

Application reference number	2025/0149
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Application Type	Full
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Proposal Description:	Use of land to a gypsy/traveller site including installation of hardstanding and boundary treatments (Retrospective)
Location:	Hill Top Park, Land off Wakefield Road, Smithies, Barnsley, S71 1ND

Applicant	Mr N Smith
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Number of Third Party Reps	None	Parish:	N/A
		Ward:	Old Town

Site Description

The site is located to the east of the A61 Wakefield Road, in an elevated position to the rear of commercial properties fronting onto Wakefield Road. The area is predominantly commercial with car sales premises located to the west and car sales and repair premises to the south. The nearest residential properties are located approximately 120m to the north and 70m to the south-west. The site is roughly rectangular and 0.1 ha in size.

The site is accessed from Wakefield Road, by a solid bound surfaced road, serving the rear of the commercial property and the site. This access also provides pedestrian access to the Burton Bank Quarry Greenspace to the east.

Aerial photography shows that the site has benefitted from development previously, however it also shows that the site has become overgrown and vegetated.

Proposal

The applicant seeks retrospective permission for the change of use of the land to a caravan site for a gypsy traveller family for 1no static caravan and 1no touring caravan including installation of hardstanding and boundary treatments. The plans initially also sought permission for the erection of a day room, however following comments from The Mining Advisory Service regarding the siting of the day room in relation to potential mine shafts the day room was removed from the proposal.

The application is part retrospective in that the site has been hardsurfaced and the boundary treatments and lighting have been erected prior to an application being made.

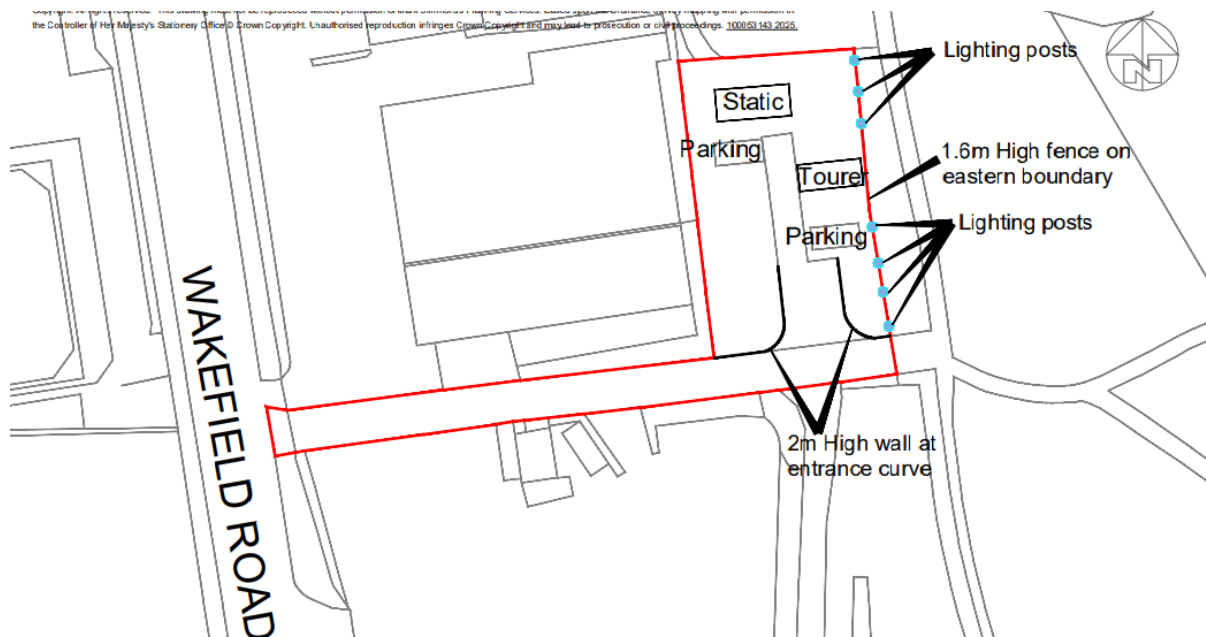


Figure 1 Site Plan

Policy Context

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 was adopted in January 2019 and is accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment, and mixed-use sites). In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies which are a material consideration in the decision-making process.

