



Appeal Decision

Site visit made on 18 November 2025

by **C Mayes CMLI**

an Inspector appointed by the Secretary of State

Decision date: 22 January 2026

Appeal Ref: APP/R4408/W/25/3370772 264 Dodworth Road, Barnsley S70 6PN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for outline planning permission
 - The appeal is made by Mr Richard Crossfield against Barnsley Metropolitan Borough Council.
 - The application Ref is 2024/1023.
 - The development proposed is 5 self-built plots considering access, landscaping and layout.
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Decision

1. The appeal is dismissed, and planning permission for outline permission for the erection of 5 self-built plots considering access, landscaping and layout is refused.

Background and Main Issues

2. The appeal relates to an application for outline planning permission that was not determined by the Council within the prescribed period. The planning application was seeking approval for access, landscaping and layout, with scale and appearance reserved for future consideration. I have determined the appeal on this basis, treating the submitted plans as illustrative, insofar as they relate to scale and appearance.
3. The Council has provided a statement of case, confirming that, had it been able to determine the application within the statutory timescales, it would have refused permission. The Council confirm that the application would have been refused on the grounds that the proposed development would have a detrimental impact on the safety of highway users and would negatively affect the living conditions of occupants of neighbouring properties due to increased noise and disturbance arising from the intensification of use of the access road to the site. No concerns have been raised regarding character and appearance, and with scale and appearance reserved, these matters do not form a main issue in this appeal.
4. It therefore follows that the main issues are the effect of the proposal on:
 - highway safety; and,
 - the living conditions of the occupants of 262 and 266 Dodworth Road, with particular reference to noise and disturbance.

Reasons

Highway safety

5. The appeal site comprises a detached bungalow and its residential garden situated to the rear of existing frontage properties along Dodworth Road (A628). Access to the site is currently obtained via a long, narrow private drive positioned between Nos 262

- and 266. This access serves only the existing dwelling and provides a single point of entry and exit onto the A628. The proposal would involve demolition of the existing bungalow and the construction of 5 dwellings, all of which would be served via the existing private drive.
6. Dodworth Road is a principal arterial route with a 30 mph speed limit, connecting Junction 37 (J37) of the M1 motorway with Barnsley town centre. It experiences very high traffic volumes, with the most recent data indicating an average annual daily flow exceeding 28,500 vehicles. This section of the A628 is highly sensitive due to its proximity to J37 and the associated lane-changing movements that occur as vehicles exit the roundabout and filter towards Barnsley, the hospital, and the A6133.
 7. During my site visit, undertaken in the early afternoon of a weekday and therefore outside recognised peak-hour conditions, I observed that Dodworth Road was nevertheless busy, with periods of continuous traffic flow with limited breaks in movement. From these observations, I consider that opportunities for vehicles to safely enter or leave the appeal site during busier periods would be further reduced.
 8. I note that the speed survey included in the appellant's Transport Note also shows that average and 85th-percentile speeds are higher in the two lane, north-eastbound direction, where vehicles accelerate away from the roundabout, than in the single lane, south-westbound direction where traffic typically slows on the approach to it. This means that right-turning vehicles entering the site from the north-eastbound direction may need to wait stationary in the offside lane at a point where following vehicles are still gaining speed and where available gaps between approaching vehicles are compressed. In my view, this combination of higher approach speeds and limited gap availability materially reduces the opportunity for vehicles to cross the opposing carriageway safely and increases the potential for conflict with approaching traffic.
 9. Against this background, the proposal would increase the intensity of use of a constrained access point at a location already recognised as difficult. Previous applications on this site have been refused for highway-safety reasons, and the most recent related appeal (APP/R4408/W/21/3284818) was dismissed. In that decision, the Inspector found that the need for vehicles to turn right into or out of the access required them to cross multiple lanes of fast-moving traffic at times when gaps were limited, creating a situation in which risk-taking and aggressive manoeuvres were likely to occur. The Inspector concluded that even a small increase in movements would give rise to an unacceptable impact on highway safety.
 10. I also note the findings of a further appeal decision on the opposite side of Dodworth Road (APP/R4408/W/15/3141763). The Inspector similarly identified that the combination of high traffic volumes, limited opportunities for right-turning movements and the proximity to the J37 roundabout created an inherently difficult and potentially hazardous environment for vehicles entering or leaving private accesses. The Inspector concluded that additional dwellings served from a shared access in this location would give rise to an unacceptable impact on highway safety. While the precise configuration of lanes was not identical to the appeal before me, the underlying highway context and the risk mechanism identified are directly comparable and support my concerns in this case.
 11. The appellant's Transport Note highlights recent collision data showing only a single slight accident in the wider locality over a five-year period. However, collision records alone are not determinative in this case. The appeal access lies in a uniquely sensitive position close to the J37 roundabout, where approach speeds,

