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Case Number	18/02224/FUL (Formerly PP-06997788)
Application Type	Full Planning Application
Proposal	Alterations to part of existing stable block to form a dwellinghouse
Location	White Acres Farm Spout Lane Sheffield S6 6EF
Date Received	09/06/2018
Team	West and North
Applicant/Agent	HPDA
Recommendation	Refuse

Refuse for the following reason(s):

- 1 The proposed development is considered to be inappropriate development in the Green Belt under the terms of Policy GE1, GE3 and GE5 of the Unitary Development Plan, which would cause harm by definition to the openness of the Green Belt. In the absence of very special circumstances to justify a departure from the provisions of the adopted plan on this occasion, the Local Planning Authority consider that the proposal is contrary to UDP Policy GE1, GE3 and GE5, Core Strategy Policy CS71 and to Government Guidance contained in the revised National Planning Planning Framework, paragraphs 143 - 146.
- 2 The Local Planning Authority consider that the proposed development is of poor design which would be detrimental to the character of the Area of High Landscape Value and contrary to the aims of Policies BE5 and GE8 of the Unitary Development Plan, Policy CS74 of the Core Strategy and paragraph 127 of the revised National Planning Policy Framework.

Attention is Drawn to the Following Directives:

1. Despite the Local Planning Authority wishing to work with the applicant in a positive and proactive manner, the application is considered contrary to policy requirement(s), and, there being no perceived amendment(s) that would address these shortcomings without compromising the fundamental intention of the scheme the Local Planning Authority had no alternative but to refuse consent.

2. The applicant is advised that this application has been refused for the reasons stated above and taking the following plans into account:

Plans and elevations prepared by Rae Connell Associates received on 9th June 2018

## Site Location



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## LOCATION AND PROPOSAL

The application relates to part of a building within the White Acres Farm livery complex. The building is of blockwork and corrugated cladding construction (thought to be largely asbestos) and is currently used to stable horses, for storage purposes and as a space where the applicant hosts 'pony parties' as part of the livery business.

The property is in open countryside beyond the settlement of Stannington, within a collection of barns and stables. The land slopes steeply down to the north and west and the premises are elevated above the level of Spout Lane as it passes to the west of the site.

The site is identified on the Unitary Development Plan Proposals Map as being within the Green Belt; an Area of High Landscape Value and an Area of Natural History Interest.

Planning permission is sought to convert a proportion of the steel framed portal building (just over a third) into a dwellinghouse. This would have two bedrooms, a bathroom and an open plan living area. The remainder of the building would continue to be used by the livery business.

Externally the part of the building that is to be used as a dwellinghouse would have an off-white rendered finish. New windows and doors would be inserted in the walls. Three sets of patio doors are proposed on the south west elevation, a small window on the rear south east elevation and two new windows and a door on the front north western elevation. A new insulated corrugated steel roof would be erected over the living accommodation.

Internally a new wall would be built to separate the living accommodation from the rest of the barn. Existing breeze block walls would be removed and new partition walls put in place create rooms within the dwellinghouse.

No alterations to the height or size of the building are proposed.

The residential curtilage would be largely confined to the existing yard to the front of the building which is already fenced off as well as a small area to the south west of the building. This is largely screened by existing buildings and the surrounding topography. Car parking would be within the front yard area.

## RELEVANT PLANNING HISTORY

The site has been the subject of numerous planning applications.

Most recently the site was the subject of a Public Inquiry which was held on 14 June 2017, 21 – 22 November 2017 and 6 February 2018.

The reason for the Inquiry was to consider three appeals. The applicant had, without planning permission, rebuilt and converted a barn into a dwellinghouse. Planning permission was sought retrospectively for this by application 15/04365/CHU. Members may recall, the application was refused planning permission by the Planning and Highways Committee on 22 November 2016 and authorisation was given for the instigation of enforcement proceedings to return the building to its original conditions (as a three-sided steel framed barn).

An enforcement notice was issued in January 2017 requiring the use of the barn as a dwellinghouse to cease and the building to be restored to its original condition. The enforcement notice was referenced RC/078455.

The appeal against the refusal of planning permission was considered by appeal reference APP/J4423/W/16/3164085 and the appeal against the enforcement notice was considered by appeal reference APP/J4423/C/17/3167164.

