

Statement of Common Ground.

Between Hargreaves Land Limited and Barnsley Metropolitan Borough Council.

Pegasus Group on behalf of Hargreaves Land Limited, George Newton Wright, Margaret Mary Wood, Marcus James Wood and Jonathan David Wood.

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.

Date: January 2025 | LPA Ref: 2024/8122 | Pegasus Ref: P23-1714

Signed:	Signed:
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On behalf of: Barnsley Metropolitan Borough Council	On behalf of: Hargreaves Land Limited, George Newton Wright, Margaret Mary Wood, Marcus James Wood and Jonathan David Wood./Pegasus Group (acting on behalf of the appellant)
Date:	Date:



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1. Introduction

- 1.1. This Statement of Common Ground has been prepared by Pegasus Group on behalf of Hargreaves Land Limited, George Newton Wright, Margaret Mary Wood, Marcus James Wood and Jonathan David Wood (“the Appellant”) and relates to a planning appeal submitted pursuant to Section 78 of the Town and Country Planning Act 1990, concerning land north of Hemingfield Road, Hemingfield, Barnsley.
- 1.2. Hargreaves Land Limited (a wholly owned subsidiary of Hargreaves Services Plc, a diversified listed company headquartered in the North East of England) is a leading multi-sector strategic land promoter, master developer, and regeneration specialist with a proven track record of delivery. The business is focused on delivering high-quality development schemes which support economic growth for future generations and creating places where people want to live, work, and play.
- 1.3. The appeal follows the decision of Barnsley Metropolitan Borough Council dated 11 December 2024 (“the LPA”) to refuse an application for outline 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”).
- 1.4. The planning application was validated by the LPA on 9th February 2024.
- 1.5. Prior to submission of the application, the Appellant engaged in pre-application discussions with officers at Barnsley Metropolitan Borough Council. This included meetings with senior officers in the planning department along with several meetings with the Council’s highways team. A formal pre-application advice letter was not received by the Appellant prior to the submission of the application for outline planning permission. However, the planning application submissions sought to address issues raised in discussions with Council officers during the pre-application advice process.
- 1.6. Following submission of the application, the Appellant continued to pro-actively engage with officers at the Council. Discussions between the Appellant and the Council identified three key areas in which further evidence was required to satisfy consultees, and these were: highways and access; ecology; and, archaeology. The Appellant undertook additional work in consultation with the Council and statutory consultees to address their comments satisfactorily.
- 1.7. The reasons for refusal stated in the Council’s decision notice do not relate to any technical disciplines and the Council confirmed in the Officer’s Report (CD 2.1) that all technical matters have been satisfactorily addressed.
- 1.8. The planning application was refused by Officers on 11th December 2024, with the following reasons for refusal cited in the Decision Notice:

1. The application site forms part of site SL6, Land North East of Hemingfield and is allocated as Safeguarded Land within the Local Plan. The site is not allocated for development at the present time and planning permission for the permanent development of safeguarded land should only be granted following an update to a



plan which proposes the development. The proposal is therefore contrary to the NPPF and Local Plan Policy GB6.

2. In the opinion of the Local Planning Authority, the proposal would constitute piecemeal development. The site forms part of a wider safeguarded site SL6, Land North East of Hemingfield, therefore the development this site would have a potential impact on the comprehensive development of the wider site, contrary to policy GD1 of the Local Plan.

2. The Appeal Site and its Surroundings

The Appeal Site

- 2.1. The Appeal site comprises 6.78 hectares of land to the north east of Hemingfield Road and north of Briery Meadows, and is in the settlement of Hemingfield that forms part of the wider Hoyland Principal Town. Hoyland (including Hemingfield) sits within the second tier of the settlement hierarchy (Policy LG2 of the Barnsley Local Plan) and is therefore identified as a focus for housing, employment, shopping leisure, education, health and cultural activities.
- 2.2. The site features agricultural buildings which (as stated in the LPA's Officer's Report) are in a general state of disrepair, and are proposed to be demolished to facilitate the proposed development. The site comprises two fields that are transected by an existing track and two Public Rights of Way. The Public Rights of Way provides pedestrian access points to the site.
- 2.3. The site forms the western portion of a larger piece of land (extending to a total of 18.2ha) which is designated as Safeguarded Land by the LPA (site ref: SL6), under Policy GB6 of the Local Plan.
- 2.4. In recognising that the application represents part of a wider Safeguarded Land designation, the illustrative masterplan identifies potential vehicular and pedestrian access points into the remaining area of Safeguarded Land at the eastern boundary.
- 2.5. The site is located entirely within Flood Zone 1 and is at a low risk of flooding from all sources, and is considered to be acceptable with regards to flood risk and drainage considerations.
- 2.6. The site is not subject to any local or national designations for ecology, landscape, or heritage.

Sustainability and Accessibility

- 2.7. The sustainability of the site is confirmed by its location within a sustainable settlement which is located in a high tier of the LPA's adopted settlement hierarchy. The LPA has confirmed that it is considered to be a sustainable location for growth within the Officer's Report stating that the '*application [site] is in a sustainable area*' and the Council's Highway's Department consultation response confirms that there is '*a proliferation of sustainable transport routes within and adjacent to the site*'.
- 2.8. The closest bus stops to the site are located on Hemingfield Road, with the northbound bus stop located around 260m walking distance from the centre of the site at the southern site boundary. The southbound bus stop is currently located adjacent to the western site boundary.
- 2.9. The bus stops on Hemingfield Road are served by the 72/77a, 662 and 67/67a/67c number bus services which run frequent services to higher order centres such as Barnsley, Chapeltown, Elsecar, Wombwell, and Swinton.

- 2.10. The nearest railway station of Wombwell, a 12 minute walk from the site, provides local stopping train services operating on an hourly basis to large urban areas such as Barnsley, Leeds, Sheffield, Wakefield and Huddersfield, as well as numerous local destinations.
- 2.11. Hemingfield has a range of accessible local services and facilities. The following services and facilities are within a short walking distance from the site:
- The Ellis Church of England Primary School (410m);
 - Hemingfield Recreation Ground (Children's Play Area) (460m);
 - Seashaw's Fish and Chips (Hot Food Takeaway) (560m);
 - The Albion Inn (Public House) (570m);
 - Tekniques Hair Salon (600m);
 - Bailey's Tearoom (Café) (610m); and,
 - Hemingfield Village Store (620m).
- 2.12. Cortonwood Retail Park is located approximately 1 mile east of Hemingfield, where a greater range of shops, restaurants and other facilities are available, including two supermarkets. Cortonwood Retail Park can be accessed via sustainable transport modes including walking via the existing network of public rights of way and bus services.
- 2.13. The Public Right of Way network in and around the Appeal site provides direct pedestrian access to The Ellis Church of England Primary School, and a number of local shops. While the main entrance to The Ellis Church of England is typically accessed from School Street and Garden Grove, a public right of way (PROW) within the site provides a direct walking route connecting to the north of Garden Grove. This section between the site and Garden Gove is lit and provides a safe and suitable route which is to be retained and enhanced as part of the development proposals. A walking catchment plan was included within the Transport Assessment that was prepared for the original application.

