

2024/0460

Mr James Bentley

Land adjacent Berry Lane Cottage, Berry Lane, Howbrook, Barnsley, S35 7EJ

Erection of detached dwelling

## Site Description

This site is a vacant piece of land adjacent a detached dwelling on Berry Lane (Berry Lane Cottage) in the village of Howbrook. The surrounding area is countryside and allocated as Green Belt. The site is part of the wider Berry Fold Farm development which features large, detached dwellings. The site is set to the east of the existing dwelling and is proposed to be in line with it. The surrounding street scene is also residential featuring stone-built dwellings as well as the adjacent dwelling which is rendered (it is noted application 2024/0462 would re-build the adjacent dwelling in stone).

## Proposed Development



The applicant is seeking approval for the erection of a pitched roof two-storey detached dwelling. A kitchen, dining and living room are proposed on the ground floor and three bedrooms on the first floor. The dwelling has a length of 7.7 metres and a width of 9 metres. The dwelling has a ridge height of 9 metres and an eaves height of 5.4 metres. There is a single storey front extension also proposed with a projection of 1.8 metres and a width of 2.65 metres. The extension will feature a pitched roof with a ridge height of 3.8 metres and an eaves height of 2.5 metres. The materials used for the dwelling will be stone and slate roof tiles.

## 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 on 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.

### **Local Plan Allocation – Green Belt**

To the extent that development plan policies are material to an application for planning permission the decision on the application must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004). In reference to this application, the following policies are relevant:

**Policy SD1: Presumption in favour of Sustainable Development** – States that proposals for development will be approved where there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents. Development will be expected to be compatible with neighbouring land and will not significantly prejudice the current or future use of neighbouring land. Policy GD1 below will be applied to all development.

**Policy 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. Development will be expected to be compatible with neighbouring land and will not significantly prejudice the current or future use of neighbouring land.

**Policy 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.

**Policy 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 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; 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 H4: Residential Development on Small Non-Allocated Sites** – Proposals for residential development on sites below 0.4 hectares (including conversions of existing buildings and creating dwellings above shops) will be allowed where the proposal complies with other relevant policies.

**Policy H6: Housing Mix and Efficient use of land** – Housing proposals will be expected to include a broad mix of house size, type and tenure to help create mixed and balanced communities. Homes must be suitable for different types of households and be capable of being adapted to meet the changing needs of the population. Proposals to change the size and type of existing housing stock must maintain an appropriate mix of homes to meet local needs.

**Policy HE1: The Historic Environment** – States that development which affects the historic environment and Barnsley's heritage assets, and their settings will be expected to protect or improve the character and/or appearance of Conservation Areas and Listed Buildings.

**Policy HE3: Developments affecting Historic Buildings** – Proposals involving historic buildings should conserve and where appropriate enhance, respect historic precedents, and capitalise on opportunities to reveal significance.

**Policy 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.

**Policy 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.

**Policy 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.

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

#### Supplementary Planning Documents

The proposals have been considered in relation to the following SPD's:-

- Design of housing development
- House extensions and Other Domestic Alterations
- Parking
- Sustainable Travel

#### Other Guidance

South Yorkshire Residential Design Guidance

National Planning Policy Framework

The NPPF sets out the Government's planning policies and how these are expected to be applied. The core of this is a presumption in favour of sustainable development. Proposals that align with the Local Plan should be approved unless material considerations indicate otherwise.

In respect of this application, relevant sections include:

- Section 12: Achieving well-designed and beautiful places
- Section 13: Protecting Green Belt land
- Section 16: Conserving and enhancing the historic environment

## **Consultations**

The LPA's Biodiversity Officer was consulted and raised no objections subject to conditions.

The LPA's Conservation Officer was consulted and raised no objections subject to conditions.

The LPA's Forestry Officer was consulted and raised no objections subject to conditions.

Highways Development Control (DC) were consulted and raised no objections subject to conditions.

Highways Drainage were consulted and raised no objections.

Penistone East Ward Councillors were consulted and raised no objections.

Pollution Control were consulted and raised no objections subject to conditions.

Wortley Parish Council were consulted and raised no objections.

Yorkshire Water were consulted and raised no objections.

## **Representations**

Neighbour notification letters were sent to surrounding properties and a site notice posted in the vicinity of the site, two objections were received and in summary raised the following points that are material planning considerations.

- Berry Lane a is single track road with no on street parking and the access road is also single track with no passing point.
- Traffic approaching from Hollinberry Lane and Howbrook Lane will be at risk when turning into the access road as vision will be obscured due to the nature of the turning point and vehicles at the dwelling will be unable to turn left as the road is not wide enough.
- The drawing number SEA/902/G/006 shows no designated parking or vehicle turning area for the proposed dwelling.
- The change from a small cottage to two family homes usually means four cars minimum. This would be a problem for any visitors or deliveries as there isn't space to park on the road.
- The proposed dwelling would not be in keeping with the original farmhouse and barn which have been restored, retaining original features such as size of windows and doorways.
- The Berry Fold Farm development is all original, dating back to 1700's and to add modern housing would be unsightly.

