
2026/0014

Mr Scott Savage

**Proposed steel containers to be converted into a private bar with car sales offices above.
(Retrospective)**

Site Description

The application site is unauthorised and has wholly been developed without planning permission. The site comprises a large area of hard standing which is bound by a blockwork wall down the east side and timber fencing along the front (northern side). The site is occupied by two large containers, a pre-fabricated garage building and a large number of vehicles, which is assumed to be in connection with the car sales office.

Planning History

There is no relevant planning history.

Proposed Development

The application is seeking permission for the siting of two proposed steel containers, to be used as a car sales office and private bar. The development is retrospective and other works have also taken place however these are not included within the application.

Before:



After:



'Proposed' site plan:



Proposed 3D Visuals:



Photograph as built:



Consultations

The application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015.

Consultee	Summary of comments
Tree Officer	Objects to the proposal and requests the woodland be reinstated
The Coal Authority	Concerns raised with regard to the opening of a historic mining shaft on the site.
Biodiversity Officer	Concerns with regard to clearance works that have taken place without the necessary habitat surveys being carried out and suggests that , the applicant should submit plans indicating proposed planting on site to mitigate for the loss of the scrub habitat. Reference should be made to the survey results of the PEA to inform an appropriate landscape strategy.
Highways DC	Lack of information. Based on the submitted information it is not possible to determine that the proposal would not cause harm to highways safety.
Pollution Control	No concerns raised
Yorkshire Water	No comments to make
CAMRA	No comments to make provided the bar is not accessible to the general public.

Representations

Neighbour notification letters were sent to surrounding properties and a site notice was posted adjacent to the site. One representation has been received which raises the following concerns:

- Unauthorised development that is not included within this application
- Lack of parking provision
- The impact on mining shafts
- No details regarding drainage
- Poor visual impact

Relevant Policies

The Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Barnsley consists of the Barnsley Local Plan (adopted January 2019).

The Local Plan review was approved at the full Council meeting on 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering its objectives. This means no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review. The next review is due to take place in 2027 or earlier if circumstances, require it.

Local Plan Allocation – Urban Fabric - Land within the Settlement with no specific allocation.

To the extent that development plan policies are material to an application for planning permission the decision on the application must be taken in accordance with the development plan unless there

are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004). In reference to this application, the following policies are relevant:

Policy SD1: Presumption in favour of Sustainable Development – When considering development proposals we will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy GD1: General Development – Development will be approved if there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents. Development will be expected to be compatible with neighbouring land and will not significantly prejudice the current or future use of neighbouring land.

Policy D1: High quality design and place making – Development is expected to be of a high-quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and other features of Barnsley.

Policy T3: New Development and Sustainable Travel – New development is expected to provide at least the minimum levels of cycle parking.

Policy T4: New Development and Transport Safety – Development is expected to be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement.

Policy CL1: Contaminated and Unstable Land - Proposals for uses on land which is known or suspected to be contaminated, or for uses which would be particularly vulnerable in terms of exposure to contamination (such as housing with gardens) must be supported by sufficient information to enable the possible contamination risks to be fully assessed.

Policy POLL1: Pollution Control and Protection – Development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air, surface water and groundwater, noise, smell, dust, vibration, light or other pollution which would unacceptably affect or cause a nuisance to the natural and built environment or to people.

Policy BIO1: Biodiversity and Geodiversity – Development will be expected to conserve and enhance the biodiversity and geological features of the borough.

Supplementary Planning Documents:

In line with the Town and Country Planning (Local Planning) (England) Regulations 2012, Barnsley has adopted twenty eight Supplementary Planning Documents (SPDs) following the adoption of the Local Plan in January 2019.

The most pertinent SPD's in this case are:

- Parking
- Trees and Hedgerows

The adopted SPDs should be treated as material considerations in decision making and are afforded full weight.

