
2017/0245

Applicant: Mr John & Mrs Barbara Martin, C/o Design Space

Description: Erection of 1 no. detached dwellinghouse.

Site Address: Upper Belle Clive Farm, Hartcliff Road, Cubley, Barnsley, S36 9FE

Councillor Milner requests the application is taken to the Planning Board for a decision
No representations have been received from any members of the public.

Description

The site is a 667sqm area of land located adjacent to Upper Belle Clive Farm off Hartcliff Road, Cubley within the open Green Belt countryside. The front boundary of the site faces onto Hartcliff Road, and is accessed from a gap within the dry stone walling on the corner of Hartcliff Road and the access to Upper and Lower Belle Clive Farm. The remains of a small stone building stand on the site, with the east elevation showing two windows and one door opening. There are currently only two out of the four walls standing, and part of the remains of a third wall. The remains of a small stone outbuilding are seen in the north eastern corner of the site.

Background

No planning history

The agent has provided a brief history of the site and states that the structure was previously used as a dwelling known as 'Hartcliffe Cottage' and was last known to be occupied in approximately 1939. No official documents have been provided, only the statement sent in by the agent. A historical painting and photograph has been submitted but are not dated. The applicant has submitted historical aerial photographs from dated approximately 2000, and the Councils aerial photos from 2002 and 2009 show a dilapidated structure, overgrown with trees and shrubs internally and externally. The photographs clearly show walls on only three sides and then later only two sides shown, with no roof or internal floor structures remaining.

The Council have no planning history to show that the building has ever used as a residential property.

Proposed Development

The applicant states that the works involve the repair of the two walls and 're-building' of the previous walls and roof and the erection of an extension to the structure. However the works are significant and as most of the structure is not evident, then this is considered to be the erection of a new dwelling in planning terms.

The proposed dwelling is approximately 100sqm in floor area, consisting of what was the original building 50sqm and an area of additional floorspace of 50sqm. The proposal would provide a two bedroom property with a kitchen diner and living room at ground floor. The agent states that the intention would be to repair the stone walls which are still standing and two further walls rebuilt to match. The 'extension' would be constructed to match. The site access would remain as existing with a 5 bar field gate and a driveway and parking area

around the building. Ground mounted solar PV panels are proposed to the rear of the building.

The application documents state that the building would be occupied by the applicant's son, who would live and work on the small holding as a secondary income. The agent states that there is a functional need for the applicant's son to live on site. No further evidence of working hours or extent of the farm business has been submitted with the application.

A letter of Structural Inspection has been submitted which states that the walls which are standing could be incorporated within the new dwelling.

Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The development plan consists of the Core Strategy and 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 submitted our emerging Local Plan to the Secretary of State but we are at an early stage in the examination process. It establishes policies and proposals for the development and use of land up to the year 2033. The document is a material consideration and represents a further stage forward in the progression towards adoption of the Local Plan. As such increasing weight can be given to the policies contained within the document although, in accordance with paragraph 216 of the NPPF, the extent of this will depend on:

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

Saved UDP Policy

Policy GS8 - Within the green belt, the construction of new buildings will not be permitted, except in very special circumstances, unless it is for the following purposes:

- a) Agriculture or forestry
- b) Essential facilities for outdoor sport or outdoor recreation, for cemeteries, or for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it
- c) The replacement of existing dwellings in compliance with policy GS8E.

Policy GS8A: The re-use & adaption of buildings in the Green Belt:

Core Strategy

Core Strategy Policy 29: Design Principles – sets out the overarching design principles for the borough to ensure that development is appropriate to its context. High quality development will be expected, that respects, takes advantage of and enhances the distinctive features of Barnsley, and contributes towards creating attractive, sustainable and successful neighbourhoods. The Council will seek to ensure that development improves what needs improving, whilst protecting what is good about what we have. Design that reflects the character of areas will help to strengthen their distinctiveness, identity and people's sense of belonging to them. This policy is to be applied to new development and to the extension and conversion of existing buildings.

Core Strategy Policy 34: Protection of Green Belt - In order to protect the countryside and open land around built up areas the extent of the Green Belt will be safeguarded and remain unchanged. The Council will not allow proposals for development unless it can be shown that there is very special circumstances that justify setting aside local and national policy.

Core Strategy Policy 26: New Development and Highway Improvement – new development will be expected to be designed and built to provide safe, secure and convenient access for all road users.

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.

In respect of this application, relevant policies include:

Core Principle 7: Requiring good design - The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

Core Principle 9: Protecting Green Belt Land – The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances

As with previous Green Belt policy, inappropriate development in the Green Belt where “the extension or alteration of a building does not result in disproportionate additions over and above the size of the original building”.

Consultations

Langsett Parish Council - Langsett Parish Council discussed planning application 2017/0245 (1 dwelling house at Upper Belle Clive Farm) at their recent meeting and do not object to the plans, however they would like to comment on the roof. It states that the roof will be done in blue slate. The Parish Council would prefer that the roof is done with stone slates, so that it is more in keeping with the other buildings in the vicinity.

