



Appeal Decision

Hearing held on 17 June 2025

Site visit made on 17 June 2025

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 July 2025

Appeal Ref: APP/R4408/W/24/3355889

Worsbrough Equestrian, Worsbrough Road, Worsbrough, Barnsley S70 5LN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr C Smith and Ms A Doran against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref: 2024/0441, dated 20 May 2024, was refused by notice dated 1 October 2024.
 - The application sought planning permission for a material change in use of land to provide single pitch gypsy site for stationing of caravans for residential occupation with associated development (new access, hard standing, utility building, entrance wall and gates)-part retrospective without complying with conditions attached to planning permission Ref: 2020/0044, dated 23 June 2021.
 - The conditions in dispute are Nos 1, 2 and 3 which state that:
 1. *The use hereby permitted shall be carried on only by the following: Mr Christian Smith, Ms Alice Doran and their resident dependants, and shall be for a limited period being the period of three years from the date of this decision, or the period during which the premises are occupied by them, whichever is the shorter.*
 2. *When the premises cease to be occupied by those named in condition 1 above, or at the end of three years, whichever shall first occur, the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought onto, or erected on the land, or works undertaken to it in connection with the use, shall be removed and the land restored to its condition before the development took place.*
 3. *The development hereby approved shall be carried out in accordance with the plans (Proposed Site Layout Plan – Rev A, Proposed Utility Blocks & 1054/LWR 02) and specifications as approved, unless otherwise agreed in writing by the local planning authority.*
 - The reasons given for the conditions are:
 1. *In the interests of environmental protection.*
 2. *In the interests of environmental protection.*
 3. *In the interests of certainty.*
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Decision

1. The appeal is allowed and planning permission is granted for a material change in use of land to provide single pitch gypsy site for stationing of caravans for residential occupation with associated development (new access, hard standing, utility building, entrance wall and gates)-part retrospective at Worsbrough Equestrian, Worsbrough Road, Worsbrough, Barnsley S70 5LN in accordance with the application Ref: 2024/0441, without compliance with condition numbers 1,2 and 3 previously imposed on planning permission Ref 2020/0044 dated 23 June 2021, and the plans numbered Plan 1 Location Plan Scale 1:1250 A4, Plan 2 Proposed Site Layout Plan Scale 1:500 A4 and Proposed Plan Proposed Utility Blocks Scale 1:100 except in respect of the brickwork shown on those plans, and subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Mr C Smith And Ms A Doran against Barnsley Metropolitan Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. The planning application that was submitted sought the removal of planning conditions 1 and 2 of planning permission ref: 2020/0044. During the course of the application, condition 3 was also sought to be varied. Hence, I have considered the appeal on this basis.
4. Subsequent to the Council's decision, both the National Planning Policy Framework (Framework) and the Planning Policy for Traveller Sites (PPTS) were revised. Parties have had the opportunity to comment on this revised national planning policy through the appeal, including at the hearing. I have considered the revised Framework and PPTS in my decision.
5. The appeal submissions make reference to the use of stone, both for the utility building and the entrance wall. However, the submitted plans show the use of brickwork. It was confirmed at the hearing that stone was the material for my consideration, and so I have proceeded accordingly.

Background and Main Issues

6. Planning permission ref: 2020/0044 was granted subject to conditions on appeal¹ on 23 June 2021 for a development described as a 'material change in use of land to provide single pitch gypsy site for stationing of caravans for residential occupation with associated development (new access, hard standing, utility building, entrance wall and gates)- part retrospective' (2021 appeal decision). While the decision identified a number of harms arising from the development, these were deemed to be outweighed by unmet need and the personal circumstances of the appellant. The permission was granted subject to a number of planning conditions. These included a personal permission for a temporary period of 3 years, related site restoration arrangements and the plans which formed part of the consent.
7. That temporary permission has now expired, but the appellants remain in occupation on the site. In the period leading up to the expiry of the previous permission, the appellants submitted the application to the Council which is the subject of this appeal. This sought permission on a permanent basis through the removal of the conditions that concerned the personal, temporary occupation and site restoration arrangements. The justification centred on similar matters to why consent had previously been given. The variation of the plans condition sought to regularise the development which had taken place on the site.
8. The Council however disagreed with this position and refused the application on grounds related to the Green Belt, heritage assets, trees that are the subject of a Tree Preservation Order (TPO) and biodiversity. The Council did not agree there were sufficient grounds to outweigh the harm, in particular due to what it considered was a lack of evidence why suitable accommodation had not been found in the period up to the expiry of the previous permission.

