



PB Planning

Millstones, Oxspring

APPEAL STATEMENT OF CASE

Yorkshire Land Limited

March 2021

Strategy > Partnership > Delivery

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1.0 INTRODUCTION

- 1.1 This Statement of Case relates to an appeal associated with the non-determination of a full planning application for the following proposed development at Land West of Millstones, Oxspring:
Development of a rural exception site including three affordable homes and two open market properties with landscaping and associated infrastructure.
- 1.2 This statement of Case has been prepared in support of the planning appeal and it provides details of the proposed development and an assessment of its compliance with relevant planning policy.
- 1.3 The application (Ref. 2020/1269) was submitted on the 2nd November 2020 and validated on the 27th November 2020. The determination date of the application was the 19th January 2021.
- 1.4 Following the validation of the application, constructive discussions commenced with the Local Planning Authority and accordingly extensions of time were granted by the Appellant on three separate occasions, extending the determination date to the 11th February 2021; 24th February 2021; and 8th March 2021.
- 1.5 Towards the end of the final extension period, it became clear to the Appellant that reaching a positive decision at the local decision-making level would not be forthcoming, notwithstanding the Appellant's view that every issue raised in association with the planning application had been resolved, and the strong national and local planning policy support for the development proposals.
- 1.6 Accordingly, the Appellant decided that the most appropriate course of action was to submit an appeal for non-determination.
- 1.7 The documentation and correspondence associated with the planning application are identified as follows: -

Submitted Application Documents: -

- Application Form
- Application Cover Letter
- Planning Statement
- Planning Statement Appendices
- Design & Access Statement
- Site Location Plan
- Proposed Site Plan – Updated March 2021
- Unit 1 to 3 Plans
- Unit 4 Plans – Updated February 2021
- Unit 5 Plans

- Covered Parking Plans
- Indicative Covered Parking Sketch – Updated March 2021
- M020-01 Landscape Proposal (A1)
- Topographical Survey
- Tree Survey
- SF2263 Ecological Appraisal
- Drainage information comprising: -
 - 19347 Flood Risk Assessment – Updated January 2021
 - 19347 SW Storage check
 - 19347 DR-C-0100 P1 Drainage Strategy
 - 19347 Maintenance Schedule
 - Rainwater Harvesting Design
- Phase 1 Land Quality Assessment
- Supplementary Information in relation to Land Contamination Assessment
- Affordable Housing Survey Results – February 2021
- Affordable Housing Survey Results - Enclosures – February 2021
- Oxspring Windfall & Safeguarded Land Deliverability Assessment – July 2015
- Vehicle Swept Path Analysis Plans – February 2021
- Draft Section 106 Wording – 19th February 2021
- Revised Viability Appraisal – 25th February 2021
- Cushman & Wakefield Cost Review – 26th February 2021

Application Letter Correspondence: -

- YLL Letter – 18th December 2020 (Includes enclosures)
- Richard Crossfield Letter – 5th February 2021
- Richard Crossfield Letter – 8th February 2021
- PBP Letter – 10th February 2021
- PBP Letter – 10th February 2021 – Enclosures
- UK Mortgage Experts Letter – February 2021
- YLL Letter – 1st March 2021 (Includes enclosures)
- PBP Letter – 3rd March 2021
- YLL Letter – 9th March 2021 (Includes enclosures)
- Millhouse Green Enforcement Letter

Application Email Correspondence: -

- PB Planning Email to BMBC – 19th January 2021
- PB Planning Email to BMBC – 21st January 2021
- PB Planning Email to BMBC – 9th February 2021
- PB Planning Email to BMBC – 19th February 2021

- PB Planning Email to BMBC - 26th February 2021
- BMBC Email to PB Planning – 2nd March 2021

- 1.8 The documents listed above are referred to within this Statement of Case where appropriate and relevant.
- 1.9 The urgent need for Affordable Homes in the Borough's villages is well evidenced. In particular, paragraph 6.33 of the Council's Sustainability Assessment prepared in support of the Publication Version Draft Barnsley Local Plan identified that there is a particularly high demand for affordable housing in the rural settlements to the West of the Borough. Which includes the Village of Oxspring. Indeed, it is in these settlements where house prices are the highest in the Borough.
- 1.10 Following the Barnsley Local Plan Examination in Public during 2018, the Local Plan Inspector concluded that the Local Plan could not be found sound without making certain Main Modifications.
- 1.11 In respect of Affordable Housing, the Inspector identified failings in respect of available planning mechanisms associated with the delivery of affordable homes in the Borough's villages and identified that if the plan was to be found sound, it should have a more positive approach to the future development within the Borough's villages (Interim Findings Report, Paragraph 28) recommending **Main Modification No.78** to ensure that Policy H8 (now Policy H7) of the Local Plan includes reference to providing some market housing where it will facilitate the provision of additional affordable housing by improving scheme viability.
- 1.12 The former Barnsley Unitary Development Plan (UDP) which covered the time period 1986-2001 (albeit the UDP was adopted in December 2000) included a Rural Exceptions Policy to encourage the delivery of Affordable Homes. However, this did not include for the delivery of some market housing as part of any proposals submitted pursuant to such policy to enable scheme viability. As a result, no planning applications were submitted or approved anywhere in the Borough pursuant to the UDP's Rural Exceptions Policy. Furthermore, no such applications have come forward since the adoption of the Local Plan in January 2019. Which therefore equates to a total period of 20 years.
- 1.13 Taking this into consideration, it is apparent that the Local Plan Inspector was seeking to encourage and enable via Main Modification No.78, in accordance with National Planning Policy, the types of development we are now proposing via this planning application, for which there is an evidenced need. Which is clearly set out within Section 3 of this Statement of Case.
- 1.14 The Council's 2014 Strategic housing Market Assessment (SHMA) and the subsequent 2017 SHMA Addendum, which are key evidence base documents underpinning the adopted Local Plan,

identify the **need to deliver 31 Affordable Homes per annum across the Rural West's Villages**. In contrast, this Statement of Case will identify that **only three affordable homes** were delivered across the entire Western part of the Borough (including the Principal Town of Penistone) over an 18-month period between January 2019 and October 2020, which is alarming in itself, before considering the backlog and historical low levels of affordable housing delivery in the Boroughs villages dating back to the time of the Barnsley UDP. But more importantly this Statement of Case identifies that, **no affordable housing has been delivered in the village of Oxspring for over two decades**.

- 1.15 Initial discussions with the Council regarding the current application proposals were initiated some 18 months prior to the submission of the Planning Application. It has becoming apparent that despite the Local Plan Inspector's direction for the Council to take a more innovative and positive approach to development within the Borough's Villages, the Council are not taking appropriate action to address the acute identified Affordable Housing Needs in the villages. Including within the village of Oxspring, where there is an evidenced need for more affordable homes for first time buyers.
- 1.16 The failure to determine this planning application is evidence of this, despite all requests and queries raised by the case officer having been addressed in a comprehensive, timely and genial manner.

2.0 SITE DESCRIPTION AND PROPOSED DEVELOPMENT

THE APPLICATION SITE

- 2.1 The site is approximately 0.36 hectares in size and is currently located in the Green Belt as designated within the adopted Barnsley Local Plan.
- 2.2 The site is situated between the established Millstones development and an established heavily landscaped tree mound.
- 2.3 Whilst the application site is now being referred to as a separate site to the adjoining Millstones Development, prior to that development taking place it was just one tract of land extending west of Bower Hill road and terminating at the base of the then recently formed mound which was at that time awaiting tree planting.
- 2.4 All of this tract of land falls into one category of a Previously Developed site as it was tipped with foundry sands from the David Brown Foundry in the 1950s and 1960s, the Council granted permission (B/96/0259/PR) in May 1996, for the excavation, screening, replacement and compaction of fill material.
- 2.5 These remediation works were then carried out in preparation for future residential development of the site.
- 2.6 In 1997 the site was surfaced in part with crushed limestone and utilised as a compound for Site offices and storage of building materials, during the construction of the Millstones Development.
- 2.7 The application site is situated between an established housing development named Millstones and a heavily landscaped tree mound; this was originally delivered at the Council's request, to provide a physical and enduring demarcation between the Millstones development and the Rocher Valley.
- 2.8 The landscaped mound was designed jointly between landscape architects at that time, Smeeden Foreman, and the Council's Planning and Countryside Officers to create an extension of the wooded hillside located to the north of the site. Permission was granted for the creation of a landscape mound on the 17th March 1994 (Ref. B/94/0109/PR).
- 2.9 Since the construction of the adjoining Millstones development the application site, which was remediated, levelled and prepared to support future development, has remained vacant and undeveloped.

- 2.10 The adjoining high quality, low density Homes forming the Millstones development, consists of 16 dwellings (pursuant to the Council's approval of reserved matters in August 1997 – LPA Ref. B/97/075/PR).
- 2.11 The northern and western boundaries of the site are lined by dense mature deciduous woodland, and there is an existing area of residential development adjacent to the eastern site boundary. The River Don forms the southern boundary of the site, with further woodland beyond.
- 2.12 The site has strong, well defined and defensible boundaries which clearly separate the land from the wider Green Belt beyond it. This is shown in greater detail within the Landscape Statement produced by Smeeden Foreman and dated May 2014, which was submitted with the previous planning application (Reference 2014/0482) for four detached family/executive open market homes at the site.
- 2.13 The proposed development area extends a modest distance beyond the existing residential area at Millstones, and any further encroachment into the Green Belt beyond would not be possible due to the presence of the mature woodland to the north and west, which would form strong, permanent physical boundaries.
- 2.14 Development at the site would not have a significant impact upon local landscape character. Moreover, the proposed development would create a better defined and more defensible edge to the Green Belt, as opposed to the present situation.
- 2.15 The proposed development would represent a very modest expansion and to all intents and purposes it amounts to an infill scheme on a small, well-screened area of land between existing built development as well as mature trees and the River Don, all of which will form an enduring defensible boundary.
- 2.16 Oxspring represents a sustainable location for new housing development and the village is served by a variety of facilities.
- 2.17 The site is located within walking distance of local amenities within Oxspring Village including a local school, parks and play areas, a public house, countryside walks including the Trans Pennine Trail. Bus stops are located on Sheffield Road providing public transport links to Springvale (1.2 miles) and Penistone (1.8 miles), other local villages as well as Barnsley and Sheffield in the wider area. The site is considered to be in a sustainable location.

