

Application Reference Number:	2025/0589
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Application Type:	Prior Approval - Demolition
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Proposal Description:	Demolition of dwelling (Prior Approval)
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Location:	134 Milton Road, Hoyland, Barnsley, S74 9BJ
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Applicant:	Tomsam Limited
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Third-party representations:	None	Parish:	None
		Ward:	Hoyland Milton

Summary:

This planning application seeks prior approval for the demolition of a dwelling.

The site falls within Urban Fabric as allocated by the adopted Local Plan. Development comprising demolition is considered acceptable in principle if proposals would not significantly adversely affect residential amenity and highway safety.

The proposal would have no adverse impact on highway safety, residential or visual amenity and is considered acceptable in policy terms. The proposal is therefore considered to be an acceptable and sustainable form of development in accordance with Section 2 of the National Planning Policy Framework (NPPF, 2024).

Recommendation:

Prior Approval not required

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 – States that proposals for development will be approved where 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 GD1 below will be applied to all development.

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 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 T4: New Development and Transport Safety – 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.

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

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance

In December 2024, The Government published a revised National Planning Policy Framework ("NPPF") which is the most recent revision of the original Framework, published first in 2012 and updated a number of times, providing the overarching planning framework for England. It sets out the Government's planning policies for England and how they are expected to be applied.

The NPPF must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions. This revised document has replaced the earlier planning policy statements, planning policy guidance and various policy letters and circulars, which are now cancelled.

Central to the NPPF is a presumption in favour of sustainable development which is at the heart of the framework (paragraph 10) and plans and decisions should apply this presumption in favour of sustainable development (paragraph 11). The NPPF confirms that there are three dimensions to sustainable development: economic, social and environmental; each of these aspects are mutually dependent. The most relevant sections are:

- Section 2 - Achieving sustainable development
- Section 4 - Decision making
- Section 9 - Promoting sustainable transport
- Section 12 - Achieving well-designed places

The National Design Guidance (2019) is a material consideration and sets out ten characteristics of well-designed places based on planning policy expectations. A written ministerial statement states that local planning authorities should take it into account when taking decisions.

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:

- Biodiversity

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

Consultations

The LPA's Biodiversity Officer was consulted and raised no objections subject to conditions.

Demolition were consulted and raised no objections.

Highways Development Control (DC) were consulted and raised no objections subject to an informative.

Hoyland Milton Councillors were consulted and raised no objections.

Pollution Control were consulted and raised no objections subject to conditions.

Representations

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

Neighbour notification letters were sent to surrounding properties, and a site notice erected at the site, no comments were received.

Assessment

The main issues for consideration are as follows:

- The acceptability of the demolition
- The impact on residential amenity and visual amenity
- The impact on highway safety

For the purposes of considering the balance in this application the following planning weight is referred to in this report using the following scale:

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

Principle of Development

Demolition is a form of permitted development under Part 11 'Heritage and Demolition', Class B of the Town and Country Planning (General Permitted Development) Order 2015 and so there are no grounds to oppose the demolition of the building in principle, which is not listed or located within a Conservation Area. It is acknowledged that there is a lack of details submitted with the application, however, notice has to be given to Building Control and Highways and Engineering where further controls and legislation apply. In addition, the contractor would have to adhere to Health and Safety Legislation set out by the Health and Safety Executive and Environment Agency.

Design and Visual Amenity

There are no implications for visual amenity through the loss of the building as the building does not have any special or significant architectural merit. The site would be left in a safe and level condition until detailed proposals are put forward for its re-development, however no details have been submitted at this stage. This weighs moderately in favour of the proposal.

Residential Amenity

There would be noise and disturbance as a result of the proposed demolition works, however, long standing residential amenity issues are not envisaged once all the materials have been removed. The building has clearly fallen into disrepair and has been disused hence its removal would benefit the area, allowing the land to be used more suitably. Pollution Control have been consulted on the application and have raised no objections to the proposals subject to the inclusion of a condition limited construction and demolition hours. This weighs significantly in favour of the proposal.