¹ Appeal ref: APP/R4408/W/20/3251211

9. At the time of the appeal submission, both main parties agreed that the development was inappropriate development in the Green Belt. The appellants however changed their position on the basis of the revised Framework and PPTS, in particular citing the 'grey belt' provisions that had been introduced by the Framework. The Council maintained that the development was inappropriate development.
10. The agreed Statement of Common Ground that was submitted at the hearing noted the findings of recent Gypsy and Traveller appeal decisions on need and supply in the Council area. This also included a revised position from the Council on the grey belt, although the development was still considered inappropriate development. The Council's overall balancing exercise still counted against the development.
11. On the basis of the above, the main issues are whether the disputed conditions are reasonable and necessary with regard to:
 - (i) whether the development constitutes inappropriate development in the Green Belt for the purposes of the Framework and development plan policy;
 - (ii) the effect on the openness of the Green Belt;
 - (iii) whether it preserves or enhances the character or appearance of the Worsbrough Village Conservation Area;
 - (iv) whether it preserves the settings of the listed buildings at Worsbrough Hall and Worsbrough Hall Flats;
 - (v) the effect on the amenity value of the trees, including those which are the subject of a TPO;
 - (vi) the effect on biodiversity interests; and
 - (vii) if it is inappropriate development, whether the harm by reason of inappropriateness and any other harm, is clearly outweighed by the need and supply of pitches for Gypsies and Travellers and other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

12. The appeal site comprises an irregular shaped parcel of land which has a short frontage onto Worsbrough Road. The development is laid out so that on one side of a hardstanding area, there is a static caravan and a stone utility building, whilst on the opposite side there is an area for a touring caravan which at the time of my site visit was occupied by a trailer type horsebox. The hardstanding continues up to a gate at the rear of the site which also accesses land which is under the control of the appellants. There are also vehicles and domestic paraphernalia on the site, and a number of lighting units.
13. The remaining boundaries are defined in the main by planted laurel hedges. The access off Worsbrough Road is delineated by stone entrance walls and railings that angle back towards a close boarded gate. There are prominent oak trees on either side of the access. I was also informed at the hearing that further adjoining land is also now under the ownership of the appellants.

14. The site is located within an area of woodland, with the attractive village of Worsbrough located a short distance away. The site is within the Green Belt. It also partially lies within the Worsbrough Conservation Area and within an area which is the subject of a Tree Preservation Order (TPO). Beyond a small area of trees and Hall Close to the west, are the grade II listed Worsbrough Hall and Worsbrough Hall Flats. More broadly, the area consists of woodland and fields, which is set between settlements and other forms of development that lie to the south of the urban edge of the sizeable town of Barnsley.

Green Belt – Inappropriate Development

15. Policy GB1 of the Council's Barnsley Local Plan (2019) (Local Plan) provides for the general extent and detailed boundaries of the Green Belt. It goes on to simply set out that the Green Belt will be protected from inappropriate development in accordance with national policy.
16. Paragraph 153 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. This is re-iterated by paragraph 16 of the PPTS, which then goes on to state that Traveller sites (temporary or permanent) in the Green Belt are inappropriate development unless the exceptions set out in Chapter 13 of the Framework apply.
17. As the development provides a home, paragraph 155 of the Framework concerning the grey belt is applicable. The dispute between the main parties concerns criterion a) where it states that the development would utilise grey belt land, and the application of the definition of the grey belt in the glossary of the Framework. The remainder of criterion a) involving Green Belt purposes, together with b) need and c) sustainable location are not disputed, whilst d) the 'Golden Rules' is not applicable to Gypsy and Traveller sites.
18. The definition of grey belt excludes land where the application of the policies relating to the areas or assets in footnote 7 of the Framework (other than Green Belt) would provide a strong reason for refusing or restricting development. The footnote includes designated heritage assets and so is relevant by way of the conservation area and listed buildings. For reasons that I set out later in my decision, the application of the policies related to these assets do provide a strong reason for refusing or restricting development. As such, the site is not grey belt land. I do not need therefore to consider whether or not the development complies with the remainder of the definition.
19. It was said at the hearing that by virtue of paragraph 213 of the Framework, the conservation area and the listed buildings are excluded from such a judgment. However, paragraph 213 does not provide a definition of designated heritage assets, but where it lists such assets, this is only in relation to substantial harm or loss. Like with the grey belt, designated heritage asset is defined in the glossary of the Framework and this includes both conservation areas and listed buildings. It has also not been disputed they were designated under the relevant legislation. As such, this does not alter my view on this issue.
20. The exception under paragraph 155 of the Framework concerning the grey belt does not therefore apply. None of the other exceptions to inappropriate development in the Green Belt have been put to me and apply.