THE PROPOSED DEVELOPMENT

- 2.18 The scheme comprises of 5 homes. **60% of which are affordable homes**, double that required by the adopted Barnsley Local Plan for this location of the Borough.

- 2.19 The proposal has evolved to meet an identified housing need for Affordable Homes in the Parish of Oxspring, a Western Rural Village within the Barnsley Borough.
- 2.20 The proposals have due regard to the policies and objectives of the adopted Oxspring Neighbourhood Plan (June 2019) in respect of supporting the provision of fair and accessible housing for local needs and local people and of the Barnsley Local Plan (January 2019) namely Policy H7 and supporting paragraph 9.29, which make provision for Rural Exception Sites to be considered to provide affordable homes in rural settlements that are constrained by or washed over by Green Belt.
- 2.21 Three of the proposed homes will be made available as discount for sale affordable homes for first time buyers of the Village/Parish area. The value of these properties will be discounted by 35% from their market value in order to ensure that they are affordable. This level of discount will be legally fixed to the properties, ensuring they remain affordable in perpetuity.
- 2.22 Two detached market homes are also proposed as part of the scheme, which are essential to ensure the Three Affordable Homes are viable. The two detached market homes have been designed to respond to the Council's Housing and Economic Strategies and the 2014 Strategic Housing Market Assessment Update, all of which identify a need for larger family/Executive homes in the Western Rural part of the Borough.
- 2.23 The proposals comprise a carefully considered small scale residential development within a residential area providing much needed good quality local housing within a sustainable location.
- 2.24 The proposals illustrate a development of five dwellings comprising a row of three terraced cottages and two larger detached houses.
- 2.25 The terraced cottages have small front gardens and access to larger private gardens at the rear. They adopt a design style and appearance to similar more traditional cottages within the village being of similar scale and featuring steeply pitched roofs, external walls in stone with stone quoins to principal corners, tall sash windows and front doors with over-lights. Low stone walls provide enclosure to front gardens with space for landscape planting. The design of the terrace is typical of the semi-rural vernacular and provides an attractive streetscape at the entrance to the site. The covered parking (shown on the right of the sketch drawing) extends the frontage and provides sheltered parking for Units 2 and 3.
- 2.26 Units 4 and 5 are larger dwellings but also maintain traditional appearance with dark brown roof tiles, natural stone walling, black ogee section gutters and off white or oak colour window frames with flush casements set into deep reveals. The larger dwellings feature a two-storey principal element with lower additions to provide an interesting and attractive appearance, limiting mass and scale whilst providing good quality and flexible living spaces. In particular large garages

and storage is provided and a Home Office above the garages to provide opportunities for more flexible working.

- 2.27 The proposed dwellings will reflect the design and appearance of traditional dwellings within the area incorporating high quality natural materials. The proposals have been sensitively designed to deliver a scheme which takes full account of the physical characteristics of the site and avoids overlooking and loss of amenity to new and existing dwellings.
- 2.28 Full details in respect access, appearance, landscape, scale and amount are provided within the submitted Design & Access Statement and will not be repeated here for brevity.
- 2.29 Following the submission of the planning application minor amendments were made to the scheme and further plans were submitted as follows: -
- Amendment to Plans: -
 - January 2021 – Site Plan & Plot 5 - To reflect amendment to Plot 5 location to remove from areas of identified flood risk and to remove EA objection.
 - February 2021 – Site Plan & Plot 4 – To removal of ground floor window on eastern elevation of Plot 4 to remove concerns of overlooking from adjacent resident.
 - March 2021 – Site Plan – To provide additional landscape planting surrounding the proposed covered parking area for Plots 1-3 to respond to design comments.
 - Additional Plans: -
 - February 2021 – Vehicle Swept Path Analysis – To respond positively to comments received from highways officers by demonstrating that a refuse vehicle can manoeuvre appropriately within the confines of the highway. Of note the refuse vehicle tracking requested was for a vehicle of 10.3m x 2.5m and the refuse vehicle utilised for tracking purposes in the enclosed swept path analysis is 10.320m x 2.530m. So slightly larger.
 - March 2021 – Indicative Covered Parking Area Sketch – To illustrate the high quality of what is being proposed and the screening that would be provided by the proposed stone wall and landscaping.
- 2.30 Further details are also set out in Section 4 and Section 5 of this Statement where we explain how the scheme has evolved to respond positively to comments made by 3rd parties.

3.0 PRINCIPLE OF DEVELOPMENT

3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that:

“If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

3.2 As identified in Section 2 of this statement, the Appeal Site is identified in the Green Belt within the adopted Barnsley Local Plan. The Barnsley Local Plan was adopted in January 2019. The Local Plan is now the statutory development plan for the Barnsley Metropolitan Borough Council local authority area.

3.3 The statutory development plan for the application site also includes the Oxspring Neighbourhood Development Plan which was adopted in June 2019.

3.4 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

3.5 The policies of relevance to the development proposals are also supported by supplementary planning documents and other evidence base documents such as the Strategic Housing Market Assessment.

3.6 In this section of the Statement, we outline national and local planning guidance which supports the principle of the proposed development. We then provide the further evidence needed to demonstrate that the development fully meets the necessary planning policy requirements.

NATIONAL PLANNING GUIDANCE

3.7 Paragraph 145(f) of the National Planning Policy Framework (NPPF) outlines that *“limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites)”*.

3.8 The guidance presented in Paragraph 77 of the NPPF relates to this guidance and states that *“in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs and consider whether allowing some market housing on these sites would help to facilitate this”*.

- 3.9 The specific wording in the paragraph is supported by the general rhetoric of the NPPF in respect of significantly boosting the supply of homes across the Country. Specific extracts from the NPPF in this regard include: -
- Paragraph 59 - *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.*
 - Paragraph 60 - *To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment.*
 - Paragraph 61 - *Within this context (of Paragraph 60), the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).*
 - Paragraph 78 - *To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.*
- 3.10 Finally, Annex 2: Glossary of the NPPF confirms that Discounted Market Sale Housing are included in the definition of affordable housing: -
- ***Discounted market sale housing:*** *is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.*
- 3.11 The development proposals would therefore be entirely in accordance with the guidance presented in the NPPF should evidence be provided to demonstrate that it responds to identified local needs and that the delivery of market housing is needed to facilitate this.

LOCAL PLANNING GUIDANCE

- 3.12 The adopted Barnsley Local Plan provides local planning guidance which reflects that which is set out in the NPPF. In particular Policy H7 of the Local Plan identifies that "*Limited affordable housing to meet community needs may be allowed in or on the edge of villages*".
- 3.13 Further commentary in support of Policy H7 is provided in the justification text which states that:
- Paragraph 9.28 - *The Council will look to accommodate starter homes in developments, in accordance with relevant Government policy.*
 - Paragraph 9.29 - *We recognise the importance of providing affordable homes in rural settlements that are constrained by or washed over by Green Belt. Policy H7 makes provision for rural exception sites to be considered. These may in some instances be on the edge of the settlement. Sites on the edge of settlements will need to provide acceptable mitigation of their impact on the countryside or they will not be considered to be acceptable locations for residential development. We will require a planning obligation to make sure*

the homes remain affordable. If provision of some market housing is necessary to make the affordable housing viable, this would be considered and would be subject to an open book viability appraisal.

- Paragraph 9.30 - *The Council will seek every opportunity to work positively with developers and other partners to deliver affordable housing and a mix of houses housing types to meet local needs through use of its own land, all available funding opportunities, innovative development models and other initiatives.*

3.14 The wording outlined above from both Policy H7 and the justification text was included following a number of comments made by the Local Plan Inspector in respect of ensuring a more positive approach to development in the Borough's Villages. Key extracts from the Inspector's report include the following: -

- Paragraphs 7 & 79 - *The plan's approach to the villages was not based on up-to-date evidence and not positively prepared.*
- Paragraph 64 - *Policy H8 (now Policy H7) also supports exception sites for affordable housing. As submitted, the wording of the policy would preclude schemes from coming forward within the built-up area of villages that are inset from the Green Belt which is unnecessarily restrictive. In order to ensure that Policy H8 is positively prepared and sets out suitable mitigation measures, MM78 is necessary. For consistency with national policy, MM78 also ensures that Policy H8 includes reference to providing some market housing where it will facilitate the provision of additional affordable housing by improving scheme viability.*
- Paragraph 84 - *The delivery of affordable housing will be supported through other mechanisms including through exception sites and Neighbourhood Plans, in addition to being delivered as a proportion of open market housing through the application of Policy H8 (now Policy H7 in the adopted Barnsley Local Plan).*

3.15 For clarity Main Modification 78 (MM78) recommended by the Inspector stated as follows: -

- Policy H7 - *Limited affordable housing to meet community needs may be allowed in ~~Green Belt~~ **or on the edge of villages.***
- Paragraph 9.29 - *We recognise the importance of providing affordable homes in rural settlements that are constrained by or washed over by Green Belt. Policy H8 (now Policy H7) makes provision for rural exception sites to be considered ~~specifically for affordable housing where market value homes would not be allowed~~. These may in some instances be on the edge of the settlement. **Sites on the edge of settlements will need to provide acceptable mitigation of their impact on the countryside or they will not be considered to be acceptable locations for residential development.** We will require a planning obligation to make sure the homes remain affordable. **If provision of some market housing is necessary to make the affordable housing viable, this would be considered and would be subject to an open book viability appraisal.***

3.16 It is clear that the Local Plan Inspector sought amendments to the Local Plan in order to ensure that the identified housing needs of the Borough's Villages could be met. At that time, the identified housing needs of the Villages were set out in the Council's Strategic Housing Market Assessment (SHMA). We discuss the findings of the SHMA further below.

