

Report Precis

Report of the Interim Head of Planning to the Planning Regulatory Board

Date: 28/07/2015

Subject

Applications under Town and Country Planning Legislation.

Purpose of Report

This report presents for decision planning, listed building, advertisement, Council development applications and also proposals for works to or felling of trees covered by a Preservation Order and miscellaneous items.

Access for the Disabled Implications

Where there are any such implications they will be referred to within the individual report.

Financial Implications

None

Crime and Disorder Implications

Where there are any such implications they will be referred to within the individual reports.

Human Rights Act

The Council has considered the general implications of the Human Rights Act in this agenda report.

Representations

Where representations are received in respect of an application, a summary of those representations is provided in the application report which reflects the key points that have been expressed regarding the proposal.

Members are reminded that they have access to all documentation relating to the application, including the full text of any representations and any correspondence which has occurred between the Council and the applicant or any agent of the applicant.

Recommendation(s)

That the applications be determined in accordance with the recommendations set out in the main report which is attached. Full report attached for public and press copy (unless Confidential item).

Background Papers

These are contained within the application files listed in the following schedule of planning applications. They are available for inspection at Barnsley Library and Information Services, The Civic Centre, Eldon Street, Barnsley, S70 2JL.

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Erection of 4 no. detached dwellings with associated access, parking and landscaping.
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Erection of a detached dwelling with attached garage, access and parking.
Land adj Old Hall , 1 High Street, Great Houghton, Barnsley S72 0EN

2015/0572 Approval

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Erection of static caravan for temporary living accommodation.
White Acres, Lane Head Road, Cawthorne, Barnsley, S75 4DT

PLANNING APPLICATIONS – WITH REPORTS

Ref 2014/1240

Applicant: Yorkshire Land Ltd

Description: Erection of 4no detached dwellings with associated access, parking and landscaping

Site Address: Land off Huthwaite Lane, Thurgoland

38 letters of objections have been received from local residents.

Objections have also been received from Councillor Barnard, Thurgoland Parish Council and Angela Smith MP.

16 letters of support have been received from local residents.

Background

Members will recall that the application was referred to the June meeting and was deferred for a site visit. The Board also requested the applicant to afford consideration to the inclusion of bungalows as a replacement house type, and to carry out additional resurfacing work on Huthwaite Lane beyond the proposed site access and Cote Lane. The updated assessment is summarised below:-

Site Description

The site comprises an 'L' shaped plot of land which is located on Huthwaite Lane near to Thurgoland.

The site comprised 0.4ha of open and undeveloped land positioned between existing dwellings which are located on either side. The site has an existing access gate onto Huthwaite Lane and a dry stone wall on this boundary.

The site is overlooked by the rear of terraced houses to the west, Mount Pleasant and Rock Leigh. To the east the site is overlooked by the rear of a row of one and a half storey detached bungalows.

Located to the rear of the site is the former Huthwaite Quarry which is a designated Regionally Important Geological site.

Proposed Development

The proposal is to construct 4 detached dwellings on the site. The dwellings would all be substantial in scale containing 5 bedrooms with footprints ranging from 134 to 203sqm. In addition the dwellings would be provided with a mixture of detached or attached double or triple garages which would add a further 55qm of built floorspace in the case of plots 1 and 4. Facing materials are proposed to comprise pitched face natural stone and natural slate.

It is proposed to construct a new private drive internally within the site to serve the dwellings. The dwellings would also be provided with driveways and gardens.

History

B/94/0020/PR – Erection of two detached dwellings (outline). Refused permission 24/02/1994 for the following reasons:-

1. *The application site lies within an area designated as Green Belt and Area of County Landscape in the South Yorkshire Structure Plan wherein new development is not permitted, except in exceptional circumstances for the purposes of agriculture, forestry, recreation, cemeteries, institutions standing in large grounds and other uses appropriate to a rural area. In the opinion of the Local Planning Authority there are no exceptional circumstances in this case that would justify a departure from that policy.*

2. *The development proposed would be materially detrimental to the character of the existing settlement both by increasing the density of the buildings and creating a precedent that could lead to similar proposals elsewhere within the settlement.*

Policy Context

Planning decision 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 development plan consists of the Core Strategy and the saved Unitary Development Plan policies. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

The Council has produced a Local Plan Consultation Draft 2014 which shows possible allocations up to 2033 and associated policies. The document is a material consideration but the weight afforded to it is limited by the fact it is at an early stage in its preparation.

Local Development Framework Core Strategy

CSP2 'Sustainable Construction'
CSP3 'SUDS'
CSP4 'Flood Risk'
CSP8 'The Location of Growth'
CSP26 'New Development and Highway Improvement'
CSP29 'Design'
CSP34 'Protection of Green Belt'
CSP36 'Biodiversity and Geodiversity'

Saved UDP Policies

UDP notation: Green Belt

WR10 'Western Rural Green Belt'
GS6 'Extent of the Green Belt'
GS7 and GS8 'Development within the Green Belt'
H8D 'Infill, Backland and Residential Development'

SPD's

-Designing New Residential Development
-Parking

Other

South Yorkshire Residential Design Guide

Local Plan Consultation Draft 2014

Proposed allocation: Green Belt

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.

14. 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 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 the Framework indicate development should be restricted.

80. 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.

87. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

88. 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.

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

Limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan

Consultations

Biodiversity Officer – Does not object subject to the mitigation measures in revision C of the Ecology report being conditioned.

Drainage – No objections subject to conditions.

Highways – Consider that Huthwaite Lane should be resurfaced for the section between the site access and Cote Lane and that this should be ensured as part of any planning permission. Apart from that issue they do not object to the application subject to the imposition of standard conditions.

Regulatory Services – No objections subject to conditions.

Tree Officer – No objections subject to conditions.

Thurgoland Parish Council – Object based upon the following reasons:-

- Concerns about the impact of the development on a designated Local Wildlife and Regionally Important Geological site, Huthwaite Quarry which is located adjacent to the site.
- Access – It is stated that Huthwaite Lane is a poor quality unadopted road which is not suitable to accommodate traffic from the development. It is also contended that the Council has missed a previous opportunity to improve and adopt Huthwaite Lane.
- Scale and appearance – Local residents are concerned that the proposed plans are not in keeping with the existing dwellings located adjacent to the site and would be incongruous.
- Biodiversity – Concerns that the site has been cleared of vegetation and that the development would lead to the loss of remaining habitat for biodiversity.
- The site in question is in Green Belt, and is not identified as housing land in the current Local Development Framework, or indeed in the proposals for the new Local Development Framework, currently under consultation.

The Parish Council's grounds of objection are supported by Councillor Barnard.

SAGT – Raise no objections subject to conditions.

SYMAS – No objections

Urban Design Officer – No objections.

Yorkshire Water – No objections.

Representations

The application was publicised by notices in the press and on site and by individual neighbour notification. 54 representations from local residents have been received (38 objections and 16 supports). Objections have also been received from Councillor Barnard, Thurgoland Parish Council and Angela Smith MP.

In summary the main grounds of objections are as follows:-

- Inappropriate development in the Green Belt.
- The site should remain open to prevent urban sprawl.

