Appeal Decision

Site visit made on 7 December 2001 RIBA!

by Terence N Povey BA BArch MA FRTPI FIBA MIMgt

an Inspector appointed by the Secretary of State for Transport, Local Government and the Regions

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Date 20 DEC 2001

Appeal Ref: APP/R4408/A/01/1073958
Site address: Hall Farm, High Hoyland Lane, High Hoyland, South Yorkshire

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by R & A Smith & Sons Limited against the decision of Barnsley Metropolitan Borough Council.
- The application (ref: B/01/0644/PR), dated 24 May 2001, was refused by notice dated 7 August 2001.
- The development proposed is demolition of farm buildings, residential conversion of farm buildings, layout out of access road, and erection of 9 dwellings.

Summary of Decision: the appeal is dismissed.

Procedural Matters

1. The appeal site is situated within the High Hoyland Conservation Area. It is also located adjacent to a listed building, Hoyland Hall, and thus forms part of the listed building's setting. The north western edge of the site also lies within the Green Belt, but only tree planting is proposed for this narrow strip of land; the land proposed for new housing development and barn conversions is located outside the Green Belt. Accordingly I have treated the proposed development as pertaining to land outside the Green Belt.

2. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard shall be had to the desirability of preserving listed buildings' settings. Section 72 of the same Act requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

Main Issues

3. The main issues are whether the proposed development would preserve or enhance the character or appearance of the conservation area; whether it would preserve the setting of the listed building; whether it would have a safe and convenient form of access road; and the effect which it would have on the appearance of the adjoining Green Belt

Development Plan Policies

4. The development plan for the area comprises the Barnsley Unitary Development Plan which was adopted in 2000. With regard to relevant policies, policy BE1 provides that in conservation areas development will only be approved if it enhances or preserves the area's character and appearance, and policy GS9 seeks to prevent the visual amenity of the Green Belt from being harmed by development which is within or conspicuous from the Green Belt. The site is situated within an area of "Borough Landscape Value"

designated by the development plan, and policy GS13 provides that in such areas there should be no loss of valuable landscape features, with new development being sympathetic to the area and wherever possible the overall character and appearance of the area being conserved and enhanced.

5. Policy WR4 designates High Hoyland as an "infill village", within which new housing development will be restricted to infilling, redevelopment and round off. Policy WR7 provides, among other things, that within "infill villages" proposals for development should be appropriate to the existing form and character of the village. Policy T2A stipulates that roads, footways, private drives, points of access and vehicle manoeuvring areas should be constructed in accordance with the Council's standards, and should be constructed to be usable in a safe and convenient manner.

Reasons

6. High Hoyland is a small village set on a hillside within attractive open countryside which forms part of the Green Belt and the area of "Borough Landscape Value". While the settlement itself comprises a scattering of development around High Hoyland Lane, which is the main street of the village, the conservation area has a compact form, with stone houses mostly clustered close to the highway. In contrast, Hoyland Hall and the Old Rectory, as well as a house to the south west of Hall Farm, are set back a little from the highway, and the old stone barns and modern agricultural buildings of Hall Farm extend away from High Hoyland Lane in a north westerly direction. To my mind the conservation area is characterised by close-knit groups of stone buildings constructed in the traditional manner of the locality, with stone walls bordering the highway; these features are in turn set within the girdle of open countryside. Despite the presence of a modern house to the north of Hoyland Hall I consider that the listed building enjoys a basically open and rural setting which is particularly notable in terms of the approach to the village from the north.

7. I deal first with the issue of the internal access road which is intended to serve all of the proposed dwellings including the converted barns. I acknowledge that this road, as proposed, might not meet the standards of the Council regarding manoeuvring space for large vehicles, as the Council have pointed out. However, it seems to me that some detailed adjustment to the design of the access road and turning areas could result in this element of the scheme complying with the relevant standards and development plan policy. Since such minor changes could in my opinion be ensured by the use of an appropriate condition I do not find this aspect of the proposal to be basically inappropriate.