3.17 The Local Plan introduces two further policy requirements in respect of the development proposals. The requirement for a planning obligation to ensure that the homes to be provided remain affordable in perpetuity. It also identifies that viability evidence will need to be provided

to justify the provision of some market housing to ensure that the delivery of the proposed affordable homes is viable.

- 3.18 The policy wording in the Local Plan and justification text do not set out any other specific requirements in respect of a minimum target/percentage of affordable housing that is required when assessing applications for the type of development being sought by the planning application. It could therefore be argued that any proposal that delivers a level of affordable homes above the targets set out in the Local Plan could be considered acceptable if they were supported by evidence of local housing need and viability evidence. Nor does the Local Plan present any specific policy guidance which identifies a methodology for undertaking housing surveys to establish a local community housing need.
- 3.19 To support the policies of the Local Plan, the Council adopted the Affordable Housing Supplementary Planning Document (SPD) in May 2019. The following extracts are of importance to the application proposals: -
- Paragraph 2.2 - *Some people cannot afford to buy or rent houses that are generally available on the open market. The Council aims to provide homes for everyone in the borough, no matter what their income and the cost of buying or renting a house.*
 - Paragraph 2.3 - *The main source of information on local housing needs is taken from the 2014 Strategic Housing Market Assessment (SHMA) and 2017 SHMA Addendum.*
 - Paragraph 2.4 - *The 2017 SHMA Addendum identified an annual net shortfall of 292 affordable dwellings assuming the backlog is cleared over a ten-year period.*
 - Paragraph 2.5 - *The Local Plan seeks to achieve at least 21,546 net additional homes during the plan period 2014-2033. This equates to 1,134 net additional homes per annum. The Local Plan housing growth target seeks to meet the need for market and affordable housing in full, including the backlog from previous years.*
 - Paragraph 2.6 - *The Council's housing waiting list for the whole borough, as of November 2018, is 7,066.*
 - Paragraph 2.10 - *Affordable Housing must comply with one or more of the following definitions: -*
 - **Discounted market sales housing** – *are dwellings sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.*
- 3.20 The SPD identifies the substantial affordable housing needs of the Borough and confirms the Council's objective to meet this need in full. Furthermore, the SPD identifies the Council's aim to provide homes for everyone in the Borough, no matter what their income or the cost of buying a house. Linked to this is the confirmation that Discounted Market Sales Housing is included in the definition of affordable housing in accordance with the NPPF. Again, the SPD does not present any specific policy guidance which identifies a methodology for undertaking housing surveys to establish a local community housing need.

- 3.21 The final strand of local planning policy guidance is the Oxspring Neighbourhood Development Plan (June 2019). A key objective of the Neighbourhood Plan is to support the provision of fair and accessible housing for local needs and local people.
- 3.22 With regards to specific policy requirements of the Oxspring Neighbourhood Development Plan, Policy OH1 relates to Meeting Local Housing Needs and states that *“affordable housing will be provided on schemes of 15 units or more in accordance with Local Plan Policy H7 Affordable Housing and must be fully integrated with market housing. Affordable housing will be allocated in the first instance to those with a local connection and affordable housing for rent will be let in accordance with Barnsley Council’s Lettings Policy for Local Connections”*.
- 3.23 However, whilst the policy identifies a trigger point of schemes above 15 homes in size, in accordance with the NPPF and the Barnsley Local Plan, the Neighbourhood Plan also includes wording in respect of the acceptability of Rural Exception Sites where it states in the Glossary that these are *“small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. A proportion of market homes may be allowed on the site at the local planning authority’s discretion, for example where essential to enable the delivery of affordable units without grant funding”*.
- 3.24 The key additional text outlined in this definition is that the Neighbourhood Plan considers that such sites should seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. Whilst this definition isn’t policy guidance, it does provide further guidance in respect of establishing local housing needs.
- 3.25 With regards to meeting evidenced local housing needs, the following extracts of the Neighbourhood Plan are particularly pertinent: -
- Paragraph 5.1.5 - *Policies in the NDP should address the need for a greater number of smaller homes suitable for people wishing to downsize, the elderly and first-time buyers as identified in the Summary of Housing Needs & Capacity Assessment Advice Notes for Oxspring and in response to changing trends nationally related to the ageing population.*
 - Paragraph 5.1.6 - *The results of the questionnaire in early 2015 demonstrated overall support from local residents for emerging policies on accessible housing for local people (81.48% of paper copy respondents agreed with this policy and 76.19% of online respondents) and windfall housing sites (82.72% of paper copy respondents supported this and 90.48% of online respondents).*
 - Paragraph 6.1.1 - *There is a need to consider how best Oxspring can improve its housing provision to meet the needs of all residents, including those with lower income and with special needs be they elderly, disabled or the infirm.*

- Paragraph 6.1.5 - *The long-term viability of the Parish is compromised by the lack of affordable housing as many local people on lower incomes, including young people, find it difficult to afford housing within their own community where there are existing informal support networks linked to family and friends. Affordable housing levels are set out in the Local Plan which identifies the need to provide 30% of affordable homes in developments of 15 or more dwellings (Local Plan Policy H7).*
- Paragraph 6.1.6 - *The Housing Needs Advice paper produced by URS and commissioned on behalf of the Parish Council for the Oxspring NDP highlights that local housing provision has to be 'fair and proportionate' to the local community's needs. The findings set out in the document demonstrate that in the interest of providing suitable housing for local people, retaining young people, families and older people wanting to downsize and thus having a sustainable and balanced population, a small amount of housing growth is critical. When considered alongside the fairly low level of housing that would be acceptable in planning policy terms in the Parish of Oxspring, it is clear that future housing growth should cater for the needs of the local population first and foremost.*

- 3.26 The Neighbourhood Plan clearly supports the delivery of affordable homes within the Village, with a specific focus put on supporting the need of **first-time buyers**. It identifies that the long-term viability of the Parish is compromised by the lack of delivery of affordable housing in recent years. The evidence base which supports the Neighbourhood Plan's housing policies is provided by the URS Housing Needs Advice Paper, this document is discussed further below, however, it is clear that the evidence base identifies that a small amount of housing growth in the Village is critical in order to meet affordable housing needs.
- 3.27 The planning policy support for the development proposals is clear and accordingly the principle of what is being proposed is acceptable, subject to the provision of evidence to demonstrate that the development would meet an identified local housing need; that the proposed open market homes are required to enable the delivery of the affordable properties from a viability perspective; and that the affordable homes should remain affordable in perpetuity.
- 3.28 The following section of this statement provides this evidence.

MEETING IDENTIFIED LOCAL AFFORDABLE HOUSING NEEDS

- 3.29 At the Borough level, the Council's SHMA identifies an annual affordable housing need of 31 homes in the Rural West (Villages). Which over the 18-year Local Plan period equates to 558 affordable homes alone.
- 3.30 Indeed, Paragraph 6.33 of the Council's Sustainability Appraisal prepared in support of the Publication Version Local Plan identifies that there is a particularly high demand for affordable housing in the rural settlements to the west of the Borough.
- 3.31 Under the current policy wording of the adopted Local Plan, the only opportunities to deliver new homes in the Villages would be through small-scale windfall sites or rural exception sites.

Mechanisms that have historically been available and which have failed to meet identified housing needs on account of their lack of availability; the size of sites being below the affordable housing policy thresholds; the fact that a large majority of the sites will be located in the Green Belt; and there being no desire/evidence of developers/landowners seeking to bring rural exception sites forward.

- 3.32 It is well evidenced that the historic delivery of affordable homes within Villages is only viable through the release of open market housing. Due to there being no rural exception sites being delivered anywhere in the Borough over the last ten years.
- 3.33 Notwithstanding the above, no new affordable homes have been delivered in Oxspring for over 20 years. The current planning application at Roughbitchworth Lodge (Ref. 2018/1433) has the potential to deliver 7 affordable homes. However, this development has yet to commence, and we do not believe that the affordable housing offer will include any discount for market sale properties, which would meet the needs of first-time buyers.
- 3.34 Indeed, **no discount for market sale properties have been delivered anywhere in the Borough ever.**
- 3.35 Previous discussions with the Council in respect of the Appeal Site during 2019 identified that as part of the preparation of a new SHMA, the Council would be looking to establish a more micro-level understanding of the housing needs for each settlement of the Borough. Including the Villages. This work has not been published yet, but we are aware that Oxspring Parish Council rejected the opportunity to take part in this process and instead wanted to rely on the evidence base which supported the Oxspring Neighbourhood Plan (as identified in Item 8A. Minutes of Oxspring Parish Council Meeting, Monday 03 February 2020).
- 3.36 As outlined above, the evidence base supporting the Oxspring Neighbourhood Plan included an independent URS Housing Needs & Capacity Advice Note for the Village commissioned by Planning Aid England on behalf of the Parish Council.
- 3.37 The URS Report was prepared on behalf of Oxspring Parish Council in order to aid the delivery of Oxspring's 'fair share of development' and to subsequently inform the policies and proposals of the Oxspring Neighbourhood Plan.
- 3.38 A key conclusion of the report was the identification of a housing need of 68 homes in the previous plan period (i.e., to 2026), which can be extrapolated to 96 homes over the current Barnsley Local Plan period to 2033. The report identifies the need to deliver a range of house types, including affordable housing.