Following the Public Inquiry the Planning Inspector dismissed the appeal against refusal of planning permission, finding that the alterations that had taken place were tantamount to the erection of a new dwellinghouse within the Green Belt which is by definition inappropriate development. The Inspector considered the very special circumstances put forward by the appellant (that she needed to live there to care for her sick father); but when weighed in the balance did not feel that these reasons would outweigh the harm to the Green Belt that the development caused.

The Inspector also dismissed the appeal against the enforcement notice. The enforcement notice was upheld, with alterations, and a period of 18 months given in which to comply.

The third element of the Public Inquiry dealt with the refusal of planning permission for the removal of a planning condition (application 16/04457/FUL refers). When planning permission was granted for the use of the agricultural unit as livery stables in 2008 by application 08/02013/CHU, Condition 9 stipulated that no residential accommodation of any kind shall be provided on the site.

This was considered at the Inquiry under appeal reference APP/J4423/W/17/3168260.

The appeal was allowed (and so the condition is no longer imposed). The Inspector found that the condition was neither necessary nor relevant to the development permitted. He set out that the removal of the condition would not in itself enable the provision of residential accommodation, as this would be a material change of use requiring planning permission.

The barn that was the subject of the appeals was granted planning permission under application 96/00307/FUL (formerly 96/0076P). The approval was for a mono-pitched roofed building of block work and metal sheet construction with an open front. This building is immediately to the south west of the site that is the subject of this current planning application.

## SUMMARY OF REPRESENTATIONS

Bradfield Parish Council have objected to the proposed development, due to the application being for inappropriate development in the Green Belt.

Loxley Valley Protection Society have objected to the application and have set out that the application for the conversion of part of a stable block into a separate dwelling is in many ways comparable with the previous retrospective application which was refused and then dismissed at appeal.

As with the previous application, there are seemingly no special circumstances to allow this material change of use within the Green Belt. The proposed development would be an inappropriate development within the Green Belt, which if granted could

create a precedent.

In addition representations have been received from 3 local residents. These set out that the building is not in an agricultural use and there are inaccuracies on the application form as to the existing / proposed materials.

To allow the conversion and change of use of this stable building into residential accommodation would set a precedent for other land-owners in the area (and further afield) who have unsuccessfully, tried to obtain permission for residential dwellings in the Green Belt. This would erode the character of the countryside.

The application is contrary to both local and national planning policy and guidance, and also to the adopted supplementary guidance contained in the Loxley Valley Design Statement. The proposal is inappropriate development.

## PLANNING ASSESSMENT

### Policy Context

The site is identified on the Sheffield Unitary Development Plan (UDP) Proposals Map as being within the Green Belt as well as an Area of High Landscape Value and an Area of Natural History Interest.

The Local Development Plan consists of saved policies from the Sheffield Unitary Development Plan (UDP) which was adopted in March 1998 and the Sheffield Core Strategy, which was adopted in March 2009.

Unitary Development Plan Policy GE1 – Development in the Green Belt sets out that in the Green Belt development will not be permitted, except in very special circumstances, where it would lead to unrestricted growth of the built up area or lead to encroachment of urban development into the countryside.

UDP Policy GE3 sets out that in the Green Belt the construction of new buildings will not be permitted, except in very special circumstances, for purposes other than agriculture, forestry, essential facilities for outdoor sport or recreation and other uses which would comply with Policy GE1.

Policy GE5 stipulates that new housing within the Green Belt, other than those needed to support agriculture and other acceptable uses, will only be permitted where they involve either infilling of a single plot within the confines of a village, group of buildings or substantially developed road frontage, or the erection of a replacement dwelling.

Policy BE5 sets out that good design and the use of good quality materials will be expected in all new and refurbished buildings.

Core Strategy Policy CS71 sets out that 'Countryside and other open land around the existing built-up areas of the city will be safeguarded by maintaining the Green Belt, which will not be subject to strategic or local review. Exceptionally, changes may be made to remove untenable anomalies where the change would not

undermine the purposes or objectives of Green Belt in that area. Development needs will be met principally through the re-use of land and buildings rather than through expansion of the urban areas and villages.’

National policy is contained with the National Planning Policy Framework (NPPF), which was revised in July 2018. Specifically paragraphs 143 – 147 deal with proposals affecting the Green Belt.

Paragraph 143 of the revised NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 144 goes on to state 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 resulting from the proposal, is clearly outweighed by other considerations.’