21. I conclude that the development constitutes inappropriate development within the Green Belt. I deal with matters arising from the consideration of very special circumstances to consider against inappropriate development and any other harm later in my decision. Hence, I conclude on compliance with Policy GB1, the Framework and the PPTS at that stage.

Green Belt - Openness

22. Policy GB3 of the Local Plan relates to changes of use in the Green Belt and sets out, amongst other matters, that all development will be expected to preserve the openness of the Green Belt.
23. As the development involves a static caravan, a utility building, a touring caravan (when on site), loose stone hardstanding throughout the site and the gated and walled entrance feature, it has altered the area of land on which they are sited in that it has become less open. Vehicles on the site, domestic paraphernalia and the boundary hedgerows also contributes to the reduction in this element of the openness.
24. In terms of the visual impact, the entrance feature is clearly visible from Worsbrough Road. Otherwise, views are more filtered by the woodland and vegetation around the site, along with the hedgerows around the site boundaries. At times of leaf fall, there would be some likely greater degree of visual impact, especially from the stretch of Worsbrough Road beyond adjoining land to the north-east of the site.
25. In taking these factors together, there is a moderate adverse effect on the openness of the Green Belt. The development does not therefore preserve the openness and so it does not comply with Policy GB3.

Conservation Area

26. The conservation area contains a pleasing layout of stone traditional and more modern buildings that are set out in a nucleated fashion around the prominent St. Marys Church. It also includes a number of mature trees of significant amenity value that allow the woodland areas close to the village to pervade into its built up form. This includes the small area of trees between Hall Close and the site. On this side of the village, Worsbrough Hall and Worsbrough Hall Flats provide a grander and more formal aspect to this part of the conservation area. Together these elements contribute appreciably to the significance of the conservation area.
27. The Council stated at the hearing that if the boundary was reviewed, it would likely take in further elements of the woodland. This is of no surprise given its extent. It reinforces the importance of the land around the village to its setting as part of the historical aspect of significance. Nor does that the conservation area has been identified as 'at risk' in itself lessen its significance, but that simply it warrants further attention so that the purpose of its designation is maintained.
28. As well as a small part of the site lying within the conservation area, the remainder falls well within its setting. The form of development by way of the static caravan, the utility building and a touring caravan (when on site), is clearly at odds with the form of built development that is found in the village. The same applies with the entrance wall and gates, and the lighting units. It is a fairly modest development, but nevertheless its form is not in keeping with the local character.

29. While the utility building and the entrance wall feature utilise stone as the materials, this has been carried out in a considerably more ornate form compared to the simpler use of stone that predominates in the rest of the conservation area. The railings on the entrance wall add to the stark contrast in appearance, as does the solid form of the gate and the decorative lighting units.
30. Views of the development, apart from the incongruous form of the site entrance, have been partially screened by the laurel hedge planting. However, that is not in keeping with the typical vegetation which is found in and around the conservation area. As a native species has not been utilised, it does not substantively assist in ameliorating the development into the conservation area and its setting. As there are some filtered views from the north-east towards the conservation area, to an extent, these draw the eye to that the development is out of character.
31. The more modern dwellings that are found on Hall Close are not dissimilar to other such dwellings in the conservation area and their use of less ornate stone is more in keeping. Their boundary treatments are also less out of character and they have less of an enclosed appearance than the development. Unlike the development, these dwellings sit fairly comfortably in their surroundings and so they do not justify the form, materials and appearance of the development.
32. The statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is of considerable weight and importance. Having regard to the above, I conclude that the development does not preserve or enhance the character or appearance of the conservation area. For similar reasons, it does not comply with Policies D1, HE1 and HE3 of the Local Plan which concern high quality design, and conserving and enhancing the significance and setting of heritage assets and designated conservation areas, amongst other matters.
33. The Council agreed at the hearing there is not conflict with Policy HE4 of the Local Plan as this policy relates only to Registered Parks and Gardens. This is not an asset for my consideration and so I have not considered this policy any further.
34. For the purposes of paragraph 215 of the Framework, less than substantial harm arises to the significance of this designated heritage asset. In relation to weighing this harm against the public benefits, the benefits before me are centred on the appellants, both in relation to need and supply, and their personal circumstances. These are not genuinely public benefits, but are assessed as other considerations later in my decision.
35. As the public benefits do not outweigh the less than substantial harm, the development does not comply with paragraph 215. It also does not comply with paragraph 213 of the Framework as there is not a clear and convincing justification of the harm to the significance of the designated heritage asset.

