

## **Rebuttal Laura Bennet Proof of Evidence and Emma Coveney Proof of Evidence.**

In Respect of Section 78 Appeal: Land north of Hemingfield Road, Hemingfield, Barnsley.

Outline planning application for demolition of existing structures and erection of residential dwellings with associated infrastructure and open space. All matters reserved apart from access into the site.

On behalf of Hargreaves Land Limited, G N Wright, M M Wood, M J Wood and J D Wood

Date: May 2025 | Pegasus Ref: P23-1714PL

LPA Ref: 2024/O122

Appeal Ref: APP/R4408/W/25/3359917

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# 1. Introduction

- 1.1. This rebuttal relates to the proofs of evidence prepared by Laura Bennett (CD 9.5) and Emma Coveney (CD 9.6), officers of Barnsley Metropolitan Borough Council. The rebuttal has been prepared jointly by Matthew Good and Gary Lees, Pegasus Group on behalf of Hargreaves Land Limited, G N Wright, M M Wood, M J Wood and J D Wood ("the Appellant"). It is provided in support of a planning appeal submitted pursuant to Section 78 of the Town and Country Planning Act 1990, concerning land north of Hemingfield Road, Hemingfield, Barnsley (ref: APP/R4408/W/25/3359917).
- 1.2. Mr. Lees has prepared the following sections:
  - Precedent
  - Piecemeal Development
  - Masterplanning
- 1.3. Mr. Good has prepared the following sections:
  - Masterplan Framework Delivery
  - Affordable Housing
  - Housing Delivery
- 1.4. The appeal follows the decision of Barnsley Metropolitan Borough Council ("the LPA") to refuse an application for full planning permission (LPA ref: 2024/O122) ("the planning application") for development described as follows:

**"Outline planning application for demolition of existing structures and erection of residential dwellings with associated infrastructure and open space. All matters reserved apart from access into the site."** ("the Proposed Development").
- 1.5. Due to the over-lapping nature of the proofs prepared by Laura Bennett and Emma Coveney of Barnsley Metropolitan Borough Council the following rebuttal is themed into topic specific areas. Each theme is cross referenced to the relevant paragraphs in the respective proofs.

## 2. Precedent

2.1. Paragraph 5.6 of the proof by Laura Bennett (CD 9.5) suggests that:

*“The granting of permission on this safeguarded site would undermine and prejudice the delivery of the sequentially preferable allocated housing sites and Masterplan framework sites within the Local Plan and would likely result in further applications on safeguarded land being submitted and a potential to set a precedent for further residential development of these site prematurely.”*

2.2. The Council refer to the potential for a precedent to be caused. It is notable that precedent as a distinct planning issue is not recognised in national policy, guidance or in the adopted development plan. If it is to be considered it seems that as a matter of sense and logic for any notion of precedent to weigh against the grant of permission it must be both likely to be followed in future and cause harm if it was. Every other site will have to be judged on its merits and it is far from inevitable that other safeguarded land sites will be approved. Indeed, it is unlikely that they would be, once the land supply and delivery problems in this District have been met. Until then it's difficult to see what harm would be caused by other sites coming forward for development as long as they are suitable for development on their own merits. In addition, the courts have found that there must be evidence in one form or another to require precedent to be taken into account which goes *further than mere fear or generalised concern* (Swindon Borough Council v Sec of State for Levelling Up and Danescourt (PCDF IV Swindon) LLP [2023] EWHC 1627 (Admin) – see 28)<sup>1</sup> (CD 7.21).

2.3. Every planning application needs to be considered on its merits in the light of prevailing policy and circumstances at that time. Should the Barnsley Local Plan (BLP) allocated sites continue to fail to deliver into the future, with a continuing FYHLS shortfall, the lack of an action plan and/or a new local plan, then there could well be a need to release further safeguarded land to ensure the urgent and acute housing needs in Barnsley are being provided for. This is precisely the approach adopted by Kirklees Council in issuing their 'Interim Housing Position Statement to Boost Supply' in October 2023 [CD 10.6]<sup>2</sup>. However, should the allocated sites or other sources of housing supply start delivering to ensure a

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<sup>1</sup> The key paragraph from the Swindon case (CD7.21) is 28 which summarises the law set over several other cases:

*“The issue of precedent may be a mandatory material consideration, but there must be evidence in one form or another to require precedent to be taken into account which goes further than mere fear or generalised concern (see Collis Radio v SSE (1975) 29 P&CR 390, at pp.395–396, Poundstretcher Ltd v SSE [1988] 3 PLR 69, Rumsey v SSETR (2001) 81 P. & C.R. 32 (p.465), at [16], and Sainsbury's Supermarkets, at [76– 88]). Whether it is material in a given case is a matter for the judgement of the decision-maker. However where it is so obviously material that it would be unreasonable to ignore it, a failure to take it into account or to give it any weight will be amenable to an irrationality challenge on review by the courts (see R (Cooper) v Ashford BC [2016] PTSR 1455 and R (Friends of the Earth Ltd) v SST [2021] PTSR 190 at [121]). Where submissions on precedent are made in a generalised way, an inspector may respond in kind (see R (Millgate Homes Ltd v The First Secretary of State [2003] EWHC 2510 (Admin) at [25]).”*

<sup>2</sup> Gary Lees PoE paragraphs 3.55 – 3.57

FYHLS is being maintained, then there is unlikely to be a need to release further safeguarded land in advance of a new local plan.

- 2.4. In any event, no actual harm has been identified anywhere in the Council's case should there be a need to release further safeguarded land in the future ahead of a new local plan. There is also no evidence that the release of this appeal site would *undermine or prejudice* allocated sites from coming forward.
- 2.5. Conversely, actual harm would be caused by not providing sufficient new homes to meet the identified needs of those people in Barnsley not able to get a home or living in unsuitable accommodation, and also in not providing homes for the workers needed to deliver the economic growth objectives of the BLP. The issues relating to a dire lack of housing (market and affordable) supply and delivery are clearly set out within Mr. Goods proof of evidence (**CD 8.2A**) in relation to five year housing land supply (FYHLS) and affordable housing need.

### 3. Piecemeal Development

- 3.1. The proof of evidence by Laura Bennet (CD 9.5), paragraph 6.1, alleges that if allowed the proposed development would constitute piecemeal development.
- 3.2. Development of part of a wider area of land considered appropriate in principle is only considered to be of any concern if that is likely to cause harm. It is entirely reasonable to allow planning permissions in the expectation that there may well be further applications to follow on nearby land. That is, in part, why Policy GD1 is in place – to ensure that the planning permission will not significantly prejudice or adversely affect the potential development of a wider area of land. Policy GD1 anticipates that development will be applied for on part of a wider area and sets a test to avoid harm. The approach in GD1 encapsulates all that needs to be considered on this topic and language such as piecemeal/comprehensive development adds nothing further.
- 3.3. The evidence of Ms Bennett states at paragraph 6.1 that the appeal proposal “*raises concerns as to the potential impact on the comprehensive development of the wider site*”. No actual harm or potential harm is actually identified. The evidence still does not explain how the appeal proposal would fail to accord with Policy GD1. In the absence of any identified harm or potential harm, it is not possible to assert that the appeal conflicts with Policy GD1.
- 3.4. The appellant has considered the issue of how the appeal scheme relates to the wider safeguarded land and has formulated the scheme to actually help facilitate its future delivery rather than harm it<sup>3</sup>.

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<sup>3</sup> Gary Lees PoE Appendix 4 (CD 8.1A)

## 4. Masterplanning

- 4.1. The proofs of both Laura Bennett (paragraphs 6.2 to 6.9) and Emma Coveney (paragraphs 45 to 47) place a significant emphasis upon masterplans, suggesting that the master planning of sites is an essential ingredient to successful delivery. That assertion is strongly refuted.
- 4.2. As identified in the table at paragraph 45 of Emma Coveney's proof Barnsley has seven masterplan framework sites, six of which include residential development. Table 5.1 of this rebuttal identifies progress with each of the six residential sites. As can be seen despite the Masterplan Framework sites being adopted between December 2019 and November 2021 only one has successfully delivered any dwellings – but that is Royston where permission was granted ahead of the masterplanning process. Whilst Barnsley West and Carlton do indicate some progress this has been slow and neither yet benefit from an extant detailed permission. This is in the context of the Barnsley Local Plan being adopted on 3 January 2019, over 6-years ago. Given these timescales it is difficult to conclude that Masterplans are aiding delivery.
- 4.3. In relation to the Royston Masterplan Framework site which benefited from approvals prior to the adoption of the plan and the Masterplan Framework, only one further application has been submitted upon the wider Masterplan Framework site (2019/O239) since the adoption of the Barnsley Local Plan on 3 January 2019. This application for 250 dwellings was dismissed at appeal for reasons that related to the location and funding of an on-site school and the funding of off-site highways infrastructure, issues that are of no relevance to this appeal site and are quite distinguishable (see below).
- 4.4. The unnecessary insistence on a masterplan can cause delay and often hinder delivery. The Council refused planning permission for 215 dwellings on Land north of Shaw Lane, Carlton, Barnsley on the grounds that it was non-compliant with the approved Carlton Masterplan Framework (application ref: 2022/O115). In allowing the appeal on 5 September 2024 (Appeal Ref: APP/R4408/W/24/3341097 at **CD 7.1A**), the Inspector noted only minor deviations from the approved masterplan in respect of: the lack of a small local shop (paragraph 11); density (paragraph 12); and phasing (paragraph 13).
- 4.5. She concluded on the issue at paragraph 14 that: *"whilst the proposal would not strictly adhere to the Masterplan and the Delivery Strategy, the deviations would be limited and of a minor nature and not result in any overall harm. Whilst the Masterplan and Delivery Strategy are important material considerations, they should not be used in a way that is so restrictive it would prevent a policy compliant scheme coming forward. A balanced approach must be taken. Overall, I find that the proposal would be acceptable in this regard"*.
- 4.6. The insistence on strict accordance with an approved masterplan in that instance only served to frustrate and delay much needed housing delivery. Indeed, at paragraph 33 the Inspector concludes: *"there are no planning permissions for the remainder of the site allocation and permitting development to proceed on this site could provide the catalyst to other sites coming forward"*. The Inspector thus places weight on securing a phased start to the incremental delivery of a larger site and that this could well assist in the delivery of further phases.