- 3.39 The conclusions of the URS Study provided the evidence base for the Oxspring Neighbourhood Plan to identify the need to provide fair and accessible housing for local needs and local people as a key objective of the Plan. Including the need to deliver affordable homes for first time buyers. Otherwise, the long-term viability of the Parish would be compromised by the lack of affordable housing *“as many local people on lower incomes, including young people, find it difficult to afford housing within their own community where there are existing informal support networks linked to family and friends”*.
- 3.40 However, whilst the affordable housing objectives of the Neighbourhood Local Plan are clear, its policies rely on those of the adopted Barnsley Local Plan when it comes to delivery i.e., the housing allocation at Roughbitchworth Lodge; non-Green Belt windfall sites; and rural exception sites.
- 3.41 We previously undertook an assessment of the available non-Green Belt housing sites located within Oxspring (*Non-Green Belt Windfall and Safeguarded Land Housing Deliverability and Capacity Assessment – July 2015*) to identify whether there are sufficient deliverable sites to meet Oxspring’s identified housing needs in the Barnsley Local Plan period to 2033.
- 3.42 The findings of the assessment were clear in that there are no deliverable non-Green Belt sites that could meet the Village’s identified housing needs. Furthermore, even if these sites were considered deliverable, all of these sites would deliver less than 15 homes and thus there would be no requirement to deliver affordable housing as part of any housing proposals in accordance with Local Plan Policy H7.
- 3.43 Accordingly, the only way in which the identified affordable housing needs of Oxspring will be met is through the release of Rural Exception Sites. This policy mechanism has been available for a considerable period of time and has failed to deliver any affordable homes in the Village.
- 3.44 Consequently, a more innovative delivery mechanism should be considered as prescribed by Paragraph 9.30 of the adopted Barnsley Local Plan. Such as facilitating the delivery of affordable homes through the provision of some market housing to ensure scheme viability. Which is exactly why the Barnsley Local Plan Inspector recommended that the policies and justification text of the Local Plan should be updated, via Main Modification No.78 to enable such developments to come forward. The application proposals represent this type of development.
- 3.45 Whilst the housing needs evidence presented in the Council’s SHMA and the Oxspring Neighbourhood Plan is clear, in order to ensure that the development proposals unequivocally

comply with national planning guidance, the applicant has undertaken their own survey of the Village to seek to establish the local housing need for discount market sale housing.

3.46 The survey consisted of distributing an advisory leaflet to every household in the Village (Tuesday, 03 November 2020) and placing public notices in the Barnsley Chronicle (Friday, 16 October 2020), Penistone Living Magazine (Friday, 30 October 2020) and on the Social Media Account of our client's Agent, Lancaster's Property Services. A copy of the leaflet and the notice are enclosed within the Appeal submission documents.

3.47 The leaflet/notice provided details of the proposed development and invited residents of the Village/Parish in need of affordable housing to register their interest with the Appellant's agent. Following the receipt of the responses, the applicant's agent then wrote to each interested party to request confirmation that: -

- They are a resident of the Village/Parish; or
- They are related to someone who lives in the Village/Parish; or
- They are in full time employment at an established business located in the Village/Parish.
- They are between 23 and 40 years of age; and
- They do not have a gross household income of over £80,000 per annum.

3.48 The applicant's agent also asked what type/size of home they were in need of. The responses received are summarised in the table below (for private & confidentiality reasons). Full details of the responses have been submitted separately to the Council within the Affordable Housing Survey Results document which is enclosed with this Appeal submission.

Resident Name	Address/Location	Local Need Relationship	Age	First Time Buyer	Type/Size Housing Need
Mr M	Oxspring	Lives in Village	Under 40	Y	2 Bedroom
Ms L	Oxspring	Lives in Village with Parents	31	Y	3 Bedroom
Ms H	Oxspring	Lives in Village with Parents	21	Y	2 & 3 Bedroom
Ms Pot	Oxspring	Lives in Oxspring	27	Y	2 Bedroom
Mr B	Oxspring	Lives in Oxspring	24	Y	2 Bedroom
Ms J	Penistone	Parents Live in Oxspring	Under 40	Y	3 Bedroom
Ms L	Oxspring	Lives in Oxspring	Under 40	Y	2 or 3 Bedroom
Ms Por	Not Oxspring	Parents Live in Oxspring	Under 40	Y	2 Bedroom
Mr H	Oxspring	Lives in Village with Parents	25	Y	2 or 3 Bedroom
Ms F	Oxspring	Lives in Oxspring	39	Y	3 Bedroom
Mr S	Not Oxspring	Brother Lives in Oxspring	26	Y	2 or 3 Bedroom
Ms W	Not Oxspring	Grandparents Live in Oxspring	Under 40	Y	3 Bedroom
Ms C	Oxspring	Lives in Village with Parents	23	Y	2 or 3 Bedroom

- 3.49 It is important to recognise at this point that the wording of the leaflet and questions posed to respondents were derived from the definition of a Rural Exception Site as set out in the Glossary of the Oxspring Neighbourhood Plan.
- 3.50 The survey undertaken by the applicant provides robust evidence that there is an established local housing need in the Village for the three affordable homes being delivered as part of the development proposals.
- 3.51 The table above only lists those responses which met with the locational criteria stipulated in Paragraph 3.47 above. A significant number of additional responses were received from people seeking to buy their first home from the wider Oxspring/Penistone area, demonstrating that the acute affordable housing needs identified in local planning policy guidance and evidence exists. Details of which are provided in the Affordable Housing Survey Results document.
- 3.52 Of the 24 people that responded to the survey, 13 provided evidence to confirm that they met the established criteria. It is important to remember that only 3 of these 13 people/households are required to meet the criteria in order for the scheme to be considered acceptable in planning policy terms with regards to meeting an identified local housing need. Which unfortunately means in this case that 10 people/households would still need to seek other housing opportunities in the Village, which at this time simply do not exist.
- 3.53 The survey findings therefore corroborate the evidence presented in the SHMA and the Oxspring Neighbourhood Plan/URS Study.
- 3.54 Notwithstanding the fact that the evidence presented is robust, as the Council has yet to update the SHMA and as the Parish Council have rejected the opportunity to undertake their own survey of the Village, the evidence provided in support of the planning application is the only micro-level local housing needs evidence which is available for use in the determination of this Appeal.
- 3.55 Accordingly, the development proposals would meet an evidenced local community need as required by national and local planning guidance.
- 3.56 Finally, with regards to mechanisms of delivering discount market sale housing, enclosed with this statement is a letter from Kester Horn of Space Partnerships dated 30th October 2019. Mr Horn works with a large number of Registered Provider Housing Associations (RP's) to deliver both Homes England grant funded and S106 affordable housing within Yorkshire, including Barnsley.
- 3.57 The letter from Mr Horn confirms that the delivery of discount market sale housing will in reality only be delivered by private developers and not registered providers. Which has led to little or

no delivery of this form of affordable housing in recent years. Mr Horn's letter specifically comments as follows: -

"Whilst the majority of affordable homes delivered have been for affordable rent, rent to buy and shared ownership, we have seen limited delivery of starter homes by housing associations. In our experience, starter homes are not provided by housing associations as part of their intermediate tenure products, as they do not fit within their business models.

Housing associations are run on the basis of long-term business plans, relying upon incomes from rents modelled over 30 years, or shared ownership accommodation, where the RP receives a rent on their retained proportion of the property. A short-term sales income through the starter homes model does not fit with this strategy.

The consequence of this, is limited delivery of starter homes, as they are not being delivered at any scale via Homes England grant, whilst RP's will shy away from this tenure if made available through S106 affordable homes. As a result, there is an unmet housing need for those that are seeking an affordable home ownership product but have sufficient capital to take a greater initial share than if offered via shared ownership. Starter Homes or a Discount for Market Sale product would help to meet this unmet need."

3.58 The evidence provided in Mr Horn's letter therefore identifies that the only available mechanism to deliver the established first-time buyer discount for sale local housing needs of Oxspring is via private development proposals such as those being proposed by this planning application.

3.59 The development proposals should therefore be strongly supported for this reason.

VIABILITY

3.60 The development proposals seek to reduce the Open Market Value (OMV) of the proposed affordable discount market sale homes by 35%. This level of reduction is proposed to ensure that the affordable homes are truly affordable for first time buyers now and that they remain affordable in perpetuity.

3.61 The applicant's appointed agent Richard Crossfield of Lancaster's Property Services has valued the proposed two-bedroom homes at £235,000 each and the three-bedroom home at £250,000 on an OMV basis. Two letters confirming this valuation were submitted as part of the planning application dated 16th October 2020 and 8th February 2021.

3.62 The proposed 35% reduction in value would thus result in the two-bedroom homes being sold at a reduced price of £152,750 and the three-bedroom home being sold at a reduced price of £162,500.