The Local Plan review was approved at the full Council meeting held 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

The site is identified as Urban Fabric within the Local Plan and as such the following policies are considered to be relevant to this application:

- Local Plan Policy GT1 Sites for Travellers and Travelling Showpeople
- Local Plan Policy D1 High Quality Design and Place Making
- Local Plan Policy GD1 General Development
- Local Plan Policy T4 New Development and Transport Safety
- Local Plan Policy Poll1 Pollution Control and Protection
- Local Plan Policy BIO1 Biodiversity and Geodiversity
- Local Plan Policy SD1 Sustainable Development
- Local Plan Policy LG2 The Location of Growth

Local Plan Policy H1 The Number of New Homes to be Built
Local Plan Policy H2 The Distribution of new Homes
Local Plan Policy H4 Residential Development on Small Non-allocated Sites
Local Plan Policy H6 Housing Mix and Efficient Use of Land

Adopted 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 SPDs in this case is:

Parking

Other

South Yorkshire Residential Design Guide (SYRDG)

National Planning Policy Framework (NPPF) (2024)

The National Planning Policy Framework sets out the Governments planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise.

Where the development plan is absent, silent, or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

Chapter 5 Delivering a sufficient supply of homes

Paragraph 61 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community.

Paragraph 63 states that within this context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing (including Social Rent); families with children; looked after children; older people (including those who require retirement housing, housing with-care and care homes); students; people with disabilities; service families; travellers; people who rent their homes and people wishing to commission or build their own homes.

Paragraph 73 states that Small and Medium sized sites can make an important contribution to meeting the housing requirement of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:

- a) identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare; unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why this 10% target cannot be achieved;

- b) seek opportunities, through policies and decisions, to support small sites to come forward for community-led development for housing and self-build and custom build housing;
- c) use tools such as area-wide design assessments, permission in principle and Local Development Orders to help bring small and medium sized sites forward;
- d) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes; and
- e) work with developers to encourage the sub-division of large sites where this could help to speed up the delivery of homes.

Chapter 9 Promoting Sustainable Transport.

Paragraph 110 states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

Paragraph 115 states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.

Paragraph 116 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.

Chapter 12 Achieving well-designed places

Paragraph 136 Trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments, that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible.

Paragraph 139 Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

Chapter 15 Conserving and Enhancing the Natural Environment.

Paragraph 187 states planning decisions should contribute to and enhance the natural and local environment by; protecting sites of biodiversity value; minimising impacts on and

providing net gains for biodiversity, and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs; and preventing new development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

Paragraph 198 states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) mitigate and reduce to a minimum potential adverse impact resulting from noise from new development – and avoid noise giving rise to significant adverse impact on health and the quality of life;
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Paragraph 201 states that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

Planning Policy for Traveller Sites (PPTS) (Dec 2024)

Planning policy for traveller sites sets out the Government's planning policy for traveller sites and should be read in conjunction with the NPPF. It states that planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The policy must be taken into account in the preparation of development plans and is material consideration in planning decisions.

Policy H: Determining planning applications for traveller sites

Applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the National Planning Policy Framework and this planning policy for traveller sites.

Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- a) the existing level of local provision and need for sites;
- b) the availability (or lack) of alternative accommodation for the applicants;
- c) other personal circumstances of the applicant
- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites;
- e) that they should determine applications for sites from any travellers and not just those with local connections.

Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.

When considering applications, local planning authorities should attach weight to the following matters:

- a) effective use of previously developed (brownfield), untidy or derelict land;
- b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness;
- c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children; and
- d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.

If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, the provisions in paragraph 11(d) of the National Planning Policy Framework apply. Local planning authorities should consider how they could overcome planning objections to particular proposals using planning conditions or planning obligations including:

- a) limiting which parts of a site may be used for any business operations, in order to minimise the visual impact and limit the effect of noise;
- b) specifying the number of days the site can be occupied by more than the allowed number of caravans (which permits visitors and allows attendance at family or community events);
- c) limiting the maximum number of days for which caravans might be permitted to stay on a transit site.

