



Appeal Decision

Site visit made on 3 January 2024

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 8th February 2024

Appeal Ref: APP/R4408/W/23/3316956

Hangman Stone Bar Farm, Moor Lane, Birdwell, Barnsley, South Yorkshire S70 5TY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr S Woodruff of Crown Homes against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2022/0515, dated 13 May 2022, was refused by notice dated 26 August 2022.
 - The development proposed is erection of one and a half storey detached dwellinghouse with living accommodation in the roof space and provision of integral double garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development is described in the application form as "Construction of replacement single storey building within curtilage of listed building(s)". However, I have adopted the description of development from the decision notice and the appeal form in the banner heading above as this more accurately describes the proposal.
3. As the proposal relates to a listed building, I have had special regard to section 661(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
4. The revised National Planning Policy Framework (the Framework) was published on 20 December 2023. This is a material consideration in the determination of this appeal. However, the revisions are not directly relevant to the main issues. I am therefore satisfied that the interests of neither main party would be prejudiced by the changes.

Main Issues

5. The main issues are:
 - i) Whether the proposal would be inappropriate development in the Green Belt, having regard to the Framework and any relevant development plan policies;
 - ii) The effect of the proposal on the openness of the Green Belt;
 - iii) Whether the proposal would preserve the setting of a nearby Grade II listed building, "Stone Bar Farmhouse with attached stable and barn" (Ref: 1191991) (the LB); and

- iv) 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 it.

Reasons

Whether or not inappropriate development

6. The appeal site comprises an area of partially vegetated land on the outskirts of Birdwell, close to the junction of the A61 and the M1 motorway. It is to the south of a building group that includes the LB, with horse-grazed fields to the south and west and the wooded embankment of Sheffield Road to the east. It is in the Green Belt.
7. Paragraph 152 of the Framework states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.
8. Policy GB1 of Barnsley Local Plan Adopted January 2019 (the LP) sets out that the Green Belt will be protected from inappropriate development in accordance with national planning policy. Policy GB2 sets out exceptions to development in the Green Belt, including replacement buildings. This is broadly consistent with Framework paragraph 154d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. I note the suggestion that the appeal site is previously developed land (PDL), in which case Framework paragraph 154g) the infilling or redevelopment of PDL would be relevant.
9. The starting point in relation to replacement buildings or the redevelopment of PDL is to establish what constitutes 'the building it replaces' or 'the existing development'. Case law¹ has established that, taking a common sense approach, the plain meaning of the policy wording 'the one it replaces' and 'the existing development' must refer to a building as it exists on site now.
10. In this case, there were outbuildings on the appeal site historically. However, they have been demolished. The earlier buildings no longer exist and there is little evidence of former buildings. Consequently, in the absence of an existing building to be replaced, the proposal would not meet the exception in paragraph 154d) of the Framework.
11. The glossary to the Framework defines PDL as land which is or was occupied by a permanent structure. However, it specifically excludes land that is or was last occupied by agricultural or forestry buildings. In this case, the evidence indicates that the appeal site and the previously demolished outbuildings or sheds were formerly part of, and functionally linked to, the agricultural operation of Stone Bar Farm. As such, the appeal site would not be PDL for the purposes of the Framework.
12. Therefore, I conclude that the proposal would not meet the exceptions in Framework paragraph 154d) or 154g). It would be inappropriate development in the Green Belt, in conflict with LP policies GB1 and GB2 and the policies in the Framework that protect the Green Belt.