- Planning history – Previous applications to build housing on the site have been refused. It is therefore stated that the outcome should be no different this time around.
- Scale and character – Concerns that the proposed houses would be out of scale with the old stone cottages and bungalows located adjacent to the site. It is therefore contended that bungalows should be developed if there is to be any development at all.
- The houses are intended to provide mansions which would be of no benefit to the local community.
- Harm to residential amenity – overlooking, overshadowing, levels differences, loss of view, noise, light and odour pollution.
- The development is not considered to be contrary to the NPPF in relation to the sections on National Green Belt policy and Core Planning Principles.
- It is asserted that the village of Huthwaite does not exist. The site is in fact located in a hamlet located near to Thurgoland village. Therefore the development should not be considered as an exception to forms of inappropriate development defined in the NPPF.
- It is also asserted that the established use of the site is as allotments and a wildflower meadow rather than being an ‘infill’ site that is suitable for development.
- Access – The majority of objections make the point that Huthwaite Lane is unadopted, is a poor condition and is too narrow. Associated concerns raised are therefore that the lane could not cope with additional traffic from the development. Residents also express concern that increased usage may increase the cost burden for existing residents.
- Rights of access – It is asserted that the Council has no jurisdiction to grant right of access to a new development from a private lane, certainly without the consent of/consultation with all owners of the lane.
- Improvements – a number of the representations received state that the development should only be allowed if the applicant is made to resurface Huthwaite Lane and carry out other improvements to drainage and parking to bring it up to adoptable standards.
- Parking – It is asserted that existing parking arrangements on the land are inadequate and that the applicant should be made to provide parking for existing residents and visitors.
- Existing cars would be displaced onto other parts of the lane when the access to the site is formed causing additional safety problems. In addition a dry stone wall would be damaged.
- The site is located next to an old quarry which contains a variety of local wildlife which would be forced away by the development.
- The development would also hinder local people’s ability to access the former quarry site safely on foot and with young children.
- The site is not been fly tipped and has been deliberately cleared of vegetation by the applicant.
- Need – concerns that there is no demand for the type of houses proposed evidenced by the number of properties available for sale locally and because so many new sites are proposed to be allocated in the draft Local Plan.
- Concerns about the visibility at the junction between Huthwaite Lane and Cote Lane.
- Infrastructure/utility services – Concerns that existing utility services struggle to cope with the demand from existing houses.
- Ecology – Concerns are raised that the data in the ecological report cannot be relied upon as the site has been deliberately cleared by the applicant of all habitat. Concerns are also raised that the survey has not accurately recorded bat activity at the site.
- Harm to bats and birds and a wildlife corridor.

- Geology - The report also does not cover geology issues in respect of the RIGS site.
- Trees have been removed from the site that would be worth of a TPO.
- Conflict of interest – It is asserted that there may be a conflict of interest as the applicant's agent as also worked on the Council's Strategic Housing Land Availability Assessment.
- Concerns that the application has been pre-determined and is a 'done deal' which was the impression given to residents during Thurgoland Parish Council meeting.
- Concerns that the Parish Council is asking for improvements to Huthwaite Lane as a sweetener and that the application should be refused regardless.
- Concerns that the applicant has used tactics appear which underhand, dishonest and motivated by financial gain and that the Council should refuse planning permission to uphold the integrity of the planning system.
- The development would disrupt the rural ambience of the area.
- Materials – It is queried what facing materials would be used to construct the properties.
- Poor public transport accessibility.
- Problems with drains and blocked grates on Huthwaite Lane.
- Conflict with tractors, trailers, horse boxes, cattle trucks, combine harvesters, wagons, delivery vans, oil tankers and visitors to dog kennels.
- Gardens, flowers, wildlife have all been stripped from the land which has been chemically treated.
- The lane drains and utility pipes beneath the lane are old and may not stand up to the heavy equipment that will have to be used during the construction of the proposed residential dwellings.
- It is queried who would be responsible for the landscaped areas of the site.
- Fences would not be a suitable form of boundary treatment for the development.
- Cote Lane is considered unsafe due to excessive vehicle speeds and potholes.
- Concerns that soakaways would not work due to the ground conditions and that there would be not a 'plan B' for surface water drainage.
- Concerns that soakaways are located to existing properties and may lead to flooding.
- It is asserted that assessments should be provided in relation to flood risk, coal mining and contaminated land and a tree survey to enable the Council to assess the application.
- The plans are inadequately detailed with regards to detailing materials and the relationship with existing houses.
- Waste collection – it is queried where waste would be collected from given that Huthwaite Lane is private.
- Impact on local facilities including doctors surgeries and schools.
- Concerns about damage to property.
- It is asserted that the motives of the parties involved are about profit at the expense of the local community.
- Localism – It is asserted that the number of objections from local residents and the strength of feeling against the application should mean that the application is refused.
- It is asserted that any fly tipping that has been carried out has been done by the parties involved with the application.
- Harm to pedestrian safety.
- Noise and disturbance during the construction phase – Conditions would be imposed.
- Flood risk/damage to property – Concerns that the development would affect a culverted stream passing underneath the cellar of Nos 1 and 2 Woodland View.
- Rights to carry out the development – It is asserted that part of the site lies within the ownership of Nos 4 and 5 Mount Pleasant meaning that the applicant does not have the rights to carry out the development.

Angela Smith MP has objected on the following grounds:-

- Inappropriate development in the Green Belt creating urban sprawl.
- Biodiversity – the development would disrupt a long established wildlife corridor and may harm protected species including bats, grass snakes and badgers.
- Scale and appearance
- Harm to residential amenity
- Highway safety – The development would place an unacceptable burden on the local highway network.

In summary, the main grounds of support are as follows:-

- It is asserted that the site has been used as a dumping ground for many years by local residents and the site clearance works undertaken have improved the appearance of the area by removing waste.
- Comments about the site being a haven for wildlife or a nature reserve are unfounded.
- The development would have a positive impact on the village and the site is overdue being developed rather than somewhere to dump waste.
- The development is an opportunity to deal with the long term problem of 'making up' Huthwaite Lane to adopted standards. Speed bumps should be introduced.
- A condition of the acceptance of any planning application should be that Huthwaite Lane should be adopted up to Ormsby Close.
- The plans are for a good standard of development and would enhance the area.
- Wildlife habitat would be provided within the development.
- Small infill developments such as this are preferable to new housing estates.

Assessment

Green Belt

The site is located in the Green Belt whereby the construction of new buildings is inappropriate unless the form of development proposed meets one of the exception categories set out in the National Planning Policy Framework.

The case put forward by the applicant is that the development constitutes limited infilling within a village, which is one of the exception categories listed in the NPPF. On this matter the application has generated a debate amongst a number of local residents within the representation as to whether Huthwaite constitutes a village, or whether it represents a site that is located outside of Thurgoland village. This is an important question for the Council as the case for whether or not the proposal constitutes inappropriate development hinges on the answer.

Having involved Planning Policy Officers in the assessment, it has been identified that Huthwaite is named as a village in the list of villages in the Core Strategy. Whilst a village boundary has not been defined in the draft local plan, logically the settlement consists of the Huthwaite Lane and Old Mill Lane and the areas in between. As the site is located in a central position in relation to existing houses in the settlement the opinion is that development of the site would be regarded as infill. As a result it is considered that the proposal would not be regarded as being inappropriate in the Green Belt by the National Planning Policy Framework. This document is therefore a material consideration which wasn't in effect in determining the previous application in 1994.

Being as the case is consistent with Green Belt policy, it is also considered to be compliant with Core Strategy Policy CSP8 The Location of Growth which allows for development in villages that is consistent with Green Belt policy. Therefore it is considered that there are no grounds in principle to refuse the application on. However, it is still necessary to consider the other material planning considerations which are assessed below.

