

SUPPORTING PLANNING STATEMENT TO ACCOMPANY AN APPLICATION FOR PERMISSION IN PRINCIPLE (PIP) FOR THE ERECTION OF A DETACHED DWELLING ON LAND ADJOINING PEAR TREE COTTAGE, SMITHS END LANE, BARLEY

1.0 THE APPLICATION SITE

- 1.1 The site of this application comprises the former northern garden area of the property known as Pear Tree Cottage. The former owner of the Cottage sold it circa 1987, retaining the northern garden, as shown on the accompanying site plan. The site lies at the northern end of an area of residential development on the southern side of Barley.
- 1.2 The site comprises a large landscaped plot to the north of Pear Tree Cottage and south of the open paddock that curves inside the south-western bend in the road. It features a number of trees, a pond and a small outbuilding. Since its sale the former owner has regularly maintained it, cutting its hedges, planting flowers etc and applying for consent for work on trees.
- 1.3 The site lies within the boundary of the Barley Conservation Area and over the past 30 years or so several applications have been granted for the felling of trees within the curtilage of the property. On each occasion the loss of these trees was both justified and found not to result in any unacceptable adverse impact upon the character and appearance of the Barley Conservation Area.
- 1.4 When dealing with the most recent application to remove 3 trees from within the site, in February 2025, the case officer confirmed that it lay in a residential part of Barley. The small outbuilding referred to by the case officer is not used in association with Pear Tree Cottage.

2.0 THE APPLICATION

- 2.1 This application seeks 'permission in principle' for the erection of a detached dwelling within the large grassed and landscaped site, to the north of, and separated from, Pear Tree Cottage.
- 2.2 The application is submitted under the terms of the Town and Country Planning (Permission in Principle) Order 2017 (as amended) to obtain Permission in Principle (PiP). The PiP consent route has two stages: the first stage (PiP) establishes whether a site is suitable in

principle and the second (technical details stage) is when the detailed development proposals are assessed.

2.3 The scope of matters which can be considered with a 'Permission in Principle' application is limited to:

- location of the site.
- the type of land use proposed.
- the amount of development.

2.4 This application is for the first stage only, to establish the principle of a dwelling within the site. It does not include the technical details.

2.5 Technical details such as layout, access, impact on amenity, parking, highway safety, flood risk etc., would be the subject of assessment in greater detail at the second stage of the process. The position of the dwelling on this site is flexible and will be subject to further consideration at the detailed stage.

3.0 THE POLICY CONTEXT

3.1 The application site lies outside the main area of the village as identified on the Proposals Map. This means that for policy purposes, the site is located within the rural area outside the Green Belt. It also lies just within the Barley Conservation Area.

3.2 **Policy 6** deals with the Rural Area beyond the Green Belt and states that in Rural Areas beyond the Green Belt the Council will maintain the existing countryside and villages and their character. A development proposal will normally be allowed only if it meets certain listed criteria. One of the mutually exclusive criterion is where it involves a single dwelling on a small plot located within the built core of the settlement, which would not result in outward expansion of the settlement or have any other adverse impact on the local environment or other policy aims within the Rural Areas.

3.3 The extent to which this PiP proposal accords with Policy 6 will be addressed later in this statement.

3.4 **Policy HE1 of the adopted Local Plan** deals with designated heritage assets (in this case the Barley Conservation Area). It states that:

Applications relating to designated heritage assets or their setting shall be accompanied by a Heritage Assessment/Justification Statement that:

- i. Assesses the significance of heritage assets, including their setting;*
- ii. Justifies and details the impacts of any proposal upon the significance of the designated heritage asset(s); and*
- iii. Informs any necessary measures to minimise or mitigate against any identified harms.*

Planning permission for development proposals affecting Designated Heritage Assets or their setting will be granted where they (as applicable):

- a) Enable the heritage asset to be used in a manner that secures its conservation and preserves its significance;*
- b) Incorporate a palette of materials that make a positive contribution to local character or distinctiveness, where it is appropriate and justified; and*
- c) Will lead to less than substantial harm to the significance of the designated heritage asset, and this harm is outweighed by the public benefits of the development, including securing the asset's optimum viable use.*

Where substantial harm to, or loss of significance, of a designated heritage asset is proposed the Council shall refuse consent unless it can be demonstrated that the scheme is necessary to deliver considerable public benefits that outweigh the harm or loss.

