



URBANA  
TOWN PLANNING

## Planning Policy Statement

Land to the rear of Hartley Motor Services, Barnsley Road,  
Brierley, S72 9JT

Prepared by: WM

Checked & Approved by: CD

Client: L. Hartley

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Submission to: Barnsley Metropolitan Borough Council

**OUTLINE PLANNING PERMISSION (INCLUDING ACCESS AND LAYOUT) FOR THE CLEARANCE OF THE EXISTING USE AND PROPOSED RESIDENTIAL DEVELOPMENT (RESUBMISSION OF 2019/1237)**

Land to the rear of Hartley Motor Services, Barnsley Road, Brierley, S72 9JT

**1. Introduction**

- 1.1. The following Planning Statement has been prepared by Urbana Town Planning on behalf of Ms. Louise Hartley for the proposed development as described above. This document should be read alongside the submitted plans and other supporting documents and will justify the proposals put forward from a policy perspective.

**2. Site & Location**

- 2.1. The site is located north-east of Barnsley in the settlement of Brierley. Under the UDP Proposals Map, the site is identified as within a housing area with the rear boundary (when looking from Barnsley Road) bordering 'Urban Greenspace'. The historic use of the site is within the curtilage of no.43 Barnsley Road, however the site is currently used as a storage area for the adjacent commercial garage, which is family run and under the same ownership as no.43. To the north of the site is Barnsley Road and those properties facing it (the garage, no.43 and no.41), to the east of the site is the rear gardens of the adjacent Barnsley Road properties, to the south is an open field currently used as a paddock for animals, whilst to the west are the rear gardens of those properties on Regina Crescent.
- 2.2. Brierley itself is recognised as a 'Village' within the Core Strategy and, as such, this is reflected in the level of amenities available, including, a Post Office, church, pub and primary school. The site is also easily accessible by public transport with two bus routes providing direct access to Barnsley Town Centre and nearby Cudworth which has a wider range of services.

**3. Relevant Planning History**

- 3.1. The site has been subject to two recent planning applications as well as one pre-application enquiry, these are listed below;
- 3.2. **2017/0150** – Withdrawn – Erection of 1 no. detached dwelling house with detached garage following demolition of existing engineering workshop

The above application was subsequently withdrawn by the applicant. The application was for a single detached dwelling to the rear of no.43 Barnsley Road and the demolition of the commercial garage adjacent. E-mail records show that it was withdrawn after recommendation by the case officer at the time who was due to issue a refusal. The reason behind this was the view that the development would constitute 'tandem development', something that is resisted by the Council under the Design of Housing Development SPD.

**3.3. 2018/ENQ/00136 – Pre-application enquiry for residential development of one dwelling with separate access**

The above pre-application enquiry was to establish the principle of a residential development on the site. The submitted plans were in sketch form and showed the indicative location of a single dwelling. The plans also showed how the site provides individual accesses for the garage, the existing dwellings and the proposed. The feedback received concluded that any development would represent a form of backland development, by virtue of being surrounded on all sides by other residential dwellings, and new dwellings of this type could lead to more noise and potential disturbance to existing residents. Whilst the appearance of the site would be improved under any residential application it was considered that this was insufficient justification as the existing use does not have planning permission. As such, it was recommended that a Certificate of Lawful use is applied for to show that the site has been used continuously in association with the garage for over 10 years. Once this was granted, the change of use back to residential was considered to have enough weight to approve any backland application.

**3.4. 2018/1552 – Refused – Lawful development certificate for existing use of site as Use Class B2 (General Industrial)**

The above application followed on from the feedback through the pre-application enquiry 2018/ENQ/00136. Photographic evidence showing images of the site being used for haulage in the 1980s was provided as well as signed statutory declarations from customers of the garage. However, the Council stated there was insufficient evidence to support that the land had transferred over to the B2 use class or that the use of the land was directly associated with the garage. Acknowledgement was made however that the land was in a poor state and that there was a benefit to having it removed or cleared. As a result, the case officer dealing with the application confirmed that this would be weighed in the balance

when assessing future applications on the site. It was subsequently recommended that an application be submitted, which is the subject of this report.

- 3.5. **2019/1237** – Withdrawn – Outline planning permission (including access and layout) for the clearance of existing use and a proposed residential development

The above application was withdrawn following advice from the case officer due to insufficient information regarding land contamination. This information has now been supplied as part of this resubmission.

#### 4. Proposals

- 4.1. The proposals are for an outline planning application, with layout and access addressed, for the following;

- Clearance of the site and the erection of three detached residential dwellings indicatively stated as one 2-bed bungalow, one 4-bed house with garage, and, one 5-bed house with double garage (scale to be confirmed through a reserved matters application)
- Provision of private drive with turning head from Barnsley Road separate to the garage access and that of no.43 Barnsley Road

#### 5. Planning Policy

- 5.1. In determining the application the most relevant planning policy documents include, but are not limited to, the following;

- National Planning Policy Framework (NPPF) (Updated February 2019)
- Barnsley Local Plan (Adopted 2019)
- Designing New Housing Development SPD

#### Sustainable Development

- 5.2. Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 goes on to set out the three dimensions to sustainable development: social, economic and environmental. As will be demonstrated, the proposed development contributes positively to sustainable development in all three of these elements.