Visual amenity

Concerns about the scale and appearance of the proposed houses has featured prominently in the representations. The applicant was made aware of the concerns and was requested to consider amending the plans to look at using smaller house types. However, the request was rejected on the grounds that the applicant disagrees that the dwellings would be out of scale with the settlement. Therefore it is necessary to consider whether the issues raised would be serious enough to warrant the application being refused.

Looking at the settlement as a whole the houses would be larger than those existing dwellings that border the site which comprise of terraced housing and chalet bungalows. Only some of the houses located on Huthwaite Lane further to the west of the site and on Old Mill Lane would be a close comparison. However, it must be acknowledged that a high number of the properties in the settlement are detached and occupy large building footprints. In addition the dwellings would still only be two storeys and site coverage by buildings would only be 18% of the overall site area.

The prominence of the development would be reduced by virtue of the site infilling a gap between dwellings located on either side. In addition 3 of the dwellings would be located towards the rear of the site and the other would be set back from the site frontage by 6m with its gable orientated towards Huthwaite Lane. On that basis it is considered that the scale and appearance would not result in any substantive harm being caused in visual amenity terms. Indeed a negative consequence of plans being amended to reduce the size of their individual footprints could be to increase the proposed number of dwellings to make use of the land available, which would increase the impacts of the development and the number of movements to and from the site. Again therefore I do not wish to recommend refusal over this issue when also taking into account that the plans are of good design and as high quality external natural building materials would be used in the construction. The dwellings could therefore be judged to add character and quality to the area.

The applicant was also asked to consider developing bungalows on the site after the application was deferred at the June Planning Board meeting. However, they disagree that this is necessary as they state that there are many examples around the Borough of two storey detached houses sited alongside bungalows. They also believe that 2 storey development in in keeping with the area as a whole and that the development complies with the relevant guidelines for assessing separation distances between new and existing properties. Whilst Officers sympathise with Members request it is not considered that a reasons for refusal could be justified on grounds of the housing mix due to the reasons stipulated by the applicant and in the absence of any specific 'bungalow' policy.

Residential Amenity

The site is overlooked by properties on the Mount Pleasant and Rock Leigh Terraces and the row of detached chalet bungalows on Cote Lane and is therefore sensitive with regards to residential amenity considerations.

However, loss of view is not a material planning consideration and the new dwellings are located a distance away from existing properties that would be sufficient to comply with the

SPD. The application is therefore judged acceptable in relation to overlooking/overshadowing grounds having regard to the SPD.

It would however, be necessary to impose a condition requiring obscure glazing on the eastern side of plot 3 as the proposed windows would be less than 10m from the boundary with Kinross and Fair View on Cote Lane.

Within the site the proposals raise few issues as relevant SPD space and amenity standards would easily be satisfied. The standard conditions would need to be imposed to limit the effects of noise and dust during the construction phase.

Highway Safety

The situation with regards to access to the site is complicated given that Huthwaite Lane is unadopted. The Council's Senior Legal Officer has afforded consideration to the matter and determined that Huthwaite Lane would be classed as a public highway which is privately maintainable taking into account the relevant legislation. It is therefore accepted that the site is able to demonstrate access to the highway network in principle. Notwithstanding this, it is noted that the surface of the Lane between the application site and Cote Lane is in a poor condition at present and Highways have recommended that a condition would be necessary for resurfacing work to be carried out prior to any of the new dwellings becoming occupied.

The applicant had originally agreed to resurface the section of Huthwaite Lane between Cote Lane and the site access as per the request of Highways (a distance of approximately 40m). The applicant is now prepared to increase the resurfacing to across the whole of the site frontage, an increase of approximately 16m which would provide a greater benefit. Clearly it would be preferable for more of the Lane to be resurfaced. However, planning conditions must be relevant to the proposed development and be reasonable in order to meet the statutory tests. In the absence of a Highways objection it is considered that the application should not be refused over this issue.

Apart from the issue of access into the site, the development has been designed in accordance with the relevant highway design standards and to provide sufficient car parking. Therefore Highways have resolved not to object subject to the imposition of the condition requiring the surfacing works and other standard conditions.

Biodiversity

The application has attracted controversy in that the site has been cleared of most of its vegetation prior to the planning application being submitted. In addition some of the residents assert that the site has been chemically sprayed since to prevent vegetation growing back on the site.

Incidences of alleged wildlife crime are a matter for criminal rather than planning legislation. Nevertheless it is a requirement that an application is accompanied by a suitable ecological evaluation report which has assessed the potential impact of the development on designated sites, habitats and protected species. The final report concludes that the site contains foraging habitat for birds and bats. Such foraging habitat is not protected and the report recommends that the following works would be sufficient as mitigation and enhancement:-

- Retain the hedge to the western boundary;
- Removal of Himalayan balsam;
- Planting of a buffer edge of native trees/ shrubs along the southern Installation of temporary fencing along the southern boundary prior to construction.

- The use of close offset accent lighting of low wattage and with movement sensors as outlined in the report.

The Biodiversity Officer has assessed the findings and does not object to the application subject to the recommendations of the ecological report being subject to a planning condition.

Trees

Again this point is sensitive amongst several of the local residents given the allegation that the site has been cleared of vegetation prior to the application being submitted. However any trees affected were not the subject of a Tree Preservation Order and so no offence was committed. In terms of the current situation, the Tree Officer is satisfied that the development should not directly affect any trees. However, there are some trees around the boundaries of the site and there is also a woodland Tree Preservation Order in effect to the south. Therefore it would be necessary to ensure suitable protection measures are put in place during the construction phase by condition. The Tree Officer is also satisfied that the landscaping details provided are acceptable and that replacement tree planting along the southern boundary will help to blend the site into the woodland edge.

Geology

Sheffield Area Geology Trust have advised that development sites adjacent to geological sites including geological SSSIs and RIGS have the potential to temporarily expose bedrock and superficial sediments within service trenches, building footings and access cuttings. However they would not require a watching brief to be in place as they consider the likelihood of significant bedrock exposures strati graphically higher or lower than those currently exposed within Huthwaite Quarry is low, and the additional extent of exposures of Grenoside Sandstone within trenches and footings is not likely to add significantly to the understanding of the local geology.

SAGT are also content that the Geological report submitted with the application is appropriate in terms of content and coverage. They do raise a slight concern about the potential for damage to the RIGS site from fly tipped waste, including garden waste. Based upon that issue, they have requested that a 2m high fence is erected on the southern boundary of the development to afford protection. This is reflected in the proposed conditions.

Drainage/Flood Risk

The site is below 1ha in size and is located in an area classed to be at low risk of flooding. This means there is no requirement for a Flood Risk Assessment to be provided with the application. In addition the Council's drainage engineers have resolved not to object to the application taking into account local circumstances subject to the imposition of the recommended conditions.

Ground conditions

SYMAS have not identified any significant risks to the site in terms of unstable land given that the site is located outside of a Mining Referral Area. Accordingly SYMAS have raised no objections subject to the standard advice forming part of a decision notice.

Rights to carry out the development

It is asserted that part of the site lies within the ownership of Nos 4 and 5 Mount Pleasant meaning that the applicant would not have the rights to carry out the development. This is not a material planning consideration, the granting of the permission would not infer that the applicant has obtained relevant legal consents by persons with an interest in the land/site, this would be addressed separately of the planning process.

Conclusion

In summary it is considered that the proposal would constitute infill development in the village of Huthwaite and as such it would not be classed as being inappropriate development in the Green Belt. The development is also judged to be acceptable in principle given that Core Strategy policy CSP8 allows for development within villages that is consistent with Green Belt planning policy.