Highways DC – No objection. The site access is also a PROW which must remain unobstructed and clear of mud.

Drainage – Details to be checked by Building Control

Pollution Control – No objection subject to conditions

Ward Councillors – Councillor Milner requests the application is taken to Planning Board for a decision and that members visit the location to understand what is being proposed. Councillor Milner considers the proposal is sympathetic to what was originally built.

Representations

None

Assessment

Principle of Development

The proposed dwelling is located within the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The main issues regarding this application are whether the proposal would constitute inappropriate development within the Green Belt, the effect on the openness of the Green Belt and if found inappropriate, whether the harm is clearly outweighed by very special circumstances.

The agent considers that the application proposes a re-instatement of a dwelling. However it is felt that the any previous use has clearly been abandoned, and given the dilapidated state of the building therefore could not be considered re-instatement. Green Belt policy does allow for the re-use and adaption of buildings within the Green Belt. However policy GS8A clearly states that any building proposed for conversion is structurally sound and capable of conversion without the need for substantial alterations. The structure cannot be considered to be capable of conversion, as significant works would be required to the walls which are left, together with the large new built element of new walls, a roof and a new built addition of 100% of the floor area of what was the original building. These works would be considered substantial alterations.

In terms of abandonment, if a building or land remains unused for a considerable time, and it can be reasonably concluded that the previous use has been abandoned, then the concept of abandonment can be applied. It involves a cessation of use in such a way, and for such a time, as to give the impression to a reasonable onlooker that it was not to be resumed. The evidence shows that this building has not been in use for a long period of time, as evidenced within the historical aerial photographs from the applicant's own aerial photo dated approx 2000 and the Councils aerial photos from 2002 and 2009. The photographs clearly show walls on only three sides, with no roof or internal floors.

The applicant has described the building as a 'cottage' although there is no evidence that the building was ever in residential use, and the Council have no planning history to show that the building has ever used as a residential property. Consequently, even if it is accepted that the former structure had been used as a dwelling, this use has long since been abandoned and by the agents own statement, the site has not been used for any purpose for almost 80 years. The structure is in a dilapidated state, overgrown with trees and shrubs internally and externally and any residential use that may have been associated with this site has long been abandoned. Furthermore, the structure has gone beyond being a 'building' as it is only the remains of a building that are evident within the site, this together with the cessation of its use many years ago and the absence of any evident intent to erect a replacement at that time or subsequently, it is concluded that any residential use of the site associated with a former dwelling has long been abandoned. On this basis the proposed

development would constitute the erection of a new dwelling rather than reinstatement or replacement.

Local and National policy seeks to protect the Green Belt, and does not allow proposals for development of new buildings unless very special circumstances are demonstrated. In terms of very special circumstances, the agent has stated that the building would be occupied by the applicant's son, who would live and work on the small holding as a secondary income. The agent states that there is a functional need for the applicant's son to live on site. Agricultural workers dwellings relate to full time workers only and not part time staff. No further evidence of working hours or extent of the farm business has been submitted with the application. Any applications for agricultural workers dwellings should be supported by robust justification, including working hours, financial information and an assessment of the local housing available. None of this information has been submitted with the application, and it is unlikely that the applicant could justify the construction of a new agricultural workers dwelling for his son at this time, as the need is only based on a part time worker, therefore this aspect cannot be considered as very special circumstances.

There have been no very special circumstances demonstrated as part of this application, therefore the proposal is constituted as inappropriate development within the Green Belt and as such the proposal is considered contrary to the Core Strategy, and relevant policies in the NPPF.

Visual Amenity

One of the fundamental aims of Green Belt policy is to prevent urban sprawl by keeping land permanently open and one of its main purposes is to assist in safeguarding the countryside from encroachment. Whilst the proposed dwelling would be relatively small in relation to other dwellings in the vicinity it would nevertheless affect the openness of the Green Belt. It is acknowledged that the site is currently occupied by the dilapidated structure, however this over time would become nothing more than a pile of rubble which could be easily moved, and its effect on openness is therefore not as severe as the much larger new dwelling would be.

The site is highly prominent as it is set immediately adjacent to Harcliff Road, with no natural screening and only low dry stone walls surrounding the site. The proposed erection of a building of almost 11m wide and twice the size of the original building on the site is considered to be detrimental to the openness and visual amenity of the Green Belt, and would bring a residential use and all the domestic items associated with such a use, such as cars, washing lines and other residential paraphernalia close to the road and would be highly visible from surrounding areas. The proposal is therefore considered to be harmful to the visual amenity and openness of the Green Belt, contrary to Core Strategy Policy CSP34 and the NPPF.

Conclusion

The structure is in a dilapidated state and any residential use that may have been associated with this site has long been abandoned. The structure has gone beyond being a 'building' and as it is only the remains of a building that are evident within the site, this together with the cessation of its use many years ago and the absence of any evident intent to erect a replacement at that time or subsequently, it is concluded that any residential use of the site associated with a former dwelling has long been abandoned. On this basis the proposed development would constitute the erection of a new dwelling rather than reinstatement or replacement.