¹ Athlone House Ltd v SSCLG [2015] EWHC 3524 (Admin)

Openness

13. Paragraph 142 of the Framework advises that openness and permanence are the essential characteristics of the Green Belt. Openness is the absence of development and it has both spatial and visual aspects.
14. I understand that the site was cleared of vegetation and buildings relatively recently in connection with the residential redevelopment² of the nearby former farmstead buildings. At the time of my visit, the site was open and sparsely vegetated. The dwelling and associated hardstanding access and parking would result in a significant footprint of permanent development. While it may have been designed to replicate the scale of former buildings, the dwelling would nevertheless result in a significant increase in the quantum of development. Consequently, there would be moderate loss of spatial openness.
15. Landscaping would be limited in order to avoid the over-domestication of the site. However, the dwelling would be widely separated from neighbouring buildings and it would occupy a large residential plot with external flagged areas and extensive private garden. The proposal would markedly extend the envelope of residential development into an area of countryside, albeit the area is contained by the wider road network.
16. The proposal would be a relatively large dwelling with an integral double garage and it would be finished in brick. The suburban design and external materials would be out of character with the nearby stone-built vernacular farmstead buildings. I note that the intervening modern garage block has been finished in brick. However, the approved plans specify natural stone walling, such that the unauthorised use of brick would not integrate the proposal into its surroundings. The proposal would be an overtly suburban and visually obtrusive feature that would be poorly related to its ostensibly rural surroundings. It would be readily visible from surrounding locations, including nearby roads and the footbridge over the M1. There would be a significant visual impact resulting from the bulk of the building, its incongruous appearance, associated domestic paraphernalia and residential activity.
17. Consequently, the proposal would result in a significant spatial and visual impact and a permanent loss of openness of the Green Belt. Taking into account the scale of the proposal and the surrounding context, I conclude that the proposals would result in a moderate loss of openness of the Green Belt.
18. As noted above, I find that the appeal site is not PDL for the purposes of the Framework. However, if it was PDL, paragraph 154g) requires that its redevelopment does not have a greater impact on the openness of the Green Belt than the existing development. My findings in relation to openness confirm that the proposal would have a greater impact on openness than the existing development. The proposal would not meet the exception in paragraph 154g) of the Framework.

Heritage assets

19. The LB comprises a farmhouse with attached stable and barn finished in coursed rubble sandstone with a stone slate roof. The northern range comprises the farmhouse and stable under the same roof and dates from

² Refs: 2019/0522 and 2019/0539 for conversion of redundant farm buildings into 4 no. dwellings and erection of associated garage block

around 1800. The attached barn extends southwards from the stable and is thought to date from the early 18th century. Further attached farm buildings to the south of the barn complete a U-shaped building group around a courtyard but, although of some age, they are not of special interest.

20. The excerpt from the 1948 OS Map illustrates that, with the exception of development north of Moor Lane, the LB farmstead group was surrounded historically by undeveloped land. The development of the M1 and A61 has severed the LB from the wider countryside. Nevertheless, the farmstead remains widely separated from built development. In this regard, I find that the wooded embankment to the east and open fields to the west and south, which comprise its setting, contribute to the special interest of the LB as a well-preserved early vernacular farmstead and which remains legible despite the changes to its wider setting.
21. The previous Inspector³ similarly noted that the land to the rear of the LB, which includes the appeal site, forms part of the setting of the LB. The original function of the area as part of the agricultural holding was evident at that time and contributed to the character of the agricultural barns and provided a link to the historic use. The Inspector took into account that the unlisted southern range obscures views of the LB, but nevertheless found that suburban housing would fundamentally change the character of the space leading to erosion of the rural setting of the LB and a limited loss of significance.
22. The parties dispute the former function of the appeal site. The appellant considers that it formed part of the extended yard to the farm, while the Council considers it was a field or orchard functionally linked to the former farmhouse. Irrespective, both parties agree that the appeal site is within the curtilage and the setting of the LB.
23. The recent demolition of the former agricultural buildings and the construction of the garage block and associated hardstanding have resulted in changes to the setting of the LB. Moreover, the wholesale clearance of the appeal site has visually eroded its historic functional link to the LB. Even so, the changes have not fundamentally eroded the open rural setting of the historic farmstead.
24. The proposal would be one dwelling, rather than the three considered by the previous Inspector. However, the one and a half storey dwelling would still be an overtly suburban form of development. Its design would not reflect a pitched roof barn and its external brick finish would be discordant in the context of the historic farmstead buildings and the approved garage block. The proposal would be separated from the LB by the intervening garage block and southern range. Even so, it would be urbanising development in the immediately surrounding countryside setting of the LB. The contemporary residential development would be an incongruous feature that would undermine the legibility of the historic rural farmstead.
25. Paragraph 205 of the Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that any such harm should