Consideration to the other issues raised including the scale and appearance of the dwellings and the impact on the residential amenity of the residents of existing dwellings, highway safety, biodiversity and geology. It is considered that none of the impacts would be significant enough to warrant refusal of the application taking into account design standards in the Designing New Residential Development SPD and Core Strategy policies CSP4, CSP26, CSP29 and CSP36. However it would be necessary to impose a planning condition requiring Huthwaite Lane to be resurfaced along the section between the site entrance and Cote Lane.

Recommendation

Grant planning permission with 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 plans and specifications as approved unless required by any other conditions in this permission:-

Drawing 2014/10/01 'Plot 1 dwelling details'

Drawing 2014/10/02 'Plot 2 dwelling details'

Drawing 2014/10/03 'Plot 3 dwelling details'

Drawing 2014/10/04 Rev A 'Plot 4 dwelling details'

Drawing 2014/10/05 Rev A 'Proposed Site Layout'

Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.

- 3 Prior to the commencement of development plans to show the following levels shall be submitted to and approved by the Local Planning Authority; finished floor levels of all buildings and structures; road levels; existing and finished ground levels. Thereafter the development shall proceed in accordance with the approved details.

Reason: To enable the impact arising from need for any changes in level to be assessed and in accordance with LDF Core Strategy Policy CSP 29, Design.

- 4 No development shall take place until full details of the proposed external materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.
- 5 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 6 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
-The parking of vehicles of site operatives and visitors
-Means of access for construction traffic
-Loading and unloading of plant and materials
-Storage of plant and materials used in constructing the development
-The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
-Wheel washing facilities
-Measures to control the emission of dust and dirt during construction
-Measures to control noise levels during construction
Reason: In the interests of highway safety, residential amenity and visual amenity, in accordance with Core Strategy Policies CSP 26 and CSP 40.
- 7 Vehicular and pedestrian gradients within the site shall not exceed 1:12.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 8 No development shall take place until:
- (a) Full foul and surface water drainage details, including a scheme to reduce surface surface water run-off by at least 30% and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority;
- (b) Porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways;
- (c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways;
- Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented and the scheme shall be retained throughout the life of the development.
Reason: To ensure proper drainage of the area, in accordance with Core Strategy policy CSP4.
- 9 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of hard landscaping works. The approved hard landscaping details shall be implemented prior to the occupation of the dwellings.

Reason: In the interests of the visual amenities of the locality, in accordance with Core Strategy Policy CSP 29.

- 10 The soft landscaping works hereby approved shall be carried out strictly in accordance with the plans FDA Landscaping plan R/1638/1 as approved. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the visual amenities of the locality, in accordance with Core Strategy Policy CSP 29.

- 11 Prior to the commencement of development or other operations being undertaken on site in connection with the development, the following documents prepared in accordance with BS5837 (Trees in Relation to Construction 2005: Recommendations) shall be submitted to and approved in writing by the Local Planning Authority:

Tree protective barrier details
Tree protection plan
Arboricultural method statement

No development or other operations shall take place except in complete accordance with the approved methodologies. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: To ensure the continued well being of the trees in the interests of the amenity of the locality.

- 12 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 Core Strategy Policy CSP 40.

- 13 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position of boundary treatment to be erected. The boundary treatment shall be completed before the

dwelling is occupied. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property in accordance with Core Strategy policy CSP 29.

- 14 Prior to commencement of development an investigation and risk assessment to assess the nature and extent of any contamination on the site shall be submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:
- (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - o adjoining land,
 - o groundwaters and surface waters,
 - o ecological systems,
 - o archeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).
- This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The development shall be carried out in accordance with the approved report including any remedial options.
- Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Core Strategy Policy CSP 39.**
- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration of the dwellings which would otherwise be permitted by Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority, and no garages or other outbuildings other than garden sheds shall be erected other than those shown on the approved plans.
- Reason: To safeguard the privacy and amenities of the occupiers of adjoining residential property in accordance with Core Strategy Policy CSP 29.**
- 16 Prior to commencement of development full details of the mitigation measures identified in the Ecological Survey (revision C), including a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
- Reason: To conserve and enhance biodiversity in accordance with Core Strategy Policy CSP 36.**
- 17 No development shall commence until a detailed scheme for the resurfacing of Huthwaite Lane between Cote Lane and the application site including the full extent of the site frontage have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to any of the dwellings becoming occupied.

Reason: To ensure that there is adequate provision for pedestrian and vehicular access to the site and to prevent fretting and subsequent discharge of debris to the highway in the interests of highway safety.

- 18 Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking, amending or re-enacting that Order) no gates, bollard, chain or other means of obstruction shall be erected across the approved access off Huthwaite Lane unless details have first been submitted to and approved in writing by the Local Planning Authority.

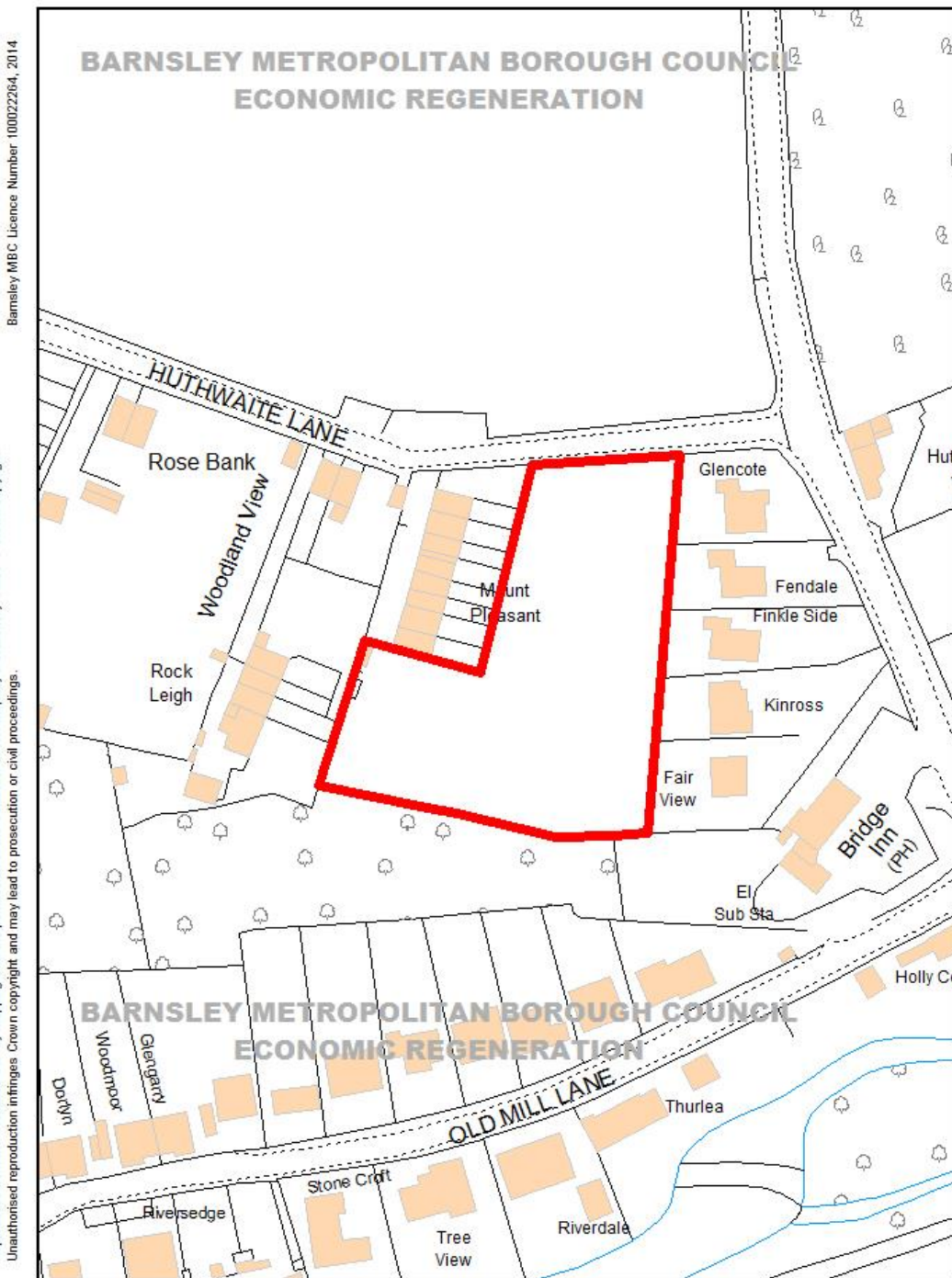
Reason: In the interests of highway safety.

