

**Application Reference: 2024/1090**

**Site Address:** Oakleigh House, 17 Darton Lane, Darton, Barnsley, S75 5AH

**Introduction:**

This application seeks full planning permission for

**Relevant Site Characteristics**

Located on Darton Lane, close to the junction with Station Road and Sackup Lane, the large detached dwelling, which is considerably set back from Darton Lane is sited within relatively extensive front and rear gardens for a single dwelling, and is believed to be a former colliery manager’s home and office. Adjacent neighbouring dwellings 17a and 17b are of a more contemporary design suggesting infill development has occurred near the application dwelling, most likely in the 1980’s. Further dwellings border all sides of the rear garden.

The dwelling itself is primarily a two storey traditional red brick dwelling with a yellow stone façade, and a flat roofed, single story rendered section on the side elevation. The Front garden features a formal lawn, whilst the side driveway leads off from a shared access for the application dwelling and two adjacent dwellings. The rear garden is stepped, segregated into different sections, and includes standard garden landscaping eatures and other paraphernalia. Although bordered by multiple neighbouring dwellings, particularly to the west, hedging, trees and shrubs provide a relatively strong boundary treatment around much of the rear garden.

**Site History**

<b>Application Reference</b>	<b>Description</b>	<b>Status (Approved/Refused)</b>
B/79/2160/DT	Outline application erection of 3 dwellings	No Record

**Detailed description of Proposed Works**

The proposal is for the installation of ground based solar equipment for use by the application dwelling. The site area for the proposed installation has been indicated on the location and the combination total equipment would not exceed an area of 10m x 6 (60 sqm), or a height of approximately 0.6m at the highest points. Individually each of the 15 solar panels arranged in three rows of 5 panels, with a 1m separation distance between each panel would be supported by 18 wedge shaped plastic containers, six per row, which are internally weighted down with stone or gravel. The maximum height of each container is described as 507mm high, with an approximate additional width of 25mm for the actual panel this giving the maximum height of less than 600mm or 0.6m.

## **Relevant policies**

### The Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Barnsley consists of the Barnsley Local Plan (adopted January 2019).

The Local Plan review was approved at the full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering its objectives. This means, no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review. The next review is due to take place in 2027, or earlier, if circumstances require it.

The following Local Plan policies are relevant in this case:

- Policy SD1: Presumption in favour of Sustainable Development.
- Policy D1: High Quality Design and Place Making.
- Policy GD1: General Development.
- Policy T4: New Development and Transport Safety
- Policy CC1 Climate Change

### National Planning Policy Framework (NPPF) and the National Planning Practice Guidance

In December 2024, The Government published a revised National Planning Policy Framework ("NPPF") which is the most recent revision of the original Framework, published first in 2012 and updated a number of times, providing the overarching planning framework for England. It sets out the Government's planning policies for England and how they are expected to be applied. The NPPF must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions. This revised document has replaced the earlier planning policy statements, planning policy guidance and various policy letters and circulars, which are now cancelled.

Central to the NPPF is a presumption in favour of sustainable development which is at the heart of the framework (paragraph 10) and plans and decisions should apply this presumption in favour of sustainable development (paragraph 11). The NPPF confirms that there are three dimensions to sustainable development: economic, social and environmental; each of these aspects are mutually dependent. The most relevant sections are:

Section 2 - Achieving sustainable development

Section 4 - Decision making

Section 12 - Achieving well-designed places

Section 14 - Meeting the challenge of climate change, flooding and coastal change

The National Design Guidance (2019) is a material consideration and sets out ten characteristics of well-designed places based on planning policy expectations. A written ministerial statement states that local planning authorities should take it into account when taking decisions.

## Supplementary Planning Guidance

In line with the Town and Country Planning (Local Planning) (England) Regulations 2012, Barnsley has adopted twenty eight Supplementary Planning Documents (SPDs) following the adoption of the Local Plan in January 2019. The most pertinent SPD's in this case are:

- House extensions and other domestic alterations
- Parking
- Sustainable Construction and Climate Change Adaptation

The adopted SPDs should be treated as material considerations in decision making and are afforded full weight.

## **Consultations**

The application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015.

Any neighbour sharing a boundary with the site has been sent written notification and the application has been advertised on the Council website.

No representations have been received.

Penistone Town Council - No comments received

## **Planning Assessment**

For the purposes of considering the balance in this application, the following planning weight is referred to in this report using the following scale:

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little or no

## **Principle**

The site falls within Urban Fabric. Extensions and alterations to a domestic property are acceptable in principle provided that they remain subsidiary to the host dwelling, are of a scale and design which is appropriate to the host property and are not detrimental to the amenity afforded to adjacent properties.

## Scale, Design and Impact on the Character

Class B of Schedule 2, Part 14 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) restricts the installation of stand-alone solar equipment in domestic properties to a maximum height of 4m, coverage of less than 9 sqm and for it not to extend in any width or length by more than 3m. Additionally, the solar equipment must not be located within 5m of any boundary of the curtilage. Whilst the proposal would meet the height and boundary restrictions of General Permitted Development, due to the maximum proposed area covered by the solar equipment, the proposal would exceed the limitations of footprint, width and height. In consideration of a planning application, despite the large

footprint, which in relation to the extraordinary large curtilage is insignificant, the overall scale of the proposal would be deemed to have little or no impact.

The design of the proposal could not realistically be described as attractive or in keeping with the character of the dwelling but equally it would not be detrimental to the character of the dwelling and could be considered similar to other garden paraphernalia found within an average garden . Furthermore, in comparison to other structures or encloses allowed through Class E of Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), which may be of a height of up to 2.5m adjacent to a boundary and up to 4m elsewhere depending on roof design, and construction of any material, the proposal would again be insignificant. With consideration of the above, the proposal would be deemed to have a limited impact on design and character.

#### Impact on Neighbouring Amenity

The proposal would not be detrimental to the amenity of neighbouring dwellings due its low height, at less then 0.6m, and the strong boundary treatments around many much of the rear garden. It would be considered that the proposal would have little or no impact on residential amenity.

#### Highways

With a location in the rear garden of the dwelling, there would be no impact on access or parking arrangements and there would be little or no impact on highway safety,

#### Planning Balance and Conclusion

For the reasons given above, and taking all other matters into consideration, the proposal complies with the relevant plan policies and planning permission should be granted subject to necessary conditions. Under the provisions of the NPPF, the application is considered to be a sustainable form of development and is therefore recommended for approval.

#### **RECOMMENDATION: Approve subject to conditions**

#### **Justification**

#### **STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015**

It has not been necessary to make contact with the applicant to request amendments to the proposal during the consideration of the application, as it was deemed acceptable.

**Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering objections, the determination of the application and the resulting recommendation. It is considered that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home and his correspondence.**