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## Appeal Decision

Site visit made on 19 May 2020

**by Edwin Maund BA (Hons) MSc Dip UP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 2<sup>nd</sup> June 2020**

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**Appeal Ref: APP/R4408/W/20/3244987**

**54 Jebb Lane, Haigh, Barnsley S75 4BU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Simon Brown against the decision of Barnsley Metropolitan Borough Council.
  - The application Ref 2019/1102, received by the Council on 30 August 2019, was refused by notice dated 25 October 2019.
  - The development proposed is a detached triple garage.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The appellant provided a revised plan of the style of garage proposed for a property further down the road which would utilise different materials and be of a different design. This was not considered by the Council and it is materially different from the scheme before me. I have therefore assessed the appeal based on the plans submitted with the application as it would be prejudicial to do otherwise.

### Main Issues

3. The main issues in this case are:
  - Whether or not the proposal would be inappropriate development in the Green Belt;
  - The effect of the proposal on the openness of the Green Belt;
  - The effect of the proposal on the character and appearance of the surrounding area;
  - Whether the development would affect the setting of nearby listed buildings; and
  - If the proposal is inappropriate development whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

## Reasons

### *Whether or not the proposal is inappropriate development in the Green Belt*

4. 54 Jebb Lane is a large house set in a large garden well back from the road. It is a rural location set in surroundings which are notable for the rolling landscape and wooded areas between agricultural fields. It forms part of a small group of buildings, but the predominant character is that of a pleasant rural location. It is located within the Green Belt where the Barnsley Local Plan (2019) (LP) and National Planning Policy Framework (the Framework) indicates (para 145) that, other than through a small number of specific exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt.
5. The appellant indicates that the property had a garage up until 2008 but this was demolished by the former owners. The information before me neither provides the dimensions the building had or its precise location, although it has been indicated it was to the front of the site and not in the location currently proposed.
6. Bearing in mind the passage of time and that no evidence now exists on site of the former structure, I do not consider the appeal proposal could be regarded as a replacement building and fall within exceptions described in the LP policy or paragraph 145 of the Framework.
7. In not complying with any of the listed exceptions, the scheme would be inappropriate development in the Green Belt, which para 143 of the Framework states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Para 144 of the Framework states that in considering a planning application substantial weight should be given to any harm to the Green Belt. I also find that the proposal does not comply with LP policy GB2 which sets out the limited exceptions to the policy of not granting permission for new buildings in the Green Belt.

### *Effect on the openness of the Green Belt*

8. The Framework (para 133) indicates that openness is an essential characteristic of the Green Belt. The construction of a new building forward of the house where currently no building exists would result in built development where currently there is none, this would inevitably result in a reduction in the openness of the Green Belt.
9. I conclude that overall the scheme would have a moderately negative effect on the openness of the Green Belt.

### *Character and appearance*

10. Forming part of a small group of buildings in the countryside. The appeal property being set well back from the road is visible from the street but enjoys an open setting which contributes to the immediate locality. It is modern in appearance being rendered with a stone tiled roof which is in contrast with the stone built historic buildings opposite and to the south/south west.
11. I would agree with the appellant that the design of the house is of less architectural value than the historic buildings in the vicinity, nevertheless, the property enjoys a good quality setting with large gardens, supported by mixed

planting and framed with hedgerows and stone walls. It is into this area the garage is proposed.

12. The pattern of development created by the small cluster of buildings of which the appeal site is a part is quite diverse, with the properties opposite and the agricultural buildings to the south/south west being on the road frontage. Nevertheless, the appeal site makes a positive contribution to this location with its mixed planting, stone walls and lawned areas contributing positively to the sense of space and place.
13. The proposed garage would be 9m wide by 6m deep with white up and over doors, concrete interlocking tiles with rendered walls to match the house. This being to the front and centrally within the site would be clearly visible and with the materials and white doors detailed have a marked and negative impact on this location.
14. The house extensions and other domestic alterations SPD (2019) seeks to ensure outbuildings have a sympathetic approach in style and external finish. With the materials proposed and the hipped roof design this would not reflect the details of the host property and would further detract from the character and appearance of the area.
15. Whilst there would still be ample space about the building and when viewed from the road the current property would create a backdrop, the position of the building and materials used would contrast with and detract from the character of the site and the appearance of the area and as such would be in conflict with policy D1 of the LP and the approach supported by the SPD which aim to achieve amongst other things high quality design which respects the local character.

#### *Effect on the setting of listed buildings*

16. The listed buildings to which the Council refers are either on the opposite side of the road or set some distance off to the south/south west. They have been individually listed for their historic architectural quality and are separated from the appeal site by intervening gardens, as well as physical features such as hedges and walls and have not been listed as part of a group.
17. The proposed building would only be viewed in conjunction with the listed cottages opposite from the land to the north or north east and at a significant separation distance with the intervening road being more prominent and creating a clear separation between the two. Whilst the barns and the appeal property and the site of the proposed garage can be readily seen together from the bend in the road to the east, they are clearly distinct and any effect on the setting would be modest.
18. Nevertheless, the legal test requires me to have special regard to the desirability of preserving a listed buildings setting, the open nature of the location of the proposed building, being prominent to the front of the appeal property means the building would be visible and read with the group of buildings in this location.
19. The scale of the building and the unsympathetic materials proposed, would be incongruous and consequently harm the setting of the listed buildings. Whilst the building would provide opportunities for electric charging points, and some

additional security these are private rather than public benefits to which I give minimal weight in this context.

20. I conclude the scheme would not preserve the setting of the nearby listed buildings and would therefore be contrary to policies HE1 and HE3 of the LP which amongst other things aim to conserve and enhance the significance and setting of the boroughs heritage assets and respect historic precedents, scale and materials and consequently fail to meet the approach set out in the Framework. For the purposes of the Framework, the harm is less than substantial. No public benefits have been identified that would outweigh the harm that I have identified.

### **Other Considerations**

21. A recent permission for the neighbour at No. 36 Jebb Lane has been referred to, however the site circumstances are materially different with that property being located on the back edge of the road and being significantly further from the listed buildings in the locality.
22. The desire of the appellant to create more secure arrangements for his property and provide electric charging points for cars is understandable and I give these arguments some weight.

### **Green Belt balance and conclusion**

23. I have identified that the scheme would be inappropriate development in the Green Belt as defined by the Framework and whilst it would have a moderate effect on the openness of the area it would, by definition be harmful to the Green Belt, harm which the Framework indicates should be given substantial weight. The scheme would also result in harm to the setting of the nearby listed buildings and adversely affect the character of the area.
24. As set out above, I have given some weight to the benefits which might arise to the appellant, but they do not outweigh the harm the scheme would cause.
25. Consequently, there are not the very special circumstances necessary to justify inappropriate development in the Green Belt. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Edwin Maund*

INSPECTOR