

## PLANNING COMMITTEE – 25<sup>th</sup> April 2023

**REFERENCE NUMBER:** 22/01004/FL      Application Expiry      26<sup>th</sup> April 2023  
Date:

**Application Type:** Full Planning Permission

**Proposal Description:** Change of use of existing land to accommodate additional car parking and relocation of existing stable.

**At:** Devonshire Arms, Westfield Lane, Middle Handley, Sheffield, S21 5RN

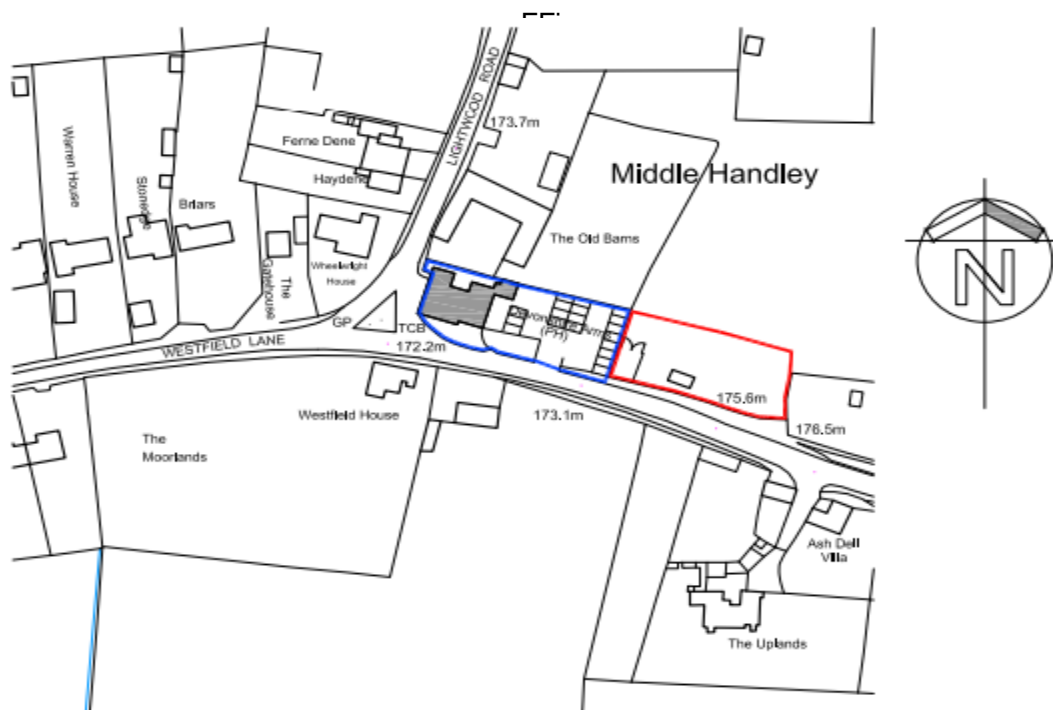
**For:** Mr J Tompkins

**Third Party Reps:** 4      **Parish:** Unstone Parish

**Ward Name:** Unstone Ward

**Author of Report:** Aspbury Planning      **Date of Report:** 12<sup>th</sup> April 2023

**MAIN RECOMMENDATION: REFUSE planning permission**



## **1.0 Reason for Report**

- 1.1 The application has been called in by Councillor Alex Dale to allow Planning Committee to assess the impact of the proposal upon the Green Belt.

## **2.0 Proposal and Background**

- 2.1 The application seeks planning permission for the change of use of a parcel of land to accommodate a car parking area to supplement existing arrangements at the Devonshire Arms and the relocation of an existing stable block to the north east of the site.
- 2.2 The application site comprises a rectangular parcel of land on the northern side of Westfield Lane and to the east of the existing Devonshire Arms pub car park in Middle Handley (see Figure 1 below).



Figure 1: The site looking west towards the existing field shelter/stable and pub car park (taken from the submitted Planning Statement)

- 2.3 Further west of the existing car park and in the ownership of the applicants is the Devonshire Arms public house itself, which is a two-storey stone-built property.

- 2.4 The application site is bordered by two properties, to the west and as outlined above, in the ownership of the applicant, the Devonshire Arms; whilst to the east the application site borders the residential property of Hill Crest. To the north of the application site is open countryside, currently used in conjunction with the existing land, subject to this application, for the grazing of horses and livestock. The application site fronts Westfield Lane to the south (see Figure 2 below).



Figure 2; The site looking south (taken from the Planning Statement) towards the existing shelter/stable.