3. The Appeal Proposals

- 3.1. The Appellant seeks outline planning permission for the demolition of existing structures and the erection of residential dwellings with associated infrastructure and open spaces, with all matters reserved apart from access into (but not within) the site.
- 3.2. Given the scheme falls within a wider area of Safeguarded Land (Local Plan ref: SL6), the Appellant has demonstrated to the Council that the proposals will not prejudice the development of the remaining part of the Safeguarded Land. This has been considered throughout the design process, and with all technical disciplines, ensuring that this is satisfactorily addressed.
- 3.3. The design evolution of the proposals has been informed by a landscape-led approach which has considered the constraints and opportunities of the site. This approach has sought to retain and enhance natural assets within the site and minimise loss and disturbance to these.
- 3.4. A parameters plan has been developed to provide a framework to guide subsequent applications for the approval of reserved matters. The parameters plan would be secured via a suitably worded condition requiring proposals at reserved matters stage to be brought forward in broad accordance with the principles established. These principles are reflected on the Illustrative Masterplan (CD 3.36B) which identifies that the Proposed Development will retain landscape features which are identified as being of higher value when set within their local context. These elements have been sensitively incorporated within the design parameters for the site. This landscape-led approach to the Illustrative Masterplan demonstrates that a well-designed place will be achieved on the site (in accordance with section 12 of the NPPF).
- 3.5. The indicative masterplan illustrates how the site could be developed in-line with this landscape-led approach and while meeting relevant policy requirements. Based on this work, it is estimated that the number of dwellings that would likely be accommodated on the site is in the region of 165–180 dwellings (dependent on the overall sizes and mix of dwellings coming forward at reserved matters stage), which would include policy compliant provision of affordable housing in terms of quantum, mix, and tenure.
- 3.6. It is noted that the adopted Affordable Housing SPD requires a statement setting out how affordable housing will be addressed on site. It is considered appropriate that this will be controlled via the imposition of a suitably worded condition. Policy H7 of the Barnsley Local Plan requires the provision of 10% affordable housing on sites in Hoyland in which the site is located. Based on the indicative number of dwellings that could occupy the site (165–180 dwellings), this would result in the provision of 16 to 18 new affordable dwellings (subject to the final quantum of development achieved on the site).
- 3.7. A new vehicular and pedestrian site access would be formed on the western boundary of the site, via a new ghost island right turn priority T-junction on Hemingfield Road. At the outset of developing the access proposals, the Appellant's highways consultants have taken into account the on-street parking taking place along Hemingfield Road. At the pre-application advice stage, the Appellant proposed a solution to ensure that the access proposals would be safe taking account of the on-street parking. The solution includes the widening of the northbound lane and introduction of a right turn ghost island. This means that traffic can continue to flow while vehicles are waiting to turn right into the site. The 4.0

metre wide northbound through lane is proposed because it will provide a sufficient width to accommodate the current on-street parking on Hemingfield Road in the vicinity of the proposed site access junction, which is associated with existing residential properties to the western side of the carriageway. A suitable visibility splay in accordance with the guidance in Manual for Streets is achieved at the site access.

- 3.8. The Council considers that the proposed access arrangements are satisfactory. Furthermore, the Appellant also provided a Stage 1 Road Safety Audit (RSA) of the proposals and the Council has agreed the recommendations by returning a signed version of the Designer's Response to the RSA.
- 3.9. The Transport Assessment (TA) (CD3.25A) considers the impact of the proposed development on the capacity of the highways network within the vicinity of the site. The principal scenario relates to the anticipated number of dwellings that would be delivered on the site utilising the upper estimate of 180 dwellings. This figure was derived based on a capacity exercise which considered planning policy (such as the need to provide public open space and biodiversity net gain requirements), drainage requirements (such as attenuation basins), a typical housebuilders' mix of dwellings inclusive of policy compliant affordable housing in terms of quantum, mix and tenure, as well as known site constraints (such as the sewer and the associated easement which crosses the site, and the alignment of existing hedgerows).
- 3.10. The Transport Assessment also considered a sensitivity test to take account of the development of the full extent of the safeguarded land. For this purpose, the assessment considered an upper limit of 430 dwellings. This figure was derived based on the same methodology outlined above.
- 3.11. The Transport Assessment concluded that development of the site would not have an adverse impact of the operation of the local highway network and that the new junction from Hemingfield Road would satisfactorily accommodate the proposed development. It also concluded equally that the development of the entire area of safeguarded land would also not have a detrimental impact on existing junctions, including the new junction to be formed from Hemingfield Road to create an access into the site.
- 3.12. The Appellant agreed with the Council to undertake additional work to consider the impact that development of the site and the full extent of safeguarded land would have on the operation of the A6195 (Dearne Valley Parkway). The Dearne Valley Parkway forms part of the local highways network and is a dual carriageway which runs in an east to west alignment and serves as a major link between the M1 at Junction 36 and areas located to the south east of Barnsley. As a major link road, the Dearne Valley Parkway was designed to accommodate a substantial volume of vehicle movements. This analysis was presented to the Council based on the capacity of 430 dwellings as explained above. The analysis demonstrated that the development of the full site would have a minimal and acceptable impact on the operation of the Dearne Valley Parkway. The Appellant has therefore demonstrated that their access proposals have been designed in a manner which can safely accommodate all the traffic generated by occupancy of their site and the remaining area of safeguarded land. This conclusion was agreed with the Council and the highways department consultation response of November 2024 confirm this position.
- 3.13. The Appellant has also voluntarily run a further sensitivity test based on an increased capacity figure which aligns with the Council's original estimate for the site in their Strategic

Housing and Employment Land Availability Assessment (SHELAA). A summary of this is provided in paragraphs 3.32 to 3.34.

