2020/1012
Mr Philip Mosley

Erection of general-purpose agricultural building

Bagger Wood Farm, Bagger Wood Road, Hood Green, Sheffield, S35 7AX

Site Location & Description

The application site is in relation to an agricultural holding located on Bagger Wood Road in Hood Green. The applicant owns the wider agricultural holding with several buildings located in close proximity to one another, including the dwelling/farmhouse. There are two accesses into the wider site, to the East and West of the existing buildings, but the site will be solely accessed from the Western side access – as shown within the red line boundary.

The site is situated in the Green Belt, between the villages of Hood Green to the North-East, Crane Moor to the South and Thurgoland to the West. The area is largely open, undeveloped green belt land with scattered pockets of development in the area including a row of terraced residential dwellings to the West named 'Eastfield Cottages' and a property called Fieldhead to the East. There is a public footpath (Stainborough CP 19) running through the application site with a stile in the North-West corner. The footpath runs from North-West to South-East, then South, through land which the applicant also owns (but which falls outside of the red line boundary), eventually leading into the nearby village of Crane Moor. There are several trees within and directly adjacent to the curtilage on the Western boundary line. The farmhouse has recently been renovated and extended, with an application approved in 2019 (2019/0187) with subsequent variations (2019/0527 and 2020/1149).

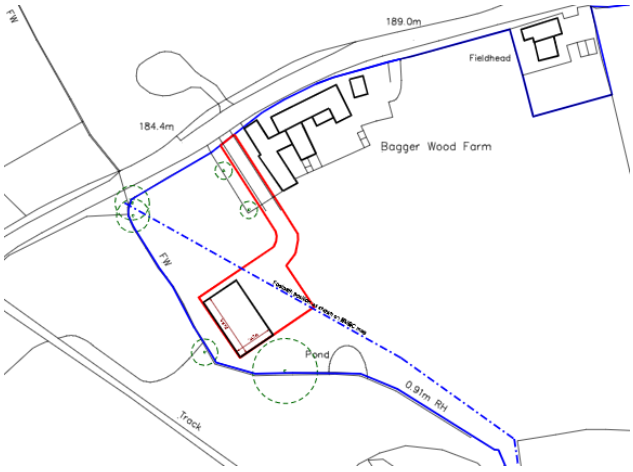


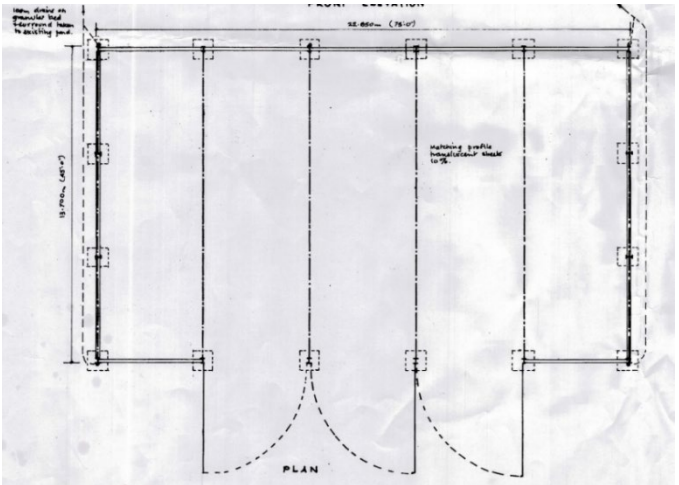


Proposed Development
The applicant is seeking approval for the erection of a detached general-purpose agricultural located to the South-West of the existing buildings, set back 50m from the road. The proposed building measures 22m by 13.7m, designed with an apex roof, measuring 4.25m to the eaves and 6.35m to the roof ridge at the highest point. The frontage of the building faces North-East, which contains 3 x floor to eaves doors. The building will be used for agricultural purposes to store livestock.