Paragraph 145 sets out that ‘a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are: c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

Paragraph 146 of the revised NPPF also sets out that ‘Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include: d) the re-use of buildings provided that the buildings are of permanent and substantial construction.

#### Consideration of Building Works Required

The building has a steel portal frame with a single skin block work wall on the south western elevation to a height of around 1m with corrugated cladding above. The cladding appears to be largely of asbestos with patches that have been repaired with corrugated plastic sheeting. In places there are holes and gaps in the cladding and the building is not water tight. The rear elevation (south east elevation), when viewed externally is all of corrugated asbestos cladding. The barn is dug into the hillside so the lower portion, again to a height of around 1m, is of block work construction (this cannot be seen externally). The roof also appears to be largely of the same asbestos cladding material.

At some point the building has been extended to the front (north west elevation) to provide a series of horse boxes. These are of single skin block work construction with large openings covered by stable doors and ‘window’ openings across which are timber struts. The openings are not glazed.

Internally there is a blockwork wall, built up to the apex of the roof which serves to divide the barn. As part of the proposed development this would be removed and a new wall built to separate the dwelling from the barn. The blockwork walling which divides the horse boxes would also be removed.

It is considered that the works that would be involved to create a dwellinghouse would be tantamount to the erection of a new property.

The cladding to the walls and roof would have to be removed and all that would remain of the original building would, at best, be the steel frame, blockwork to the front elevation (which indeed has large openings that would need to be built up) and blockwork to a height of around 1m to the south western elevation and rear south eastern side.

The wall adjacent to the part of the barn that is to be retained would be new, as would the majority of the walls to the south west and south east where the block work would need to be built up considerably to reach the roof. The plans also indicate an entire new 'inner skin' to all of the walls. Effectively a new dwelling would be constructed within the footprint of part of the barn. All of the internal walls within the proposed dwellinghouse would also be new as would all of the windows and doors.

On the application form the agent has said that the proposed materials for the walls would be natural stone to match existing and the roofing would be of slate, again to match existing. The existing walls and roof, as discussed above are not of slate or stone construction. The submitted plans indicate that the roof would be of insulated corrugated steel construction and the walls would have a rendered finish. It is assumed that they would have to be built first from blockwork.

The works involved are extensive and cannot be characterised merely as improvements or alterations. The development will not alter the size of the building and so is not considered to be an extension. It is considered that the development would not fulfil the exception c) as outlined in paragraph 145 of the revised NPPF. The development would not constitute 'extensions or alterations to a building' and is therefore considered to be inappropriate development within the Green Belt, causing harm by definition. This harm is to be given substantial weight.

When considering the previous planning appeal (which involved the rebuilding of a steel portal framed building with concrete blockwork to a height of around 1m with steel cladding above), the Planning Inspector took the view that the original building 'has been improved out of existence' and the works undertaken to turn the building into a dwellinghouse had resulted in a new building. (para's 8 and 44 of the Appeal Decision notice are of relevance). There are similarities between the works that were carried out to that building and the works required here and so the Inspectors decision is a material consideration.

Paragraph 146 of the revised NPPF also sets out that 'Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include: d) the re-use of buildings provided that the buildings are of permanent and substantial construction.

At the Public Inquiry the Inspector took the view that, on the basis of past judgements, the proposal involved operation development (as is the case with the



current application) and so the creation of a new dwelling could not fall within the exception of a re-use of a building (paragraph 47 of the Appeal Decision notice refers).\*

Given the similarities between the two applications it is considered that the same rule applies here. The applicant is seeking to carry out operational development to the building (re-roofing, building up of walls, insertion of windows and doors, internal partition works), not purely a change of use and so, with the Inspectors decision in mind the development does not meet exception d) as set out in paragraph 146 of the NPPF.

It is considered that the proposal would be inappropriate development within the Green Belt and the proposed development would be tantamount to the erection of a new building within the Green Belt.

UDP Policy GE5 sets out that new houses within the Green Belt, other than those needed to support agriculture or other appropriate uses will not be permitted unless they involve either the infilling of a single plot within the confines of a village or other substantially developed frontage; or the erection of a replacement dwellinghouse.

The proposed dwellinghouse would not house an agricultural or forestry worker (horse livery is not classed to be an agricultural use). Nor is the site deemed to be within the confines of a village or substantially developed road frontage. As such it is considered to be contrary to UDP Policy GE5 and the aims of Core Strategy Policy CS71 which seeks to protect the Green Belt from inappropriate development, through the re-use of land and buildings within the urban areas. As discussed above, the proposal includes operation development and is not considered to simply involve the re-use of a building.