National Planning Policy Framework

The NPPF sets out the Government's planning policies and how these are expected to be applied. The core of this is a presumption in favour of sustainable development. Proposals that align with the

Local Plan should be approved unless material considerations indicate otherwise. In respect of this application, relevant policies include:

- Section 9: Promoting sustainable transport
- Section 12: Achieving well designed places
- Section 15: Conserving and enhancing the natural environment

Assessment

The main issues for consideration are as follows:

- The principle of the development
- The impact on visual amenity and character
- The impact on highways safety
- The impacts on land stability and coal mining
- The impacts on trees and ecology

For the purposes of considering the balance in this application the following planning weight is referred to in this report using the following scale unless the NPPF establishes a specific weight:

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little or no

Principle of Development

The site lies within the urban fabric which has no specific land allocation. In principle, such locations are generally considered suitable for employment, commercial and other urban uses, provided that development is of an appropriate scale and nature and does not result in unacceptable harm to the character and appearance of the area, visual amenity, residential amenity, highway safety or other material planning considerations.

Whilst the proposed use of part of the site as a car sales office would not necessarily be incompatible with the site's urban location, the acceptability of development within Urban Fabric areas is dependent upon achieving a high standard of design and responding positively to the character of its surroundings.

Visual Amenity

Local Plan Policy D1 requires all development to be of a high standard of design that contributes positively to the character and appearance of the area. Development should respond to its context, respect local distinctiveness, create attractive and safe places, provide a good standard of amenity for existing and future occupiers, and incorporate appropriate landscaping, access and sustainable design measures. Well-designed development should enhance Barnsley's built and natural environment and create places that are functional, inclusive and visually attractive.

Section 12 of the NPPF also states that development should be visually attractive, sympathetic to local character, establish a strong sense of place, optimise the potential of a site, and create safe, accessible and healthy environments.

The application site occupies land formerly comprising a woodland buffer on the edge of the industrial estate, which historically provided a soft landscaped transition between the built form of the commercial area and the surrounding environment. The site has been substantially altered through the removal of woodland vegetation and the creation of extensive areas of hardstanding, resulting in the loss of the site's verdant character and landscape function.

The proposed development comprises the siting of two steel shipping containers to be used as a car sales office and private bar. By virtue of their design, appearance, and temporary form, the containers would appear as incongruous and visually intrusive features within the locality. Whilst the site is located adjacent to an industrial estate, the surrounding development predominantly comprises purpose-built warehouses and commercial buildings of a permanent and coherent design. The containers would not reflect the established character, appearance, scale or built form of these buildings and would therefore appear out of keeping with the prevailing character of the area.

The development is further exacerbated by the extensive hard surfacing across the site and the apparent removal of the former woodland buffer, which has resulted in a stark and visually harsh appearance. The loss of vegetation significantly reduces opportunities for effective screening and softening of the development, increasing its prominence within the street scene and wider area. Consequently, the containers would be viewed in the context of an exposed area of hardstanding, creating an unsympathetic and visually poor form of development.

Taken together, the introduction of the shipping containers, the loss of woodland character, and the extensive hardstanding fail to respect or positively contribute to the character and appearance of the site or its surroundings. The development therefore represents a visually harmful form of development that would erode local character and result in an unacceptable impact on visual amenity which fails to accord with Local Plan policy D1 and section 12 of the NPPF.

Highways Safety

Paragraph 116 of the NPPF states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.'

This is echoed in Policy T4 of the Local Plan which states that 'New development will be expected to be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement.'

The application site is accessed from Spring Hill Road via a recently created vehicular access. Whilst the application is retrospective and the site is currently being used in connection with a car sales operation, no evidence has been provided to demonstrate that the access arrangements have been designed to an acceptable standard.