3.63 The 35% reduction in revenue equates to a loss of sales income of **£252,500**.

3.64 The two open market properties are therefore required to absorb this reduction in sales revenue.

- 3.65 In order to fully demonstrate this position, the Appellant submitted a Viability Appraisal to the Council as part of the planning application process. The appraisal was submitted alongside an independent assessment undertaken by Cushman & Wakefield (Cost Review letter dated 26th February 2021).
- 3.66 The Cost Review letter refers to a revised assessment that the Appellant produced following initial feedback on their viability appraisal by Cushman & Wakefield. The revised Viability Appraisal is enclosed with the submitted appeal documentation.
- 3.67 Within Cushman & Wakefield's original assessment of the appraisal they identified an error in the calculation of the Sales & Marketing Fees. The Appellant had previously based on 3% of costs, whereas it should be based on 3% GDV. This has been rectified. They also identified that Profit could range between 15%-20% GDV and whilst the Appellant thinks that there is a strong argument to retain a 20% Profit level in the appraisal, within the revised appraisal they used the lower 15% Profit level for the purposes of sensitivity testing.
- 3.68 The results of the appraisal remain unchanged and clearly outline a negative residual land value. Which, importantly, does not include any value/cost for the land.
- 3.69 Accordingly, an expert and independent assessment of the submitted Viability Appraisal by Cushman & Wakefield supports and confirms the following conclusion: -

The viability assessment concludes that when utilising the evidence provided by a local expert estate agent (sales values) and industry accepted viability inputs, the scheme would be unviable. We consider this an acceptable assessment to present to the Council as in reality this means that even if the Council would wish to amend specific inputs to suit what they consider to be more acceptable, the likelihood is that the assessment would still conclude that the scheme is unviable or would break even when using industry accepted figures. We have also not included a value for the land in the assessment at this stage for the same reason. But what is clear is that this assessment can be considered sufficient evidence to demonstrate that the required policy test has been passed given that the applicant would clearly not be making an unreasonable amount of profit from the development proposals.

- 3.70 With regards to viability matters, the planning application simply needs to demonstrate that the market properties are required to make the delivery of the proposed affordable homes viable without the landowner/developer making an unreasonable amount of profit. Which is exactly what the viability assessment demonstrates, and the conclusions of which have also been independently vindicated via an external assessment undertaken by Cushman & Wakefield.
- 3.71 The submitted viability evidence therefore provides sufficient justification to confirm that the development proposals meet with the required policy tests in respect of demonstrating that the

delivery of the three affordable homes would simply not be viable without the two market properties.

- 3.72 Further evidence of this conclusion is found in the fact that no rural exception sites have been delivered in the Borough for over 10 years or ever in Oxspring.
- 3.73 Accordingly, in the spirit of the justification text outlined in Paragraph 9.30 of the Barnsley Local Plan, the Council should support every opportunity to work positively with developers to deliver affordable housing and a mix of houses housing types to meet local needs through the use of innovative development models such as that being proposed by this planning application.

AFFORDABLE HOUSING IN PERPETUITY

- 3.74 The planning application is supported by a Section 106 Legal Agreement which stipulates that the proposed 35% reduction of market value of the three affordable homes will remain in perpetuity through restricting future re-sales to this level of reduction and that the properties must be sold to first time buyers.
- 3.75 In addition, this is further re-enforced by the S106 Agreement which places a restriction on the title of each property, effectively ensuring that the 35% discount is maintained in the future. Such a proposal is in accordance with the guidance presented in the enclosed letter of Mr Horn.
- 3.76 The S106 Agreement also includes the local needs restrictions (identified in Paragraph 3.26 above) within the S106 legal obligations to ensure that future purchasers of the affordable homes meet the planning policy requirements associated with the development.
- 3.77 Finally, to safeguard the delivery of the proposed affordable homes **ahead of the open market properties**, the S106 agreement also contains legal obligations that require the completion of the affordable homes prior to the occupation of the open market properties.
- 3.78 These obligations will ensure that the affordable homes remain affordable in perpetuity; that they will only be made available to meet the needs of the local community; and that they must be delivered simultaneously with the open market properties. Providing the Council with certainty that the proposals unambiguously comply with the relevant national and local planning policy guidance.
- 3.79 Finally, following the submission of the planning application, the Appellant submitted a letter from Paul Onslow at UK Mortgage Experts, which confirms mortgage availability for the proposed affordable properties at the scheme. This letter provides further comfort of the ability

of the affordable homes to be delivered and secured for local people at a discounted value in perpetuity.

MEETING IDENTIFIED OPEN MARKET HOUSING NEEDS

- 3.80 Whilst the focus on demonstrating the principle of development has been on the proposed affordable homes, great weight should also be given in the determination of the application to the delivery of the two detached open market properties on the basis that they meet another pressing housing need identified in the SHMA.
- 3.81 The SHMA identifies that the provision of executive/family homes is needed in the Borough to support economic growth and to address social imbalances by pulling higher income earners into Barnsley.
- 3.82 Indeed, the SHMA states that a challenge for the Borough *'must be to provide more large houses in the better areas of Barnsley MB to retain, and also attract, mid-upper income households.'* The SHMA states that executive housing provision will have a role in responding to *"the need for diversification and expansion of the sub-regional economy and in contributing towards achieving wider population and economic growth objectives for the Region".*
- 3.83 In the Promotional Video recorded on 24 February 2014 for the Oxspring Neighbourhood Plan the Council's Planning Officer, Helen Willows, made clear when discussing the SHMA that it: -
"...will be able to give some detail about the type of housing that we want to see in Oxspring over the next 15 years. That's looking to support not only local needs housing but also to make a significant contribution to the Council's economic aspirations, to make a significant contribution to the provision of executive, low density housing to meet the aspirations of the economic strategy."

The full version of the Promotional Video can be found at the following link: -
<https://youtu.be/SXH1FYsY5Q>
- 3.84 The SHMA identifies that in terms of locations for "executive" family housing it was agreed by all of the housing developers consulted as part of the SHMA's preparation that the western area of the Borough would *"provide more favourable locations for executive type housing giving good access to the motorway network, Leeds and Sheffield".*
- 3.85 The SHMA concludes that there is a shortfall of all property types in the Borough, but specifically in detached executive family house types. It concludes that future development should focus on addressing identified shortfalls to reflect household aspirations by delivering a house type mix that should take account of the identified imbalances.

- 3.86 Furthermore, the Council's adopted Economic Strategy entitled "*Growing Barnsley's Economy (2012 – 2033)*" recognises the need to deliver a "step change" in the quality and mix of housing available in the Borough. To ensure the delivery of these aspirations the Strategy recognises that the Council will need to work in collaboration with the private sector to deliver a housing mix which meets the future requirements of the Borough.
- 3.87 It is well documented that Barnsley has experienced the trend of more people on higher and medium incomes moving out of the Borough than are moving in, which of course can be attributed to the fact they are unable to find suitable housing options to meet their needs. The Council's Economic Strategy recognises this and also identifies that if left to market forces the economic performance gap between Barnsley and the region is likely to widen thus placing the Borough in an even less favourable position for inward investment, indigenous business growth and generally providing local residents with lower levels of new economic opportunities. An identified issue that requires tackling to solve the economic issues of the Borough is the "*inadequate supply of appropriate development sites and executive housing*".
- 3.88 BMBC's adopted Housing Strategy for the period 2014-2033 reiterates the key messages of the adopted Economic Strategy. It again identifies the key objective of increasing the number of larger (4 and 5 bed) family/higher value homes across the Borough and specifically identifies the objective of delivering "*c.2500 larger family/higher value homes*" in the strategy period.
- 3.89 All of the evidence highlighted above clearly points to a need for more executive housing in order to stem the flow of higher income households out of the Borough in search of larger properties, and also to attract the higher income population into Barnsley. The level of executive housing currently being developed in the Borough falls a long way short of achieving these aims.
- 3.90 The need for family housing is also recognised in the URS Study which supports the Oxspring Neighbourhood Plan, alongside other historical evidence base papers and transcripts that the applicant has reviewed.
- 3.91 Furthermore, the delivery of two executive/family open market homes at the site has also been proposed to reflect the character of the existing Millstones development. In doing so we consider that the development as a whole can be read as an appropriate extension to the surrounding area of the site.
- 3.92 The design of the homes has been amended to include home office working areas as we expect the current patterns of home working as a result of the COVID-19 pandemic to be continued into the future. This element is in accordance with Policy OEN3 and Paragraph 6.3.2 of the Neighbourhood Plan which seek to strengthen the local economy by supporting the provision of

business space through encouraging home working. Paragraph 6.3.2 further states that “*without these, Oxspring could become a less sustainable community with fewer opportunities for employment*”.

- 3.93 Furthermore, in the Promotional Video filmed on 24 February 2014 for the Oxspring Neighbourhood Plan the Chair of the Oxspring Neighbourhood Plan Steering Committee commented that: -

“What we know from what local people have told us so far is that what we need is affordable housing or at least a mixture that would allow for starter up homes as well as maybe more executive homes and we feel that if we can try to encourage working from homes or businesses that use their home as a base...that might help create jobs in a way that perhaps benefits our village and our parish”

- 3.94 Finally, the need for executive family homes in the Borough has also recently been established through an appeal decision associated with Land off Huthwaite Lane, near Thurgoland, Huthwaite (Appeal Ref: APP/R4408/W/15/313478). The appeal was allowed by the Inspector on account of the following key factors: -

- The development would provide high-quality detached dwellings aimed at the executive end of the housing market. Various strategies of the Council identify that housing plays a key role in stimulating and supporting economic growth.
- The Economic Strategy acknowledges the need to deliver a step change in the quality and mix of housing available in the district. The document goes on to identify that an inadequate supply of appropriate development sites and executive housing is an issue to be addressed.
- The Housing Strategy 2014 to 2033 has as a key objective the need to increase the number of larger, 4/5-bedroom, family/higher value homes across the district.
- The 2014 SHMA refers to the need to provide for executive dwellings to support economic growth. Executive housing is identified as having a role in responding to the need for diversification and expansion of the sub-regional economy.
- The development would assist in achieving these objectives. Thus, the provision of dwellings of the type and size proposed would make an important, albeit small, contribution to the delivery of a wide choice of high-quality homes and meeting the needs of different groups in the community.