Relevant Consultations:

Biodiversity – No objection subject to conditions

Forestry Officer - No objections; it is noted that the AMS contains recommendations for tree works for trees located outside the red line boundary, and permission of the owner would need to be sought if it was intended to undertake these works.

Highways DC – No objections

Mining Remediation Authority – Concerns were initially raised in relation to the siting of the day room and the possible proximity to mine shaft locations. The applicant subsequently removed the day room from the proposals and as such the Mining Remediation Authority had no objections as the works do not involve ground excavations or foundation works.

Policy – No objections received

Pollution control – No objections

South Yorkshire Mining Advisory Service – Following initial objections, the proposed day room was removed from the proposal and there are now no works which involve ground excavations or foundation works.

South Yorkshire Police – No objections received

Ward Councillors - Cllr Lofts – has raised concerns from local residents in relation to the proliferation of gypsy travellers in the area.

Yorkshire Water – No objections received

Representations

Neighbour notification letters were sent to 11 surrounding properties, and a site notice was placed adjacent to the site; no representations were received in relation to this application.

Assessment

The main issues for consideration are as follows

- The acceptability of residential development

- The impact on the character of the area
- The impact on neighbouring residential properties
- The impact on the highway network and highways standards
- The impact on the ecology of the site
- The impact on trees

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 is located within Urban Barnsley, which is a priority location to accommodate growth and new residential development in compliance with Local Plan Policies LG2 and H2.

The delivery of 1 no additional home would make a very limited contribution towards the overall new homes target in line with Local Plan Policy H1. The site is not the subject of a specific allocation policy, but the Urban Fabric designation, which allows for development to take place on the site subject to complying with Policy GD1 and other relevant development plan policies.

Local Plan Policy H4 Residential Development on Small Non-allocated sites states that proposals for residential development on sites below 0.4 hectares will be allowed where the proposal complies with other relevant policies within the plan.

Barnsley cannot currently demonstrate a five-year housing land supply (including the buffer required because of our most recent housing delivery test result) and accordingly there is a demonstrable unmet need for housing.

NPPF paragraph 63 states that within this context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include travellers, amongst others.

Paragraph 73(d) states that small sites can make an important contribution to meeting the housing requirement of an area and that LPAs should “support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes”.

Local Plan Policy GT1 Sites for Travellers and Travelling Show people states that ‘Sites will be allocated to meet the shortfall in provision of permanent sites. The following criteria will be used in allocating sites and in determining planning applications: In terms of their broad location sites will:

- Have good access to facilities; and
- Be primarily located within urban areas. In terms of their specific location the sites will: Be in an area of low flood risk;
- Be unaffected by contamination, unless the site can be adequately remediated;

- Have good vehicular and pedestrian access from the highway; Provide a good safe living environment with appropriate standards of residential amenity; and
- Have no other restrictive development constraints.

Self-sought provision will be positively considered where it accords with this policy and other relevant policies in the Local Plan.

As this is self-sought provision, the application must adhere Policy GT1. The site has access to local facilities; is located with an urban area and an area of low flood risk and there is no evidence of contamination and therefore complies with the initial elements of Local Plan Policy GT1.

Policy H of the Planning Policy for Travellers Sites (PPTS) provides guidance for determining planning applications for traveller sites which includes the provision of sites in the area and personal circumstances of the applicant. The application is accompanied by a Planning Statement. It briefly sets out the personal circumstances of the family who were living in the nearby Smithies Lane site, however due to personal issues and unavoidable frictions which could not be resolved, they had to re-locate.

Barnsley Gypsy and Traveller Five Year “Deliverable” Land Supply Report April 2024 – March 2029” (July 2024) outlines a surplus of 8no pitches; however, recent appeal decisions have determined that no progress has been made to deliver the allocated sites , and cannot be considered deliverable, and it has not been shown that there is any realistic prospect of any such development coming forward.