8. Turning to the effect of the proposals on the conservation area, I take the view that the residential conversion scheme for the large stone barn is a reasonably sensitively design and together with the re-use of the smaller stone barn for parking purpose the scheme proposes appropriate new uses which would allow these old buildings to be preserved. Although the Council have objected to the number of new ground floor openings proposed for the north west side of the large barn I consider that these would not be so obtrusive as to harm seriously the overall character and appearance of this old barn in terms of views from the surrounding area. In any case I note that it is proposed to screen this side of the barn with tree planting. It seems to me that the conversion and re-use of these barns would preserve the character and appearance of the conservation

area, and that the proposed removal of the unprepossessing modern agricultural buildings on their north west side would serve to enhance the area's character and appearance.

9. On the other hand, I consider that the proposed new houses would be unsatisfactory in various respects. Although the terrace of 3 houses proposed on the land to the north of Hoyland Hall would have the scale and appearance of a row of cottages, they would nevertheless, in my opinion, represent an intrusion of new development into what are presently open surroundings which form part of the open countryside around the Hall and the conservation area. In my view the intrusive effect of the row of houses would also be emphasised by the creation of the proposed widened access at this point. This development would in my opinion destroy part of the open character and rural appearance of these surroundings, serving to harm the setting of the listed building, the character and appearance of the conservation area and the appearance of the adjoining Green Belt countryside.

10. The proposed group of houses and garages to the north west of the old stone barns would partly occupy the site of the unprepossessing modern barns to which I have referred. However, these barns are buildings normally found within the countryside and to my mind form part of the rural character of the village and the conservation area. In contrast, it seems to me that the proposed development, with its extensive access road and garages, would have the appearance of a suburban-like residential area, unlike the compact clusters of buildings within the conservation area. It would also, unlike the existing houses, be unrelated to the village street. I therefore find that this aspect of the proposals would fail to preserve the conservation area's intrinsic character.

11. Finally, I turn to the pair of houses proposed on the south east side of the large stone barn. As in the case of the other proposed houses it seems to me that their design has been carefully considered and that they would have a pleasant, traditional character and appearance. The houses would, however, occupy an elevated site in relation to the village street and their 2 storey form would in my opinion result in them appearing as rather more obtrusive and dominating than the simple, unassuming agricultural buildings which they would replace. I am also concerned that the first floor windows of these elevated houses would be sited so close to the existing, neighbouring dwelling to the east that occupiers of this dwelling could suffer problems of overlooking and loss of privacy. I therefore consider that the proposed houses would comprise an insensitive and inappropriate form of development within the conservation area.

12. These various considerations lead me to conclude that the proposed development would serve to harm rather than to preserve or enhance the character and appearance of the conservation area and the setting of Hoyland Hall, as well as being harmful to the appearance of the Green Belt. The proposal therefore conflicts with the relevant provisions of the development plan and the legislation to which I have referred.

Other Material Considerations

13. The Appellants have referred to Government policy regarding new housing in villages, as set out in Planning Policy Guidance Note 3. This document advises that significant additional housing in villages will only be suitable where it can be demonstrated that this will support local services such as schools or shops; where the houses are needed to meet local needs such as affordable housing; and where the development can be

designed sympathetically and laid out in keeping with the character of the village, using techniques such as village design statements. With regard to the first two criteria I can find no convincing evidence in the representations to show that the proposed development would satisfy a defined local need; indeed, representations from local people indicate that they consider the development to be unwelcome and inappropriate. With respect to the third criteria, while I acknowledge that a thorough design statement has been produced by the Appellants' agent, I have concluded that the development would harm the character of the village conservation area. In these circumstances I do not find that the proposal accords with national policy as contained in Planning Policy Guidance Note 3.

14. I have also noted the Appellants' reference to the redevelopment scheme at Hall Farm serving to give financial assistance for the construction of a large, offsite milking shed. However, no substantive details of this aspect have been submitted as part of the representations, and I do not consider that this intention to aid an agricultural scheme is sufficiently significant to override the otherwise harmful nature of the proposal.

Conclusion

15. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

16. In exercise of the powers transferred to me, I dismiss this appeal.

Information

17. A Separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court within 6 weeks from the date of this decision.

[redacted]

INSPECTOR