Listed Buildings

36. Worsbrough Hall is an imposing, large 3 storey building which is set out in a U-shaped formation. It is constructed of ashlar sandstone with a stone slate roof. The side of one of the gabled front wings faces towards the site over Hall Close. The central block faces towards Worsbrough Road over its current internal access. To the front is an area of vegetation which extends up to a former formal access. Worsbrough Hall Flats lies to the rear of the Hall and was historically its service

wing. It is also a 3 storey, large building and is constructed in the same materials as the Hall. It has a long elevation facing towards Hall Close and the site.

37. The significance of both buildings relates to their historical connection to the village and their overall pleasing form and appearance. Their location at this entrance to the built form of the village also forms part of their significance as it reinforces their local importance and standing. The woodland provides a pleasing setting to these buildings and it would have historically formed the parkland associated with the Hall as far as the former turnpike at Park Lodge, at the junction of Worsbrough Road and the A61.
38. The development is only separated from these assets by a small area of trees and Hall Close. While I agree the development is not within their curtilage, with its proximity and the historical connection with the woodland, it falls within their setting. The development by way of its form, materials and appearance is out of keeping with both these buildings and as it is located within an area of woodland that was once part of its associated parkland. While Hall Close and the associated development provides a degree of separation, this is not to the extent which addresses the harm to their setting, especially with the presence these listed buildings have. Even at times of full leaf, there are views of the development from Hall Close in front of these buildings, and both are visible from Worsbrough Road due to their proximity.
39. There is scaffolding on Worsbrough Hall, but this does not in itself diminish from its significance. It is understood that it relates to needed repairs and so this can only benefit the fabric of the building in the longer term. It also does not have any bearing on the woodland setting where the development is found. Appeal decisions concerning the Hall itself would not have decided on the development which is for my consideration, These matters do not alter my conclusion.
40. The statutory duty under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 concerning the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses is also of considerable weight and importance. Having regard to the above considerations, I conclude that the development fails to preserve the setting of the listed buildings. Likewise, it does not comply with Policies D1, HE1 and HE3. Again, less than substantial harm arises for the purposes of paragraph 215 of the Framework and this is not outweighed by the public benefits, and so there is conflict with paragraphs 213 and 215.

Trees

41. The TPO comprises an area of mixed deciduous woodland which includes, amongst other species, oaks, sycamore, silver birch and goat willow. The 2 prominent mature oak trees at the site entrance are attractive specimens and make a substantial and positive contribution to the visual amenity of the area. This is recognised by their inclusion within the TPO. They contribute towards an appreciable verdant character and an area that is woodland in its qualities.
42. With the proximity of the access to the oak trees, it is not in dispute that it lies within their root protection areas (RPA). As the access is used by vehicles, there is the potential for root compaction of these trees to occur, regardless of whether the RPA also extends under Worsbrough Road itself. This has the potential to harm the amenity value of these trees due to the impact on their health through the

take up of water and nutrients. Other trees that are the subject of the TPO are less adversely affected by the development, but this does not account for the harm to these attractive oaks.

43. While the appellants have carried out planting which to a modest degree supplements the woodland character of the site and immediate surroundings, and have offered to provide woodland management and further planting, these do not satisfactorily address the adverse effects on the oaks due to their value as specimens and as they are the subject of protection. It would also take some time for any tree planting to even approach the value the oaks have at the site entrance and as they are readily appreciated from the public domain. There is very little scope for tree planting within the development itself due to its confines.
44. I conclude that the development has an unacceptable effect on the amenity value of the trees, including those which are the subject of a TPO. For this reason, it does not comply in this regard with Policy BIO1 of the Local Plan in as far as trees contribute towards form, local character and distinctiveness. It also does not comply with the Council's Trees and Hedgerows Supplementary Planning Document (2019), including where it sets out the general expectations that trees protected by a TPO are to remain unaffected by development.