In addition to the above all new development must ensure that living conditions and overall standards of residential amenity are provided or maintained to an acceptable level both for new residents and those existing. In addition, development will only be granted where it would maintain visual amenity and not create traffic problems/reduce highway safety. An assessment of the proposals against those criteria is set out within the sections of the report below.

Residential Amenity

As mentioned previously the site is located in a predominantly commercial area characterised by a mix of uses interspersed with residential properties, with the nearest residential properties being located approximately 120m to the north and 70m to the south-west and as such the use of the site as a gypsy/traveller site would not significantly impact surrounding properties. As such this carries significant weight in favour of the proposal.

The site is located to the rear of commercial properties, particularly a motorcycle shop, with a car repair garage to the south and a car sales garage to the west. The majority of the commercial premises in the area are 9-5 businesses, and it is not considered that the surrounding commercial businesses would have a detrimental impact on the residential use. Pollution Control have been consulted on the application, and no objections have been raised. As such this carries significant weight in favour of the proposal.

It is in this regard that the proposed development complies with Local Plan Policy GD1 General Development.

Scale, Design and Impact on the Character

The site is located within Urban Barnsley and within an allocation of Urban Fabric and is set back from Wakefield Road accessed via a short, surfaced track from it.

The site is well screened from the south and west by the existing commercial properties, and vegetation along the northern and western boundaries. It is acknowledged that the applicant has erected 2m close boarded timber fencing along the eastern boundary and a stone wall along the front southern boundary, this is to provide security of the site from the open green space beyond the eastern boundary. This carries significant weight in favour of the development.

Based on the above assessment, it is therefore considered that the proposed dwelling would not be out of character with the area and is considered acceptable and in compliance with Local Plan Policy D1.

Highway Considerations

The site is located within a sustainable location, with good access to public transport links.

The site will be served by the existing access as it is considered that there would be no significant impact on the highway network from the use of the site as a gypsy/traveller site. The site considered the site to be of a sufficient size to accommodate 1no static caravan, 1no touring caravan and sufficient parking for 2no vehicles and to allow turning within the site to allow entry and exit in a forward gear. Highways have been consulted on the application and raise no objection to the proposal. As such this carries considerable weight in favour of the development

Therefore, the proposal is considered acceptable in terms of its impact on the highway network, in compliance with Local Plan Policy T4.

Impact on Geodiversity and Biodiversity

National requirements have seen the introduction of Biodiversity Net Gain (BNG). In England; BNG is mandatory under the Town and Country Planning Act 1990, whereby developers must deliver a biodiversity net gain of 10%, resulting in more or better-quality habitat than before a development. These regulations were introduced on 12th February 2024 and applied to any application submitted after this date.

Local Plan Policy BIO1 states that development will be expected to conserve and enhance the biodiversity and geodiversity features by protecting and improving habitats; maximising biodiversity opportunities in and around new developments and encouraging provision of biodiversity enhancements. Policy BIO1 follows on to state that development will be expected to conserve and enhance the biodiversity and geological features by protecting ancient and veteran trees.

It is noted that the applicant has completed the application form stating that the development is exempt from BNG as it meets the de minimis exemption in that less than 25m² of habitat is lost, and that the development commenced in February 2025.

When viewing aerial photography of the area, it is clear that in May 2019 the site was clear of vegetation, however between then and June 2023 the site has become overgrown. Aerial photographs from April 2025 and photographs from the planning officers site visit in June 2025 show that the site has been cleared of vegetation and hard surfaced. The application was initially submitted in March 2025, after the work commenced but not completed. Therefore, based on the information submitted, the works are retrospective and as such BNG is not required for this application.

Notwithstanding the above, Local Plan Policy BIO1 states that development will be expected to conserve and enhance the biodiversity and geological features of the borough by

protecting and improving habitats. The site is located adjacent to Burton Bank Quarry Regionally Important Geological Site (RIGS). RIGS are mapped as priority deciduous woodland and such habitats are identified as being of principal importance identified via Section 41 of the Nature Environmental & Rural Communities Act 2006. Therefore, it is considered that native buffer planting should be incorporated at the site boundaries to avoid impact on the adjacent semi-natural habitats and also mitigate for the loss of vegetation previously on site; this can be secured by way of condition. This carries modest weight in favour of the application.