- 5.3. Due to the size of the development any social and economic benefits are always going to be minimal. However, the three proposed units will undoubtedly provide a contribution to the LPA's Five Year Housing Supply and provide jobs during construction. The new dwellings will also contribute to the local economy of Brierley supporting nearby businesses. The environmental impact of the proposals will be greater as the site, which was used as a haulage depot originally and is now used for the storage of cars, machinery and equipment, will be cleared and remediated as necessary.

#### Principle of Development

- 5.4. As previously discussed, this outline application follows a pre-application and application for a Certificate of Lawful Use which sought to establish the land as ancillary to the garage. This was ultimately refused however it was stated that the clearing of the site would be a positive weight in any decision. Through this dialogue it has been assumed that the principle of a residential development on this site is acceptable.
- 5.5. Notwithstanding the above, it is clear from the adopted policies map that the site falls within the urban fabric of Brierley and, as such, has no special protection or land use designation. The most relevant policy for the site then is Policy GD1 'General Development' which states that;

*"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;*
- *They are compatible with neighbouring land and will not significantly prejudice the current or future use of the neighbouring land;*
- *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;*
- *They include landscaping to provide a high quality setting for the 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;*
- *Any adverse impact on the environment, natural resources, waste and pollution is minimised and mitigated;*

- *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;*
- *Any drains, culverts and other surface water bodies that may cross the site are considered;*
- *Appropriate landscaped boundaries are provided where sites are adjacent to open countryside;*
- *Any pylons are considered in the layout; and*
- *Existing trees that are to remain on the site are considered in the layout in order to avoid overshadowing.”*

5.6. In addition to the above, the Designing Housing Development SPD provides additional guidance as to what is acceptable for residential developments. Of important note within this SPD is the definition of tandem development, something that was cited as a reason for refusal under the withdrawn 2017 application; the definition is: “[when] one dwelling is directly in front or behind another sharing the same access”

5.7. From this definition it is clear that there are two aspects which must be apparent for a development to be classed as a ‘tandem development’. Firstly, the development must be directly behind or in front of another dwelling, and secondly, the development must share the same access as the adjacent dwelling. With this in mind, it is clear that what is being proposed complies with the first element of the definition, however, this in itself is not reason enough to define it as such. Instead, from the plan submitted, it is apparent that the proposed dwellings will not share the same access as that of the existing dwellings nor the garage. As a result, the proposals cannot be classed as tandem development, simply backland development, which is not a reason for refusal in itself.

5.8. The same SPD also provides guidance on backland development and states that piecemeal development would be resisted. It also states that:

*“Backland development may be more acceptable in circumstances where there is an existing use at the rear of dwellings and where residential development would benefit the amenity of existing residents and the character and appearance of the locality”*

- 5.9. As previously mentioned, under the determination of the CLU application the case officer confirmed that the clearing of the site under any application would be a valid argument in favour of the application and it is under this policy that weight can be applied. If approved, the development would be a visual improvement for neighbouring residents and be a reduced source of pollution relating to noise and contamination. As such it is considered that the principle of a residential development on the site should be supported.

#### Scale, Appearance & Landscaping

- 5.10. In the first instance it is worth mentioning that the proposed houses and types are indicative and that the scale and appearance of the dwellings will remain a reserved matter. So too will the landscaping and as such none is proposed under this application. However, it is hoped that the proposed indicative house types will provide comfort to the LPA that such can be accommodated on site and will not look out of character nor harm the amenity of neighbouring properties. More of this will be discussed in the following sections.

#### Access & Layout

- 5.11. Access to the site will be from Barnsley Road via a 4.2 metre wide private drive. This drive will be located on the existing access, currently used by the garage, and will be enhanced to a suitable surface. The garage will then use its original access directly off Barnsley Road with the space to the rear accessed through the building itself. No.43 will then use its right of access via the side of no.39 with pedestrian access remaining in its current location. It is acknowledged that the drive would not be wide enough to allow two cars to pass at the narrowest point, however, the drive and area of hard standing to the front of the site is wide enough and deep enough to allow a vehicle to pull off the main road. The drive would then widen to allow for cars to pass and terminates in a turning head large enough for a refuse vehicle. The proposed access is therefore not a reason for refusal.
- 5.12. Under the proposed plans each house would have a minimum of two car parking spaces per dwelling and the plans show sufficient space for two of the properties to have garages. There is therefore sufficient space within the proposed layout to provide parking for three dwellings.
- 5.13. The proposed layout also demonstrates that sufficient amenity space can be afforded to each dwelling with no impact on existing residents. Plot 1, 2 and 3 each have approximately 566sqm, 128sqm and 82sqm of outside space respectively.

## 6. Conclusions

- 6.1. This Planning Statement has been prepared by Urbana Town Planning on behalf of Ms. Louise Hartley for an outline application for a proposed residential development. It has assessed all aspects of local and national guidance to demonstrate that the proposed development is acceptable.
- 6.2. It has been proven that the proposed development does not form tandem development, by virtue of a separate access, and that it is an acceptable form of backland development, by virtue of the existing use.
- 6.3. It has also been established that there will be no detrimental impacts on the neighbouring properties and that, on balance, development of the site would be beneficial and therefore should be approved.