Biodiversity

45. The site is not itself the subject of protective ecological designations. The most recent substantive information on the biodiversity value of the site dates from 2020 and is contained in a Preliminary Ecological Appraisal (PEA) that was considered by the 2021 appeal decision. It does not identify any overriding harm as regards protected species and habitats, notwithstanding it considers there is the potential for bat foraging and roosts. It also identifies a number of mitigation and enhancement measures that it considers should be incorporated into the development.
46. At the hearing, it was evident that the Council was content that the PEA still reflected the ecological conditions but had concerns on the implementation of the measures that it contains. The appellants have incorporated a number of these measures including the bird boxes that I observed on site, and I was also referred to new planting and brash piles. This goes some way to alleviating the Council's concerns, but this can be more fully realised through an imposition of a planning condition concerning the fuller implementation of these measures. This also accords with the conservation and enhancement of biodiversity, as is identified through planning policy. Such matters go beyond simply when Biodiversity Net Gain is a statutory requirement. As the PEA contains such measures, it is not unreasonable they should be implemented by the appellants.
47. In respect of the ecological value of the trees, this is already reflected in the PEA and is a different consideration from their amenity value. This does not take my deliberations further on biodiversity, as there is not undue harm subject to the implementation of the measures in the PEA.
48. I conclude that the development does not have an unacceptable effect on biodiversity interests. Thus, it complies with Policy BIO1 in this regard where it sets out that development will be expected to conserve and enhance biodiversity, including through protecting and improving habitats, maximising biodiversity opportunities and enhancements. It also accords with the Council's Biodiversity

and Geodiversity Supplementary Planning Document (2024) which seeks to ensure that biodiversity is adequately protected through the planning process.

Other Considerations

Need and Supply of Pitches

49. The PPTS requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets. In this respect, the Council uses the Barnsley Gypsy and Traveller and Travelling Showperson Accommodation Assessment (2015) (GTAA). This identified a need of 81 pitches up to 2028/29. A further 10 pitches are required between 2029/30 and 2033/34. The Barnsley Gypsy and Traveller Five Year 'Deliverable' Land Supply Report April 2024 – March 2029 (2024) (LSR) considers that set against the requirement up to 2028/29, there is a surplus capacity of 8 pitches.
50. However, the GTAA is dated and furthermore recommends that its evidence is refreshed on a 5 year basis, so that the level of provision remains appropriate. This has not occurred and a new GTAA would not be produced until a potential Local Plan review (2027), based on what I was told at the hearing. As a consequence, the GTAA attracts limited weight in my decision.
51. The LSR, as well as incorporating the findings of the GTAA, is also reliant on 2 sites coming forward that were allocated under Site Policy GT2 of the Local Plan. Despite the Local Plan been adopted in 2019, neither of these sites have come forward and there seems to be no firm plans to do so. These sites cannot therefore be relied on in the supply figures. I have also been referred to other sites where there are purported discrepancies over the number of pitches available. However true this might be, it does not lessen that I have strong reservations over whether the Council can demonstrate a 5 year provision.
52. My views are consistent with a number of recent appeal decisions in the Council area at Brierley² and Shafton³. An appeal decision at Thurnscoe⁴ takes a different view, but it predates these more recent and up to date decisions on the need and supply issues. The Council's stance is now that the Inspectors' comments in those most recent appeal decisions on the position, supply and deliverability of Gypsy and Traveller pitches are noted and taken on board.
53. Local Plan Policy GT1 does set criteria against which to decide Gypsy and Traveller sites which come forward through planning applications and so this could provide a pathway to increasing supply. However, that policy does not seem to have been particularly effective in the way that it has been implemented with the likely shortfall in provision.
54. While the appellants are clearly aware that the 2021 appeal decision granted a time limited permission, they still need an alternative site which they could move onto. They have pointed to a lack of site availability, that sites are full and overcrowded and this has even stretched to sites outside of the Council area. There is not compelling evidence to the contrary. A bricks and mortar dwelling is also not a practical alternative as it would compromise cultural traditions. There is

² Appeal ref: APP/R4408/W/24/3357259

³ Appeal ref: APP/A4408/C/22/3305546

⁴ Appeal ref: APP/R4408/W/22/3308862

clearly a lack of available, suitable and affordable sites. On this basis, there are no obvious alternative sites that the appellants and their dependents could occupy.