- 3.95 In conclusion, the two proposed market homes have been specifically designed to meet an established housing need of the Borough and to be sympathetic to the character of the surrounding area of the site. Weight should be attached to this important element of the proposal in the determination of the Appeal.

CONCLUSION

- 3.96 The conclusive evidence presented in this section of the Statement of Case unequivocally establishes that the development proposals are in accordance with relevant national and local planning guidance as: -

- They will deliver three affordable homes to meet an established local housing need.
- The two open market properties are required to facilitate the viable delivery of three affordable homes at a discounted market sale value of 35%.
- Section 106 planning obligations will ensure that the affordable homes remain affordable in perpetuity; will only be made available to the local community; and that they are all delivered prior to the occupation of the open market dwellings.
- The two proposed open market properties have also been designed to meet an identified need for executive/family homes in the Village and Borough.

3.97 We therefore believe that this innovative development opportunity to deliver the evidenced local housing needs of Oxspring should be supported.

3.98 The proposals comply with national and local planning policy guidance of relevance and planning permission should therefore be granted without delay in accordance with the guidance presented in Paragraph 11 of the NPPF.

3.99 The NPPF identifies that there are three dimensions to sustainable development: economic, social, and environmental. In responding to the principle of development we have set out the socio-economic benefits associated with the development proposals. We therefore set out in the section below how the development proposals can be considered a sustainable development in respect of environmental objectives.

4.0 PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT: *ENVIRONMENTAL OBJECTIVES*

MEETING THE ENVIRONMENTAL OBJECTIVE OF SUSTAINABLE DEVELOPMENT

- 4.1 The NPPF defines the environmental objective of sustainable development as being:

“to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”

- 4.2 The supporting technical documents submitted with the application identify that the development will not have an adverse impact on the local environment. A summary of the key conclusions identified within the submitted technical documents is provided below.

DRAINAGE & FLOOD RISK

- 4.3 A Flood Risk Assessment and Drainage Strategy prepared by Topping Engineers are submitted alongside the planning application.
- 4.4 The report demonstrates that the proposed development is not at significant flood risk, and simple mitigation measures have been recommended to address any residual risks that may remain.
- 4.5 The current site is considered to be greenfield. This results in the amount of impermeable area on this site being increased. Therefore, it is proposed that the site will be attenuated at greenfield discharge rates. This will also follow the SuDs hierarchy for the disposal of surface water drainage from the site.
- 4.6 The submitted Drainage Strategy identifies that rainwater/surface water from the development will at first be harvested, before then being attenuated in a cellular storage chamber and finally released at a restricted rate to the River. Foul water from the development will discharge into the existing sewer located at the north-east corner of the site.
- 4.7 The submitted report was updated in January 2021 in order to response to comments received from the Environment Agency in respect of the southern sections of the gardens for Plots 4 & 5 being located in Flood Risk Zone 2 & 3. Previous work by the Appellant with the Environment Agency in relation to a residential development located on the opposite of the River Don

identified the need to place residential dwellings above the 176.00 AOD contour line in order to remove the risk of flooding. Effectively placing the properties into Flood Risk Zone 1.

- 4.8 Accordingly, the proposed plans for Plot 5 and the Site Plan were amended to ensure that all finished floor levels and outside patio amenity areas were located above the 176.00 AOD contour. The contour line is shown on the Site Plan as confirmation.
- 4.9 Following the submission of the revised Flood Risk Assessment and amended Plans the Environment Agency removed their objection to the development. Confirming that there are no flood risk issues associated with the development of the site.
- 4.10 In compliance with the requirements of the NPPF, and subject to the mitigation measures proposed, the development could proceed without being subject to significant flood risk. Moreover, the development will not increase flood risk to the wider catchment area as a result of suitable management of surface water runoff discharging from the site.
- 4.11 On account of the evidence provided within the submitted Flood Risk Assessment and Drainage Strategy it is considered that the development proposals are in accordance with Policies GD1, CC3 and CC4 of the Barnsley Local as there are no flood risk or drainage concerns that would preclude the development of the site.

ARBORICULTURE

- 4.12 A Tree Survey undertaken by Arboricultural Consultant James Royston is submitted alongside the planning application.
- 4.13 The survey includes the 10 trees and/or groups of trees located on the site's boundaries. Some of the trees included in this survey were of low value and have been allocated a category C, but but several trees are of higher value and these should be retained where possible.
- 4.14 One of the trees identified in the Tree Survey is recommended for removal. However, the Landscape Proposals submitted with the application identify that a significant number of additional trees, hedges and planting will be delivered as part of the planning application.
- 4.15 Accordingly, it is considered that the development proposals are in accordance with Policy GD1 and BIO1 of the Barnsley Local and Policy OEN1 of the Oxspring Neighbourhood Development Plan.

ECOLOGY

- 4.16 An Ecological Appraisal has been undertaken by Smeeden Foreman to support the planning application.
- 4.17 The appraisal identifies that the development is considered feasible with minimal impact on biodiversity provided that mitigation and enhancement measures detailed within the report are incorporated within the site proposals.
- 4.18 No impacts on designated nature conservation sites are anticipated from the development proposals.
- 4.19 The principal habitat within the proposed site is of low conservation value, species poor grassland with limited areas of ruderal vegetation. The tree lined river corridor habitat along the southern boundary and woodland to the north and west are of local ecological value being UKBAP habitat, supporting species of interest and providing wildlife connectivity. In addition, the woodland to the north is also considered ancient and semi-natural.
- 4.20 Measures recommended to protect features of value and mitigate potential impacts include retention of the river corridor habitat with a 3m buffer, protection of woodland to the western and northern boundaries, temporary fencing during construction, pollution prevention measures including sediment fencing, appropriate drainage design and sympathetic lighting.
- 4.21 Recommendations for general site enhancements include appropriate native species planting, wildflower seeding and incorporation of bird and bat boxes on retained trees/new build.
- 4.22 Precautionary working methods and/or mitigation have been recommended for species such as bats, badger, otter, hedgehog and breeding birds; also, to control and prevent spread of Himalayan balsam, an invasive species.
- 4.23 The development is considered feasible with minimal impact on biodiversity provided that mitigation and enhancement measures detailed within this report are incorporated within the site proposals.
- 4.24 The recommendations identified in the Ecological Appraisal have been included within the development proposals. Evidence of which can be found on the Planning Layout and the Landscape Proposals plan.

- 4.25 Accordingly, it is considered that the development proposals are in accordance with Policies GD1 and BIO1 of the Barnsley Local Plan and Policy OEN1 of the Oxspring Neighbourhood Development Plan as there are no ecological issues that would preclude the development of the site.

GROUND CONDITIONS & MINERALS

- 4.26 Phase 1 Land Quality Report prepared by Roberts Environmental dated March 2014 has been submitted to support this Planning Application. Whilst the report was prepared six years ago, circumstances at the site remain unchanged and therefore the contents of the report remain relevant and valid.
- 4.27 The site currently forms an undeveloped parcel of land, with surfacing comprising grassed pasture. No significant sources of contamination were identified associated with the sites current use.
- 4.28 During the review of historical maps, it has been identified that the subject site remained generally undeveloped. Significant potential historical sources of contamination are unlikely to be present on this site. However, they cannot be wholly discounted, and some made ground may be present, associated with the infilled quarry and landscaped mound to the north and west, along with a series of earthworks regrading works on the eastern side of the site at Millstones.
- 4.29 From a review of the British Geological Survey the geology of the subject site comprises drift deposits of Alluvium and River Terrace Deposits underlain by Grenoside Sandstone, classified as a Secondary-A Aquifer. There are no shallow coal seams within this rock formation and the site is not at risk from shallow coal mining activity.
- 4.30 An assessment of the risk from ground gas has identified a number of potential sources within a plausible migration distance including landfill sites, (although anecdotal evidence indicates infilling occurred with inert material), and the potential presence of naturally occurring organic material within the alluvial deposits below the site. Therefore, the site may be at risk from ground gas, and it would be considered prudent to incorporate gas monitoring within the scope of future ground investigation works.
- 4.31 Based on our review of information available, we are of the opinion a plausible pollutant linkage has not been identified at the site for the continued current use. However, in the event of development the potential for a pollution linkage should be further assessed.

- 4.32 The report concludes that the issues identified should not preclude the future redevelopment and that the environmental risk arising from the ground condition at the subject site is Low.
- 4.33 As the report outlines various references to the infilling of a small sandstone quarry, located 10m to the northwest of the site and due to lack of evidence, makes recommendations in respect of potential made ground, which we feel warrant proper address at this stage and accordingly a Supplementary Evidence paper is submitted alongside the planning application. The submitted supplementary paper confirms the following: -
- The creation of a landscape mound, by re-grading works and subsequent restoration, did not involve the importation or exportation of any material.
 - Written correspondence was previously received from Mr I D V Gilmour of the South Yorkshire Waste Regulation Unit, confirming that the movement of soils within the site curtilage did not require a waste disposal licence.
 - The small sandstone quarry, which lies 10 metres beyond the North Western boundary of the current application site, was infilled in accordance with all required Permissions granted by the Council.
 - The excavated surplus soils were excavated and transported to the locations agreed with the Council, including the small sandstone quarry. This material was then covered with sub-soils and ultimately capped with top-soils and then planted with trees.
 - All of the material was formed of clean inert soils; hence the works did not require grant of a waste disposal licence. On this basis, it can be ascertained that the materials were not considered to present any contamination risk by either the Council or the South Yorkshire Waste Regulation Unit.
- 4.34 The development therefore satisfies the requirements of Policy CL1 of the Barnsley Local Plan as there are no ground-related issues that would preclude the development of the site.