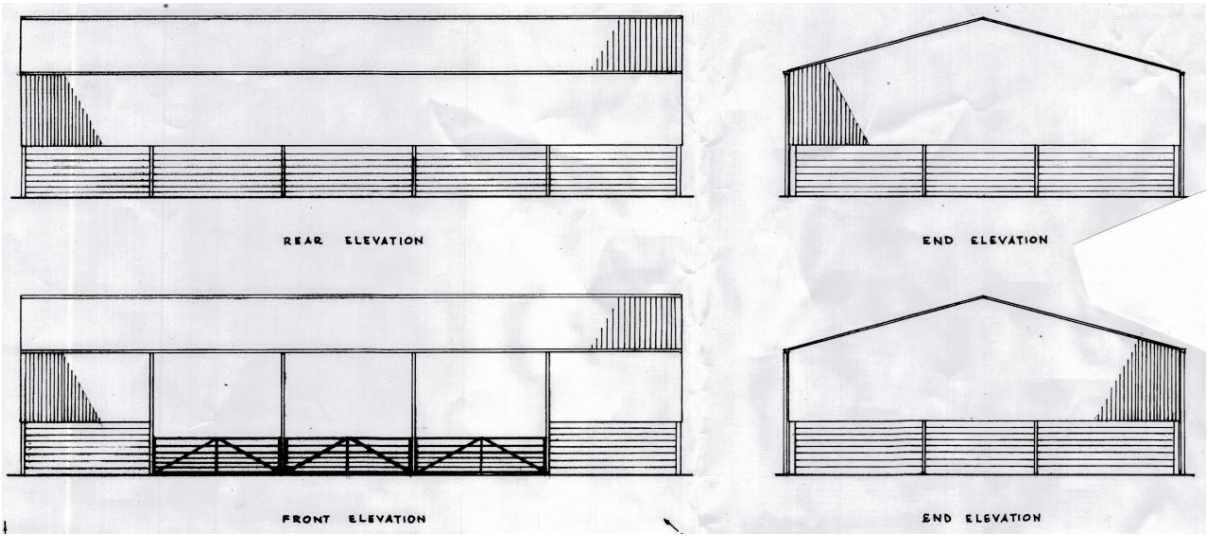
The plans have been slightly amended at various stages throughout the application process, including the submission of an amended Coal-Mining Risk Assessment, an Arboricultural Impact Assessment, Tree Survey and Tree Protection Plan. The location of the building has been rotated by 90-degrees in order to avoid the Public footpath which runs through the site.

Proposed Site Plan and Floor Plans





Proposed Elevations



Previous planning history

B/91/1695/PR – Construction of vehicular access (Historic)

2019/0187 – Erection of two storey extension to side/rear, single storey rear extension, detached outbuilding to form garage/wood store, and provision of new 1.5m high dry stone wall on the front boundary (Approved with conditions)

2019/0257 – Variation of condition 2 (approved plans) of planning permission 2019/0187 to enable design changes (Approved with conditions)

2020/1149 - Variation of condition 2 (approved plans) of planning permission 2019/0527 to enable design changes (Approved with conditions)

Policy Context

Planning decision should be made in accordance with the local 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 Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

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. Relevant paragraphs include:

Para 127 and 130 – Design

Para 143, 144, and 145 – Green Belt

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.

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.

Consultations

Biodiversity Officer – The Ecology Survey Report (Whitcher Wildlife Ltd.) which is dated 11/06/2018 but actually relates to a survey in June 2021 is satisfactory. The recommendations for mitigation in Section 5 of the report ay be referred to by way of condition. Hence, approval of the application is recommended subject to conditions.

The Coal Authority (Two Responses):

> First response - The Coal Authority concurs with the recommendations of the CMRA; that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development.
>
> Second response – In light of the revised CMRA now submitted, the Coal Authority wishes to revise the recommendation to the LPA. The Coal Authority now considers that the content and conclusions of the revised CMRA are sufficient for the purposes of the new planning system and meet the requirements of the NPPF in demonstrating that the application site is safe and stable for the proposed development. Therefore, no objection is raised, however it is advised that further more detailed considerations of ground conditions and foundation design may be required as part of any subsequent building regulations.