Circumstances of the Appellants

55. In exercising my function on behalf of a public authority, I am consciously aware of my duties under the Public Sector Equality Duty (PSED) contained within the Equality Act 2010 which sets out to eliminate discrimination, harassment and victimisation, advance equality and foster good relations, and the protected characteristics under the PSED, including for Gypsy and Traveller groups. I am also aware of my duties under Article 8 of the Human Rights Act 1998 (Article 8) that bestows the right to private and family life and for the home, and that the Article 8 rights of a child should be viewed in the context of Article 3(1) of the United Nations Convention on the Rights of the Child.
56. The site is occupied by the appellants and their 2 children. The children attend school locally and this enables the children to access the curriculum for their appropriate age year group. This is of obvious benefit to the children. The appellants and their children are also settled in the area.
57. In the absence of alternative sites, the appellants and their children could potentially be homeless and have to rely on a roadside existence. Occupying the site is therefore clearly advantageous to the appellants and their dependants, as well as serving the best interests of the children.

Other Matters

58. Worsbrough Road permits 2 way traffic and there is a footway from the site into the village. There are also bus stops close to the site to permit journeys to further destinations other than by using private transport. With the scale of the development, it does not reasonably result in a level of traffic generation that the road cannot accommodate. The site access results in a splayed arrangement that affords a reasonable level of visibility and the gates are well set back from the road. While I have been made aware of some disruption during construction, this has long since passed. Undue highway safety matters do not arise.
59. I have been made aware of the parties' views over the discharge of planning conditions on the 2021 appeal decision, the findings of that decision and the enforcement history of the site. As the effect of an application to remove and vary planning conditions, if granted, is to issue a new planning permission, I have considered these matters in my decision. This is in as far as they are relevant to the issues that I have identified.
60. Alleged other unauthorised development, either in the broader area or on the site, is not for my consideration. The development is self-contained by virtue of its enclosed nature and so cumulative impacts also have a limited bearing, even though there is some degree of visibility. While I can understand local frustrations that the site has not been vacated and the land restored, there is not alternative provision which the appellants and their dependants can move onto.
61. Concerns were raised during the planning application that the consultation which had taken place was not wide enough. As the consultation resulted in a not insignificant number of representations from local residents, that process has not

reasonably resulted in unfairness. Property valuation and mortgages are not planning matters, and so are not for my consideration.

Planning Balance

62. The development constitutes inappropriate development in the Green Belt and it does not preserve the openness. Paragraph 153 of the Framework states that substantial weight is to be given to any harm to the Green Belt, including harm to its openness. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
63. The development also does not preserve or enhance the character or appearance of the conservation area and nor does it preserve the settings of the listed buildings. Paragraph 212 of the Framework sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. These harms which arise in this case attract significant weight. Moderate harm also arises from the effect on the amenity value of trees.
64. It is necessary then to appraise the other considerations. There is an outstanding need and lack of supply of Gypsy and Traveller pitches for the appellants and their dependants to occupy, and there is a strong degree of doubt over whether there is a 5-year supply of deliverable sites. The personal circumstances centre on the need for a settled base for the appellants and their dependants. Facing potential homelessness would clearly be highly unsatisfactory, especially as there would be children involved and it would make their education uncertain.
65. Both these considerations attract significant weight in favour of the development. This is a higher level for need and supply than was ascribed in the 2021 appeal decision, but little seems to have changed since then in the Council area on addressing these issues and so there is a greater sense of urgency. All other matters do not weigh either for or against the development.
66. I however agree with the 2021 appeal decision that such considerations do not amount to a situation where the harm is clearly outweighed by other considerations, in particular given the strong level of protection that is afforded to the Green Belt and designated heritage assets. However, this balancing exercise reverses when a temporary permission is considered because of the time limitation that would put on the harm. I am mindful this would result in a further temporary permission, but in this particular instance this would be warranted now that both children are at school and it would allow them to progress, and that at least some progress should also have been made by the Council in alleviating need and supply issues, including looking to review the GTAA.
67. While the appellants would prefer a 5 year permission, if it was not to be permanent, a further 3 year permission would be appropriate in these circumstances, not least as overall it would result in excess of 6 years. It also requires the permission to be personal.
68. As a result of a temporary and personal permission, very special circumstances exist which justify the development. On this basis, the development complies with Policy GB1, the Framework and the PPTS in relation to their overall approach as

regards inappropriate development in the Green Belt, any other harms and very special circumstances.