CONCLUSION

- 4.35 On account of the information presented in this section, it is considered that the development proposals comply with the guidance presented in the NPPF and the Development Plan. As a consequence, the development proposals can be considered Sustainable Development as defined by the NPPF and consequently there is a presumption in favour of granting planning permission for this development without delay in accordance with Policy SD1 of the Barnsley Local Plan.

5.0 OTHER MATERIAL CONSIDERATIONS

5.1 This section of the Statement response to all other material considerations that have been raised as part of the planning application process. More specifically, it responds to issues raised by 3rd Party comments submitted to the Council and additional specific matters raised by the Council following the submission of the planning application.

5.2 The section provides the Appellant's response in respect of the following topic areas: -

- Principle of Development
- Type of Affordable Housing & Housing Survey
- Viability Matters
- Design & Amenity
- Technical/Environmental Matters
- The Sequential Test
- Other Matters

5.3 In responding to these matters, we refer to documentation submitted alongside the planning application and referenced in Section 3 & 4 of this Statement. Accordingly, and for brevity, we will not repeat this evidence word for word within this Section.

PRINCIPLE OF DEVELOPMENT

5.4 The development proposals are in accordance with guidance presented in Paragraphs 59, 60, 61, 77, 78 and 145(f) of the National Planning Policy Framework (NPPF). A full assessment of the scheme against this guidance is presented in Section 3 of this Statement.

5.5 Very special circumstances are not required to be demonstrated in this instance on account of the guidance presented in Paragraph 145(f) which confirms that “*limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites)*” is not considered inappropriate development in the Green Belt.

5.6 The guidance presented in Paragraph 77 of the NPPF then identifies that “*Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs and consider whether allowing some market housing on these sites would help to facilitate this*”.

5.7 This guidance is then corroborated by Policy H7 and Paragraphs 9.28-9.30 of the Barnsley Local Plan. Which confirms that the development of rural exceptions sites on the edge of settlements and within the Green Belt will need to demonstrate that there would be no unacceptable impact on the countryside; that the homes will remain affordable in perpetuity;

where viability evidence is submitted to demonstrate that the provision of market homes is necessary to make the affordable homes viable; and where community needs are met.

- 5.8 All of the required evidence to comply with this guidance is presented in Section 3 of this Statement. As such proposals are fully in the spirit of the guidance presented in Paragraph 9.30 of the Barnsley Local Plan where it states that *“The Council will seek every opportunity to work positively with developers and other partners to deliver affordable housing and a mix of houses housing types to meet local needs through use of its own land, all available funding opportunities, innovative development models and other initiatives”*.
- 5.9 The proposals are also in accordance with the guidance presented within the Oxspring Neighbourhood Plan and the evidence base which underpins it. Particularly the wording presented in the Glossary where it identifies Rural Exception Sites as *“small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. A proportion of market homes may be allowed on the site at the local planning authority’s discretion, for example where essential to enable the delivery of affordable units without grant funding”*. Evidence was submitted as part of the planning application which identifies a specific housing need of people/households that have ties to the location community and that the market homes are required to ensure the delivery of the affordable homes without grant funding.
- 5.10 Finally, evidence is provided within section 3 of this Statement which confirms that the development proposals meet the definition of both Affordable Housing and a Rural Exception Site as set out in the NPPF, the Council’s Affordable Housing SPD, and the Oxspring Neighbourhood Plan.
- 5.11 Following the consultation process, comments have been received in respect of the availability of other sites in the Village. Including brownfield sites. There are no available brownfield sites in the Village for the delivery of affordable homes. There are currently two sites in the Village which have come forward for development. These are the site allocation at Roughbitchworth Lodge and the site commonly known as “The Paddock”.
- 5.12 The current planning application at Roughbitchworth Lodge (Ref. 2018/1433) has the potential to deliver 7 affordable homes. However, this development has yet to commence, appears to be stalled and the affordable housing offer will not include any discount for market sale properties.

- 5.13 The land known as “The Paddock” is no longer owned by the Appellant. We understand a planning application has been submitted for the development of 7 new homes. At this size, the development would be below the 15-dwelling threshold as prescribed by Policy H7 of the Barnsley Local Plan. Meaning it would not be required to deliver any affordable homes. It is important to also state here that the net developable area of the Paddock is significantly reduced due to flood risk issues associated with the sites’ topography and 176-contour AOD level which runs through the site. All of the proposed homes on the site need to be located above this level. Similar to the Appeal Site. In addition, a gas main traverses the site, further reducing the developable area. So, there is no conceivable way in which 24 homes (or indeed more than 15 homes in reference to the affordable housing threshold) could be delivered at this site.
- 5.14 Accordingly, there are no other sites available in the Village that will likely deliver the identified housing needs of the local community. Notwithstanding this view, even if the Roughbitchworth Lodge site came forward and if all 7 of the affordable homes were delivered as Discount for Market Sale Properties, as the survey undertaken by the Appellant identifies a need for 13 of this type of affordable home in the Village, there would still be a need to deliver 6 further Discount for Market Sale homes to meet this need. The Appeal Site would deliver 3 of these.
- 5.15 The site is not a vital open space in the Village. It is privately owned land with no history of public or private use as public open space.
- 5.16 Evidence is outlined in Section 2 of this Statement which justifies why the development proposals would not have an adverse impact on the landscape character of the area of the wider Green Belt.
- 5.17 The Appeal Site’s planning history is associated with development proposals that relate to market homes only. This scheme is therefore entirely different in planning policy guidance terms. As stated above, the development proposals are in accordance with all relevant guidance at the national and local level. Evidence of which is presented in Section 3 of this Statement.
- 5.18 Evidence is also provided in Section 3 of this Statement which clearly establishes the housing need for larger executive family homes in the Borough. We have also recently been given sight of an enforcement letter associated with a property in Millhouse Green (a copy of which is enclosed with the appeal documents) sent by the Council in respect of an unrelated scheme in the West of the Borough, which again reiterates the need for larger family homes.
- 5.19 The approval of this scheme would set a positive precedent for the consideration of similar schemes in the Borough. This is due to the following: -

- There will be very few other Rural Exception Sites that become available which benefit from strong defensible boundaries which surround the application site.
- Evidence of local community need has been established.
- Viability evidence to demonstrate that the affordable homes can't be delivered without grant funding has been provided.
- a Section 106 agreement has been submitted which includes obligations which ensure that the 3 affordable homes remain affordable in perpetuity: and most importantly,
- The application would set a positive precedent that such development would need to deliver 60% proportion of affordable homes on such sites.

5.20 Finally, history tells us that there has been no desire/evidence of developers/landowners seeking to bring rural exception sites forward anywhere in the Borough in the last ten years.

5.21 The evidence presented in Section 3 of this statement also confirms that both the Council and Oxspring Parish Council accept that there is an acute need for affordable housing in the Village and that no new affordable homes have been delivered in Oxspring for over 20 years.

TYPE OF AFFORDABLE HOUSING & HOUSING SURVEY

5.22 We are not proposing starter homes as part of the Appeal proposals. The development is a rural exception site which will deliver three discounted market sales properties which will have local restrictions tied to them to ensure they meet an identified local housing need. As required by relevant planning policy guidance given the site's location in the Green Belt. Discounted market sale properties are of course identified as a type of affordable housing in both the NPPF and the Council's Affordable Housing SPD. The proposal presents an innovative approach to meeting identified housing needs, which is supported by the Barnsley Local Plan.

5.23 The discounted sales price in perpetuity shouldn't be a concern, it should be something that is supported. It is being imposed to ensure that the three affordable properties remain affordable for local people in perpetuity. It should be remembered that the sales price is not fixed, but the 35% discount from market value. The value paid for the house could still increase as housing prices rise in the locality. I would also add here that discounted for sales properties are better at protecting affordability in perpetuity when compared to shared ownership properties. This is because shared ownership properties allow for staircasing, meaning that once/if they are owned 100% by the purchaser, they would then have the ability to sell the property at full market value.

5.24 We don't need to speak to registered providers as the proposed type of affordable homes to be delivered are discounted market sale. Which is the type of affordable homes which we have evidence is needed in the Village. We have also provided evidence from Kester Horn of Space Partnerships (dated 30th October 2019) which confirms that registered providers don't deliver

this type of affordable housing as it doesn't fit their business model. Which is exactly why none of this type of affordable housing has been delivered in the Borough to date. Which is further evidence that an innovative model of delivery is needed, and this is what this proposal provides.