Forestry Officer – The initial plans were not 100% clear as to how close the proposed new building is to the existing trees or what the potential impacts would be and a such, some clarification will be required – ideally through an arboricultural impact assessment, however as a minimum, an impact plans would suffice. Upon receipt of this, alongside a rotation to the building, no objection was raised subject to tree protective barrier details and a tree protection plan. This information was subsequently submitted and the details were considered appropriate.

Highway Drainage – No objection.

Highways DC – No comment

Public Rights of Way (Two responses):

> First response – PROW provisionally objects to the application as the proposed new building lies on the line of a recorded public footpath, as shown on the plans submitted. The applicant may not lawfully build over the recorded line of the footpath. If they were to do so, the building would be classed as an obstructin and the Council would have enforcement powers to halt construction/remove the building. The applicant should therefore apply to formally divert the public footpath, at cost or reposition the building to accommodate the recorded footpath line. It would be possible for the proposed driveway to cross the footpath line, but the building must not be sited on that line. The applicant will also need to provide further information to confirm their intentions for the public footpath.
>
> Second response – Satisfied that the building no longer directly affects the PROW and PROW no longer object to the application. However, the plans appear to show a new vehicular access/parking area and no information has been provided to state whether this will be the existing grass surface or an upgraded surface PROW's responsibility is to maintain a grass surface only and any upgraded surfacing installed by the landowner would be their sole maintenance responsibility in the future. If a new surface is proposed, details should be provided. Likewise, if any boundary treatments are proposed around the vehicular access, details should be provided. The recorded PROW line should not be obstructed at any point.

SYMAS – The CMRA (Dated 10th May 2021) concludes that an intrusive site investigation is required to determine the nature of the anticipated shallow coal seam/s; namely to determine any further stabilisation requirements should any ground instability issues be present.

Should permission be granted, then a condition would be required to reflect the findings in the CMRA.

Stainborough Parish Council – No objections. Section 15: Trees and hedges of the application form has not been completed. This has been discussed with the owner and are assured that the development will have no impact on the trees and hedges. The front of the Ecological Survey is dated 11th June 2018 however some of the content is dated this year.

Representations

Neighbouring properties were consulted on this proposal and a site notice placed nearby; one comment was received, raising the following comments:

1. The size of the proposed building would appear out of proportion with any nearby dwellings.
2. It's position just out of the view of the Farm would suggest it could be considered an eyesore in a relatively unspolit landscape much enjoyed by walkers and residents alike.
3. The size of the building appears to be disportionate to the agricultural activity currently taking place and could therefore lend itself to other types of usage or storage.
4. A recent similar application has been refused.

Assessment

Principle of development/Impact on Green Belt

Since a significant amount of time passed between the late application was submitted and to the time of writing (May 2022), an updated planning statement was requested which more accurately reflected the existing situation on the site. The updated Planning Statement indicated that the agricultural holding has grown to 50+ sheep herd and an 8 cow herd, 4 of which are in calf again. The building will also be used to store bales of straw and hay, both produced on the site, as well as farm machinery. The entire site owned by the applicant measures 25 acres of land for fundamental agricultural purposes.

The property resides within the green belt. Inappropriate development within the green belt will be refused unless it is shown that there are very special circumstances that justify setting aside local and national policy. Local Plan Policy GB1: Protection of Green Belt and NPPF paragraph 149 states that the construction of new buildings is inappropriate in the Green Belt, with several exceptions including buildings for agriculture and forestry. However, all such buildings will still have to be considered in terms of their impact on the openness of the Green Belt and whether they cause other harm. In this case, the building is considered to be fairly large in its size and scale, but is significantly set back from the road by 45m and there is substantial screening to the West and South of the building with substantial tree and hedgerow coverage. The dimensions of the building is 22.8m x 13.7m – or 312.3sqm when measured in terms of the footprint. The will undoubtably result in some impact on the openness of the Green Belt as it is a large structure which is immediately next to a public footpath. However, it is considered that sufficient justification has been provided which shows that the entire site is used for agricultural purposes, measuring 25 acres in total. There are currently several buildings located on the entire site that the applicant owns, but only a handful of these are used for agricultural purposes measuring a total of 105sqm. The planning statement indicates that the exiting barns are outdated, and the buildings do not suit the modern methods of farming.