lane-changing movements and compressed gap availability create a particular risk environment that is not adequately reflected in the general collision history along Dodworth Road.

12. Furthermore, swept-path evidence indicates that larger vehicles would likely cross into the opposing lane when exiting the development, and refuse vehicles would need to dwell on the carriageway to collect waste, given that they do not enter private drives. These movements would take place at a point where traffic volumes and speed differentials are high, contributing to a heightened risk environment.
13. The plans demonstrate that adequate visibility splays could be achieved at the site access. However, while this may assist drivers emerging from the private drive in seeing approaching traffic, it does not overcome the more fundamental constraints associated with the speed and volume of traffic on this section of the A628, or the difficulty in finding sufficiently long gaps to undertake right-turning manoeuvres safely.
14. The evidence indicates modest waiting times for vehicles exiting nearby driveways, low predicted trip generation from the proposed dwellings, and that emergency and delivery vehicles could enter and turn within the site. However, waiting times at other accesses are not a reliable indicator of safety in this location, where the combination of factors outlined above, fundamentally constrain the ability to complete right-turning movements safely. Previous Inspectors have found that even small increases in vehicle movements would exacerbate these risks, and I see no reason to reach a different conclusion. Taken together, the matters raised by the appellant do not mitigate the inherent hazards associated with intensifying the use of this access.
15. The scheme proposes to widen the site entrance and introduce a footway along the access in order to improve manoeuvrability and to accommodate additional vehicle movements. Although these works fall within the red-line boundary, no substantive evidence has been provided to demonstrate that the necessary rights or agreements are in place to enable the works to be undertaken on land forming part of No 266. In the absence of such certainty, I cannot be satisfied that the access improvements could be implemented. However, even if the widening works were deliverable, the fundamental concerns I have identified regarding the safety of turning movements and intensification of use at this location would remain. The inability to ensure delivery of the works therefore only adds further weight to my conclusion on highway safety and reinforces the overall level of harm identified.
16. Taking the above into account, including the specific characteristics of this part of the A628, the findings of earlier appeal decisions and the undeliverability of the proposed access works, I conclude that the proposal would result in an unacceptable impact on highway safety. The scheme would therefore conflict with Policies T4 and GD1 of the Barnsley Local Plan, January 2019 (LP), which seek to ensure new development is suitably served by the existing highway and is designed with safe, secure and convenient access and movement.

Living conditions

17. Policy GD1 of the LP requires development to avoid significant adverse effects on the living conditions of existing residents. The principal concern is the potential for increased noise and disturbance to neighbouring occupants arising from the intensified use of the narrow access drive, which runs between Nos 262 and 266 and is close to their private garden areas.
18. The proposal would result in 5 dwellings being served from the existing private drive, compared with the single dwelling currently on the site. Based on the evidence before

me, this would equate to around 26 vehicle movements per day. Although this is a modest number in absolute terms, the movements would take place within a confined corridor flanked by residential boundaries, where vehicle noise and activity would be experienced at close quarters.