- 2.5 The application site is located outside any settlement development limits and lies within open countryside washed over by Green Belt.
- 2.6 The application site, as part of the greater area extending northwards, was subject to a change of use from agricultural use to a mixed use for the grazing of horses and livestock, with the creation of a new field access and construction of a field shelter, under application planning reference NED/17/01240/FL.
- 2.7 The application seeks to create an additional 29 vehicle space car park to serve the Devonshire Arms and be accessed from its existing car park area/access. To accommodate this extension to the car park, 3 existing car parking spaces would be lost (the existing car park accommodates 19 cars) as well as the felling of 2 no. trees and the fencing which currently bounds



the pub car park to its east. A small amount of engineering works would be required to secure level access.

- 2.8 It is proposed that the existing access to the field would be retained for access by livestock but not be used by visitors of the car park. A new gated access is to be installed on the northern site boundary allowing access to the field beyond. The stable block, which is currently sited on the application site, is proposed to be moved to the north-east corner of the site on the boundary with the residential dwelling 'Hill Crest' (see Figure 3 and 4 below).
- 2.9 The proposed car park is to be accessed from the existing car park and new stock proof fencing would be erected on the northern boundary of the application site, to separate the proposed car park from the field beyond. The proposed car park would have an eco-grid surface.

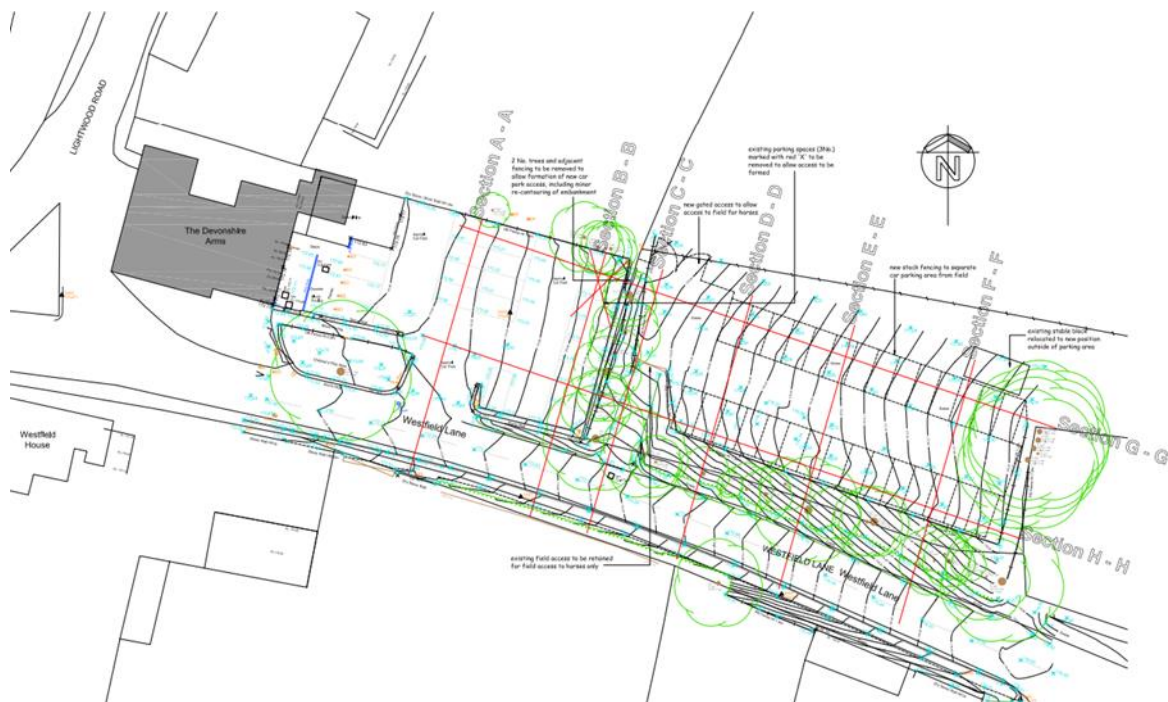


Figure 3: Proposed Layout

### 3.0 Relevant Planning History

- 3.1 74/00554/OL | Four dwellings (outline application) on land adjacent – Refused
- 3.2 79/01065/OL | One dwelling (outline) on land adjoining – Refused
- 3.3 81/00863/FL | Extension to provide new lobby to the pub toilet area and internal alterations – Approved

