



SPLIT DECISION
(Partial Grant and Partial Refusal of Planning Permission)

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2025/0645

To Mr Chris Oliver
94 Summer Lane Royston
Barnsley
S71 4HW

Proposal Proposed variation of condition 5 (occupancy restriction) and removal of conditions 6 (garden restriction) and 7 (removal of PD rights) in relation to planning app 2021/0680 (Erection of single storey annex outbuilding in rear garden to be used for ancillary residential use in association with the existing dwelling)

At 94 Summer Lane, Royston, Barnsley, S71 4HW

Permission is granted in part and refused in part for the proposals which were the subject of the Application and Plans registered by the Council on 31/07/2025 and described above.

Approval

The variation of condition 5 (occupancy restriction) of application 2021/0680 is hereby approved.

The approval is subject to compliance with the following conditions:-

1	The development hereby approved shall be carried out strictly in accordance with the plans (Revision E 'Granny Annex' dated 01/07/2022) and specifications as approved unless required by any other conditions in this permission. Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.
2	The external materials shall match those used in the existing adjacent garage building. Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.

PO Box 634, Barnsley, South Yorkshire S70 9GG

3	<p>The window on the Northern elevation of the building facing the amenity space of number 98 Summer Lane shall at all times be fitted with obscure glass and retained as such thereafter.</p> <p>Reason: To safeguard the privacy and amenities of the occupiers of adjoining residential property and in accordance with Local Plan Policy GD1 'General Development'.</p>
4	<p>The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 94 Summer Lane, Royston, Barnsley S71 4HW.</p> <p>Reason: In the interest of residential amenity in accordance with Local Plan Policy GD1.</p>
5	<p>The annex hereby approved shall remain open to the domestic curtilage of 94 Summer Lane at all times and shall not be enclosed or served by a separate garden area independent to 94 Summer Lane.</p> <p>Reason: In the interest of residential and visual amenity and in accordance with Local Plan Policies D1 and GD1 and SPD 'House Extensions and Other Domestic Alterations'.</p>
6	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration of the dwellings which would otherwise be permitted by Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority, and no garages or other outbuildings shall be erected.</p> <p>Reason: To safeguard visual and residential amenity in accordance with Local Plan Policies GD1 'General Development' and D1 'Design'.</p>

Refusal

Permission is hereby **refused** for the removal of conditions 6 (garden restriction) and 7 (removal of PD rights) in relation to planning app 2021/0680.

The reason for the Council's decision to refuse consent is:-

1	<p>In the opinion of the Local Planning Authority conditions 6 and 7 associated with the approval of planning application 2021/0680 for the 'Erection of single storey annex outbuilding in rear garden to be used for ancillary residential use in association with the existing dwelling' are considered to be necessary, relevant to planning and to the development of the annex, enforceable, precise and reasonable in all other respects, in accordance with paragraph 57 of the NPPF. The conditions are tailored to address specific problems and mitigate adverse effects, as such, the applicant has not put forward a compelling argument to justify the amendment/removal of the conditions. Furthermore, Section 70(1)(a) of the Act enables the local planning authority in granting planning permission to impose "such conditions as they think fit".</p>
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Informative(s)

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Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at:

www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

What is a permit and how to get one? -

<https://www.gov.uk/government/publications/permit-process/permit-process>

2	<p>In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.</p> <p>If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required. Further information regarding Incidental Coal Agreements can be found here - https://www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements</p>
3	<p>If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Mining Remediation Authority on 0800 288 4242. Further information is available on the Mining Remediation Authority website at: www.gov.uk/government/organisations/mining-remediation-authority</p>
4	<p>The proposed development lies within an area that has been defined by the Mining Remediation Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.</p> <p>Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Mining Remediation Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure a suitable engineering design which takes account of all relevant safety and environmental risk factors, including mine gas and mine-water.</p> <p>Your attention is drawn to the Mining Remediation Authority Policy in relation to new development and mine entries available at: www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries</p> <p>The granting of planning permission does not in any way infer that consent of the landowner is given. Therefore, the consent of all relevant landowners is required before proceeding with any development, including that of the Council as landowner.</p> <p>If it should transpire that the applicant does not own any of the land included in this consent, then it is the responsibility of the applicant to seek all necessary consents and approvals of the landowner.</p> <p>The granting of planning permission does not affect the status of species such as owls and bats, which have protection under other legislation. These may be present and it is the applicant's responsibility to seek advice on how to avoid damaging operations. Further advice can be obtained directly from www.naturalengland.org.uk</p>

Please be aware that the Council monitors construction sites and open land within the vicinity of such sites in an attempt to prevent fly tipping (i.e. unauthorised deposit of waste on land), which is illegal under the Environmental Protection Act 1990. The penalties for fly-tipping can include:

- a fine of up to £50,000 and
- up to six months imprisonment on conviction.

