
Appeal Decision

Site visit made on 26 January 2024

by A Edgington BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 8 February 2024

Appeal Ref: APP/R4408/W/23/3328681

All Hallows, Church Lane, High Hoyland, Barnsley S75 4BJ

- 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 Christina Hodges against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2022/1063, dated 13 October 2022, was refused by notice dated 10 March 2023.
 - The development proposed is three bedroom detached cottage with associated garage and landscaping to replace historic cottage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development includes a garage. However, the plans were altered during determination to remove the garage and I have considered the appeal on the same basis.

Main Issues

3. The main issues are:
 - Whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect of the development on the openness of the Green Belt;
 - Whether the development would preserve the setting of the Grade II listed All Hallows Church (the church) or have an adverse impact on sub-surface archaeology; and,
 - Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Green Belt

4. 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. Paragraph 154 of the Framework states that new buildings are inappropriate development but lists exceptions, including replacement dwellings.

5. The argument is advanced by the appellant that the development would be a replacement dwelling, as there was formerly a cottage on the appeal site, which, it is argued, had a functional link to the church. The cottage appears to have been demolished before 1960 and there are no significant surface remains.
6. I acknowledge that historic map evidence verifies the presence of what appears to be one or two dwellings and an outbuilding, in the mid-19th century. However, case law¹ has established that if there is no building existing, the building cannot be replaced. As such, I conclude that the proposals would not fall within any of the exceptions listed in Paragraph 154 and would amount to inappropriate development.

Openness

7. The appeal site is currently grassed with a picnic table. The construction of a dwelling with its associated mass and bulk, together with associated car parking, activity and domestic paraphernalia, would represent a loss of openness. It is also the case that the dwelling would be prominent along this stretch of lane. There would therefore be an adverse impact on both the spatial and visual elements of openness, as defined by case law. In this remote location I give this adverse impact on openness considerable weight.
8. I conclude that the proposals would be inappropriate development, and would conflict with Paragraph 143 of the Framework which states that one of the purposes of the Green Belt is to assist in safeguarding the countryside from encroachment. I give this harm substantial weight in line with Paragraph 153 of the Framework. The proposals would also conflict with Policy GB1 of the Local Plan (LP) which is concerned with the protection of the Green Belt from inappropriate development in accordance with national planning policy.

Heritage Assets

9. The evidence indicates that the church has been repeatedly rebuilt and remodelled since medieval times. The current coursed stone structure is a rare example of 20th century gothic design, with arts and craft influences, albeit attached to a 17th century tower. It also contains remnants of 13th and 14th century structures, and the heritage assessment suggests that this was the site of a late Saxon minster church which predated the parish system.
10. Given the evidence of prehistoric activity in the area it seems likely that the site was chosen centuries ago for its elevated position and vantage point over the surrounding countryside. There is also evidence that it was used for signalling in the second World War.
11. The church is notably remote from the hamlet of High Hoyland, which is clustered around a crossroads some 500 metres to the south. The lane passes alongside woodland and the presence of the church and its tower so close to the road is an unexpected and imposing feature in this very rural location.

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

12. The triangular appeal site lies to the north of the church. The historic maps show a long narrow cottage fronting the lane, possibly with two dwellings and an outbuilding to the rear. A 19th century photograph reinforces the suggestion that this was a modest cottage, probably single storey, and with a flat front elevation. In terms of typology, bulk and mass it would have been clearly subservient to the church.
13. The evidence suggests that the land around the church may have been glebe land or, given the name of the landowner at that time, perhaps related to the nearby Wentworth estate. In 1841 the former cottage was occupied by a coal miner, although given the site's remoteness and probable distance from coal mines it seems likely that the householder had a functional relationship with the church and its activities at that time.
14. The heritage assessment fails to identify significance in relation to the church. However, on the basis of what is before me, I conclude that there is historic and aesthetic value arising from its intact and varied fabric, which reflects remodelling and rebuilding over a number of centuries, as well as potential associative value derived from its possible links with prominent local families and landowners. There is also significance arising from its strategic elevated position, and its remote and rural location, which in combination with the adjacent undeveloped land, make a highly positive contribution to its setting.
15. Given the church's origins and probable links to early settlements it seems likely that there is sub-surface archaeology and possible human remains on the appeal site. However, in the event that the appeal was allowed a condition could ensure that the development was undertaken in accordance with guidelines that would ensure the investigation and recording of such features.
16. There are four Grade II listed grave slabs and two tomb chests in the southern graveyard. However, I have concluded that for the purposes of this appeal their immediate setting comprises the church rather than the appeal site, and I see no reason to consider them further.
17. The appellant's evidence repeatedly uses the term sexton and Sexton's Cottage. I appreciate that the church may have had a sexton who may have lived in the now demolished cottage, but this has not been demonstrated in the evidence before me and this terminology carries no weight.