In light of the above, it is considered that the development is acceptable and in compliance with Local Plan Policy BIO1 and the provision of BNG will carry significant weight in favour of the proposal.

Other considerations

Comments were received from a councillor in relation to the proliferation of gypsy sites within the vicinity of the application site. Other than the council gypsy/traveller site at Smithies Lane, there are no known sites within 500m radius of the application site. In addition, no objections have been raised to the council from surrounding residents.

PLANNING BALANCE & CONCLUSION

In accordance with Paragraph 11 of the NPPF (2024), the proposal is considered in the context of the presumption in favour of sustainable development. The proposal is considered to be located within a sustainable location on a site suitable for residential development in the Local Plan and this weighs considerably in favour of the application.

The layout of the site is such that there is no impact on residential amenity in terms of increased overlooking, overshadowing or loss of outlook, this carries significant weight in favour of the application.

The siting of the dwellings and their impact on the character of the area is considered acceptable due to the limited views from public vantage points, this carries significant weight in favour of the application.

Barnsley Gypsy and Traveller Five Year “Deliverable” Land Supply Report April 2024 – March 2029” (July 2024) outlines a surplus of 8no pitches; however, recent appeal decisions have determined that no progress has been made regarding the deliverability of the allocated sites and as such the council cannot demonstrate a 5 year supply; this carries significant weight in favour of the application.

All other material planning considerations have been fully explored by the appropriate consultees who have raised no objections to the proposal subject to conditions and holistically this weights moderately in favour of the application.

Having balanced all material planning considerations, the positive aspects of the proposal outlined above are not outweighed by any other materials planning considerations and as such the proposal is therefore, on balance, recommended for approval subject to the conditions listed below.

Recommendation

Grant planning permission subject to conditions:-

Justification

STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015

In dealing with the application, the Local Planning Authority has worked with the applicant to find solutions to the following issues that arose whilst dealing with the planning application: This includes the removal of the day room following concerns raised by the Mining Remediation Authority.

Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering objections, the determination of the application and the resulting recommendation. It is considered that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home and his correspondence.

Conditions

The use hereby permitted shall be carried out only by Mr Nathan Smith, their partner 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. Reason: For the avoidance of doubt and in accordance with Local Plan Policy GT1 Sites for Travellers and Travelling Show people

The development hereby approved shall be carried out strictly in accordance with the amended plans and specifications as approved unless required by any other conditions in this permission.

Plan References

Location Plan

BAWA 006A Proposed Site Plan received 28th January 2026

BAWA 003 Boundary Treatment Plan

Walls, gates, fences and lights statement

BAWA 007 Touring Caravan Details received 28th July 2025

Arboricultural Impact Assessment produced by Environment Design UK dated 24th August 2025

Tree Protection Plan

Reason: In the interests of the visual amenities of the locality in accordance with Local Plan Policy D1 High Quality Design and Place Making.

Within 3 months of the date of this permission a Biodiversity Mitigation Scheme (BMS) shall be submitted to and approved in writing by the Local Planning Authority. The BMS will set out the biodiversity features to be incorporated within the site including creation, retention and/or enhancement of habitats, including integral bat and bird boxes in the site, hedgehog access points within the existing fencing and details of sympathetic lighting to avoid illumination of vegetation areas within and adjacent to the site along with a timetable for implementation.

Reason: To conserve and enhance biodiversity in accordance with Local Plan Policy BIO1.

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.

Reason: In the interests of the visual and residential amenity, in accordance with Local Plan Policies D1 and GD1 and the NPPF.

Within 6 months of 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.

Reason: In the interests of the visual amenity, in accordance with Local Plan Policies D1 and GD1 and the NPPF.

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 at any time.

Reason: In the interests of the visual and residential amenity, in accordance with Local Plan Policies D1 and GD1.