- 4.7. The refused planning application ref: 2020/O422 referred to in Ms Bennett's PoE at paragraph 6.6 for a small portion of the eastern part of a wider allocated site HS52 (see appendix 1) [CD 9.7] was not tested at appeal, such that the providence of the refusal should not be relied upon.
- 4.8. The proof by Laura Bennett (CD 9.5), paragraph 6.2, asserts that the full extent of SL6 should be masterplanned, but no explanation has been put forward as to why. It is important in this context to highlight that there are other allocations in the BLP of a similar scale to the wider SL6 land that are **not** required to be masterplanned. The following allocated sites are not required to be masterplanned:
- Site HS43: Former Reema Estate and adjoining land, off School Street, Thurnscoe – indicative capacity of 480 dwellings,
  - Site HS75: Land south of Halifax Road, Penistone – indicative capacity of 414 dwellings (this site is already delivering)
  - Site HS78: Land south of Doncaster Road, Darfield – indicative capacity 441 dwellings
- 4.9. Masterplans can be useful where the coordinated delivery of on-site or offsite infrastructure is involved. That is not the case with the appeal site and there has never been a suggestion to the contrary from the Council.
- 4.9. It is informative to consider the Land South of Lee Lane, Royston appeal (ref APP/R4408/W/19/3242646, CD 9.10), as referred to in the evidence of Emma Coveney [CD 9.6], for 250 dwellings on part of the Royston Masterplan Framework site MU5. The reasons for this appeal being dismissed are pertinent to this appeal as there are fundamental differences.
- 4.10. It is first pertinent to note that the applicant in that case clearly became frustrated with how long it was taking the Council to approve the masterplan framework, as noted at paragraph 13 of the appeal decision which notes that the Council: *"very recently commenced consultation on a draft MPF for the MU5 allocation. Adoption is expected in late 2020, and delays in its production have resulted in some frustration from the appellant and other landowners"*. The masterplan was not actually adopted until July 2021.
- 4.11. Turning to the main issues in that appeal as set out at paragraph 9, including: *"Whether the proposed development would prejudice the Council's ability to manage the comprehensive development of the wider area of allocated site MU5, particularly in terms of whether adequate provision would be made for infrastructure requirements arising from the development for off-site highway works and education provision"*. These are significant infrastructure items where the Inspector identified particular concerns on how they would be coordinated and have real potential to adversely impact delivery on the wider MU5 allocated site. In relation to off-site highways infrastructure, the Inspector concluded at paragraph 46 that: *"I cannot be certain that the proposals would have an acceptable effect on highway safety"*.
- 4.12. On education, the appeal scheme was not proposing a site for a new primary school as required by Policy MU5 but offered financial contributions for provision somewhere on the rest of the MU5 allocation; however, the Inspector concluded at paragraph 53 that: *"Policy MU5 establishes that a new primary school is necessary, therefore there is a strong policy basis for this planning obligation. If the additional amount over and above the regular contribution required by the SPD is not forthcoming, there is a risk that collective S106*



*contributions would not cover the cost of building the school. As a consequence, later phases of the allocation would be unfairly burdened and this could lead to the education requirements of the area not being met".* Specific potential harm was thus identified to the delivery of the wider MU5 allocation as a consequence of that appeal scheme being implemented in isolation. The Inspector thus found in respect of the main issue at paragraph 57 that *"the absence of an approved MPF would be likely to prejudice delivery of the wider site allocation"*. It is in these situations where a masterplan framework can be very useful.