- 3.4 81/00864/OL | Residential development (1 No. dwelling) (outline) on land adjoining – Refused
- 3.5 83/00767/FL | Land Adjacent to Devonshire Arms. Two dwellings. – Refused
- 3.6 85/00765/AD | Sign scheme. – Approved
- 3.7 86/00706/FL | Porch – Application Withdrawn
- 3.8 90/00762/OL | Construction of one detached dwelling (outline application) on land adjacent – Refused
- 3.9 06/00453/FL | Construction of 2 storey side extension to form restaurant and guest bedrooms – Application withdrawn
- 3.10 06/00805/FL | Construction of ground floor restaurant extension with managers accommodation at first floor (revised scheme to NED/06/00453/FL) (Amended Plans) – Approved / P.D. Removed
- 3.11 06/01157/TPO | Application for consent to prune Horse Chestnut Tree (T1) covered by Tree Preservation Order 245 – Approved
- 3.12 08/00589/FL | Retention of floodlights to car park – Refused
- 3.13 08/00934/RM | Variation of condition 10 of planning permission NED/06/00805/FL to allow for extended opening hours until 12.00am Friday and Saturday (Amended Title) – Approved
- 3.14 09/00658/FL | Permission for new floodlights to car park and approval of car park layout – Approved
- 3.15 17/01240/FL | Application for change of use of land from agricultural to mixed use for grazing horses and livestock with creation of new field access and construction of field shelter (Amended Plans/Amended Title) – Approved
- 3.16 18/01231/AD | Application for advertisement consent for 1no wall mounted, non illuminated sign – Approved
- 3.17 19/00770/FL | Retention of smoking shelter, covered seating area and external fire escape (amended plans) – Approved
- 3.18 22/00811/FL | Application for retention of bin store enclosure - Approved

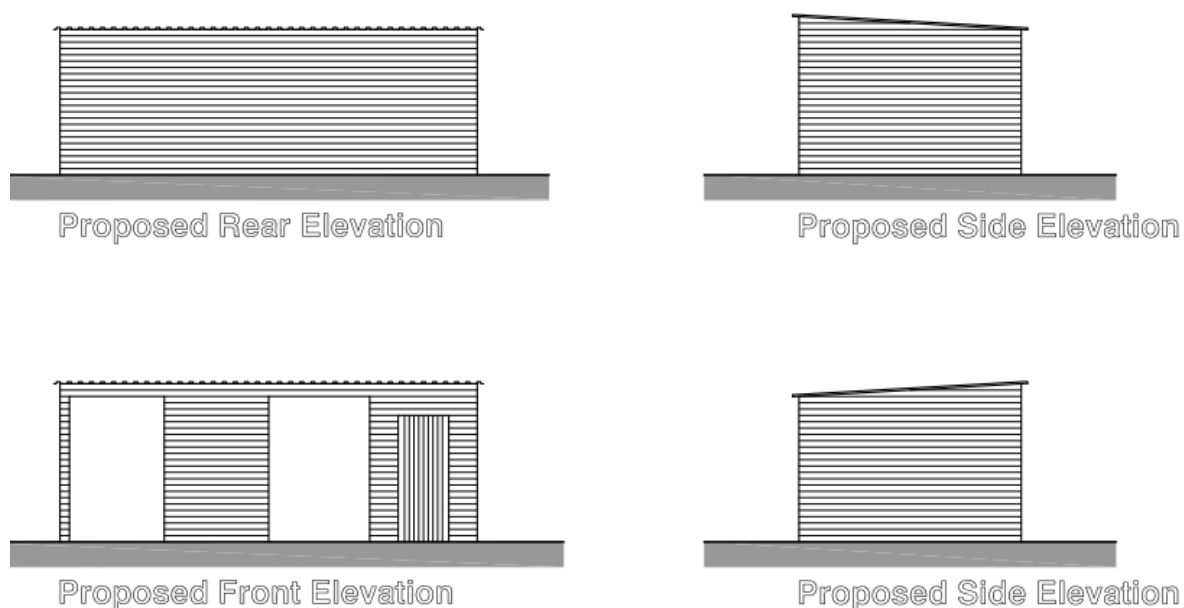


Figure 4: Stable Building

#### 4.0 Consultations and Representations

- 4.1 Ward Councillor – Councill Dale requested that the application be heard by Planning Committee to assess the impact of the proposal upon the Green Belt.
- 4.2 Parish Council – Raised no comments.
- 4.3 Highways – No objections.
- 4.4 Coal Authority – No objections
- 4.5 NEDDC Drainage – Raised no comments.
- 4.6 Environmental Health – Recommends a scheme of drainage/muck management; as well as the erection of acoustic fencing on the boundary with the residential property to the east.
- 4.7 Five letters of representation have been received. In summary, the main concerns raised relate to the loss of residential amenity as a result of an increase in lighting and sound levels, particularly due to the close proximity to residential properties, as well as a lack of boundary landscaping on the northern boundary of the application site which would interrupt the views across the Green Belt land, as well as leading to further impacts upon the residential amenity of dwellings to the north-east. Further concerns relate to the access arrangements for horses and livestock and the compatibility with a car park use.