- 19 All windows on the east facing elevation of the plot 3 facing the existing dwellings Kinross and Fair View, Cote Lane shall at all times be fitted with obscure glass and retained as such thereafter.

Reason: To safeguard the privacy and amenities of the occupiers of adjoining residential property and in accordance with LDF Core Strategy Policy CSP 29, Design.

PA reference :-

2014/1240



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BARNESLEY MBC - Economic Regeneration

Service Director: David Shepherd
Westgate Plaza One, Westgate,
Barnsley S70 9FD
Tel: 01226 772621



Scale 1:1250

2014/0316

Applicant: Mr Julian Bland

Description: Erection of a detached dwelling with attached garage, access and parking.

Address: Land adjacent Old Hall , 1 High Street, Great Houghton, Barnsley, S72 0EN

One objection letter has been received and Councillor Higginbottom has also raised an objection.

Site Location and Description

The site forms part of the curtilage of the (former) Old Hall Inn Public House. The public house has planning permission (ref 2012/1000) for a change of use to single dwelling, this remains in the applicants control. The site previously served as a car park and beer garden, it is level and has an open frontage to the highway.

The former public house is an imposing detached building located within an established residential area. The properties in this area comprise of a mixture terrace, semi and detached properties constructed from both brick and coursed stone. St Michaels (Grade II listed) Church is located across the South Western boundary. Across the north west boundary of the applicant site there is a smaller triangular piece of land that abuts the rear boundary of no.s 1-5 Church Street, this is separated from the site by metal rail fence. This area of land is currently used for parking and access (informally) to the Church Street Properties. Pedestrian access is also taken through this area via a gate in the rear boundary wall of the church. A formal public footpath (no.9) is recorded as running through the redline boundary of the site, in practice its alignment is obstructed for its entire length with pedestrians utilising the alternate route via the adjoining land that is referenced above.

Proposed Development

The application is for full planning permission for the erection of a single two storey detached 4 bed dwelling with attached double garage. Two parking spaces would be provided to the front of the dwelling which would be accessed via the existing dropped crossing onto High Street. A private enclosed garden measuring 150m² would be provided to the rear of the property. The location of the property would be accords the legal alignment of footpath No.9.

The proposal also makes provision for adjoining land (rear of no. 1-5 Church Street) to be cleared and made available for future use by residents and churchgoers, this could also accommodate a public access to the church.

Background to Footpath

The recorded public footpath No.9 currently runs directly across the development site. The applicant applied to stop up the footpath in February 2014 on the grounds that it is necessary to do so to allow development and that the footpath is obstructed and therefore impassable (and has been for several years).

The application was accepted and orders were made to stop up the path. Objections were received to the orders, so they were sent to the Secretary of State (Planning Inspectorate) for determination. The matter is being dealt with through written representations, and the appointed inspector is scheduled to visit the site on the 28th October. There's no fixed date for a decision.

Policy Context

Planning decision 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 development plan consists of the Core Strategy, saved Unitary Development Plan policies. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

The Council has produced a Consultation Draft of the Local Plan, which shows possible allocations up to 2033 and associated policies. The document is a material consideration but the weight afforded to it is limited by the fact it is at an early stage in its preparation.

Core Strategy

CSP 4 – Flood Risk
CSP 26 – New Development and Highway Improvement
CSP29 – Design
CSP30 – The Historic Environment

Saved UDP Policies

Unitary Development Plan Connotation – Housing Policy Area

Policy H8 (Existing Residential Areas) – Areas defined on the proposals map as Housing Policy Areas will remain predominantly in residential use.

H8A – The scale, layout, height and design of all new dwellings proposed within the existing residential areas must ensure that the living conditions and overall standards of residential amenity are provided or maintained to an acceptable level both for new residents and those existing, particularly in respect of the levels of mutual privacy, landscaping and access arrangements.

H8D – Planning permission for infill, backland or tandem development involving single or a small number of dwellings within existing residential areas will only be granted where development would not result in harm to the local environment or the amenities of existing residents, create traffic problems or prejudice the possible future development of a larger area of land.

SPDs/SPGs

SPD ‘Designing New Housing Development’

SPD ‘Parking’ provides parking requirements for all types of development.

Other material considerations

South Yorkshire Residential Design Guide - 2011

NPPF

The NPPF 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.

Paragraphs of particular relevance to this application include:

Para 32: 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'

Para 49: 'Housing applications should be considered in the context of the presumption in favour of sustainable development.'

Para's 58 & 60: Design considerations

Consultations

Drainage – No objections

Great Houghton Parish – No objections provided the public footpath is not affected and remains as it is.

Highways DC – No objections subject to conditions

Public Rights of Way – No objections

Regulatory Services - No objections

Ward Councillors – Objection from Cllr Higginbottom would like to see the legal alignment of footpath no.9 opened up.

Yorkshire Water Services Limited – No objections

Representations

The application has been advertised by way of a site notice as being of a local interest that affects a public footpath, in addition properties which share a boundary to the site have been consulted in writing.

One letter of objection has been received raising the following concerns:

The loss of parking and the historic footpath would be a detriment to the village and would cause traffic chaos for the residents of Church Street & Rodes Avenue which are single access roads and cannot accommodate parking for the amount of traffic on events such as Weddings at Funerals at the nearby church.

The planned access to the property is also extremely close to the entrance to Church St & Pinfield Close. This could easily create an accident black spot in an area that is often congested with traffic already.

Assessment

Principle of development

The site is allocated as Housing Policy Area in the currently adopted UDP proposals maps and Urban Fabric, i.e. land within the settlement with no specific allocation, in the consultation draft of the Local Plan Document

All new dwellings proposed within existing residential areas must ensure that living conditions and overall standards of residential amenity are provided or maintained to an acceptable level both for new residents and those existing, particularly in respect of the levels of mutual privacy. In addition, development will only be granted where the proposal would maintain visual amenity and not create traffic problems or prejudice the possible future development of a larger area of land.

Saved UDP policies H8A and H8D and Core Strategy policies CSP 26 and 29 provide the policy framework for assessing infill developments, they are reinforced further by guidance provided within Supplementary Planning Guidance Document 'Designing New Housing Development' and the South Yorkshire Residential Design Guide. The National Planning Policy Framework also has many parallels to above policies and states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Public Rights of Way

The footpath that crosses the site has been fundamental to the consideration of the application.

The legal alignment on the definitive rights of way map shows that footpath no.9 dissects the site along a northeast/southwest axis historically it provided access to the church. The application would encompass its alignment prohibiting any scope for its future reinstatement.