- The erection of a new dwelling combined with 2024/0462 adjacent will make the farmhouse, cottage and barn look like a new housing estate.
- The development of this site should not be seen as infill to Howbrook village. Where new properties have been built in the village, they have good road access and property type.

With regards the parking drawing SEA/902/G/006 has since been updated to show a vehicle turning area as well as two parking spaces per dwelling which is in line with the parking SPD.

Additionally, the following point that is not a material planning consideration was raised.

- The Berry Fold Farm development was part of Wharncliffe Estate & is under covenant preventing development of the site.

Furthermore, one additional comment on the application was also received and in summary raised the following points.

- No objection to the plans but there is a large population of bats in and around the trees on this site and there are also lots of owls. I can see that the trees are going to remain but is there anything that can be done to limit the disruption to the wildlife, especially during the demolition of the existing house.

## **Assessment**

### Principle of Development and Impact upon Green Belt

Local Plan policy GB1 states that *“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”*. There are exceptions to this with one of those being limited infilling in villages to which this proposal would be as the development is located within the village of Howbrook. This is also in accordance with Green Belt exception clause (e) of paragraph 154 of the NPPF – limited infilling in villages. There are also three other instances of development within Howbrook that were permitted due to clause (e) and are therefore also classed as been limited infilling within the village of Howbrook, those being:

- 2015/1199 – Erection of Dwelling with Integral Garage at; 7 Carr Head Road
- 2018/0041 – Erection of 4 Detached Dwellings at; Land to the North of Hollinberry Lane
- 2019/1570 – Erection of two storey detached dwellinghouse including provision of associated attached garages, vehicular access with gates and external parking area at; Land adjacent The Cottages, Berry Lane

Given the national planning policy position for the proposed development, in conjunction with the recent precedents set in Howbrook, the LPA view the proposal as conforming with the definition of limited infilling in the village of Howbrook given the proposal's location proximate to the main crossroad within the village. Development should be compatible with its surroundings and in this case the street scene is largely residential, as such the use of this site for residential use would be in keeping with the locality. In addition to the above, all new dwellings must ensure that living conditions and overall standards of residential amenity are provided for or maintained to an acceptable level both for new residents and those existing. Also, development will only be granted where it would maintain visual amenity and not create traffic problems or reduce highway safety.

### Impact upon Heritage Assets

The application seeks permission for the erection of a new dwelling. The site is circa 100 metres southwest of the junction between Berry Lane and Hollinberry Lane. On the junction there is a

Scheduled Ancient Monument, a wayside cross (NHLE 1011757). The cross is Medieval in origin and although missing its head, and part of the shaft, it is a good example of an unaltered / in situ wayside cross on a historically significant crossroads. The site is relatively close, but there is no intervisibility due to the bend in the road and screening from intervening vegetation and trees. Consequently, the site contributes little to the setting and significance of the designated asset, and harm due to the development is unlikely.

The site is of some age, appearing on the first edition OS map with Berry Fold Farm and the attached barn similar in layout to today. However, it is clear development of the site and repair has occurred to adjacent structures. This has been done sympathetically, and whilst the site layout may have altered slightly, its overall interest and character remains. As such, Berry Fold Farm contributes positively to the general group value of historic agricultural sites in the vicinity.

Berry Fold Cottage is altered with modern front porch and rear catslide roof additions. The walls are also pebble dashed / rendered, and the roof is covered with replacement concrete pantiles. The windows are all replacements in upvc. Consequently, its value and contribution to the wider site is limited in terms of its historic significance. Circa 10 metres to the east is a small, low single storey stone structure. This appears to be earlier than the cottage and can be seen on the 1850 OS map. However, its value is also limited being fragmentary and likely to be a simple outbuilding.

The proposal to develop the site and erect a new dwelling is therefore acceptable. The design and aesthetic of the new dwelling is restrained and traditional being a two-storey cottage with a pitched roof, small front facing gabled porch and all in stone. The roof is to be covered with slate with walls in coursed squared sandstone. The windows and doors are proposed as upvc, but in this context that is acceptable. On balance, there is little harm given the relative heritage interest, and the traditional design of the proposed dwelling due to the fairly visible roadside location and the character of Berry Fold Farm.