- 3.14. An Illustrative Landscape Masterplan (CD 3.35B) forms part of the outline planning application. It sets out the indicative proposals for the retention and enhancement of existing hedgerows and demonstrates how new species rich planting can be satisfactorily accommodated within the site. The landscape-led site layout was based on a Parameters Plan that was also submitted with the application, which provides a framework for the outline proposals and the Illustrative Masterplan. This emphasised the importance of movement through the site and how the existing Public Rights of Way will be incorporated into the Appeal Proposals.
- 3.15. Trees and hedgerows on site are to be retained and improved where possible, including those that run parallel to the Public Right of Way through the centre of the site. New areas of Public Open Space (POS) throughout the site will include new species rich planting. Green space and an equipped play area underpin the principles of open space provision on the site, providing amenity space for the wider community to utilise and allowing for connections to the existing network of Public Rights of Way.
- 3.16. The Appellant's focus on landscaping and green spaces will deliver a net gain in biodiversity on the site. Despite the application being validated prior to the statutory requirement for a minimum Biodiversity Net Gain of 10%, the site achieves a higher percentage in habitat and hedgerow units on the site. Based on the illustrative landscape plan, it is expected that the scheme would deliver a biodiversity net gain of 14.85% in habitat units and 122.08% in hedgerow units. The final position would be established at the reserved matters stage when the layout is agreed. The removal of trees (of which there are very few on site) and hedgerows will be minimal. Where removals are necessary replacement planting will be secured. The proposed planting on site provides a significant ecological betterment compared to the existing use, which should be attributed weight in the planning balance.
- 3.17. The Appeal site would utilise Sustainable Urban Drainage Systems (SUDS) through the provision of a surface water attenuation basin and soakaways to ensure that the site is drained via a sustainable method which represents the preferred method in the surface water drainage hierarchy. The Appellant has also demonstrated that the proposed development is located within flood zone 1 and that the site will not be at risk of flooding, nor will development of the site increase the risk of flooding elsewhere. The provision of an open attenuation basin will also provide a beneficial new habitat space thereby also contributing to delivering an increase in biodiversity.

4. Application Plans and Documents

4.1. The planning application was validated on 9th February 2024.

4.2. The below documents were submitted directly to the LPA via the Planning Portal:

- Application Form – February 2024;
- Air Quality Assessment – February 2024;
- Arboricultural Survey and Tree Constraints Plan – February 2024;
- Archaeology and Heritage Desk Based Assessment – February 2024;
- Baseline Habitat Plan – February 2024;
- Biodiversity Metric – February 2024;
- Cover Letter – February 2024;
- Design and Access Statement – February 2024;
- Ecological Appraisal – February 2024;
- Energy and Sustainability Statement – February 2024;
- Flood Risk and Drainage Assessment – February 2024;
- Five Year Housing Land Supply Assessment – February 2024;
- Geoenvironmental Preliminary Appraisal Report (Desktop Study) incorporating Coal Mining Risk Assessment and Contaminated Land Assessment – February 2024;
- Health Impact Assessment – February 2024;
- Illustrative Masterplan – February 2024;
- Landscape and Visual Appraisal inc. Appendices – February 2024;
- Landscape Masterplan – February 2024;
- Noise Impact Assessment – February 2024;
- On-site Proposed Habitats – February 2024;
- Parameters Plan – February 2024;
- Planning Statement – February 2024;
- Site Location Plan – February 2024;
- Statement of Community Involvement – February 2024;

- Transport Assessment – February 2024
- Travel Plan – February 2024;

4.3. The below documents were provided during the determination process to address consultee comments:

- Additional Ecology Surveys Report – July 2024;
- Swept Path Analysis of Hemingfield Road Southbound – July 2024;
- Proposed Site Access – Stage 1 Road Safety Audit – July 2024;
- Swept Path Analysis of Hemingfield Road Southbound – August 2024;
- Highways Technical Note – August 2024;
- Stage 1 RSA Designer's Response – August 2024;
- Updated Application Form – September 2024;
- Geophysical Survey – September 2024;
- Stage 1 RSA Designer's Response (Signed) – October 2024;
- Archaeological Written Scheme of Investigation – October 2024;
- Proposed Access Arrangement – Right Turn Ghost Island Junction – November 2024;
- Parameters Plan Rev A – December 2024;
- Illustrative Masterplan Rev D – December 2024;
- Landscape Masterplan Rev F – December 2024.

4.4. A table listing the plans submitted with the planning application and to be considered as part of this appeal are included within Appendix 1.

4.5. The Council and the Appellant have agreed that the Appeal should be determined on the basis of these plans.

5. Background and Reason for Refusal

5.1. The planning application was refused under delegated powers on 11th December 2024 as confirmed by the Decision Notice, also issued on 11th December 2024. The decision notice stated the following reasons for refusal:

1. The application site forms part of site SL6, Land North East of Hemingfield and is allocated as Safeguarded Land within the Local Plan. The site is not allocated for development at the present time and planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development. The proposal is therefore contrary to the NPPF and Local Plan Policy GB6.

2. In the opinion of the Local Planning Authority, the proposal would constitute piecemeal development. The site forms part of a wider safeguarded site SL6, Land North East of Hemingfield, therefore the development this site would have a potential impact on the comprehensive development of the wider site, contrary to policy GD1 of the Local Plan.

5.2. It is agreed that the issues identified in the Reasons for Refusal can be summarised as follows:

- a) Whether the proposed development would be brought forward too soon given its status as Safeguarded Land;
- b) Whether the proposed development prejudices comprehensive development on the wider area of Safeguarded Land;
- c) Whether BMBC currently have an accurate Five Year Housing Land Supply figure; and,
- d) Whether the most important policies for determining the application are out of date.

6. Planning History

6.1. It is acknowledged that there are numerous historic applications on this site dating back some decades. The site's planning history includes the following applications:

- B/74/O244/WW- Erection of dwellings.
- B/74/O241/WW- Residential Development.
- B/82/1142/WW- Erection of cubicle and feed building for dairy cows.
- B/89/O811/WW- Erection of new farmhouse and garage.
- B/92/O224/WW- Outline planning permission for residential development.
- B/99/O089/WW- Residential development – erection of 16 detached houses.
- 2007/1024- Use of part of agricultural building as a farm shop. **Approved 14/06/2007.**
- 2011/0614- Erection of a detached agricultural workers dwellinghouse. **Withdrawn 25/05/2011.**
- 2012/0581- Erection of an agricultural workers dwelling. **Refused 21/05/2012.**

6.2. The applications listed above were all considered at a time when the site formed part of the designated Green Belt and therefore a different policy context applied. Due to the adoption of the Barnsley Local Plan which removed this land from the Green Belt, it is considered that the planning history is not relevant to the determination of this Appeal.