A diversion of the path would need a suitable alignment and permission from any other landowner affected. It is understood that the church does not want a permanent footpath through its land and therefore there is nowhere to divert the legal path to, as such the applicant had no choice but to apply for an extinguishment order for footpath 9. This has been undertaken under a separate application, following public objections the final decision will now be made by the Planning Inspectorate using the written representation process, the timescale for the determination of this could extend to early next year but should be treated separately to the current planning application. Should the extinguishment be unsuccessful (in its entirety) the proposal does leave an area of land along the rear boundary that could accommodate a diversion around the proposed dwelling such that no detriment would occur from a right of way perspective. It should however, be noted that a failure to accommodate the PROW could ultimately prohibit the ability to implement the application (should Members be minded to approve). The PROW officer has been consulted and has raised no objections to the application.

Design and layout

The proposed dwelling is a large 4 bed detached dwelling with a broad frontage and narrow length. The property has a single storey double garage to the North West side. The proportions of the dwelling proposed appear large but are similar to that of the Old Hall that was recently converted, in that it would be of a similar width and positioned on an equal building line. In terms of materials it is proposed that the dwelling would be constructed in red bricks with a grey concrete tiled roof as would be compatible with that of the Old Hall. Overall the design and scale of the property is considered in keeping and acceptable in accordance with policy CSP29 of the Core Strategy.

Heritage

St Michaels Church is Grade II listed and shares a boundary to the rear of the site. The principle elevations to the church are presented to High Street and Church Street, the elevation presented to the site comprises of a later somewhat adhoc extension. Having

regard to the design and siting of the property is not considered that the character or setting of the Church would be unduly harmed and therefore no objections are raised against the provisions of policy CSP30.

Residential Amenity

In terms of residential amenity the nearest properties are those to the west 1, 3 and 5 Church Street, to which the corner of the proposed double garage which is only at a single storey height achieves a separation of 13.5 metres from the rear elevation of dwellings 3 and 5, with 20 metres achieved to the two storey side gable of the proposed dwelling. As a consequence the separation distances afforded is considered sufficient and given the proposal incorporates windows only to the front and rear elevations there would not be any adverse overlooking to adjacent properties.

The dwelling itself would exceed amenity standards with respect to room and garden sizes, accordingly it would comply with the recommendations of the South Yorkshire Residential Design Guide.

Highway Safety

The formation of a new access (separate) to serve the site whilst preferred would be problematic as existing levels within the site along the rest of the site frontage are raised above the adjacent highway. The proposal is to use an existing access shared with the adjacent area used for parking by locals and visitors to the nearby Church.

The position of the access and the resultant alignment of the private driveway means that vehicles emerging from the site do so at an acute angle which impacts on visibility, to address this arrangements would be secured to allow vehicles to turn within the site allowing them to emerge in a forward gear, reducing the detrimental impact on highway safety.

The applicant has indicated the area to the west of the site which is also within their ownership forms a communal area will be given up and made available for both the Church and local residents to park, this will also enable residents 1 to 5 Church Street to continue to access the back of their properties in perpetuity. To ensure that this can be achieved it has been requested that the applicant secures this arrangement as part of a unilateral undertaking.

As such the proposal is considered to provide sufficient parking for the development and does not result in any inconvenience to existing residents due to the land sacrificed to the west which will allow for a communal parking area secured by Unilateral Undertaking.

Conclusion

It is considered that the proposal represents the efficient development of an otherwise underutilised site. The curtilage property is of a sufficient size to accommodate the proposed dwelling without having an undue impact on the amenity afforded to adjacent properties or the character/setting of the adjacent listed building or street scene.

Recommendation

Members resolve to grant subject to the recommended conditions and completion of unilateral agreement securing public access/use to the land to the rear of no.s 1-5 Church Street.

- 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 plans (No JBGH-313-2) and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.
- 3 Prior to the commencement of development plans to show the following levels shall be submitted to and approved by the Local Planning Authority; finished floor levels of all buildings and structures; road levels; existing and finished ground levels. Thereafter the development shall proceed in accordance with the approved details.
Reason: To enable the impact arising from need for any changes in level to be assessed and in accordance with Core Strategy Policy CSP 29, Design.
- 4 No development shall take place until full details of the proposed external materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 29, Design.
- 5 Should the extinguishment order relating to Footpath No 9 be successful and no further Definitive Map Modification Order be successful then the area shown to the boundary for a footpath diversion shall revert back to garden area for the dwelling.
Reason: In the interests of Visual Amenity in accordance with policy CSP29 of the Core Strategy.
- 6 Pedestrian intervisibility splays having the dimensions of 2 m by 2 m shall be safeguarded at the drive entrance/exit such that there is no obstruction to vision at a height exceeding 1m above the nearside channel level of the adjacent highway.
Reason: In the interest of road safety in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.
- 7 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.
- 8 No development shall take place until:
 - (a) Full foul and surface water drainage details, including a scheme to reduce surface water run off by at least 30% and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority:
 - (b) Porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways;

(c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways;

Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development.

Reason: To ensure proper drainage of the area in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

- 9 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.

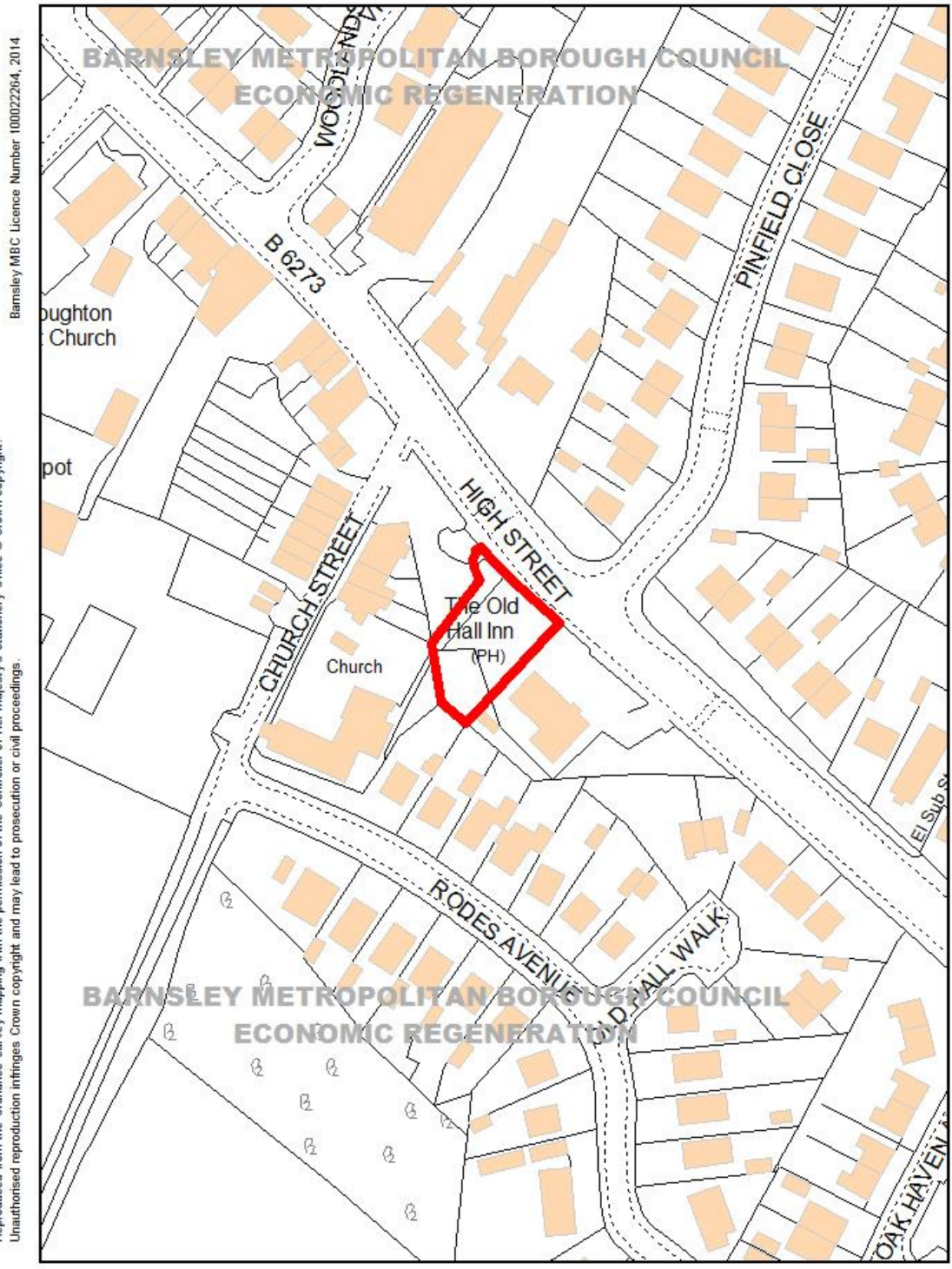
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