3.5 **Section 72 (1)** of the Planning (Listed Building and Conservation Areas) Act 1990 requires the decision maker to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

3.6 **Section 16** of the NPPF (December 2024) deals with conserving and enhancing the historic environment and at **Paragraph 207** states that:

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the

proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.

3.7 Paragraph 208 goes on to state that:

Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

4.0 THE MATERIAL ISSUES

4.1 Policy 6 requires new development involving a single dwelling on a small plot to be located within the built core of the settlement, not result in outward expansion of the settlement nor have any other adverse impact on the local environment or other policy aims within the Rural Areas. It is submitted that this is the case here.

4.2 Very recently this policy was tested and applied to a proposal for a single dwelling on another plot along the western side of Smiths End Lane, at Ivys Cottage. In assessing that new dwelling the case officer stated that:

The development at the southern end of Smiths End Lane is not 'sporadic' nor is the site read as being in an area of attractive countryside. The site is an open, grassed, large side garden to Ivy's Cottage but it is not identified as an important open space and the plot sits behind a well-established Laurel hedge and well-treed frontage. The development would also not, in my opinion have any significant bearing upon the four terraced properties on the opposite side of the road.

4.3 This confirms that properties along the east side of Smiths End Lane lie within the built core of Barley, meeting that requirement of Policy 6. This site is an open grassed site.

4.4 The similarities between the site at Ivy's Cottage and this one are then strikingly obvious. A new dwelling on this plot would be in an

area that is not 'sporadic' nor is the site read as being in an area of attractive countryside. It is an open, grassed, large former garden of Pear Tree Cottage. It is not identified as an important open space within the Barley Conservation Area.

- 4.5 The proposal would provide one more dwelling for Barley which is a Grade A village. There are no sites allocated for development within the village boundary. It is the release of sites such as this that will contribute principally to the sustainability of village facilities and services etc. On the wider level it is understood that the Council can only demonstrate a five-year land position of 2.6 years against its objectively assessed housing need of 1,120 homes per annum annual shortfall and 5% buffer. This figure falls below the five-year figure as required in the NPPF. Although providing only one extra dwelling the need for new development in both Barley and across the District generally must weigh in favour of this application.
- 4.6 Like the plot at Ivys Cottage, this one lies within the Barley Conservation Area and **Policy HE1** deals with designated heritage assets. This application seeks to secure a permission in principle for the proposed development and although no details of the siting or design of the new dwelling accompany the submission, it is possible, based upon the Barley Conservation Area Map, to establish that the new dwelling would preserve the character and appearance of this part of Smiths End Lane.
- 4.7 Pear Tree Cottage adjoining this site is unlisted and not identified as a building or feature that contributes to the character of the Conservation Area. This site is not prominent in any of the significant views identified on the Conservation Area Map.
- 4.8 **Section 72 (1)** of the Planning (Listed Building and Conservation Areas) Act 1990 requires the decision maker to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. At the technical detail application stage issues such as the final location, scale and design of the dwelling would be submitted, together with details of the access, landscaping and ecology.

5.0 SUMMARY

- 5.1 This application seeks to obtain the Council's permission in principle to erect a dwelling on a plot of land beyond the Green Belt, but in a

part of Smiths End Lane that lies within the core of the village. This was established when the Council recently permitted a new dwelling on a plot of land at Ivys Cottage, located further south along the same side of the road. In this respect it is submitted that the principle of a new dwelling in this location would, like that at Ivys Cottage, not conflict with the requirements of Policy 6 of the currently adopted Local Plan.

- 5.3 The development would create one more dwelling for the Grade A village, where none appear to have been planned for within the settlement boundary and add to the Council's 5 year land supply.
- 5.4 Like the site at Ivys Cottage, this site lies within the Barley Conservation Area. The siting, design, character and appearance of the new dwelling would be dealt with at the technical stage of the PiP process. There is no reason at this first 'in principle' stage to suggest that a dwelling on the site would do anything other than preserve the character and appearance of this part of the Conservation Area. In this respect it would meet the requirement of Section 72 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 and of the NPPF.
- 5.5 For all of the foregoing reasons it is hoped that the Council will agree that the grant of Permission in Principle (PiP) is justified at this first stage and decide the application favourably. However, should any further information relating to the principle of the development be required at this stage then we would be happy to provide it. Similarly should the Council feel it would be helpful to identify the details of the development that might be required at the technical stage then we would be happy to receive and respond to them.

Alan Breckon
For Mr P Chapman
August 2026