Highways Safety

There will be no impact upon highway safety. The proposal is solely for the demolition of the existing dwelling, so the application would have no long-term highway implications. It is therefore considered that the proposals do not adversely impact upon the highway and are acceptable from a highways perspective. This weighs significantly in favour of the proposal.

Impact on Biodiversity

The bat survey report submitted sets out the results of the initial building inspection survey and a subsequent emergence survey undertaken at dusk. Surveys were undertaken to recommendations within the Bat Conservation Trust guidance (2023) by appropriately qualified ecologists. No bat roosts were identified within the building proposed for demolition and therefore no impact upon roosting bats is anticipated as a result of the proposals. Recommendations are included within the report in regard to precautionary works to avoid impact upon potentially occurring bats and nesting birds. These recommendations can be secured by way of a planning condition. This weighs moderately in favour of the proposal.

Other Issues

A demolition method statement was not provided however both Highways DC and Pollution Control were consulted and didn't object to the lack of one.

Planning Balance and Conclusion

For the reasons given above, and taking all other matters into consideration, the proposal complies with the relevant plan policies and planning permission should be granted subject to necessary conditions. Under the provisions of the NPPF, the application is considered to be a sustainable form of development and is therefore recommended for approval.

Recommendation

Prior Approval not required

Justification

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

It has not been necessary to make contact with the applicant to request amendments to the proposal during the consideration of the application, as it was deemed acceptable.

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 development must be carried out within a period of 5 years from the date on which the application was submitted to the local planning authority which was the 4th July 2025.

Reason: In accordance with the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The development hereby approved shall be carried out strictly in accordance with the plans:

2020/66/SS Dwg No. PAE/01

Bat Survey produced by Whitcher Wildlife Ltd Ref 250411/1 dated 22/06/2025

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.

The development shall be completed in line with the recommendations in the Bat Survey Report (ref: 250411/1, 22nd June 2025) and the conditions of the planning permission. All the recommendations shall be implemented in full, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of biodiversity conservation.

During works, construction or demolition related activity shall only take place onsite between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.

Reason: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1.

There shall be no burning of any material on the development site during the demolition phase.

Reason: To reduce or remove adverse impacts on health and quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1.

Informatives

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.

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.

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The development hereby approved includes the demolition of existing buildings. You are advised that before undertaking any demolition, you may require a demolition licence from the Highway Authority. Please be aware that works shall be to the specification and satisfaction of the Highways Authority and you must give 6 weeks' notice of demolition. If you start demolition work without the appropriate licence, you may be prosecuted. Fees are payable for the approval of demolition, and you will be issued with a Section 81 notice prior to commencing work, or you may be prosecuted. Further information and an application form are available on the BMBC website at <https://www.barnsley.gov.uk/services/planning-and-buildings/building-control/get-permission-to-demolish-a-building/> or please contact at email demolition@barnsley.gov.uk

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If a bat or evidence of the presence of bats is discovered on site prior to or during development all work should stop immediately. A licensed bat consultant or Natural England must be contacted and works implemented only in accordance with methods advised by them. This advice note should be provided to any persons/contractors carrying out the development along with the contact details of a relevant ecological consultant. This action is necessary to avoid possible prosecution and ensure compliance with the Wildlife & Countryside Act 1981 (as amended), The Conservation of Habitats and Species Regulations 2017.

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It is recommended that measures are taken to prevent a nuisance/or affect the quality of life of local residents. Please note that the Council's Pollution Control Team have a legal duty to investigate any complaints about noise, smoke, odour, light or dust. No waste should be burnt. If a Statutory Nuisance is found to exist, they must serve an Abatement Notice under the Environmental Protection Act 1990. Failure to comply with the requirements of an Abatement Notice may result in a fine of up to £20,000 upon conviction in Magistrates' Court. It is therefore recommended that you give serious consideration to the steps that may be required to prevent a noise, light, odour, dust or smoke nuisance from being created.