- 4.13. It is helpful to also note that the Inspector did not find any potential prejudice to the delivery of the remainder of the MU5 allocation in respect of: design and layout<sup>4</sup>, density<sup>5</sup> and on and off site open space provision<sup>6</sup>. It also material that the main parties agreed there was a FYHLS at the time of that appeal<sup>7</sup> and, as such, the tilted balance did not apply.
- 4.14. In comparison to the Royston MU5 allocation, the appeal site is not part of a wider site that is required to be masterplanned in an adopted policy, there are no complex infrastructure delivery considerations (on-site or off-site) and there is nothing to suggest that the appeal scheme could significantly prejudice the remainder of the SL6 safeguarded land from being delivered into the future.
- 4.15. A masterplan is simply not necessary as existing national and development plan policies are in place to ensure that the wider site can be satisfactorily delivered<sup>8</sup>.

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<sup>4</sup> CD 9.10 paragraph 95

<sup>5</sup> CD 9.10 paragraph 105

<sup>6</sup> CD 9.10 paragraph 122

<sup>7</sup> CD 9.10 paragraph 119

<sup>8</sup> Gary Lees PoE paragraphs 5.47 & 5.48

## 5. Masterplan Framework Delivery

- 5.1. Table 5.1 expands upon the evidence submitted by Mr. Good within appendix 3 of the Appellants five-year housing land supply proof (**CD 8.2A**). The table highlights current progress across each of the six Masterplan Framework areas that include an element of housing delivery. It should be noted that some of the Masterplan Framework areas are mixed-use and are focused upon the delivery of employment land. To identify the relative delivery from each the quantum of housing and employment land is clearly identified on the table.
- 5.2. Despite the BLP being adopted in January 2019, more than 6-years ago, only one of the Masterplan Framework sites has delivered any housing to date. This is the Royston Masterplan Framework area. However, the dwellings delivered from this Masterplan Framework area benefitted from planning permissions (2018/0687, 2014/0933, 2014/1473) which pre-dated the adoption of the BLP and the completion of the Masterplan Framework. Following the adoption of the Masterplan Framework no further permissions for residential development have been forthcoming.
- 5.3. Whilst Barnsley West is showing some progress this has been slow. Despite a hybrid application (2021/1090) being submitted on 9th August 2021 (216 dwellings in full), nearly 2-years after adoption of the masterplan, at the time of writing this remains pending. It should be recognised that the Council already rely upon this site to deliver 662 dwellings in their five-year housing land supply, including 85 dwellings this year. The Appellant has reduced delivery from this site to 266 dwellings in the five-year period. This is to take account of the delays in the determination of the hybrid application and the applicants own delivery schedule.
- 5.4. The other Masterplan Framework area showing signs of progress is Carlton. This site benefits from an outline approval 2022/0115, secured following a successful appeal (APP/R4408/W/24/3341097 at CD 7.1A). As discussed by Mr. Lees within section 4 of this rebuttal the refusal was despite there being only minor deviations which the Inspector identified would not result in any overall harm. However, despite this planning progress, despite the Councils resistance, no detailed permission is approved or pending at the time of writing. The Council relies upon 200 dwellings from this site within its five-year supply,
- 5.5. My review of the Masterplan Framework areas clearly demonstrates that to date the Masterplan Framework areas have delivered very little. Indeed, the only area which has delivered is delivering from permissions granted prior to the BLP and the adoption of its Masterplan Framework. The Council is reliant upon the Masterplan Framework sites delivering 1,317 dwellings in the five-year period. This is over 23% of the Council's claimed housing land supply – which in totality falls well short of the need to demonstrate a 5-year supply, identifying just 3.1-years. This reliance is despite none of the sites yet benefitting from a detailed permission for any of the dwellings identified.
- 5.6. In conclusion, my evidence identifies that delivery from the Masterplan Framework areas has to date been negligible and is unlikely to increase significantly in the near future. Delivery from these sites will not provide the significant boost to housing supply required within Barnsley for the foreseeable future.