- 10 Prior to the commencement of development the land marked on the site plan to be used for parking for both residents and the Church shall be marked out and made available for such use and retained as such thereafter.

Reason: In the interest of road safety in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvements.

PA reference :-

2014/0316



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BARNSELY MBC - Economic Regeneration

Service Director: David Shepherd
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Barnsley S70 9FD
Tel: 01226 772621


Scale 1:1250

Ref: 2015/0572

Applicant: Mr John Allott

Description: Erection of static caravan for temporary living accommodation

Site Address: Whiteacres, Lane Head Road, Cawthorne

No representations have been received from members of the public or local Ward Councillors. Cawthorne Parish Council do not object to a temporary permission.

Site Description

The site is located in a rural area of the Green Belt which is located to the north of Lane Head Road (also the A635) near to Cawthorne. Silkstone Beck also passes through part of the site to the east of the existing buildings and the M1 is also located nearby further to the east of the site on a bridge in an elevated position.

The site is a DEFRA small holding which is used for the purposes of rearing cattle, poultry and for personal equestrian use by the applicant's family. The site contains a complex of buildings and storage containers which are located on an irregularly shaped field. The area of the site where the buildings are located is set back and separated from Lane Head Road by another field that is clear of buildings. In this regard the site benefits from a good level of screening afforded to it by a large number of mature trees located on this boundary between the two fields and around the perimeter of the site.

Access is via a track and a private drive located off the A635 Lane Head Road. This serves 3 existing dwellings located to the south west of the site.

The appearance of the site has considerably improved in comparison to previous visits undertaken in 2013 when it contained the open storage of scrap metal, timber, concrete and some machinery.

Proposed Development

The proposal is to erect a static caravan on the site for a temporary period whilst works to repair extensive structural damage caused to the applicant's house in Darton by the 2007 floods would make it inhabitable.

It is proposed to site the caravan adjacent to the existing complex of buildings immediately to the south of the storage containers used for the storage of equipment and as an office that were approved for a temporary period of 5 years under planning permission 2013/0607. The caravan would measure 11m in width x 4m in depth x 3.3m in height when including the wheels and supporting slabs.

The applicant has not specified the temporary time period being sought. However discussions have indicated that a 6 month period from the start of the repair works being carried out on the applicant's house should be sufficient.

History

Previous applications at the site comprise:-

2012/0104 - Erection of a wooden pole and pole mounted transformer - Prior Notification.
Decision: Prior approval not required 6th March 2012.

2012/1291 - Erection of welfare facilities building and sewage package treatment plant. Decision: Planning permission granted with conditions 15th January 2013.

2013/0258 - Erection of agricultural building. Granted permission with conditions 30th April 2013.

2013/0607 – Siting of 2 no containers for the storage of agricultural equipment. Decision: Planning permission granted for a limited period of 5 years expiring 22nd July 2018.

Policy Context

Planning decision 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 development plan consists of the Core Strategy and the saved Unitary Development Plan policies. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

The Council has produced a Local Plan consultation draft, which shows possible allocations up to 2033 and associated policies. The document is a material consideration but the weight afforded to it is limited by the fact it is at an early stage in its preparation.

Barnsley UDP Saved Policies

UDP Allocation – Green Belt

GS8 ‘Development within the Green Belt’ states that the construction of new buildings will not be permitted unless it is for purposes including agriculture.

Local Development Framework

Core Strategy

Policy CSP21 ‘Rural Economy’ states that development will be allowed in rural areas in circumstances including development of the rural economy or where it would result in the growth of an existing business. However it is also expected to:-

- be of a scale proportionate to the size and role of the settlement
- be directly related, where appropriate, to the needs of the settlement
- not have a harmful impact on the countryside, biodiversity, Green Belt, landscape or local character of the area
- consider the re-use of existing rural buildings in the first instance; and
- protect the best quality agricultural land.

Policy CSP34 ‘Protection of Green Belt’ states that the extent of the Green Belt will be safeguarded and remain unchanged in order to protect the countryside and open land around it.

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.

Paragraphs of particular relevance to this application include:

80. 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.

89. 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

28. Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To enable this to happen plans should:-

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings

Consultations

Cawthorne Parish Council – No objections to a temporary permission.

Drainage – No objections

Regulatory Services – No objections

Highways – No objections

Ward Councillors – No comments received.

Representations

The application has been advertised as a departure from the development plan. A site and press notice was published and nearby residents consulted in writing. No representations have been received from members of the public.

Assessment

Principle of development

The construction of new buildings on sites within the Green Belt should be regarded as being inappropriate. Exceptions to this are buildings for agriculture and forestry.

The applicant has only partly sought to justify the proposal based upon agricultural need. The main justification/request put forward is that the caravan is erected on site to provide

temporary accommodation for the time whilst the applicant's property is rendered uninhabitable by repair works to structural damage caused by the 2007 floods. The applicant's case therefore falls somewhere between seeking to justify the proposal as being necessary for agricultural purposes and very special circumstances in case the proposal is judged to be inappropriate development.

In terms of agricultural need, the information provided by the applicant and observations undertaken from site visits would be sufficient to justify a dwelling on a permanent basis, the holding is not a sufficient scale. The proposal therefore could be regarded as unnecessary for agricultural purposes and therefore constitute a form of inappropriate development.

The assessment is considered to hinge on the very special circumstances put forward. Para 88 of the NPPF states that 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.

It is also necessary to keep in mind that 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 (NPPF – para 79).

The proposal is for a static caravan to be erected on the site for a temporary period which could be easily removed at any time. Therefore whilst temporary buildings are not excluded from the definition of inappropriate development in the NPPF it does afford some weight in the overall balancing exercise to the fact that the harm to the openness and permanence would not be long lasting and would be reversible.

Likewise, whilst the very special circumstances put forward would not be sufficient to justify a permanent permission it can be afforded weight when considering the merits of a temporary permission which cover the duration of the repair works. The applicant has further stated that he has sought to find suitable rental accommodation in the local area near to the small holding without success. It is also considered that some limited weight to animal welfare and security considerations can be applied.