The proposed development should also be considered with the backdrop of nationally set permitted development rights allow for agricultural buildings to be erected under the prior notification scheme up to 1000sqm floor area. The application requires full planning due to the fact that the building is to be used for livestock (sheep and a cow herd in this case). The building therefore is well within the defined national limits for general purpose/storage agricultural buildings, which are more often than not found in the Green Belt or Rural areas. Should the building not have been used for livestock, the applicant could have submitted a prior notification for an agricultural building up to 1000sqm in floor area. Whilst this is not necessarily a direct comparison as the building is clearly used for livestock, it gives an indication to the size of such buildings in the Borough and nationally on sites greater than 5 hectares. Compared to other agricultural buildings approved in the Borough, the agricultural building is not considered to be overly excessive given the existing and potential future size/output of the agricultural holding.

It is appreciated that the proposed build is situated a reasonable distance away from the road to limit its visual impact but is still situated near to the existing buildings on the site. When measured against the entire site owned by the applicant (shown in the blue line boundary on the site plan), clearly the building makes up a very small % of this land, whilst being setback from the road and also screened to the South and West. It is felt that the updated Planning Statement reflects a building which is appropriately sized for the amount of animals stored on site, in a 25 acre plot, alongside a general purpose store for hay and other essential agricultural items. The proposed development is considered to support an established, large and growing agricultural holding with sufficient justification to the farm's needs and requirements covered in the amended Planning Statement (Dated 18/05/2022). Since there has been a significant amount of time between when the application was submitted (Late 2020) to the time of writing this report (May 2022), this had the indirect benefit of allowing the planning statement to be amended. This showed an increase in the number of sheep on site to at least 50 from 30, and the cow herd from 4 to 8, with 4 ready to calf soon. This provides further evidence that the farm is growing. A condition will be attached to any forthcoming approval notice which restricts the use of the building to be used in conjunction with the purposes of the Amended Planning Statement. The proposed development is therefore considered to be acceptable in principle.

The application is comparable to a fairly recent and nearby planning application (2019/0586) which was refused by the Local Authority in June 2020 – at Hollin Oaks, Bagger Wood Road, c. 85m to the South of the application site. The application was for a general-purpose agricultural storage building which was refused for three reasons, largely due to the fact that insufficient information was presented by the applicant to enable an adequate assessment on whether the building is justifiable for agricultural purposes, its impact on the Green Belt and highways/parking concerns. The proposed building in 2019/0586 was a similar size to the one proposed in this application but was proposed in a more isolated site/position, setback from the road by 90m with no clear indication for what the site is used for – or by whom. The Officer dealing with the previous refused scheme (2019/0586) also had concerns about the eventual use of the adjacent building/site given that it was ambiguous with little evidence to confirm it was solely for agricultural purposes. There is no real doubt to the intended use of the application building as there is sufficient evidence to prove the site is used for agricultural purposes with the agricultural holding number provided by the applicant, existing barns on site as well as the site visit showing that animals and other farm machinery are currently on site. A neighbouring representative for the application currently being proposed made comments raising concerns with the similarities between the two schemes, in particular in regard to the large size. These concerns have been acknowledged and can be understood, but the applicant for this particular application has worked with the Authority at length to provide sufficient information to justify the proposed size and requirements for the building. The location of the building is also clearly within an agricultural holding, in close proximity to existing agricultural buildings with the applicant living on site. This has been

further assessed in detail in the previous paragraphs, but it is felt that, whilst the two applications are comparable, the one proposed has been justified with sufficient information provided by the applicant where necessary.