Table 5.1: Barnsley Masterplan Frameworks

| Masterplan Framework | Date adopted  | Housing / mixed-use sites | Indicative dwellings | Employment Land Area (Hectares) | Permitted dwellings to date (detailed permission) | Delivery 1 <sup>st</sup> April 2024 | Council delivery 5-year supply | Pegasus delivery 5-year supply | Comment   |
|----------------------|---------------|---------------------------|----------------------|---------------------------------|---|-------------------------------------|--------------------------------|--------------------------------|---|
| Barnsley West        | December 2019 | MU1                       | 1,700                | 43ha                            | 0   | 0                                   | 662                            | 266                            | Hybrid application (2021/1090) submitted 9 <sup>th</sup> August 2021 (216 dwellings in full), nearly 2-years after adoption of masterplan, remains pending. Delivery strategy accompanying application anticipated approval no later than Q1 2024. It is anticipated that permission will be granted summer 2025, this is 18 months later than anticipated, this is not reflected in the Council's trajectory. The Council's delivery rate also does not align with the site promoters. |
| Hoyland North        | December 2019 | HS56, HS64, HS66          | 765                  | 37ha                            | 0   | 0                                   | 165                            | 0                              | The masterplan identified Phase 1 had an anticipated start date of 2020 would deliver 275 homes. To date no residential applications submitted despite 5.5-years since adoption of masterplan.<br><br>Whilst the employment elements benefit from reserved matters consent, no  |

|               |                |                              |       |  |     |     |     |     |  |
|---------------|----------------|------------------------------|-------|--|-----|-----|-----|-----|--|
|               |                |                              |       |  |     |     |     |     | valid application or permission for residential development.<br><br>Previous application 2018/1268 withdrawn and part of southern element has a lapsed outline permission for 100 dwellings (2016/1531).                   |
| Hoyland West  | September 2020 | HS57                         | 101   | 49.3ha   | 0   | 0   | 0   | 0   | No residential applications on site despite adoption of masterplan nearly 5-years ago.   |
| Hoyland South | November 2020  | HS58, HS61, HS62, HS65, HS68 | 1,100 | N/A  | 0   | 0   | 182 | 0   | The Masterplan Framework suggests that residential development would commence with HS62 in 2022. To date no pending or approved applications.  |
| Royston       | July 2021      | MU5                          | 994   | N/A (other uses include primary school and shop) | 167 | 167 | 108 | 108 | This site is already delivering and has two pending applications. Delivery from this site is not disputed. This site is being delivered from various permissions granted prior to the MP (2018/0687, 2014/0933, 2014/1473) |
| Carlton       | November 2021  | MU2, MU3                     | 1,500 |  | 0   | 0   | 200 | 0   | Progress made due to recent allowed appeal (CD 7.1A), however this is in outline only. No reserved matters have yet been submitted.  |

## 6. Affordable Housing

- 6.1. Within paragraphs 3.2 and 7.5 of the proof by Laura Bennett (**CD 9.5**) she applies moderate weight to the benefit of the delivery of affordable housing. The provision of moderate benefit is inconsistent with the appeal decisions which grapple with this issue.
- 6.2. The proof of Emma Coveney (**CD 9.6**), paragraphs 40 to 42 correctly acknowledge that the Council has failed to meet its own target of 150 affordable homes per year. It must, however, be recognised that this target does not represent need. The need is set out within the 2021 Strategic Housing Market Assessment (**CD 5.5C**) and is 190 affordable homes per annum.
- 6.3. Appendix 6 to the Appellants proof of evidence relating to five-year housing land supply within Barnsley (**CD 8.1A**) includes a detailed note about affordable housing delivery, produced by Mr. Good. This note identifies the woeful level of affordable housing delivery within Barnsley and identifies that due to the loss of stock through Right to Buy the affordable housing stock within Barnsley has only increased by 35 dwellings, since 2019/20, despite an annual need of 190 dwellings. This has led to long and expanding waiting lists, high levels of bids for all available properties and long waiting times for families, couples and individuals hoping to access appropriate accommodation.
- 6.4. Within section 7 of the Affordable Housing Note Mr. Good provides relevant extracts from numerous appeal decisions within table 7.1. In all cases **policy compliant** levels of affordable housing were provided **substantial or significant weight** within the planning balance. The reasons for applying such weight to policy compliant schemes are eloquently distilled by the Inspector in the case of Land east of High Street, Silsoe (3170248) (**CD 7.18**) who states at paragraph 66:  
  
*"...in a situation where there is a considerable shortfall, means that this would go some way to addressing a pressing pre-existing need; if the development didn't go ahead there would be no such benefit. On this basis, the affordable housing element of the proposals represents a considerable benefit to which I accord significant weight..."*
- 6.5. Furthermore, within the appeal submitted by the Council at Land to the South of Lee Lane, Royston, Barnsley (**CD 9.10**) the Inspector identifies that a policy compliant level of affordable housing (10%) is included within the proposed development in compliance with Policy H7 (paragraph 97). This is identified as a significant benefit of the overall scheme (paragraph 126).
- 6.6. The NPPF paragraphs 61 and 63 clearly articulate the requirement to boost significantly housing supply and meet the needs of differing groups of the community, including those in need of affordable housing.
- 6.7. Mr. Good's analysis of affordable housing delivery clearly demonstrates the authority's dire record of affordable housing delivery. This coupled with high and rising numbers of households on the Council's housing register and long waiting lists creates a significant need to address these issues now. Given these factors and the Government's clear desire



to boost supply and meet needs the provision of circa 18 affordable dwellings on this site should be afforded **substantial weight** in the determination of this appeal.