69. Whilst I have found conflict with other policies of the development plan, I am not persuaded this amounts to not complying with the development plan as a whole. I note that the reasons for refusal make no reference to Policy GT1. Overall, the balance favours the grant of a temporary and personal planning permission for the development.

Conditions

70. I have imposed a condition as a temporary and personal permission to reflect the reasoning and justification for the decision. In the interests of the Green Belt, the designated heritage assets and the amenity value of the trees, a condition is also imposed concerning site restoration, once the permission expires.
71. I have also imposed a condition concerning caravans, in the interests of character and appearance. A condition related to commercial activities and vehicles is imposed in the interests of protecting living conditions.
72. Where harm arises, this has already been accounted for in my planning balance and includes matters such as the use of the stone, boundary treatments, the landscaping through the laurel hedgerows and lighting. It would not therefore be reasonable and necessary to require their replacement, notwithstanding they would need to be removed at the end of the temporary permission through the site restoration condition. For similar reasons, I do not find there is a necessity to apply highways and drainage related conditions.
73. However, my conclusion on a lack of harm as regards biodiversity is dependent on the measures in the PEA being implemented. A condition is imposed which requires the appellants to adhere to a timetable for dealing with these matters in order to make the development acceptable in planning terms. In the event that the matters are not submitted for approval in the timescale set by the condition, approved and then implemented in accordance with the approved timetable, the planning permission would then be lost. The timescales set out in the condition are considered reasonable.
74. I have not re-imposed a condition concerning the approved plans because the development has already been carried out. I have though referred to the plans in my decision paragraph, excluding the brickwork which is shown.

Conclusion

75. For the reasons set out above and having regard to all matters raised, the appeal should be allowed, subject to the conditions.

Darren Hendley

INSPECTOR

Schedule of Conditions

- 1) The use hereby permitted shall be carried on only by Mr Christian Smith and Ms Alice Doran and their resident dependants, and shall be for a limited period of 3 years from the date of this decision, or the period during which the site is occupied by them, whichever is the shorter.
- 2) When the land ceases to be occupied by those named in condition 1 above the use hereby permitted shall cease and all caravans, structures, materials and equipment brought on to or erected on the land, and/or works undertaken to it in connection with the use, shall be removed and the land shall be restored to its condition before the development took place.
- 3) No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended (of which no more than 1 shall be a static caravan) shall be stationed on the site at any time.
- 4) No commercial or industrial activities, including storage of vehicles, equipment and materials, shall take place on the land, and no vehicles above 3.5 tons in weight shall be parked on the site.
- 5) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 2 months of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 2 months of the date of this decision a scheme for the implementation of the mitigation and enhancement measures that are set out in Section 4 of the Preliminary Ecological Appraisal (February 2020) by Weddle Landscape Design shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
 - ii) If within 10 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - iv) The mitigation and enhancement measures shall have been carried out and completed in accordance with the approved scheme.

Upon implementation of the approved scheme, the mitigation and enhancement measures shall thereafter remain in use for the duration of the planning permission.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

APPEARANCES

FOR THE APPELLANTS:

Alison Heine	Heine Planning Consultancy
Christian Smith	Appellant
Alice Doran	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

James Hyde	Spatial Planning Project Manager
Emma Coveney	Senior Planning Officer, Planning Policy
Anthony Wiles	Senior Conservation Officer

INTERESTED PARTIES:

Councillor John Clarke	Ward Member, Barnsley Metropolitan Borough Council
Councillor Jake Lodge	Ward Member, Barnsley Metropolitan Borough Council
R.J Flavell	Local Resident

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Appeal Decision ref: APP/R4408/W/24/3357259 Land on Northwest side of Barnsley Road, Barnsley Road, Brierley, Barnsley S72 9LJ
- 2 Signed Statement of Common Ground (dated 17 June 2025)