Visual Amenity

The proposed building is detached and fairly large in comparison to the other surrounding buildings, but as covered in the above section, is of a typical size for an agricultural building. It is constructed with a pitched roof with a fairly restrained height at 4.25m to the eaves and 6.35m to the roof ridge, constructed from concrete blocks and Yorkshire timber boarding which are considered suitable materials for an agricultural building. There is a substantial setback from the road (45m) and significant screening to the Western boundary line which screens views into the site when travelling from West to East on Bagger Wood Road, and views into the site from the South. The presence of the existing buildings located to the North-West of the building itself will also help to screen the building from views for vehicles travelling from West to East on Bagger Wood Road. Overall, the building will fit into the agricultural plot/holding successfully and whilst it is a large building in terms of dimensions, it is positioned on site to have a close relationship to the main buildings but is also set back from the road and is screened. The size of the outbuilding is larger than the existing buildings on site, but is further set back and as mentioned above, is largely screened. The shorter end faces onto Bagger Wood Farm and therefore has less of an impact on the street with fleeting views from vehicles driving passed the site. The footprint size is a relatively small % compared to the entire site and again is not considered to be overly excessive for this reason, and when built will largely be viewed as part of the existing agricultural holding. As covered in more detail above, it is considered that sufficient details and justification has been provided by the applicant in the Planning Statement which indicates why a building of this size is required – namely to hold the animals, hay/straw and machinery.

There are no changes to the access, parking area, surfacing or fencing around the site.

The proposed development is considered to be in compliance with Local Plan Policy D1 and is acceptable in terms of visual amenity.

Impact on Public Right of Way

There is a public right of way (Stainborough CP 19) running directly through the applicant's site and the original submission showed the building located directly on the line of the PROW. As such, the PROW officer objected to the proposal advising that the applicant should either apply to divert the public footpath, at cost, or re-position the building so that it does not obstruct or impede the public footpath in anyway. An amended scheme was submitted which effectively rotated the building by 90 degrees so that the line of the footpath was not blocked. Upon receipt of this amended plan, the PROW officer removed the objection but wished to make the applicant aware the following:

1. The plans appear to show a new vehicular access/parking area which is concerning as part of PROW's responsibility is to maintain a grass surface only and any upgraded surfacing installed by the landowner would be their sole maintenance responsibility in the future.
2. If any boundary treatments are proposed around the access/parking, details should be provided. The recorded line of the PROW should not be obstructed at any point.
3. Safe public access onto the public footpath should remain available throughout construction of the barn. If this is not possible for any reason, a temporary closure order should be arranged, at cost, with at least 4 weeks' notice. An informative was recommended for this aspect.

The other measures were forwarded to the applicant who confirmed that there will be no fences or boundary treatments to the parking area and no other obstruction to the footpath. There are also no current plans to surface the parking area/access which will initially remain as grass but in the future if surfacing is required, it will be gravel rather than hard surfacing. Both of these measures (fencing/surfacing) are not included within this particular application and should that change in the future, a separate application would be required.

The above measures will be covered through appropriate conditions and/or informatives should the planning application be granted.

Impact on Trees

The original position for the barn initially avoided the trees on/immediately adjacent to the site. However, the building was required to be re-positioned/rotated due to the Public Right of Way which runs directly through the site. This resulted in the building being much closer to one the trees on site and effectively resulted in the original tree survey being outdated with the Tree Officer requesting an updated one showing the amended location and assessing the impact on the trees. Upon receipt of this amended tree survey, it showed that part of the building will be situated within the root protection area of one of the trees. An arboricultural report and tree impact assessment was therefore also required which showed a low risk of damage to this tree and the applicant explained that, given the nature of the building, limited dig techniques are to be used. The Tree Officer assessed this information and did not object to the re-positioning, but requested that tree protection measures and tree barrier details were submitted and approved. This could have been covered under a condition but the applicant provided this up front, with the tree officer confirming that the details were appropriate.