19. The Noise Impact Assessment submitted by the appellant focuses on the effect of the wider ambient noise climate, dominated by traffic on the M1 motorway, on the proposed dwellings. Its simplified assessment of vehicle movements along the access relies on a generic single-event level measured in an open context and does not assess noise levels at the boundaries of Nos 262 and 266, nor the effect of repeated low-speed movements within the enclosed access. It therefore provides limited assistance in understanding the effect of the proposal on neighbouring occupants.
20. Reference is made to earlier appeal decisions at nearby sites. In the case of APP/R4408/W/15/3141763, the Inspector found no material harm from 4 dwellings served by a shared drive. However, the access in that case was wider, less enclosed, and did not run in such close proximity to garden boundaries as the appeal access. In APP/R4408/W/21/3284818, the Inspector found no undue disturbance from one additional dwelling, but the present scheme would result in a significantly greater number of daily vehicle movements and a very different pattern of activity. Given these distinctions, neither decision is directly comparable to the circumstances before me.
21. The Council raises no concerns regarding separation distances, overlooking, loss of outlook or overshadowing. The sole issue in regard to living conditions is the effect of intensified vehicle movements along the narrow and enclosed access drive. In the absence of convincing evidence to demonstrate that the additional activity would not result in perceptible disturbance, and having regard to the physical characteristics of the access and the scale of intensification proposed, I conclude that the development would cause unacceptable harm to the living conditions of neighbouring occupants at Nos 262 and 266. The proposal would therefore conflict with Policy GD1 of the LP, which seeks among other things to ensure that development does not adversely affect the amenity of existing residents.

Other Matters

22. The Council confirms that it cannot currently demonstrate a five-year supply of deliverable housing sites as required by the National Planning Policy Framework (the Framework). In such circumstances, paragraph 11(d) of the Framework indicates that the presumption in favour of sustainable development may be engaged where the most important policies for determining the application are out-of-date. However, the Council does not dispute the principle of residential development on this site, and the policies relevant to the main issues in this appeal relate to highway safety and the protection of residential amenity. These are not housing-supply policies, nor has either party suggested that they should be regarded as out-of-date for the purposes of paragraph 11. Accordingly, while the housing shortfall weighs in favour of the proposal, it does not alter the policy context against which the specific harms identified must be assessed.
23. The Council also refers to the loss of 2 'Category B' trees and the absence of a Preliminary Ecological Appraisal or detailed biodiversity information. The application form indicates that the development would be delivered as self-build housing and a draft planning obligation has been provided to secure this status, with the intention that the scheme would also benefit from the self-build exemption to mandatory Biodiversity Net Gain.

24. However, the draft obligation has not been executed by all parties with an interest in the land within the red-line boundary, and I cannot therefore be satisfied that the development would be secured as self-build or that the BNG exemption would apply. In the absence of a completed and enforceable mechanism, neither the claimed exemption nor the associated benefit can be relied upon. Nonetheless, even if satisfactory ecological information were provided, and even if the trees or biodiversity matters were resolved or mitigated, these considerations would not alter my findings on the main issues of highway safety and neighbouring living conditions. I therefore afford these matters only limited weight.
25. The appellant refers to a number of additional considerations, including comparisons with access arrangements at the McDonald's Restaurant and Morrisons Supermarket on Upper New Street, the potential use of a "performance management approach" to promote left-turn-only movements, the presence of widened private drives along Dodworth Road and the absence of enforcement action in respect of those, and the scope for modern technology or conditions to regulate turning behaviour. However, the circumstances of the nearby commercial premises are materially different in terms of their location, scale and traffic context, the existence of other private driveways does not alter the characteristics of this particular access or its proximity to J37, and behavioural or technology-based controls cannot be relied upon to address the fundamental constraints I have identified. As such, none of these matters outweigh or alter the highway-safety concerns identified in the main issue.

Conclusion

26. The proposal conflicts with the development plan when taken as a whole, and material considerations do not indicate that the appeal should be decided other than in accordance with it. I therefore conclude that the appeal should be dismissed.

C Mayes

INSPECTOR