On balance it is considered that the very special circumstances put forward would only justify permission for a limited period of 6 months. Otherwise they would not be sufficient as very special circumstances to justify a longer or a permanent permission for the same proposal or a permanent proposal as the small holding is not of a size where the development could be considered necessary for agricultural purposes and would be sufficient to clearly outweigh the openness and permanence of the Green Belt over a longer period.

Visual Amenity

In terms of considering the impact on the visual amenity of the Green Belt the effects of the development would be easily reversible which I afford most weight to. The proposed location is also favourably situated in relation to the existing buildings forming the small holding albeit that some only benefit for temporary planning permission lasting until 22nd July 2018. The development would also be well screened from Lane Head Road because of the distance it is located away and the separation distance. Therefore the harm to the openness and visual amenity of the Green Belt would be minimal and limited to a very limited over a 6 month period.

Residential Amenity

The proposed caravan would not raise any issues with regards to the impact of the development on the living conditions of existing properties given that the site is screened off from the nearest dwelling, Barnby Grange by dense and high level conifer hedge and as it would be located over 40m away. The proposed location is also remote from any other dwellings.

In terms of the welfare of the applicant running water is on hand and approval has also been granted by the Environment Agency for a sewage treatment tank.

Highway Safety

The existing access arrangements allow vehicles to enter and leave the site in a forward gear, this would be unaffected by the proposal. Traffic levels to the site would not rise significantly above those that exist. Highways DC have been consulted and have raised no objections against the provisions of policy CSP26.

Conclusion

In summary the proposal is judged to constitute a form of inappropriate development in the Green Belt. However the harm to the openness and permanence of the Green Belt would be limited by the fact that the applicant is only seeking a temporary permission meaning that the harm would be caused for a limited period and would be reversible safeguarding the long-term character of the Green Belt. Whilst the very special circumstances put forward would not be sufficient to justify a permanent permission it is considered that the applicant's personal circumstances justify the granting of temporary permission that is limited to 6 months.

Recommendation

Grant: temporary permission that is limited to a period of 6 months subject to 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.

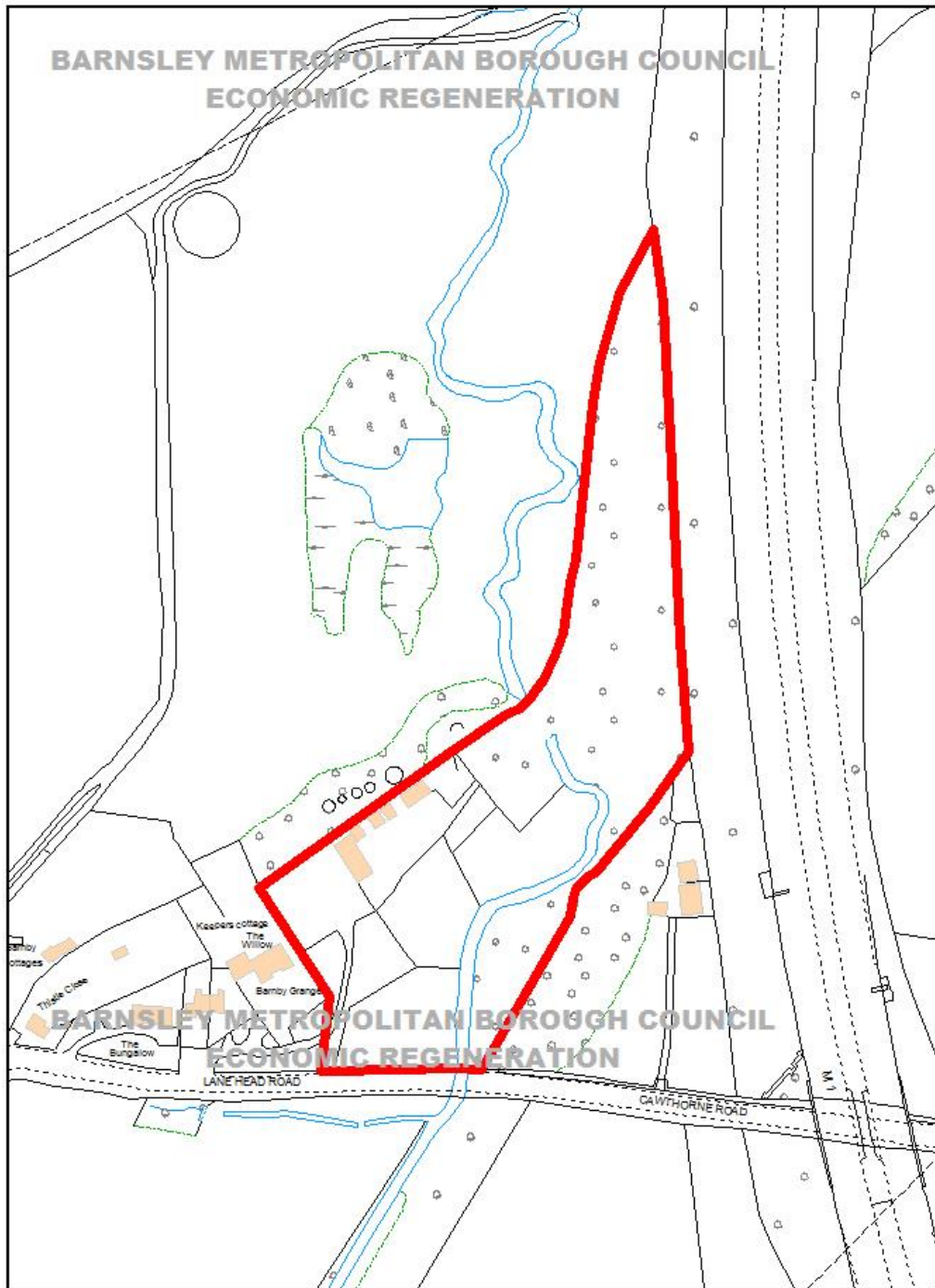
- 2 Not less than five working days' notice shall be given in writing to the Local Planning Authority of the approved static caravan first being brought onto the site. Thereafter the development hereby permitted shall be carried out only by Mr John Allott and shall be for a limited period of 6 months of the date of the approved static caravan being brought onto the site. Thereafter all associated materials and equipment that has been brought on to the site in connection with the approved static caravan shall be removed.
Reason: Owing to the special circumstances of the applicant and to safeguard the openness and visual amenities of the Green Belt in accordance with in accordance with Core Strategy Policy CSP 34.

PA reference :-

2015/0572

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BARNESLEY MBC - Economic Regeneration

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Scale 1:2500

BARNSLEY METROPOLITAN BOROUGH COUNCIL

PLANNING APPEALS

1st April 2015 to 30th June 2015

APPEALS RECEIVED

The following appeals have been received during this month

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/Delegated</u>
2014/1196	Erection of 2 no. dwellings. Land at Park Hollow, Wombwell, Barnsley	Written Representation	Delegated
2014/1442	Erection of 3 no. wind turbines with associated infrastructure including access tracks, control building, underground cabling and temporary construction compound. Land at Spicer Hill, Whitley Road, Whitley Common, Ingbirchworth, Sheffield, S36 9PA	Written Representation	Committee

APPEALS WITHDRAWN

0 appeals were withdrawn in the month of June 2015.

APPEALS DECIDED

0 in June 2015

2015/2016 Cumulative Appeal Totals

- 2 appeals decided since 01 April 2015;
- 2 appeals (100%) dismissed since 01 April 2015;
- No appeals (0%) allowed since 01 April 2015