Residential Amenity

There are residential buildings in close proximity to the agricultural building, notably to the East of the farmhouse (Fieldhead) and the properties on the Northern side of Bagger Wood Farm (nos. Eastfield Cottages). The building is located at a distance of c115m to Fieldhead and c70m to the nearest property on Eastfield Cottages, however, there is significant screening to Eastfield Cottages with trees and there is no direct view from these properties onto the barn. Whilst the building has a fairly large footprint, it is not considered to have a direct impact on the residential amenity enjoyed by neighbouring properties due to this significant separation distance. The proposed building is to be used for agricultural purposes in line with the existing use of the site and whilst there will likely be some increase in noise, this is not considered to be significant enough to warrant a refusal. A neighbouring representative has commented on the application raising concern with the overall size and scale of the building which would appear disproportionate in comparison to the existing dwellings and the surrounding area which is largely undeveloped. However, no comment has been made in reference to the direct impact on neighbouring properties and the other points raised have been assessed in the above sections.

The proposed development is in compliance with Local Plan Policy GD1: General Development and is acceptable in terms of residential amenity.

Highway safety

The building will be enclosed within the site, with the access and parking areas etc unchanged. No response from Highways DC but the site is an established agricultural plot and the access is not being changed at all. The proposed development is not considered to result in a significant uptick in vehicular movements to or within the site and it is considered to be in compliance with Local Plan Policy T4 and is acceptable in terms of highway safety.

Recommendation

Approve with conditions

Conditions:

1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.

2 The development hereby approved shall be carried out strictly in accordance with the amended plans (Proposed Site Plan (Dated November 2021) and Proposed Plans and Elevations) and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality in accordance with Local Plan Policy D1 High Quality Design and Place Making.

3 The access track hereby approved shall only be used by agricultural vehicles which are used in association with the agricultural activities of the applicant and not for any other trade or commercial vehicles and the access track shall remain grassed and shall not be surfaced, unless otherwise approved in writing by the Local Planning Authority.
Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection

4 The proposed development, hereby approved, shall be constructed from the following external materials:

External Walls - Concrete Panels and Yorkshire Timber Boarding
Roof - Cement Fibre Sheets

Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.

5 The proposed development hereby approved, shall comply with the following documentation:

Tree Protection Plan, Impact Plan and Fencing Details (Dated 13 05 2022)
Arboricultural Report and Impact Assessment (Reference AWA3956 - Dated April 2022)

Reason: To ensure protection of the trees on site.

6 The proposed development hereby approved, shall comply with the findings and recommendations enclosed within the Revised Coal Mining Risk Assessment (Reference AWA3956 - Dated April 2022).

Reason: To ensure land safety and stability.

7 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.

8 The barn hereby approved shall only be used for the agricultural practices set out within the planning statement (submitted on 18th May 2022) as well as the details enclosed within the approved plans (Proposed Site Plan (Dated November 2021) and Proposed Plans and Elevations) and not for any other trade or commercial practice including those relating to livery.
Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.

Informative(s):

1 The granting of planning permission does not in any way infer that consent of the landowner is given. Therefore the consent of all relevant landowners is required before proceeding with any development including that of the Council as landowner.

If it should transpire that the applicant does not own any of the land included in this consent then it is the responsibility of the applicant to seek all necessary consents and approvals of the landowner.

2 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848.

Further information is also available on The Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Standing Advice valid from 1st January 2021 until 31st December 2022

3 The granting of planning permission does not effect the status of species such as owls and bats which have protection under other legislation. These may be present, and it is the applicant's responsibility to seek advice on how to avoid damaging operations. Further advice can be obtained from the Countryside Unit in the Planning & Transportation Services, on 01226-772576, or directly from www.naturalengland.org.uk

4 A public right of way runs alongside the proposed development site. Obstructing a public right of way is a criminal offence. Safe public access on the right of way should remain available whenever possible, with no obstruction of or encroachment onto the width of the path and no building debris, storage of materials or parked vehicles limiting access at any time. Appropriate measures should be taken to protect the public, including fencing if necessary. If safe public access is not possible at any time then a temporary closure should be arranged, providing at least 4 weeks' notice and details of how public access will be managed. For further information contact publicrightsofway@barnsley.gov.uk.

5 Bulls of recognised dairy breads that are over the age of 10 months are banned by law from fields containing a public right of way. Please see the following link or further information: https://www.gov.uk/guidance/public-rights-of-way-landowner-responsibilities