³ Ref: APP/R4408/W/19/3225920, appeal dismissed for conversion of redundant farm buildings to 4 dwellings and enabling development of 3 new dwellings.

have a clear and convincing justification. Given the separation of the proposal from the LB and the intervening development, I find the harm to be at the lower end of less than substantial in this instance but nevertheless, in accordance with the Framework, of considerable importance and weight.

26. Under such circumstances, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal. The appellant is of the opinion that the proposal would be beneficial because it would contribute to the supply of housing, and it would complete and ensure the viability of the neighbouring development. However, that development appears to be substantially completed and the converted buildings are in residential use. There is little evidence that it would not be economically viable in the absence of the proposal. Moreover, the continued viable use of the LB as residential dwellings is not dependent on the proposal as the ongoing residential use would not cease in its absence. The construction and occupation of one dwelling would result in limited economic benefits. One dwelling would make a minimal contribution to the supply of housing. Collectively, these benefits are not sufficient to outweigh the harm that I have identified.
27. Given the above, I conclude that, on balance, the proposal would fail to preserve the setting and thereby the special interest of the Grade II listed building. This would fail to satisfy the requirements of the Act, paragraph 205 of the Framework and conflict with LP policies HE1 and HE3 that seek, among other things, to ensure that proposals at least conserve the significance and the setting of heritage assets, respecting historic precedents of scale, form, massing, architectural detailing and the use of appropriate materials that contribute to special interest. As a result, the proposal would not be in accordance with the development plan.

Other Considerations

28. The parties agree that the Council is currently able to demonstrate a five-year supply of deliverable housing sites. Clearly, this does not preclude further new housing development coming forward, particularly taking into account the Government's objective of significantly boosting the supply of homes. Even so, one new dwelling would make a minimal contribution to the supply of housing. This is a matter that carries limited weight in favour of the proposal.
29. I note the suggestion that the re-use of this otherwise unused piece of land would complete the nearby redevelopment and ensure its overall viability. However, the proposal did not form part of the earlier consented scheme. The nearby buildings have been converted and they are in residential use. It has not been demonstrated that the development of the appeal site is necessary to ensure the viability of that scheme or that the residential use of the converted buildings would cease if the appeal should fail. Therefore, this is a neutral matter that weighs neither for nor against the proposal.
30. The appellant considers that the volume of the former buildings on the site amount to a reasonable 'trade' in terms of the volume and footprint of the proposal. He considers that this constitutes very special circumstances to outweigh the Green Belt harm. However, my finding that the proposal would be inappropriate development took account of the fact that the former buildings have been demolished. There are no existing buildings to be replaced or otherwise offset against the proposal either spatially or visually. The former buildings do not weigh in favour of the proposal.

Green belt balance

31. I have concluded that the appeal scheme would be inappropriate development in the Green Belt. It would conflict with LP policies GB1 and GB2 and the Framework. It would result in a harmful loss of openness of the Green Belt. These matters attract substantial weight. In accordance with the Framework, the harm to the setting and thereby the special interest of the LB also weighs against the proposal to a considerable degree.
32. There are no other considerations that would clearly outweigh the harm to the Green Belt by reason of inappropriateness, loss of openness and other harm. Therefore, the very special circumstances necessary to justify the proposal do not exist.

Conclusion

33. For the reasons set out above, I conclude that the appeal should therefore be dismissed.

Sarah Manchester

INSPECTOR