pm and 8.00pm – return of vehicles to the site for overnight parking

This is considered to be a typical day's traffic movements, the removal in large vehicles using the site and replacement with movements relating to the proposed bungalows would significantly benefit highway safety.

5.19 Cumulative Impacts of Special Circumstances

The cumulative impact of the circumstances outlined above are considered to amount one so special and unique to the site that it would satisfy the requirements of both the National Development Plan and Policies contained within the Councils Adopted Local Plan.

5.20 To fully satisfy Policy requirements an assessment of the proposed developments impacts on the openness of the location is to be considered.

5.21 Impact upon the open character

The proposal no doubt will have impacts upon the openness of the Green Belt, however, balancing the current impacts upon the openness weight in our opinion should fall in favour of the proposal. Whilst at times the current use will result in the site for short periods being free of significant bulk and massing when vehicles are away on site, it is considered that the type of

bulk and massing arising from the varied types of machinery, HGV's, Trailers, and commercial paraphernalia causes significantly more detrimental impacts visually. In this instance it is considered that the visual obtrusiveness of the current use contributes to further impacts upon the openness and that a like for like volume assessment does not provide a suitable representation or comparable.

5.23 It is considered that the current use when viewed in context to its back drop of agricultural fields and residential properties appears incongruous and harmful, the proposed low height residential properties sit more in context and provide a softer transition to the adjacent agricultural fields with the grassed rear amenity space and soft native planting to the rear boundary. The current commercial use results in a sprawled and ununiformed appearance which significantly impacts upon the openness whereas the proposed bungalows represent a uniformed and more in context development which in our opinion lessens the impact upon the openness

6.0 CONCLUSION

6.1 It is considered that the contents of this statement and attached appendices evidences very special circumstances that exist to outweigh harm caused by definition inappropriate development. The cumulative impact of positive benefits as a result of the granting consent for the proposal are considered sufficient to justify allowing the redevelopment of the site. Not only would the proposal result in positive impacts upon the Green Belt location in terms of openness and visual amenities it would also contribute further to the Local Economy by enabling the further expansion of the business to a larger scale alternative site providing further local employment opportunities within the Barnsley Borough.

6.2 The Application site is located within a highly sustainable location with access to local services and good transport links to neighbouring town and villages and results in the loss of a highly unsuitable and inappropriate use which is considered to be harmful to the Green Belt location and neighbouring residential amenities and allows the redevelopment with further local housing stock and lesser impacts upon the openness.

6.3 It is with respect that application be approved subject to suitable planning conditions.