## 7. Housing Delivery

- 7.1. It is a point of common ground (**CD 1.11A** and **CD 1.11B**) that the Council has failed to deliver against its housing requirement over the plan period to date. Between 2014/15 and 2023/24 this has led to under-delivery of 3,615 dwellings. A significant proportion (2,042 dwellings) of this has been accrued in the last 4-years.
- 7.2. It is also common ground that the Council has also only achieved 84% against the housing needs under the Housing Delivery Test (HDT)<sup>9</sup>. The Council's HDT result is identified as amounting to 'significant under delivery' (NPPF, paragraph 78 (b)). The consequences are a requirement for a 20% buffer to be applied when calculating the FYHLS and the need to prepare an 'Action Plan' to assess the causes of under-delivery and identify actions to increase delivery in future years. Whilst Emma Coveney refers to a Housing Delivery Test Action Plan within her proof (**CD 9.6**, paragraph 53) this has not been made available to the Appellant, despite several requests, at the time of writing.
- 7.3. Paragraph 19 of the proof by Emma Coveney identifies that the HDT target has been missed for the first time. Whilst this is not disputed it is symptomatic of the Council's failure to deliver sufficient housing over the plan period to date. Within paragraphs 33 to 44 the proof appears to suggest that the failure to deliver sufficient market and affordable housing is entirely related to external issues such as the Covid-19 pandemic, Brexit and the cost-of-living crisis. These were national issues which all local authorities had to grapple with. The evidence provided in the proof does not explain why Barnsley is any different to other neighbouring authorities.
- 7.4. Indeed, an analysis of neighbouring authorities (see table 7.1), all of whom have experienced similar national issues to Barnsley, such as Doncaster, Wakefield and High Peak have all managed to deal with the issues identified. This is partially because the authorities such as Wakefield and Doncaster have updated plans in the last five-years. Furthermore, those neighbouring authorities who have failed the HDT test (Sheffield and Kirklees) have recognised the delivery issues and are currently in the process of updating their local plans, something Barnsley decided against in 2022.
- 7.5. In addition, as discussed above and in the proof by Mr. Lees (**CD 8.1A**) Kirklees has pro-actively sought to address their supply issues through an 'Interim Housing Position Statement to Boost Supply' (**CD 10.6**). Principle 2 of the Kirklees Statement relates to safeguarded land and identifies at (paragraph 4.6) that:

*"As the Local Plan safeguarded land policy (LP6) relates to the supply of land for development, including for housing, this policy **is considered to be out of date**. As such, these sites provide potential development opportunities that could be facilitated through their early release for housing where development constraints can be overcome" (my emphasis).*

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<sup>9</sup> Measured against local housing need

Table 7.1: Neighbouring Authorities

| Authority | 2023 HDT Result |
|-----------|-----------------|
| Doncaster | 227%            |
| Sheffield | 68%             |
| Wakefield | 161%            |
| Kirklees  | 54%             |
| High Peak | 153%            |

Source: HDT 2023 measurement Gov.uk

- 7.6. In light of the national issues identified in the proof by Emma Coveney the 2020 and 2021 HDT results were modified by the Government to reflect the impact of the Covid-19 pandemic on the construction sector, and this continues to be reflected in the most recent HDT, the 2023 result (includes the years 2020/21 to 2022/23).
- 7.7. The former housing minister Christopher Pincher removed 1 months' worth of housing requirement from the 2019/2020 calculations and 4 months' worth of housing requirement was removed from the 2020/2021 calculations. This was to reflect the disruption caused to the construction sector due to the pandemic. In conformity with every other local authority nationally, the current 2023 HDT result for Barnsley still benefits from this reduction in 2020/21, as set out in the table below. The covid effect has already been factored into and taken account of in the HDT.