Pre-Application Discussion

- 6.3. A request for pre-application advice was made to the Council in a submission made on 6 November 2023.
- 6.4. The pre-application submission was validated (reference: 2023\ENQ\00437) on 23 November 2023.
- 6.5. An initial pre-application meeting was held with BMBC planning officers on 5 December 2023. A further meeting was held with the Council's highways department officers on 13 December 2023.
- 6.6. The Council did not issue comprehensive pre-application advice prior to, or after receipt of, the planning application submission.

Public Consultation

- 6.7. On 20 December 2023 a consultation leaflet was distributed within the local community. The leaflet provided details of the proposed development and invited the local community and other interested parties to a public consultation event which was held on 11 January 2024. The event was held at The Ellis Church of England Primary School which is an easily accessible venue located close to the site.

- 6.8. A meeting was held with ward councillors on 10 January 2024 to discuss the proposals and to explain how the proposals would be presented to the local community at the public exhibition.

Following the public exhibition, members of the public were invited to send comments regarding the proposals to the design team for a period of two weeks between 11th and 25th January 2024. Full details of the public consultation process can be found in the Statement of Community Involvement.

Post Submission Discussions

- 6.9. Following the submission of the application, the Appellant continued to engage with Council officers. This included regular dialogue and meetings with the case officer, as well as meetings with the Council's Head of Planning.
- 6.10. A summary of the key post submission engagement is discussed in section 3 above. This continual engagement led to consultees and the Council not raising any objections relating to technical matters.

7. Planning Policy

- 7.1. For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the adopted development plan comprises the Barnsley Local Plan, as adopted in January 2019. The below sets out policy applicable to this scheme, as referenced within the Planning Officer's committee report and the reasons for refusal. The applicability of these policies is discussed further in subsequent sections of this statement.

Development Plan

Barnsley Local Plan (2019)

- 7.2. The following policies are material to the determination of this Appeal.

- Policy SD1: Presumption in favour of sustainable development;
- Policy GD1: General Development;
- Policy LG2: The Location of Growth;
- Policy H2: The Distribution of New Homes;
- Policy T3: New Development and Sustainable Travel;
- Policy T4: New Development and Transport Safety;
- Policy D1: High Quality Design and Place Making;
- Policy LC1: Landscape Character;
- Policy HE1: The Historic Environment;
- Policy HE2: Heritage Statements and General Application Procedures;
- Policy HE6: Archaeology;
- Policy GI1: Green Infrastructure;
- Policy GS1: Green Space;
- Policy GS2: Green Ways and Public Rights of Way;
- Policy BIO1: Biodiversity and Geodiversity;
- Policy GB6: Safeguarded Land;
- Policy CC1: Climate Change;
- Policy CC2: Sustainable Design and Construction;
- Policy CC3: Flood Risk;

- Policy CC4: Sustainable Drainage Systems (SuDS);
- Policy CC5: Water Resource Management;
- Policy RE1: Low Carbon and Renewable Energy;
- Policy POLL1: Pollution Control and Protection;
- Policy II: Infrastructure and Planning Obligations.

Designation of the Appeal Site

7.3. The Appeal site is designated as Safeguarded Land within the Barnsley Local Plan under reference SL6. This designation was made following an assessment of a wider parcel of former Green Belt through the Barnsley Metropolitan Borough Council Green Belt Review, 20 July 2014 (CD 5.8). This identified the site as being part of a larger general area of former Green Belt identified as WOM5. The Green Belt Review (section 7.2.2) identified that WOM5 was not considered to be fulfilling the purposes of Green Belt. It also recognised the Green Belt boundary was generally weak.

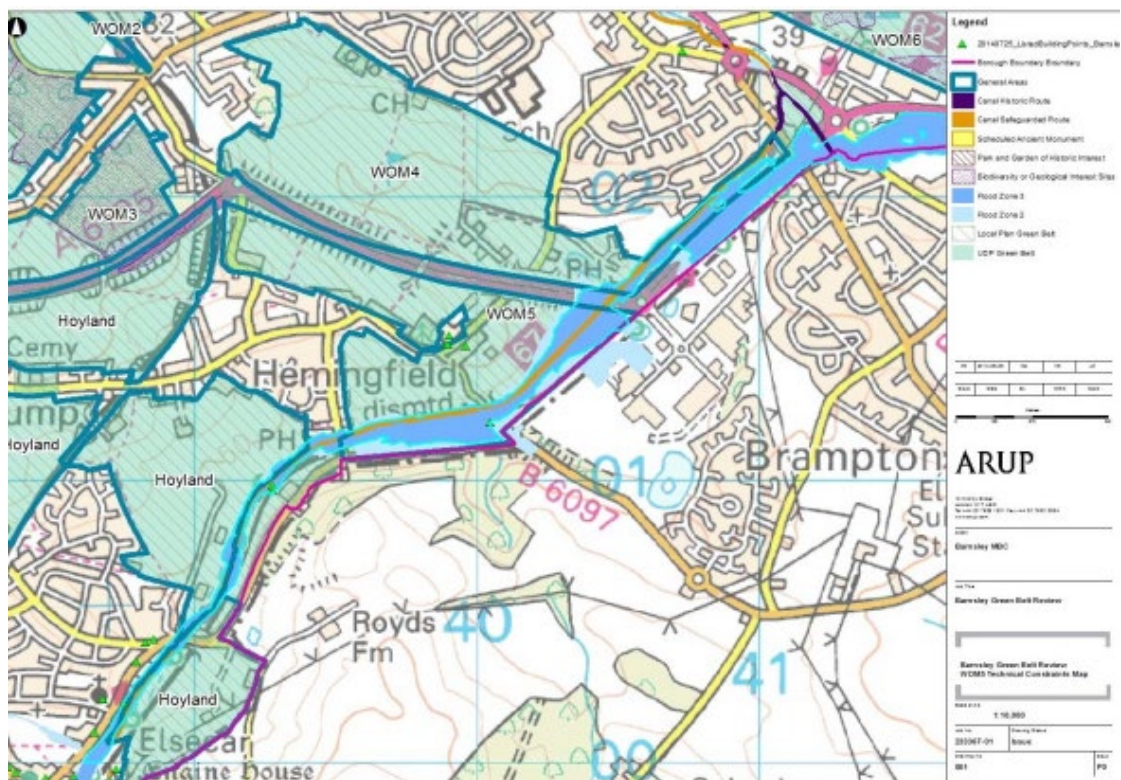


Figure 5.1: WOM5 Green Belt parcel (source: Arup, 2014)

7.4. Based on the assessment of whether the existing Green Belt was fulfilling the purposes as set out in the NPPF, and the analysis of site-based constraints, the Green Belt assessment identified a resultant land parcel from WOM5 that could be put forward for consideration in the Housing Sites Selection Methodology and the Employment Sites Selection Methodology.