## **5.0 Planning Policy Considerations**

### **5.1 North East Derbyshire Local Plan**

The following policies of the Local Plan are material to the determination of this application:

SS1 -	Sustainable Development
SS9 -	Development in the Countryside
SS10 -	North East Derbyshire Green Belt
WC5 -	Visitor and Tourism Development
SDC2 -	Trees, Woodland and Hedgerows
SDC3 -	Landscape Character
SDC12 -	High quality Design and Place-Making

### **5.2 National Planning Policy Framework**

The revised National Planning Policy Framework was published on 20 July 2021 and sets out the government's planning policies for England and how these are expected to be applied.

- 5.3 NPPF Chapters relevant to this proposal:
- Chapter 2: Achieving sustainable development
  - Chapter 4: Decision-making
  - Chapter 12: Achieving well-designed places
  - Chapter 13: Protecting Green Belt Land
  - Chapter 15: Conserving and enhancing the natural environment

## **6.0 Planning Issues**

### Principle of development – Green Belt

- 6.1 The application site is located outside of any defined settlement development limits and falls within open countryside and Green Belt. In Green Belt inappropriate development is considered to be by definition harmful and that it should not be approved except in very special circumstances.
- 6.2 Policy SS10 of the Local Plan, which generally accords with advice set out in the National Planning Policy Framework (NPPF), advises that engineering operations (the NPPF also refers to material changes of use) are not inappropriate providing they preserve its openness and don't conflict with the purposes of including land within it.
- 6.3 The application seeks to create a new area of car parking. It will be a formally laid out area although surfaced in eco grid. It is likely that some minor localised remodelling of the land will actually take place although this is likely to be limited in extent.

- 6.4 The Planning Practice Guidance (PPG) sets out that openness has both spatial and visual aspects and the degree of activity, such as traffic generation, is a material factor in assessing Green Belt impact.
- 6.5 In this case, whilst the engineering operations themselves are unlikely to harm Green Belt openness, the activity associated with the car park, the physical parking of vehicles and the comings and goings of cars and visitors to the pub, and so the change of use associated with it, will. It is this impact that leads Officers to conclude that the new car park will not preserve openness and so, contrary to the view expressed by the applicant, the provision of the new car park constitutes inappropriate development.
- 6.6 The application also seeks to relocate a stable building. The provision of appropriate facilities for outdoor sport or recreation are also not inappropriate providing they preserve Green Belt openness.
- 6.7 Currently the stable occupies a location close to the road and largely hidden/screened from it by the road side hedge such that its impact on openness is limited (see Figure 2 above). It is accepted that a stable of the size proposed is an appropriate facility for outdoor sport/recreation but its relocation would place it away from existing features and in the opinion of Officers in an open location that would fail to preserve Green Belt openness. As such, in that scenario, it too represents inappropriate development.

#### Principle of Development - Countryside

- 6.8 Local Plan Policy SS9 sets out categories of development which will be supported in countryside areas. Changes in land use do not constitute one of the supported exceptions but in all cases development needs to respect the form, scale and character of the landscape. Policy SDC3, likewise, seeks to protect the character of the local landscape from unacceptable development.
- 6.9 The application site is located within the landscape character type Wooded Hills and Valleys. The site is characteristic of this landscape type and it is considered the introduction of a car parking area into this landscape would fail to respect it and so it would be harmful notwithstanding the intention to retain the roadside tree screen.

#### Impact upon Neighbouring Properties/Land Uses and Street Scene

- 6.10 The application site is currently part of a larger open field used for the grazing of horses and livestock, and includes a stable. To the west of the site is the existing Devonshire Arms public house car park, which is defined by a line of mature trees, whilst to the east is the residential dwelling of Hill Crest. As previously mentioned, the site fronts Westfield Lane to the south. The site enjoys a treelined border on three of the four boundaries.
- 6.11 The Environmental Health team raised some initial concerns about the impact of the proposed car park and the resultant noise caused and the



relocation of the stable block to a position close to the boundary with Hill Crest. However, following a re-assessment of the application, the Environmental Health team are satisfied that these impacts could be addressed by the imposition of conditions, including the erection of an acoustic fence which would be installed along the eastern site boundary and the implementation of a suitable scheme of drainage and the proper disposal of waste.