Highways DC advised that insufficient information had been submitted to enable a meaningful assessment of the proposals. The submitted site plan contained a hand-drawn indication of ten parking spaces, however this does not correspond with the reality of the site layout when a site visit was undertaken or when viewed from google earth . Highways DC would not support approval of the site without further accurate details of parking provision, including the location and dimensions of vehicle parking spaces and information regarding their allocation between employees, customers of the car sales business and visitors to the private bar. Furthermore, no information has been provided in respect of the likely visitor numbers associated with the private bar use to allow Highways to make comment on potential trip generation.

In addition, it was noted that no information had been submitted regarding vehicular and pedestrian visibility from the site access and that the achievable visibility to the west of the access is significantly below the standards set out in Manual for Streets. Whilst a visibility splay of approximately 2.4m x

11m would ordinarily be required for vehicle speeds as low as 10mph, the Highway Authority advises that only a visibility splay of approximately 2.4m x 3.2m can be achieved. This is substantially below recommended standards and raises concerns regarding the ability of drivers to safely exit the site.

Moreover, no details have been submitted regarding the construction standard of the access, nor any details demonstrating that the access and hardstanding areas are appropriately drained to prevent surface water discharging onto the adjacent highway.

The absence of accurate parking and operational details means that highways are unable to assess whether adequate parking and manoeuvring facilities are available to serve both the car sales operation and the proposed private bar. The substandard visibility available at the site access and the lack of information regarding access construction and drainage result in significant concerns regarding highway safety.

Having regard to the Highways objection, it is considered that the applicant has failed to demonstrate that safe and suitable access can be achieved for all users of the development. The proposal would therefore be detrimental to highways safety and is contrary to Local Plan Policy T4 and paragraph 116 of the NPPF. This weighs significantly against the proposal.

Land Stability and Coal Mining

Paragraph 196 of the NPPF requires planning decisions to ensure that a site is suitable for its proposed use and does not give rise to unacceptable risks arising from land instability or former land uses. In circumstances where development is proposed on land affected by historic mining activity, sufficient information should be provided to identify and assess any risks and demonstrate that appropriate mitigation can be secured.

Part of the site lies within a Development High Risk Area as defined by the Coal Authority. Coal Authority records identify two mine shafts within the application site and two further mine shafts immediately to the north whose zones of influence extend into the site. The Coal Authority has advised that due to potential plotting inaccuracies, one of the off-site shafts could in fact be present within the application site. Furthermore, details of any treatment works are unavailable for the majority of the recorded shafts.

The Coal Authority advises that untreated or inadequately treated mine entries and their associated zones of influence present significant risks to ground stability and public safety. Following a site visit and review of historic and current site photographs, it appears that substantial engineering operations have been undertaken, including the clearance of woodland, extensive ground levelling and the laying of hardstanding across the site to facilitate the siting of the containers and associated use.

A Coal Mining Report was submitted in support of the application; however, this does not constitute a comprehensive Coal Mining Risk Assessment and fails to adequately assess the potential risks and impacts arising from the site's coal mining legacy in relation to the proposed development. Consequently, there is insufficient information to establish the exact position and condition of the mine shafts, the extent of any zones of influence, the impact of the unauthorised engineering operations on land stability, or whether any mitigation measures are necessary to ensure the safety and stability of the development. The Coal Authority has therefore raised a formal objection to the proposal.

In the absence of a Coal Mining Risk Assessment and supporting technical evidence, it has not been demonstrated that the site is safe and suitable for the proposed development. Furthermore, a substantial proportion of the developed site, including the buildings and associated operational area, appears to fall within the potential zones of influence of recorded mine shafts, contrary to the Coal Authority's adopted precautionary approach to development in such locations.

The proposal therefore fails to demonstrate that it would provide a safe and stable form of development and is contrary to paragraph 196 of the National Planning Policy Framework and the objectives of Local Plan policies relating to land stability and public safety. Accordingly, the development is unacceptable on land stability grounds and this carries significant weight against the proposal.