- 7.5. This resultant parcel was WOM5a which is now identified as the safeguarded land designation SL6 WOM5a was considered to offer a new defensible boundary to the Green Belt which has a strong functional relationship with the existing built form of Wombwell.

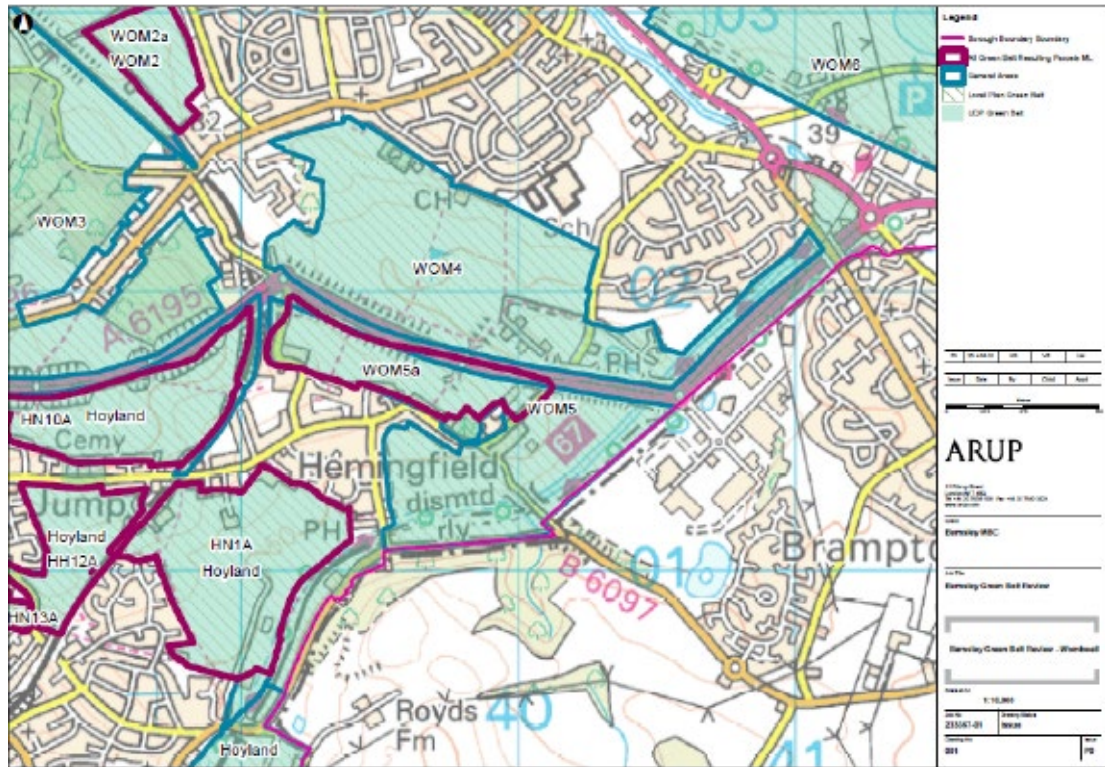


Figure 5.2: WOM5a Resultant Land Parcel (source Arup, 2014)

- 7.6. In removing the site from the Green Belt the Council acknowledged that it performed poorly when considered against the five purposes of Green Belt. It also did not identify any technical constraints to development. The Inspector of the Local Plan within their report (CD 5.1B) agreed that Exceptional Circumstances had been demonstrated to remove the site from the Green Belt for future development (paragraph 238).
- 7.7. The site was identified within the 2014 Local Plan Consultation Draft of the Barnsley Local Plan as draft allocation H85 Land North East of Hemingfield. This site was identified as being sequentially preferable due to its location within the settlement hierarchy.
- 7.8. The Council therefore clearly considers the site to be sustainably located, is in conformity with the Council's development strategy, and that there were no deliverability issues identified which would prevent it from coming forward within the plan period.

Supplementary Planning Documents (SPD)

- 7.9. The following SPDs, which have been adopted by the Council, are of relevance to this Appeal:
- Biodiversity and Geodiversity (March 2024);
 - Design of Housing Development (July 2023);

- Sustainable Construction and Climate Change Adaptation (July 2023);
- Sustainable Travel (July 2022);
- Affordable Housing (July 2022);
- Parking (November 2019);
- Trees and Hedgerows (May 2019);
- Heritage Impact Assessment (May 2019);
- Open Space Provision on Housing Developments (May 2019); and,
- Planning Obligations (November 2019).

Other Documents

- South Yorkshire Residential Design Guide (2011).

National Policy

National Planning Policy Framework (December 2024)

- 7.10. The National Planning Policy Framework (NPPF) was last updated on 12th December 2024 and became a material consideration for decision-making upon the day of its publication. The NPPF provides the relevant national policy for the determination of the proposed development.
- 7.11. The application was determined on the 11th December 2024 against the superseded 2023 version of the NPPF.
- 7.12. Paragraph 8 of the NPPF establishes that the achievement of sustainable development means that the planning system has three overarching objectives. These three dimensions comprise social, economic and environmental sustainability.
- 7.13. Paragraph 11 identifies that plans and decisions should apply a presumption in favour of sustainable development. For decision-making, this means that where the policies which are most important for determining the application are out-of-date, permission should be granted unless:
- i. the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

- 7.14. Paragraph 33 of the NPPF requires that the preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take account of relevant market signals.
- 7.15. Paragraph 39 is clear that decision-makers at every level should seek to approve applications for sustainable development where possible.
- 7.16. Paragraph 61 sets out the Government's objective of significantly boosting the supply of homes. Recognising that it is important that a sufficient amount and variety of land can come forward where it is needed and that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 7.17. Paragraph 78 places a requirement upon local authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old, unless they have been reviewed and found not to require updating (footnote 39).
- 7.18. The five-years' worth of housing must also include a buffer of either 5% or 20%. A 20% buffer is currently only required in cases where there has been significant under-delivery of housing (measured against the Housing Delivery Test) over the previous three years.
- 7.19. As per Paragraph 79(b) of the NPPF, where an authority has failed to deliver at least 85% of their housing requirement over the previous three years, the authority should include a 20% buffer to the identified supply of specific deliverable sites (requiring them in effect to identify six years' supply). Barnsley's Housing Delivery Test result for 2023 (covering the three year period from 2020 to 2023) stands at 84%.

