
2021/1469

Mr Paul Marsh

Erection of café/coffee shop and embankment

Mapplewell Meadows Farm, Hill End Road, Mapplewell, Barnsley, S75 6DX

Description

The application site is in relation to a site which is approximately 57ha situated to the South-East of Mapplewell. The site is accessed via Hill end road which leads to an informal access track which then leads to a small car parking area. The site is privately owned but the applicant has stated that it has been used for many years for walkers, horse riding, cross country events and has associated picnic areas and a fishing pond. This site has an existing smaller café and outdoor seating area, which would be replaced by this proposal.

Site history

2019/1347 Erection of coffee shop (retrospective; amended scheme) - Approved with conditions

Proposed Development

The applicant is seeking planning approval for the erection of a café on this site to replace the existing café. The proposed location is 15m to the north of the existing provision. There is no significant change in the access or parking situation on site. The café will serve the existing uses of the sites with the applicant informing the LPA that the café will have flexible opening hours depending upon the frequency and duration of equestrian events, the season, weather conditions and likely number of visitors. The application has also stated that they are hoping to work with schools and the local community to provide educational sessions within the building.

The unit is a pitch roofed structure with timber cladding on the exterior on a concrete base. The roof would be profiled sheeting with roller shutters to doors and timber shutters to the windows. The appearance of the building would be agricultural, having a similar appearance to stables. The café is rectangular in shape with a width of 6m and a length of 15m. The café includes toilets, kitchen and serving area and indoor seating. An embankment would also be formed as part of the proposals using reclaimed stone from around the site. This would provide a level platform for an external seating area within a defined space.

Policy Context

The new Local Plan was adopted at the full Council meeting held 3rd 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).

The site is set within the Green Belt as shown on the Proposals Map of the Adopted Local Plan

NPPF

In respect of this application, relevant policies include:

Section 13. Protecting Green Belt Land

Paragraph 145 states:-

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

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) 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;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Adopted Local Plan 2019

The following local plan policies are of relevance to this application:-

Policy GD1 General Development

Policy T4 New Development and Transport Safety

Policy BIO1 Biodiversity and Geodiversity

Policy D1 High Quality Design and Place Making

Policy GB1 Protection of Green Belt

Consultations

Highways DC – The proposals do not specify a number in terms of parking spaces that are to be provided as there are no defined spaces within the site. There are however non-solid surfaced areas that provide ample parking provision quite some distance into the site, well clear of the public highway.

It is therefore considered that the proposals do not adversely impact upon the highway and are acceptable from a highways development control perspective

Forestry Officer – As the Tree Report submitted with the application dated from 2011, a request was made for a photographic survey of the site to determine if an updated tree report was required.

Two site photographs were received which showed no trees within the site. Therefore no further reports were required.

Pollution Control – This development is unlikely to have an adverse impact on health and the quality of life of those living and/or working in the locality, so approval is recommended.

Highways Drainage - the details provided are sufficient and that I have no further observations to make with respect to land drainage. I am happy for the details to be checked by building control.

Public Rights of Way (PROW) – There are few recorded public rights of way within the site boundary. Those routes which are recorded public rights of way are shown on the attached plan. The proposed facilities do not appear to affect any recorded public rights of way so I do not have any comments on those proposals. However I do have some comments on the wider site and I would appreciate it if you would pass these on to the applicant.

Firstly, there is an existing 'dead-end' route running alongside the River Dearne at the southern end of the site. This is due to an administrative error related to the parish boundary (which changes at this point) when the footpath was recorded on the Definitive Map and Statement. The Council would like to see the full through route recognised as a public right of way. Is the applicant willing to dedicate the continuation of this route as a public footpath? (Shown on the plan.)