The proposed construction of a new dwelling would be inappropriate development and would harm the openness of the Green Belt. In the absence of any very special circumstances to justify the development and having had regard to all other matters raised it is recommended that planning permission is refused.

Recommendation

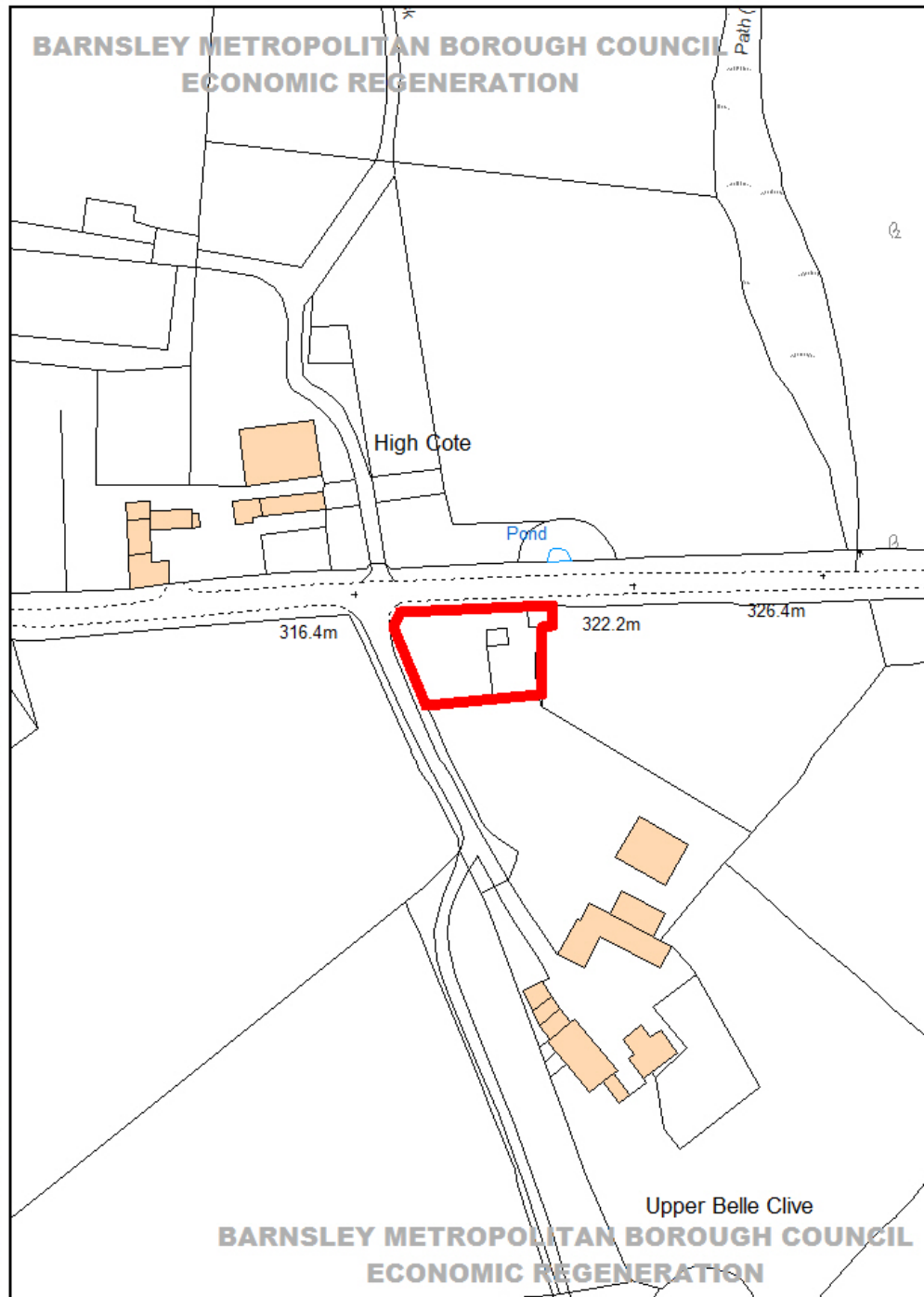
Refuse

1. The site lies within the Green Belt on the approved Barnsley Unitary Development Plan, wherein it is the Policy of the Local Planning Authority not to permit new development except in very special circumstances, for purposes other than those set out in the NPPF. Core Strategy Policy CSP 34 reflects national policy guidance and precludes development for purposes other than agriculture, forestry and essential facilities for sport and recreation, which preserve the openness of the Green Belt. In the opinion of the LPA the proposed dwelling constitutes inappropriate development contrary to policy and prejudicial to the character and openness of the Green Belt. Furthermore, there are considered to be insufficient very special circumstances to justify the granting of planning permission in this instance.

PA Reference:-

2017/0245

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BARNSELY MBC - Economic Regeneration

Service Director: David Sheherd
Westgate Plaza One, Westgate
Barnsley, S70 9FD
Tel. (01226) 772621


NORTH
Scale 1:1250