National Planning Practice Guidance

- 7.20. First published in March 2014, the National Planning Practice Guidance (PPG) supplements the NPPF in that it provides guidance upon the application of national planning policy. The PPG is a material consideration in the determination of planning applications and appeals and, as established by recent case law¹, it holds the same status as the NPPF.
- 7.21. The PPG (ID: 61-062-20190315) is clear that to be effective plans need to be kept up-to-date and that reviews should take place at least once every five years and updated as necessary. It identifies that such reviews should be proportionate to the issues in hand and anticipates that most plans are likely to require updating in whole or in part at least every five years. The PPG (ID: 61-065-20190723) identifies several key issues which should be considered when determining whether a plan or policies should be updated. These include:
- whether the authority can demonstrate a five-year supply of deliverable sites for housing;

¹ Mead Realisations Ltd v The Secretary of State for Levelling Up, Housing and Communities & Anor [2024] EWHC 279 (Admin) (12 February 2024)

- whether issues have arisen that may impact on the deliverability of key site allocations;
- their appeals performance;
- success of policies against indicators in the Development Plan as set out in their Authority Monitoring Report; and,
- plan-making activity by other authorities, such as whether they have identified that they are unable to meet all their housing need.

7.22. All of the above issues are considered relevant in the case of Barnsley.

7.23. Section 68 of the PPG deals with housing supply and delivery. It identifies that the purpose of the five-year housing land supply is to provide an indication of whether there are sufficient sites available to meet the housing requirement set out in adopted strategic policies for the next five-years. Where strategic policies are more than five years old or have been reviewed and found in need of updating, local housing need calculated using the standard method should be used in place of the housing requirement (ID: 68-003-20190722).

7.24. The PPG provides clear guidance as to what should constitute a 'deliverable' housing site and requires clear evidence for major sites without detailed permission to be included within the assessment (ID: 68-007-20190722). In decision-taking the PPG (ID: 68-008-20190722) advises that where an authority cannot demonstrate a five-year housing land supply, including the appropriate buffer, the presumption in favour of sustainable development as set out in paragraph 11d of the NPPF is applied.

8. Matters Not in Dispute

8.1. The following matters are not in dispute between the Appellant and the Local Planning Authority.

Matter Not in Dispute	Comments
Format of planning application and supporting material	It is agreed that the format of the outline planning application forms, plans and the supporting documents fulfilled the requirements of the various regulations and validation checklists, applicable at the time of submission.
Applicant Details	It is agreed that the relevant applicant in the case of this appeal is Hargreaves Land Limited, George Newton Wright, Margaret Mary Wood, Marcus James Wood and Jonathan David Wood, as stated in Section 1 of this Statement.
National Planning Policy Framework	It is agreed that the relevant version of the NPPF for the purpose of this appeal is the version published in December 2024.
Description of proposal	It is agreed that the description of the proposal as stated in Section 1 of this Statement is accurate, and this was agreed upon the validation of the planning application as the LPA had changed the description to be more concise.
Description of site and surroundings	It is agreed that the appeal site is 6.78 hectares in size as stated in Section 2 of this Statement, and comprises of agricultural outbuildings and is transected by a Public Right of Way. It is also agreed that the site is located entirely within Flood Zone 1. The site is also at low risk of ground water flooding or surface water flooding. The site is not subject to any local or national designations for ecology, landscape or heritage.
Planning history	It is agreed that the site's planning history as referenced in Section 6 is not material to the determination of this Appeal.
Relevant policies and designations identified in Section 7 are material considerations	It is agreed that the local and national policies mentioned in Section 7 of this Statement are material considerations in the determination of the planning application.

LPA cannot currently demonstrate a 5-year supply of deliverable housing land	It is agreed that the LPA's 5-Year Housing Land Supply Report, published December 2021 and the claimed supply of 5.6-years is out-of-date.
Provision of Affordable and Market Housing	It is agreed by both parties that significant weight should be applied to the supply of market and affordable housing in the determination of this Appeal.
Sustainability	It is agreed that the Appeal site is located sustainably and accords with the spatial strategy in the adopted Local Plan, given it is within settlement limits and is accessible from a number of local services, as established in Section 2 of this Statement.
Urban Design	<p>It is agreed that any subsequent Reserved Matters submission shall include the following documents:</p> <ul style="list-style-type: none"> • An updated Building for a Healthy Life Assessment; • Cross sections; • Typical street scenes; and, • Table providing individual room sizes. <p>It is agreed that at Reserved Matters stage, the detailed housing layout will need to accord with the separation distances as set out in the Design of Housing Development SPD and South Yorkshire Residential Design Guidance. Neighbouring residents will be offered another opportunity to comment on the proposed layout and design at Reserved Matters stage.</p>
Public Rights of Way	It is agreed that Public Footpaths Wombwell 17 and 18 are within the red line boundary. As per the Officer's Report, it is agreed that the footpaths should remain open as often as possible during construction, however, a temporary closure order will also be required during any period when either of the public footpaths are closed for safety reasons during construction.
Affordable Housing	It is agreed that the quantum of affordable housing delivery on the site will be policy compliant, with the exact number of dwellings to be determined at the Reserved Matters stage.

	It is agreed that policy compliant affordable housing is to be provided and will be secured via condition.
Ground Conditions	<p>It is agreed that, given the site's agricultural history, it is unlikely that the site has been affected by previous contaminative activities.</p> <p>It is agreed that any matters relating to Ground Conditions can be addressed by suitably worded condition.</p>

8.2. It is agreed that any mitigation required in relation to these issues can be resolved through relevant planning conditions or obligations.

Matters Not in Dispute relating to Technical Appendices

Ecology and Biodiversity	<p>It is agreed that there are no objections to the scheme on the grounds of ecology, and the LPA has accepted the submitted Biodiversity Net Gain Metric. It is agreed that the scheme will provide a Biodiversity Net Gain greater than the statutory 10% requirement, despite the application being validated prior to the statutory 10% BNG requirement becoming legally binding.</p> <p>It is agreed that the proposal has been supplemented by a full suite of ecological surveys that are comprehensive and up to date.</p> <p>It is agreed that a subject to suggested conditions and a contribution being secured via Section 106 to provide offsite mitigation for ground nesting birds, the proposed development complies with policy.</p>
Highways	<p>It is agreed that the Transport Statement, the Transport Statement addendum (Highways Technical Note), Road Safety Audit and access drawing were deemed acceptable by the Highways Authority.</p> <p>It is agreed that a contribution will be made to South Yorkshire Mayoral Combined Authority to support sustainable travel.</p>
Landscape	<p>It is agreed that due to the nature of the proposals and the urbanised context in which they sit, any short term effects on the surrounding landscape would be limited and restricted in extent.</p> <p>As per the Officer's Report, it is agreed that any impact upon visual amenity can be mitigated in part through the detailed design and landscaping which would be agreed at Reserved Matters stage.</p>
Drainage and Flood Risk	<p>It is agreed that the site is of low risk of flooding from all sources. It is agreed that suitably worded conditions to control drainage matters will be applied.</p>