### Visual Amenity

The street scene consists primarily of two storey dwellings. The immediately adjacent property to the west is also proposed to be a detached two storey dwelling (2024/0462) and as such development on this site should relate to these adjacent properties and the rest of the Berry Farm development. The proposal involves the erection of a detached stone-built dwelling with a pitched roof, which in terms of materials will match the appearance of the adjacent dwellings to the west. The materials have been suggested by the applicant and consulted on with the LPA's Conservation Officer to be suitable to the adjacent dwellings and secured by condition. The siting of the dwelling is acceptable, and it is set in line with the adjacent dwelling. With regards the impact on the wider development there are no anomalous features on the proposed dwelling and the proposed design and materials is deemed sympathetic to the setting and would not have a negative impact.

Sufficient landscaping and boundary treatments are not indicated on the submitted site layout and will be dealt with via conditions. Nevertheless, the proposal is therefore acceptable in terms of visual amenity and impact upon the street scene in accordance with the SPD Design of Housing Development and policy D1 of the Local Plan.

### Residential Amenity

The proposal involves the erection of a new detached dwelling. Other residential properties are adjacent and most notably to the west, therefore the impact upon the residential amenity of these properties is an important consideration. The site was previously residential curtilage, so the use of the site for residential purposes is in keeping with the adjacent uses.

In terms of external spacing standards and overlooking, the SPD Design of Housing Development states that a minimum of 21 metres should be achieved between facing habitable room windows, and 12 metres should be maintained between habitable room windows and a blank side elevation. No habitable room windows will face the adjacent dwelling as the habitable rooms windows are

located on the front, rear and side (east) elevations. Additionally, a distance of 10 metres is maintained to the rear boundary of the site with dense tree screening also to the rear.

The proposal should not cause any significant overbearing to any neighbouring dwelling, and it is not set directly to the south of any neighbouring dwelling. In terms of overshadowing, the property is set in line with the proposed adjacent dwelling (2024/0462) and there is no dwelling set to the north, east or south. The dwelling is designed to be identical in height to the proposed adjacent dwelling and therefore will harmonise with it.

The proposed dwelling has been designed with adequate room sizes and external amenity space of over 100sqm which is in compliance with the standards set within the SPD and the SYRDG. The proposal is considered to be acceptable in terms of residential amenity in accordance with the SPD Design of Housing Development.

### Highway Safety

There will be no impact upon highway safety. The proposals comprise the erection of a single detached dwelling on a plot of land which currently forms part of the garden area of Berry Lane Cottage. The eastern extent of the site forms a boundary with Berry Lane from which an existing vehicular access serves the aforementioned Berry Lane Cottage along with Berry Fold Farmhouse and its outbuildings. Berry Lane is a very lightly trafficked rural lane of generally single vehicle width that runs between the A629 Sheffield Road to the south and Howbrook Lane to the north. There are no footways, and no street lighting is present on either side of Berry Lane.

With reference to the amended site layout plan, the revised proposals now include two off-street parking spaces of sufficient size for the proposed dwelling along with room for vehicles to turn within the site, this is of considerable benefit in terms of highway safety. This turning provision, which enables vehicles to exit in a forward gear, also has the benefit of allowing sufficient intervisibility between drivers when vehicles are emerging from both accesses at the same time. In view of the above no objections are raised from a highway's perspective.

### Impact upon Biodiversity and Trees

A bat survey report has been submitted in support of the application which details an assessment of a small stone outbuilding which occurs to the southern boundary of the site. The report details surveys undertaken including an external and internal inspection of the building and a single emergence survey, based on the low potential of the building to support roosting bats.

The emergence survey was undertaken by an appropriate number of surveys, aided by infra-red cameras so as to cover the elevations of the building. The survey effort detailed is in line with the Bat Conservation Trust survey guidance. No bats were recorded emerging from the building during the survey which indicates the absence of a bat roost and that proposed demolition works can be undertaken without constraint.

The surveys identified no signs of nesting birds but the report details that dense ivy on the building is likely to be used by nesting birds. During the bat emergence survey, a high level of bat activity was recorded, with a number of different bat species noted. Habitats within and adjacent to the site, such as trees and the How Brook, which in turn adjoins to ancient woodland within the area offers good quality foraging and commuting habitat for bats. From reference to tree survey information, the site layout and cover letter submitted as part of the application, it is appreciated that trees within the site will be retained.

It is important that the proposed development also adopt a sympathetic lighting scheme to ensure the site remains attractive to bats, as per the recommendation within the report. The bat survey report also includes recommendations for precautionary measures for nesting birds and the installation of an integral bat box and two swift bricks within the proposed dwelling.

### Other Matters

The covenant mentioned in relation to protecting the historic nature of the development is not a material planning consideration and would be a legal matter to be addressed between the parties. Nonetheless the covenant may mean the application cannot be implemented however that would not be a suitable reason to refuse the application.

### **Recommendation**

**Approve with conditions**