Proposals and effects

18. The development would comprise what is described in the heritage assessment as a small two bedroomed cottage, but which the drawings show to be a sizeable three-bedroomed home with two separate kitchen and dining areas, with an additional sitting room and utility room. Providing this extent of first floor accommodation within the roof-space would result in a dwelling with a very deep flank elevation which would be disproportionate to the building's height. The design fails to reflect the local period vernacular, or the apparent simplicity and modest dimensions of the former cottage other than through the use of local materials. The dwelling would also include distinctly incongruous elements such as bay windows. Even allowing for the limited information regarding the former cottage, it is clear that the proposed dwelling's detailing would not align with the detailing of the former cottage.

19. I conclude that the dwelling would be intrusive and incongruous, and would introduce a distinctly suburban form into a highly rural and sensitive location. It would therefore detract from the setting of the church as a consequence of its unsympathetic form, mass and typology. This would amount to less than substantial harm.
20. Paragraph 208 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.

Heritage balance

21. The church has been deconsecrated and provides residential accommodation for the appellants as well as guest rooms, currently marketed through AirBNB. The argument is advanced that the provision of an additional dwelling nearby would enable adequate supervision of the church which is prone to vandalism and burglary. However, as the appellants are currently living in the church it is unclear how this supervisory role could be enhanced by living in a separate dwelling. I appreciate that fly-tipping on the appeal site may be a local issue but building a dwelling on the site would be a rather extreme solution.
22. The argument is also advanced that the provision of additional accommodation would enable the appellants to expand their Christian ministry and the provision of therapeutic services. However, there is no business plan before me and although there is a stated intention to set up a charity, there is no mechanism before me to link the proposed dwelling to the church or the appellants' proposed charitable activities.
23. Whilst I acknowledge that the appellants are undertaking work that may not be available through other channels, there is nothing before me to indicate that there is a compelling need for this work, or anything that provides objective information as to what the business entails or indeed any independent verification of activities and successful outputs. Nor is there any mechanism to ensure that the residential use of the church would be restricted to customers in need of particular support. Consequently, I am unable to conclude that the proposals amount to public benefits. Moreover, the dwelling would be a near permanent addition to the landscape which would outlive the appellants and their work.
24. As such, it is difficult to base my reasoning on any other premise than that the development is concerned with building a dwelling to facilitate the expansion of the guest accommodation within the church. This would be a private rather than a public benefit.
25. I acknowledge that the dwelling would also be used to house an elderly relative. Whilst the provision of accommodation for an elderly relative carries some minor weight in favour of the appeal, again this would be a private benefit. In any case, there is nothing before me to suggest that there are no local alternatives. Nor am I able to conclude that the current residential use of the church would cease if the appeal was dismissed.
26. The development would therefore fail to preserve the setting of the church and there are no public benefits of such weight to outweigh the less than substantial harm identified above. The development would be contrary to LP

Policies HE1 and HE3 which taken together are concerned with the protection of the historic environment. It would also conflict with guidance given in Section 16 of the Framework which is concerned with the safeguarding of heritage assets, and S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which states that the decision maker shall have special regard to desirability of preserving the building or its setting.

27. There would be no conflict with LP Policy HE6 which is concerned with sub-surface archaeology, for the reasons set out above.

Other matters

28. The Framework defines previously developed land (PDL) as land which is or was occupied by permanent structures. This excludes land that was previously developed but where the remains of the permanent structure or fixed surface structures have blended into the landscape. The argument is raised that there is hardstanding on the site as well as the septic tank for the church. However, I observed that the site appears to be an open field, and even if there is hardstanding beneath the sward and an underground septic tank, these are not evident. Any worked stones or brick fragments that remain on the site have blended into the landscape. The site is neither brownfield land nor PDL according to current definitions set out in the Framework. Moreover, as set out previously, the courts have concluded that a building that does not exist cannot be replaced.
29. I acknowledge that there is some local support for the development, as well as objections. However, this does not alter my reasoning which is based on the local development plan, national guidance and the Act.
30. I note that the footprint of the dwelling would be smaller than the combined footprints of structures shown on earlier maps, but this does not alter my reasoning with regard to the Green Belt, as those buildings no longer exist.

Other considerations

31. The reasoning set out above with regard to likely public benefits in relation to heritage matters, is also relevant to the assessment of other considerations in relation to the Green Belt.
32. The evidence indicates that there would be a Biodiversity Net Gain on the site of 18.48 per cent as a consequence of replacing trees that would be removed to accommodate the development, and work to create wild-flower meadows, some of which would be off-site. However, these works would be small in scale and would carry minor weight only in favour of the appeal.

Planning Balance and Conclusion

33. I have set out above that there is insufficient evidence to indicate that the harm to the setting of the church would be outweighed by public benefits.
34. Nor do the arguments advanced in relation to the appellant's intended activities or the biodiversity gains outweigh the harm to the Green Belt, also for the reasons given above. As such, there are no other considerations amounting to very special circumstances sufficient to outweigh the harm to the Green Belt and the setting of a designated heritage asset.

35. The development would be contrary to the local development plan, national guidance and the Act and there are no material considerations of such weight to lead me to conclude otherwise. The appeal is dismissed.

A Edgington

INSPECTOR