Archaeology and Heritage	<p>It is agreed that development of the site would cause a low level of harm to features of local archaeological interest by groundworks. The parties agree that the work undertaken to identify and assess the significance of archaeological remains at the site was carried out in adherence with the agreed Written Scheme of Investigation, which had been agreed with the Council and SYAS. As such, a scheme of archaeological work comprising a strip, map and record is required as mitigation and the required work would be secured by condition.</p> <p>Furthermore, as confirmed by the Officer's Report, it is agreed that the impact of development of the site on above-ground heritage assets are slight to none, and that they fall well below the threshold for harm. The site is not set within a Conservation Area, nor are there any listed buildings close to the site.</p> <p>It is therefore agreed that any development within the site's boundary would have a negligible impact on the setting and significance of nearby heritage assets.</p>
Pollution Control	<p>It is agreed that the planning application was reviewed by BMBC Pollution Control and they did not object to the planning application following review of the submitted Air Quality Assessment and Noise Impact Assessment.</p> <p>Pollution Control suggested conditions to mitigate any impacts on health and quality of life for those living/working in the locality.</p>

9. Matters in Dispute

9.1. It is agreed that the totality of the LPA's objection to the proposed development is contained within its Reasons for Refusal.

9.2. The issues that remain in dispute between the Appellant and the LPA are as follows:

Matter in Dispute	Comments
Planning Policy	The parties do not agree on the weight afforded to Local Plan policy GB6, which relates to the release of Safeguarded Land following an update to the Local Plan.
Comprehensive Development	The parties do not agree with the claim in the Officer's Report that the proposed development constitutes piecemeal development, and the proposals will compromise the comprehensive development of the whole safeguarded site.
5-Year Housing Land Supply status	<p>The parties do not agree on the scale of the shortfall in the Five Year Housing Land Supply figure. Within the Officer's Report, it is stated that the Council is currently reviewing the five year housing land supply position and this work has not yet been completed.</p> <p>That said, within a recent appeal (ref: APP/R4408/W/24/3341097) the Council identified it had 3.64-years' supply of deliverable housing land. A further decrease in supply was noted within the 'live' High Hoyland Appeal, whereby the Council identified 3.1-year's supply.</p> <p>The Appellant contests the scale of the shortfall in Five-Year Housing Land Supply and will provide evidence to indicate a substantially lower quantum of deliverable housing land.</p>
Whether the policies which are most important for determining the application are out of date	<p>The parties do not agree that the policies most relevant to the supply of housing are up-to-date, especially Policy GB6. This is due to the LPA not providing an up-to-date evidence base on housing land supply in the last three consecutive years following the Local Plan review.</p> <p>The parties do not agree that a robust review of the Local Plan was undertaken in 2022, and that</p>

	the review was based on flawed evidence relating to Five-Year Housing Supply.
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Matters in Dispute – Planning Policy

- 9.3. The Appellant considers that the Proposed Development complies with Policy GD1, which is elaborated below:

Policy GD1	Analysis of Appellant's Adherence
Proposals for development will be approved if:	
There will be no significant adverse effect on the living conditions and residential amenity of existing and future residents;	<p>It is acknowledged in the Officer's Report that neighbouring residential amenity can be adequately addressed at Reserved Matters stage. Residents will also be able to make further representations at Reserved Matters stage. Furthermore, the Council's Urban Design Officer did not raise objections to the Proposed Parameters Plan and strongly supported the proposal to 'create a landscape led public realm'.</p> <p>The Council's Pollution Control team considered the submitted Noise Impact Assessment have not raised an objection. It has been demonstrated that suitable mitigation can be secured to ensure that the amenity of future residents is satisfactorily protected. Any disturbance during the construction phase can also be mitigated and this can be secured by appropriately worded planning conditions.</p>
They are compatible with neighbouring land and will not significantly prejudice the current or future use of the neighbouring land;	<p>The Appellant submitted a number of plans demonstrating that relationship between the proposed development and the wider safeguarded site has been considered and can be satisfactorily provided. These plans are documented in the Core Documents list submitted with the Appeal. The wider safeguarded site has been considered when assessing the suitability of the access to the site. It has been designed to accommodate the development of the whole area of safeguarded land. Furthermore, access (within the site) and layout remain reserved matters, and the nature of an internal loop system can be secured at the reserved matters stage to ensure that the development of the site would not compromise the delivery of the remaining area of land in the</p>
They will not adversely affect the potential development of a wider area of land which could otherwise be available for development and safeguards access to adjacent land;	

	<p>unlikely event that remaining land does not deliver an access point to the east. In addition, the access and wider local highways network has been tested on a 'worst case scenario' capacity of 520² dwellings (inclusive of 180 dwellings from this site).</p> <p>The 2016 SHELAA confirms that the site has no bad neighbours and as such would be compatible with neighbouring uses.</p>
<p>They include landscaping to provide a high quality setting for buildings, incorporating existing landscape features and ensuring that plant species and the way they are planted, hard surfaces, boundary treatments and other features appropriately reflect, protect and improve the character of the local landscape;</p>	<p>The Officer's Report confirms that as the application is in outline form with all matters reserved apart from access into the site, landscaping remains a reserved matter and the Appellant has not provided full detailed planning and boundary treatment specifications at this stage. The Appellant did submit an indicative Landscape Masterplan which demonstrates how the site can deliver a landscape-led proposal incorporating species rich planting. The submitted Parameters Plan clearly reflects the principles of retaining and enhancing key natural assets. Tree and hedgerow removal has been minimised as far as possible and replacement planting would be provided where there are losses. The indicative Landscape Masterplan shows that the site has undergone a landscape-led design process, which is sympathetic to the visual character of the wider area and acknowledges the importance of the public rights of way, which are kept on their existing alignment and enhanced. The relationship between the Proposed Development and the wider landscape has been considered in the submitted Landscape and Visual Assessment, and it is understood that any impact upon the local landscape can be mitigated through the detailed design and landscaping that would be secured at reserved matters stage.</p>
<p>Any adverse impact on the environment, natural resources, waste and pollution is minimised and mitigated;</p>	<p>As confirmed in the Officer's Report, the Appellant has demonstrated that the proposed development will have a minimal adverse impact upon the environment, natural resources, waste</p>

² Based upon the identified capacity of 518 dwellings within the Council's 2016 SHLAA (rounded up).