Trees and Ecology

The Tree Officer objects to the proposal. The site previously comprised a small wooded area which formed part of the wider landscaping associated with the Park Springs Industrial Estate. A large portion of the trees within this area have been removed without the benefit of a full assessment through the planning process. The Tree Officer considers the degradation and loss of this woodland group to be unacceptable and has raised concerns regarding the extent of tree removal undertaken.

It is also noted that, given the volume of trees removed, a Forestry Commission felling licence may have been required and that an offence may have occurred in connection with the site clearance works. Accordingly, the Tree Officer objects to the application due to the significant loss of trees and the absence of proper assessment prior to its removal.

The submitted Preliminary Ecological Appraisal identifies that the site formerly contained native scrub vegetation, which was likely to have provided habitat for species such as nesting birds and hedgehogs, whilst also contributing to habitat connectivity within the wider area. The Ecologist notes that the clearance of the site prior to the completion of detailed habitat surveys is regrettable, as it has limited the opportunity to fully assess the ecological value of the site and any impacts on protected or priority species.

Notwithstanding this, it is recognised that Biodiversity Net Gain requirements do not apply as the application is retrospective it meets one of the exceptions set out in the Planning Practice Guidance (PPG). The Biodiversity Officer recommends that should permission be granted mitigation measures would need to be secured, including replacement planting and landscaping informed by the findings of the ecological appraisal, together with the installation of bird and bat boxes to provide biodiversity enhancements. Subject to the implementation of these measures, the residual ecological impacts of the development could be considered capable of being partially mitigated.

Overall, whilst it is acknowledged that some ecological mitigation and enhancement measures could be secured through replacement planting and the provision of bird and bat boxes, these measures would only partially address the harm that has arisen. The proposal has resulted in the unassessed loss of a significant number of trees and areas of native scrub habitat which formerly contributed to the landscape character of the industrial estate, provided habitat for wildlife and supported ecological connectivity. Furthermore, the clearance of the site prior to the submission and consideration of appropriate arboricultural and ecological assessments has prevented a full understanding of the value of the habitats and species that may have been affected. In these circumstances, it is considered that the harm arising from the loss of trees and habitat outweighs the benefits of the proposed mitigation measures.

As such, the development is considered to result in an unacceptable impact upon the site's arboricultural and ecological value and is contrary to the objectives of Local Plan Policies D1 and BIO1, which seek to protect and enhance the borough's natural environment. This carries significant weight against the proposal.

Conclusion and Planning Balance

The development has introduced a poor quality and visually intrusive form of development through the siting of steel shipping containers and extensive areas of hardstanding following the removal of

the former woodland buffer. This causes significant harm to the character and appearance of the site and surrounding area.

Furthermore, insufficient information has been submitted to demonstrate that the development can operate safely in highway terms. Concerns remain regarding parking provision, access arrangements, visibility splays, manoeuvring space and drainage, and the Local Highway Authority has objected to the proposal.

The proposal also raises serious concerns in relation to land stability. The site lies within a Coal Authority Development High Risk Area and is affected by recorded mine shafts and associated zones of influence. In the absence of a Coal Mining Risk Assessment, it has not been demonstrated that the site is safe and suitable for the proposed use. The Coal Authority has objected to the application and this matter weighs significantly against the proposal.

In addition, substantial harm has arisen through the removal of trees and scrub habitat which formerly contributed to the landscape character and ecological value of the site. Whilst some mitigation may be possible, this would not overcome the loss that has already occurred and the proposal remains contrary to policies seeking to protect and enhance biodiversity and landscape features.

The proposal would provide only limited economic benefits associated with the continuation of the car sales business and private bar use. These benefits attract only limited weight in favour of the development and are significantly outweighed by the identified harm.

Overall, the proposal conflicts with Local Plan Policies GD1, D1, T4, CL1 and BIO1 and the relevant provisions of the National Planning Policy Framework. The adverse impacts of the development significantly and demonstrably outweigh any limited benefits and, as such, the development does not represent sustainable development. Planning permission should therefore be refused.

**Recommendation -
REFUSE.**