The landowner should also be aware that, if paths have been installed / improved and the public are using these routes without challenge, they may acquire public access rights (i.e. become established as formal public rights of way). To avoid this, the landowner may wish to take steps to protect the land. Typical actions to protect public access include:

- Installing signs at access points with wording including 'no public right of way'. Advice can be provided on wording if requested.
- Entering a permissive path agreement with the Council to confirm the routes as 'permissive' – i.e. legal confirmation that public access is provided at the landowner's permission and can be withdrawn.
- Submitting a land deposit under section 31(6) of the Highways Act 1980. This involves submitting a plan of the land they own, acknowledging existing public rights of way and confirming that they do not wish to allow any additional routes to be dedicated as public rights of way. This provides 20 years' legal protection from the date of submission (but cannot be backdated so does not apply to any time period before submission).

If the landowner would like to discuss any of the points raised above they should contact publicrightsofway@barnsley.gov.uk.

Ward Councillors – 2 letters of support from Cllr. Hunt and Cllr. Spence, respectively, who stated that the proposed indoor seating is an obvious next step as the existing facilities have proved popular but are impacted by the weather, are in keeping with the surroundings and do not impact adversely on any neighbouring property. The site is also attracting interest from local community groups.

Representations

Neighbour notification letters were sent to neighbouring residents and a site notice was placed nearby; no comments were received.

Assessment

Principle of development

The applicant has provided information which indicates that the site is used for a multitude of purposes including walkers, dog walkers, runners and equestrian uses. The site also has a fishing pond further south into the site. The site benefits from an existing smaller café to serve and support the aforementioned existing uses of the site and whilst it cannot be directly defined as an 'appropriate' use within Local Plan Policy GB1, it can generally be defined as 'loosely' supporting outdoor recreation. Due to the size of the existing premises, there is no scope for indoor seating, which limits the opening times. The existing café is rectangular in shape with a width of 2.5m and a length of 6.7m. It features a flat roof with a very slight slope. The current proposal is for a larger café (15m by 6m) with indoor seating to support the outdoor recreation uses within the wider site. This proposal has arisen as a result of visitor numbers throughout the past 18 months and feedback received from users. The proposed café is larger than the existing premises it is intended to replace. However, it has been well designed and its additional impact upon the landscape would be limited due to the existence of a café on site and surrounding trees and vegetation. As such, it is considered that the proposed size is considered acceptable, however would be considered at its upper limits to protect the openness of the Green Belt.

Impact on Trees

The Tree Officer has been consulted and following site photos being submitted, has no objection to the proposal as there would be no trees directly impacted by the proposal. The site visit showed that the café was at a reasonable distance from nearby trees on site and did not have significant detrimental impact upon these.

Highway Safety

Access into the site has not been changed as part of this application with the lane via Hill end road still being utilized. The proposal is to serve existing users of the site with no significant increase in road users visiting this site. Highways DC have been consulted on the scheme and have raised no objections to the proposal. The proposal is therefore considered acceptable in terms of Highway Safety.

Impact on Public Right of Way

Several recorded public rights of way are situated within the site boundary. The proposed facilities do not appear to affect any recorded public rights of way and the

PROW officer has not raised any objections to the proposal. Whilst there were some comments that the PROW officer wished to pass onto the developer, he did not recommend any conditions or informatives to be attached should the LPA be minded to approve. The comments have been passed on separately.

Residential Amenity.

The nearest residential dwellings are located on Hill end road some 400m from the existing café. There have been no objections raised by any neighboring property with regards to the existing use. Whilst the café is significantly larger than the existing proposal, it is not anticipated that this would result in loss of residential amenity given its location and therefore it is considered to be in compliance with Local Plan Policy GD1: General Development.

Visual Amenity

The proposed building has been designed sympathetically to its surroundings and has the appearance of a stable building, which would not be out of keeping within the green belt, indeed there are a number of stables within the wider site. The proposed building would not be visible to existing properties but would afford the site users views of the wider Borough. Therefore it is considered to be in compliance with Local Plan Policy D1 High Quality Design and Place Making.

Other Matters

The existing café should cease in operation following the completion of construction on this site and the building be taken down and the site restored to grassland/woodland.

Recommendation

Approve with conditions.