Table 7.2: 2023 HDT Test: Barnsley

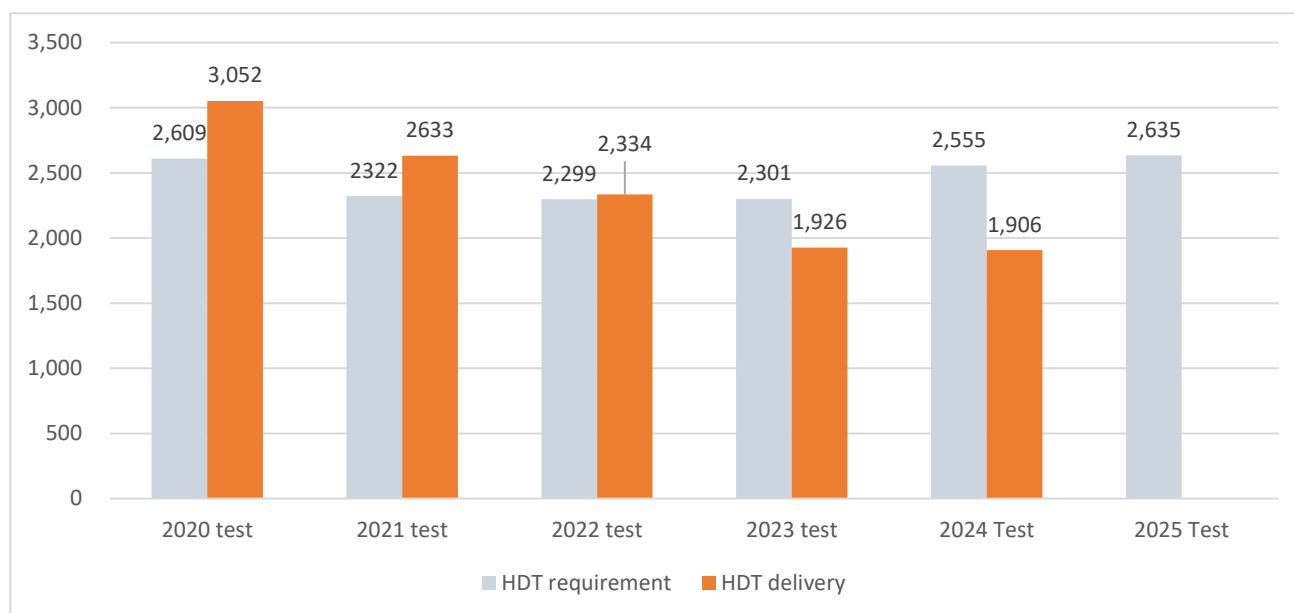
| Year                   | 2020/21    | 2021/22 | 2022/23 |
|------------------------|------------|---------|---------|
| Number homes required  | <b>577</b> | 864     | 860     |
| Number homes delivered | 650        | 595     | 681     |

Source: HDT 2023 measurement Gov.uk

- 7.8. The Council cannot, therefore, seek to use the Covid-19 pandemic as an excuse for poor delivery, when it is already benefitting from a reduction in the HDT test which takes account of this very issue. It must also be noted that this year is the final year that authorities will benefit from the Covid-19 reductions. This means that the test will be more difficult to pass.