- 6.12 In this regard, it is considered that the proposed scheme, properly conditioned, would not have a detrimental or significant and overriding impact upon the residential amenity of the occupiers of the neighbouring properties.

#### Impact upon Highway Safety

- 6.13 Following consultation, the Highway Authority raised no objection to the proposal subject to conditions, noting that no access alterations are proposed and that the existing 19 car parking spaces are substandard given the scale of the Devonshire Arms.

#### Very Special Circumstances

- 6.14 It is noted that the Devonshire Arms is not undergoing any current expansion.
- 6.15 The Planning Statement accompanying the application sets out two elements that the applicant considers represents very special circumstances justifying the submission. These are the socio-economic benefit of extending the car parking provision in terms of supporting the development of the pub and the public benefits afforded by reducing on-street car parking. Whilst there is no evidence from the Highway Authority (HA) that any lack of car parking is impacting on highway safety, the HA acknowledge that the current level of car parking is substandard to accommodate all the activity at the site.
- 6.16 The applicant has submitted photos showing car parking on the highway and an example of this is given below in Figure 5 below although Officers have no mechanism of quantifying the impact of this on road parking as no context is given to it, such as frequency, reason for it or any association with the pub itself.



Figure 5: Example of on road parking (photo taken from the Planning Statement)

- 6.17 The applicant's own submission states that 37 spaces would be required to serve the pub and so contend there is a current under supply of 18 (net). If approved, the application would deliver 45 spaces and so exceed the 37 identified by the applicant in any case.
- 6.18 Officers contend that the impact of a large car parking area, with the additional potential for an acoustic fence to enclose it, and the relocation of the stable to a position away from any softening hedgerows would have a significant impact on Green Blot openness in this location.
- 6.19 Due to that impact it is not considered that very special circumstances claimed by the applicant are sufficient to outweigh the harm identified.

#### Summary and Conclusion

- 6.20 The application seeks to develop an area of land as a car park and relocate a stable block within it within the North Derbyshire Green Belt.
- 6.21 It is considered that the proposal would, by reason of the physical parking of cars, the level of activity associated with the new car park, the probability that to make any development acceptable a new acoustic fence would be required and the open location of the stable building's relocation would result in harm to the openness of the North East Derbyshire Green Belt and the scheme does not therefore comply with Policy SS10 of the Local Plan representing inappropriate development.

- 6.22 The level of harm is considered significant due to the size of the new car park proposed and the isolated position of the new stable building.
- 6.23 It is not considered that the application demonstrates that there are 'very special circumstances' to outweigh the harm to the loss of openness caused.
- 6.24 Additionally, there is considered to be harm caused to the local landscape.
- 6.25 Whilst the Highway Authority welcome the additional spaces proposed insufficient evidence has been presented to show that there is a significant highway safety issue to overcome or that the level of car parking proposed is necessary to address any harm that may occur.
- 6.26 Whilst, subject to conditions, the proposal would not impact adversely on the amenity of neighbours, the need to protect that amenity by the construction of an acoustic fence, adds to other concerns and adds weight to the conclusion that the application is not acceptable.
- 6.27 As such, it is concluded that the proposal does not accord with policies SS1, SS9, SS10 and SDC3 of the North East Derbyshire Local Plan 2014-2034.

## **7.0 Recommendation**

7.1 REFUSE planning permission for the reasons outlined below:

1. Policy SS10 of the North East Derbyshire Local Plan states that proposals for engineering operations may not be inappropriate in the Green Belt provided they preserve openness and do not conflict with its purposes. The National Planning Policy Framework identifies that material changes in the use of land are likewise acceptable subject to the same caveats.

Inappropriate development is by definition harmful and should not be approved except in very special circumstances. 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.

In this case, the proposed car park comprises both a change in the use of land and engineering operations. By reason of the levelling of the land, the physical parking of vehicles, the activity associated with the site for the parking of vehicles and the need for an acoustic fence, the new car park would impact on the spatial and visual openness of the Green Belt and encroach into the countryside.

No very special circumstances have been identified that outweigh the harm that would be caused.

As such, the development is considered unacceptable and contrary to

policy SS10 of the North East Derbyshire Local Plan and the policies of the National Planning Policy Framework.

- 2 Policy SS9 and policy SDC3 of the Local Plan states that development in the countryside will be permitted if they would not cause significant harm to the character of the area.

The change of use of the land, the scale of car parking proposed and the associated works to create the new car park, would create an alien and urban feature within this countryside location. It would fail to respect the form, scale and character of the area and it is therefore considered unacceptable and contrary to the requirements of Policies SS1, SS9 and SDC3 of the North East Derbyshire Local Plan and the policies of the National Planning Policy Framework.