The proposed building would not be greater in height than the existing building and the footprint would remain the same. The building is largely screened from public view by other buildings within the site, trees surrounding the site and the natural lie of the land means that it is well screened. It is therefore considered that the proposed development would not have a greater impact upon openness than the existing building in terms of scale and massing; however this would not detract from the substantial weight that has been given to the inappropriateness of the development when weighed in the balance.

The applicant has not put forward any 'very special circumstances' to justify the development although the accompanying planning statement sets out that the site is not in an isolated location.

As a result of the Public Inquiry it was deemed that the premises were not remote from the settlement of Stannington, which is around 120m away as the crow flies and 500m away along the footpath (paragraphs 57 – 59 of the Inspectors appeal decision deal with the issue of isolation). However this still does not outweigh the harm that the development would cause to the Green Belt.

It is considered that the development of the premises to enable the use of the property for residential purposes would result in urban encroachment into the

countryside and so would be contrary to UDP Policy GE1 and GE5 as well as Core Strategy Policy CS71 and paragraphs 143 -146 of the revised NPPF.

(\*At the time of the Public Inquiry the NPPF had not been revised. The appeal decision notice refers to paragraphs 87, 88, 89 and 90 of the NPPF. These have been replaced by paragraphs 143, 144, 145 and 146 of the revised NPPF; however the relevant wording has not materially altered).

**Impact Upon Character of Area of High Landscape Value and Design**  
Green Belt issues aside, it is considered that the proposed dwellinghouse is of poor design.

The proposed development would involve the insertion of a number of new windows and doors. These would not reflect the rural style of the building and the three sets of glazed patio doors on the south west elevation would have a particularly urbanising impact upon the appearance of the building.

The existing asbestos cladding is only proposed to be replaced on part of the building which will result in a partly finished appearance. The use of metal sheeting for the roof and white rendered walls are also uninspiring and not in keeping with the rural character of the area.

Paragraph 127 of the revised NPPF sets out that 'decisions should ensure that developments add to the overall quality of the area, are visually attractive as a result of good architecture and are sympathetic to local character and history, including the surrounding built environment and landscape setting.' It is considered that the development would be contrary to these design principles.

Core Strategy Policy CS74 sets out that 'high-quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city'.

UDP Policy GE8 – Areas of High Landscape Value also sets out that within such areas the protection and enhancement of the landscape will be the overriding consideration.

UDP Policy BE5 also sets out that good design and the use of good quality materials will be expected in new development.

It is considered that the proposed development would not comply with these policies as the development would not enhance the appearance of the area and would look odd having neither the appearance of a barn or a dwellinghouse.

#### Ecology

The site is within an Area of Natural History Interest. No ecological statement has been provided in support of the application or any measures included within the application as to how the development would increase bio-diversity.

#### Community Infrastructure Levy (CIL)

The Community Infrastructure Levy (CIL) is applicable to this development. The site lies within CIL Zone 3 where the contribution is £30 per sq m. The funds generated through CIL will be used in connection with strategic infrastructure needs. Based on the information submitted, the development would provide 91sqm of new residential floor space. If planning permission were to be given, the CIL contribution in this instance would be approximately £2,730.

## SUMMARY AND RECOMMENDATION

Planning permission is sought for alterations to part of an existing stable / barn to create a dwellinghouse. The alterations that would be involved are considered to be significant and, in the view of the Local Planning Authority, the development would be tantamount to the erection of a new dwellinghouse within the Green Belt albeit attached to an existing barn.

The property is not needed to house an agricultural or forestry worker; would not replace an existing dwelling and is not considered to be an infill plot within the confines of a village, the site being within open countryside.

No very special circumstances have been put forward to justify the development other than that the site is not within an isolated location. Nevertheless it is within open countryside in the Green Belt.

The development is of poor design and does not preserve or enhance the Area of High Landscape Value.

The proposed development is deemed to be inappropriate development within the Green Belt setting and is contrary to development plan policy contained within the Unitary Development Plan (UDP Policy GE1, GE3, GE5, GE8 and BE5), Core Strategy (Policy CS71 and CS74) and National Planning Policy Framework (para 127 and 143 – 146).

It is recommended that the application be refused.

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