Figure 7.1: HDT Results and Projection: Barnsley



Source: HDT measurements (Gov.uk) and Pegasus Group analysis

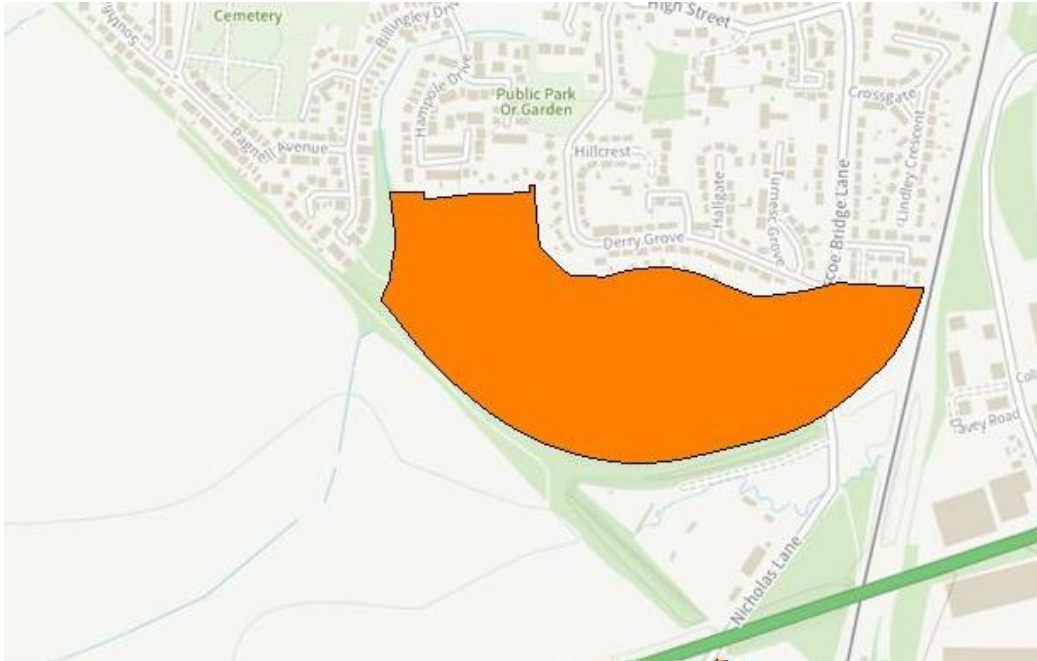
- 7.9. Figure 7.1 illustrates that during the post pandemic era delivery against the HDT requirement has actually decreased. Furthermore, utilising the relevant standard method for determining local housing need (LHN) for the relevant HDT year it can be seen that the HDT delivery requirement is likely to increase in the 2024 test by 254 dwellings and will further increase in the 2025 test by another 80 dwellings to 2,635 dwellings. Based upon the agreed level of completions within 2023/24 this is likely to mean a 74.5% HDT result when the 2024 HDT test is released later in 2025. The NPPF, paragraph 79(c), is clear that in such circumstances the presumption in favour of sustainable development will automatically apply.
- 7.10. Within paragraph 48 of the proof by Emma Coveney (**CD 9.6**) she also refers to a change in stance by National Highways with regards to holding directions following the publication of circular 1/22. This circular was published on 23<sup>rd</sup> December 2022, nearly two and a half years ago and like Covid-19 and Brexit was a common issue for all neighbouring authorities who had part of the Strategic Road Network (SRN) within their boundary, such as Wakefield and Doncaster. It has not affected their ability to deliver a sufficient quantum of housing development and both Council's have passed the HDT test and can demonstrate a five-year supply. It is also notable that all the sites identified in the table at paragraph 48 of Ms Coveney's proof are relied upon within the Council's five-year housing land supply trajectory (**CD 9.4**). However, only one site Land off Smithywood Lane and Calver Close, Gilroyd has received permission to date, despite the lifting of the holding direction.
- 7.11. Paragraphs 49 to 52 of the proof by Emma Coveney refer to several strategies, details of each are included in CD 5.16 to 5.18. These strategies whilst assisting with housing delivery will not get anywhere near filling the gap in market and affordable housing needed within Barnsley. For example, the Council's New Build and Acquisitions Strategy (**CD 5.18**) seeks to deliver 200 affordable homes over the next five-years. Whilst welcome, at best this relates to just 40 additional affordable homes per year. This remains significantly short of the

3,615-dwelling undersupply to date and the need to deliver some 1,620 affordable homes to meet need and backlog identified by Mr. Good in appendix 6 to his housing land supply proof (**CD 8.2A**).

- 7.12. The Council's 'Annual Infrastructure Funding Statement 1st April 2023 – 31st March 2024' (**CD 5.17**) identifies just £74,858 was received through section 106 agreements for affordable housing. This is unlikely to account for much more than one additional dwelling.
- 7.13. Paragraph 52 of the proof refers to the South Yorkshire Strategic Place Partnership (**CD 5.16**). The proof correctly identifies that Royston, Carlton and Hoyland North and South are all identified as catalyst sites. However, the document nor the proof identify any timescale or particular actions or steps for bringing forward these sites. In addition, all these sites are already relied upon within the Council's assessment of its housing land supply trajectory (**CD 9.4**) and as such this work will not provide any additional housing to that already identified.
- 7.14. In summary whilst the issues relating to Covid-19, Brexit, the cost-of-living crisis and National Highways holding directions are recognised they are in no way unique to Barnsley. These are all national issues which authorities have had to deal with. Neighbouring authorities such as Doncaster and Wakefield have passed their HDT test and can demonstrate a five-year supply of deliverable housing land, because they have kept their plans up to date and been proactive in granting permissions.
- 7.15. The strategies identified, whilst welcome, will not go anywhere near to a resolving the current delivery problems facing this Council. They will simply provide minor assistance in delivering sites the Council is already reliant upon within its housing trajectory. Given the severe and acute delivery issues for both market and affordable housing it is incumbent upon the Council to identify other ways to provide much needed housing within sustainable locations. The neighbouring authority of Kirklees has identified a route which the Council should consider.

## Appendix 1: HS52 Site south of Bridge Lane, Thunscoe

### HS52: Thunscoe Allocation



Source: Extract from BLP

### Application 2020/0422 Red-line boundary



Source: Extract from 2020/0422

# Application 2024/1004 red-line boundary



Source: Extract from 2020/O422

Town & Country Planning Act 1990 (as amended)  
Planning and Compulsory Purchase Act 2004

## Expertly Done.

DESIGN | ECONOMICS | ENVIRONMENT | HERITAGE | LAND & PROPERTY | PLANNING | TRANSPORT & INFRASTRUCTURE

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