	<p>and pollution. No objections were received from any of the statutory consultees on these issues.</p> <p>This has been demonstrated within the following submitted documents:</p> <ul style="list-style-type: none"> • Air Quality Assessment <p>The Air Quality Assessment concluded that any air quality impacts caused by the construction or operational phase of the proposed development are considered as not significant.</p> <ul style="list-style-type: none"> • Noise Impact Assessment <p>The Noise Impact Assessment concludes that, subject to proposed mitigation, a good level of residential amenity can be achieved for the proposed dwellings on the site, and as such noise is not considered an impediment to the proposed development. This is agreed by the statutory consultee.</p> <ul style="list-style-type: none"> • Ecological Appraisal <p>An Ecological Appraisal and full up to date suite of additional surveys have been submitted with the planning application. These identify that there will be no significant constraints to the proposed development and that no protected species were identified on the site, nor will the proposed development cause any adverse impacts that cannot be addressed through appropriate mitigation measures. Furthermore, it has been demonstrated that the proposals would deliver a net gain in biodiversity despite the application being validated prior to the statutory requirement. The development of the site will therefore not have an adverse impact on the local environment. The Council's ecologist has agreed with this position.</p> <ul style="list-style-type: none"> • Landscape and Visual Assessment <p>The submitted Landscape and Visual Assessment highlighted that due to the nature of the proposals and the urbanised context in which they sit, any short term effects on the surrounding landscape would be limited and restricted in extent. The Council's Urban Design Officer has raised no objection to the proposals</p>
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	and was strongly supportive of the proposal to create a landscape led public realm.
Adequate access and internal road layouts are provided to allow the complete development of the entire site for residential purposes, and to provide appropriate vehicular and pedestrian links throughout the site and into adjacent areas;	<p>A comprehensive access strategy has been provided and agreed by the Highways Authority in relation to the indicative capacity of development site. The expected worst-case capacity of the full extent of safeguarded land has also been modelled to ensure that the access is fit for purpose for any future development across the wider site. It has also been demonstrated that there will not be a detrimental impact on the operation of the local highways network. The detailed access arrangements are supported by tracking information for refuse vehicles and a Stage 1 Road Safety Audit was produced and agreed with the Council who returned a signed copy of the Designer's Response confirming their satisfaction.</p> <p>The Appellant also proposes to retain and enhance existing public rights of way as well as enhancing other pedestrian links.</p> <p>The submitted illustrative Masterplan shows how movement through the Appeal site is expected, and how this relates to individual plots within the site will be determined at Reserved Matters stage. These plans can be found in the Core Documents list submitted with this Appeal.</p>
Any drains, culverts and other surface water bodies that may cross the site are considered;	<p>As confirmed in the Officer's Report, the Drainage Officer and Yorkshire Water raise no objections to the proposed development, subject to appropriately worded conditions.</p> <p>The foul sewer (and associated easement) crossing the site is reflected in the Parameters Plan.</p>
Appropriate landscaped boundaries are provided where sites are adjacent to open countryside;	The site is generally well enclosed by built development and the highway network. It does not border open countryside, however, boundary treatments will be agreed at Reserved Matters stage.
Any pylons are considered in the layout; and	No pylons are located within the site's boundary.

<p>Existing trees that are to remain on site are considered in the layout in order to avoid overshadowing.</p>	<p>The submitted Arboricultural Survey stated that all trees recorded within the site area were found to be of average value, providing little impact to the site area. It was also recommended that all Category B trees are retained where possible.</p> <p>The proposed development has been deemed acceptable by the Tree Officer, subject to the submission of full plans at Reserved Matters stage, including a full landscaping scheme with replacement tree planting, a Method Statement and tree protection details.</p>
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10. Planning Obligations and Conditions

Planning Conditions

- 10.1. It is expected that an agreed set of conditions will be provided to the Inspector prior to the commencement of the Public Inquiry. It is acknowledged that no conditions were suggested on the Decision Notice as the application was refused on a delegated basis.

Planning Obligations

- 10.2. A legal agreement will be provided to the Inspector prior to the commencement of the Public Inquiry.

Appendix 1: Schedule of Plans and Documents for Determination of Appeal

Document/Plan	Reference
Application Form – February 2024	-
Updated Application Form – September 2024	-
Air Quality Assessment – February 2024	7348r3
Arboricultural Survey and Tree Constraints Plan – February 2024	1870.1 Rev 2
Archaeology and Heritage Desk Based Assessment – February 2024	MAP 5.39.23
Baseline Habitat Plan – February 2024	1835.01 Hemingfield
Biodiversity Metric – February 2024	-
Design and Access Statement – February 2024	-
Ecological Appraisal – February 2024	1835.01 Report IS
Additional Ecological Surveys Report – July 2024	1835.02 Hemingfield Additional Surveys Report IS
Energy and Sustainability Statement – February 2024	11117 EN01 RvO
Flood Risk and Drainage Assessment – February 2024	6041/FRDA/Final/v1.2/2024-02-06
Five Year Housing Land Supply Assessment – January 2024	P23-1714PL
Geoenvironmental Preliminary Appraisal Report (Desktop Study) incorporating Coal Mining Risk Assessment and Contaminated Land Assessment – February 2024	REPORT C9756
Geophysical Survey – September 2024	MSSE1837 – Geophysical Survey Report

Written Scheme of Investigation – October 2024	MAP Site Code 05-39-23 Version A-250924
Health Impact Assessment – February 2024	P23-1714 R004v2
Illustrative Masterplan – December 2024	2344.01 Rev D
Landscape and Visual Appraisal inc. Appendices – February 2024	P23-0749 R001v2
Landscape Masterplan – December 2024	P23-0749_EN_008F
On-site Proposed Habitats – February 2024	1835.01 Hemingfield
Parameters Plan – December 2024	2344.PP.01 Rev A
Planning Statement – February 2024	-
Site Location Plan – February 2024	2344.03 Rev A
Statement of Community Involvement – February 2024	-
Transport Assessment inc. Appendices – February 2024	23-160-001.03
Travel Plan – February 2024	23-160-002.04
Transport Technical Note (Response to Highways) – August 2024	23-160-004.04
Stage 1 RSA Access with Hemingfield Road with Appendices – August 2024	23-160-005.01
Stage 1 RSA Designer's Response with Appendices – August 2024	23-160-006.03
Stage 1 RSA Designer's Response Barnsley Signed – October 2024	23-160-006.03
Swept Path Analysis of Hemingfield Road Southbound – November 2024	23/160/ATR/003



Proposed Access Arrangement (RTGI Junction) – November 2024	23/160/SKH/007 Rev E
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Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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