Therefore, if necessary, please ensure that all demolition waste and waste associated with the construction of any development is disposed of via approved methods and that documents are retained to prove this.

Signed:

Dated: 5 November 2025



Garry Hildersley

Head of Planning, Policy & Building Control
Growth & Sustainability Directorate

The grant of this consent does not constitute or imply permission, approval or consent by the Local Authority for any other purpose.

NOTES:-

Appeals to the Secretary of State

If you are aggrieved by the decision of the Council to grant permission for the proposed development subject to conditions then you can appeal to the Secretary of State for the Environment, Transport and Regions under Section 78 of the Town and Country Planning Act. If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from The Planning Inspectorate, Room 3/24 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions giving under the order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

Purchase Notices

If either the Local Planning Authority or the Secretary of State for the Environment, Transport and Regions refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of part VI of the Town and Country Planning Act 1990.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference to the application to him. These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.

STATUTORY BIODIVERSITY NET GAIN CONDITION

DEEMED CONDITION

(As required Schedule 7a of the Town and Country Planning Act 1990 (as amended) and inserted by the Environment Act 2021)

Development may not be begun unless:

1. A Biodiversity Gain Plan has been submitted to the planning authority; and
2. The Local Planning Authority has approved the plan.

The Biodiversity Gain Plan must include:

- a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
- b) the pre-development biodiversity value of the onsite habitat;
- c) the post-development biodiversity value of the onsite habitat;
- d) any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
- e) any biodiversity credits purchased for the development; and
- f) any such other matters as the Secretary of State may by regulations specify.

In addition, under Articles 37C(2) and 37C(4) of The Town and Country Planning (Development Management Procedure) (England) Order 2015, the following specified matters are required, where development is not to proceed in phases:

- g) name and address of the person completing the Plan, and (if different) the person submitting the Plan;
- h) a description of the development and planning permission reference number (to which the plan relates);
- i) the [relevant date](#), for the purposes of calculating the pre-development biodiversity value of onsite habitats and if proposing an earlier date, the reasons for using this earlier date;
- j) [the completed biodiversity metric calculation tool\(s\)](#), stating the publication date of the tool(s), and showing the calculation of the pre-development onsite value on the [relevant date](#), and post-development biodiversity value;
- k) a description of arrangements for maintenance and monitoring of habitat enhancement to which paragraph 9(3) of Schedule 7A to the 1990 Act applies (habitat enhancement which must be maintained for at least 30 years after the development is completed);
- l) (except for onsite irreplaceable habitats) a description of how the biodiversity gain hierarchy will be followed and where to the extent any actions (in order of priority) in that hierarchy are not followed and the reason for that;
- m) pre-development and post-development plans showing the location of onsite habitat (including any irreplaceable habitat) on the [relevant date](#), and drawn to an identified scale and showing the direction of North;
- n) a description of any [irreplaceable habitat](#) on the land to which the plan relates which exist on the [relevant date](#), and any part of the development for which planning permission is granted where the onsite habitat of that part is irreplaceable habitat

arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat; and

- o) if [habitat degradation](#) has taken place:
- i. a statement to this effect,
 - ii. the date immediately before the degradation activity,
 - iii. the completed biodiversity tool showing the calculation of the biodiversity value of the onsite habitat on that date, and
 - iv. any available supporting evidence for the value.

INFORMATIVE 1

When calculating the post-development biodiversity value of a habitat, the Local Planning Authority can only take into account an increase in biodiversity value post-development where it is satisfied that the habitat creation or enhancements delivering the increase will be maintained for at least 30 years after the development is completed. This must be secured either by a planning condition, planning obligation, or conservation covenant

INFORMATIVE 2

The General Biodiversity Gain Condition has a separate legal basis in contrast to other planning conditions and will apply to all planning permissions, unless exempt. The General Biodiversity Gain Condition will therefore not appear on the decision notice along with the list of planning conditions imposed on the application, rather it will be referenced separately. The General Biodiversity Gain Condition cannot be varied or removed by an application under section 73 of the Town and Country Planning Act. It also cannot be discharged as part of the grant of planning permission.

INFORMATIVE 3

A Biodiversity Net Gain Template can be found here:

<https://www.gov.uk/government/publications/biodiversity-gain-plan>

INFORMATIVE 4

The statutory deemed condition above is relevant to all major applications submitted since 12th February 2024 and to all non-major applications submitted after 2nd April 2024, unless exempt.

The onus is on the applicant/agent to notify the Local Planning Authority at developmentmanagement@barnsley.gov.uk if the application was exempt and provide the reasons for the exemption. Exemptions can be found at this link <https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>