- 5.25 Furthermore, the proposed Section 106 agreement wording will provide the Council with the further comfort that the market properties wouldn't be occupied until the affordable homes have been completed.
- 5.26 The submitted viability assessment demonstrates that 60% affordable housing isn't viable, without subsidy from the market homes. Which obviously means that a scheme of 100% affordable homes would be even less viable. Particularly if we included a value for the land within our assessment.
- 5.27 What we have demonstrated is fully in accordance with the Main Modifications to the Barnsley Local Plan recommended by the Inspector during the Examination in Public Process, which were instituted in the adopted Barnsley Local Plan. These included main modification 78 in respect of Policy H8 (Affordable Housing) which updated the Policy to identify that: -
- “If provision of some market housing is necessary to make the affordable housing viable, this would be considered and would be subject to an open book viability appraisal.”***
- 5.28 With regards to the submitted Housing Survey, in order to ensure that the development proposals comply with relevant national and local planning guidance, an identified local housing need is required to be met by the development.
- 5.29 There is no specific policy guidance which identifies a methodology for undertaking such surveys.
- 5.30 Previous discussions with the Council in respect of the application site during 2019 identified that as part of the preparation of a new Strategic Housing Market Assessment (SHMA) for the Borough the Council would be looking to establish a more micro-level understanding of the housing needs for each settlement of the Borough. Including the Villages. This work has not been published yet.
- 5.31 We are also aware that Oxspring Parish Council rejected the opportunity to take part in this process and instead wanted to rely on the evidence base which supported the Oxspring Neighbourhood Plan (as identified in Item 8A. Minutes of Oxspring Parish Council Meeting, Monday 03 February 2020).

- 5.32 Whilst the housing needs evidence presented in the Council's current SHMA and the Oxspring Neighbourhood Plan identifies an acute need for affordable housing for first time buyers in the Village, in order to ensure that the development proposals unequivocally comply with national planning guidance, the Appellant has undertaken their own survey of the Village to seek to establish the local housing need for starter homes/discount market sale housing. Details of which are presented in Section 3 of this Statement.
- 5.33 With regard to the leaflet distribution, the only two areas of the Village which was not provided with a copy of the leaflet were the properties located on Longley Ings and The Willows. This was due to Longley Ings being located within proximity to Penistone and due to The Willows being a development for older people. This cannot be considered a weakness of the survey, quite the opposite, in reality it means that the applicant reduced the potential for even more people to identify an affordable housing need in the Village.
- 5.34 The leaflet/notice provided details of the proposed development and invited residents of the Village/Parish in need of affordable housing to register their interest with our client's agent.
- 5.35 Following the receipt of the responses, the applicant's agent then wrote to each interested party to request confirmation that: -
- They are a resident of the Village/Parish; or
 - They are related to someone who lives in the Village/Parish; or
 - They are in full time employment at an established business located in the Village/Parish.
 - They are between 23 and 40 years of age; and
- They do not have a gross household income of over £80,000 per annum
- 5.36 The Appellant's agent also asked what type/size of home they were in need of.
- 5.37 It is important to recognise at this point that the wording of the leaflet and questions posed to respondents were derived from the definition of a Rural Exception Site as set out in the Glossary of the Oxspring Neighbourhood Plan
- 5.38 The survey undertaken by the applicant provides robust evidence that there is an established local housing need in the Village for the three affordable homes being delivered as part of the development proposals.
- 5.39 Of the 24 people that responded to the survey, 13 provided evidence to confirm that they met the established criteria. It is important to remember that only 3 of these 13 people/households are required to meet the criteria in order for the scheme to be considered acceptable in planning policy terms with regards to meeting an identified local housing need.

- 5.40 Which unfortunately means in this case that 10 people/households would still need to seek other housing opportunities in the Village, which at this time simply do not exist.
- 5.41 The survey findings therefore corroborate the evidence presented in the Barnsley SHMA and the Oxspring Neighbourhood Plan's evidence base (The URS Study).
- 5.42 What must be recognised is that unless the applicant undertook their own survey work, there would have been no way of identifying those 13 people/households in affordable housing need which meet the prescribed criteria for Oxspring. This is because the Council are yet to undertake the revised SHMA work (which has been proposed to be undertaken since 2019) and as Oxspring Parish Council rejected the opportunity to undertake their own survey work.
- 5.43 The survey can therefore play a hugely important role in the delivery of affordable homes to meet the identified needs of the Village. Without it those in affordable housing need between now and any future review of the Local Plan in 2033 would have to rely on the delivery of the one housing allocation in the Village at Roughbitchworth Lane. The current planning application at Roughbitchworth Lodge (Ref. 2018/1433) has the potential to deliver 7 affordable homes. However, this development has yet to commence, appears to be stalled and we are also not aware that the affordable housing offer will include any discount for market sale properties.
- 5.44 The Affordable Housing Survey is included in the submitted appeal documentation.

VIABILITY MATTERS

- 5.45 Comments have been received questioning the identified sales values of the proposed affordable homes. The values outlined in the submitted Planning Statement and Viability Appraisal have been provided by a highly experienced local agent, with robust knowledge of the local housing market.
- 5.46 A further letter from the Appellant's Estate Agent (Richard Crossfield – dated 8th February 2021) was also submitted and provides further confirmation that the identified values are robust and accurate.
- 5.47 It must be remembered that the starting values identified in the letter are the anticipated value should the homes be sold on the open market. In order for the homes to meet the Discount for Market Sales affordable housing definition outlined in the NPPF and the Council's Affordable Housing SPD, they would need to be discounted by at least 20% of the open market value in perpetuity.

- 5.48 The planning application seeks to reduce the market sales value by 35% to ensure that the proposed affordable homes will remain truly affordable in perpetuity to people/households with ties to the Oxspring Parish.
- 5.49 A Section 106 Legal Agreement has been submitted which stipulates that the proposed 35% reduction of market value of the three affordable homes will remain in perpetuity through restricting future re-sales to this level of reduction and that the properties must be sold to first time buyers.
- 5.50 In addition, this will be further re-enforced by placing a restriction on the title of each property, effectively ensuring that the 35% discount is maintained in the future.
- 5.51 The S106 Agreement also includes local needs restrictions to ensure that future purchasers of the affordable homes will meet the planning policy requirements associated with the development.
- 5.52 Finally, to safeguard the delivery of the proposed affordable homes **ahead of the open market properties**, the submitted S106 agreement also contains legal obligations that require the completion of the affordable homes prior to the occupation of the open market properties.
- 5.53 The proposed obligations included in the Section 106 Agreement will ensure that the affordable homes remain affordable in perpetuity; that they will only be made available to meet the needs of the local community; and that they must be delivered simultaneously with the open market properties. Providing certainty that the proposals unambiguously comply with the relevant national and local planning policy guidance.
- 5.54 Finally, it is also worth pointing out that the Council's Affordable Housing SPD places a ceiling cap of £250,000 on Discounted Market Sale Homes. The discounted value of the proposed 2-bedroom properties at £152,750, is almost 40% below the cap value and the proposed 3-bedroom property at £162,500, is 35% below the cap value. The proposed homes therefore meet the criteria prescribed in the Council's adopted Affordable Housing SPD.
- 5.55 The submitted Viability Appraisal is presented in simplistic form which is proportionate to that which is needed to demonstrate compliance with the relevant local and national planning policy.
- 5.56 The application simply needs to demonstrate that the market properties are required to make the delivery of the proposed affordable homes viable without the landowner/developer making an unreasonable amount of profit. Which is exactly what the viability assessment demonstrates, and the conclusions of which have also been independently vindicated via an external

independent assessment undertaken by Cushman & Wakefield, which has been paid for by the Appellant. This assessment was submitted alongside the planning application and the conclusions are set out in Section 3 of this statement.

DESIGN & AMENITY

- 5.57 The proposed dwellings will reflect the design and appearance of traditional dwellings within the area incorporating high quality natural materials. The proposals have been sensitively designed to deliver a scheme which takes full account of the physical characteristics of the site and avoids overlooking and loss of amenity to new and existing dwellings.
- 5.58 All of the proposed homes will be built from the same palette of materials and to the same high quality of construction required to meet building regulation standards. The result being that the affordable homes will be indistinguishable from the proposed market homes in this regard.
- 5.59 In response to specific issues raised by neighbouring residents in respect of the design of the development and potential impact on amenity, we would comment as follows: -

The design of the affordable housing is not socially inclusive and does not promote balanced, mixed neighbourhoods and social integration.

The high-quality homes that will be delivered will increase social inclusion and integration in the Village on account of the mix of housing types, which reflects the character of the Village. The Village has an eclectic mix of smaller, medium, and larger housing types which has evolved without any formal pattern, helping to create strong community.

The parking area is out of context with the Millstones Development and not reflective of the area.

Good design does not always rely upon simply repeating the local context. Controlled, secure parking and sheltered parking at Millstones is seen as a positive and removes unsightly frontage parking which are quite common on housing developments which incorporate 2 and 3-bedroom homes. The development proposes a unique solution which enhances the appearance of the proposed housing and minimises impact upon the surrounding views by providing an area for sheltered parking which should be welcomed. Notwithstanding this view, the proposals have been amended to include additional landscape planting to the front of the covered parking area to soften views onto it. An Indicative Sketch Drawing has also been submitted to illustrate the high-quality design of this parking solution.

Overlooking to properties at No 29, 31 & 33 Millstones.

The nearest proposed homes to these properties are Plot 1 and Plot 4. Plot 1 has a blank gable wall opposite the rear of No 33 Millstones. Plot 4's south-eastern elevation looks towards the rear gardens of No's 29 and 31.

The distance between the blank gable wall of Plot 1 and the rear west facing windows of No. 33 Millstones is 16.8 meters. The Councils Supplementary Planning Document: Design of Housing Development Section 4 states that the minimum distance between a wall without habitable room windows (usually side elevations) should be at least 12 meters from original habitable windows.

The same document states that the minimum back-to-back dimension between facing habitable rooms should be more than 21 meters in the case affecting the outlook of an existing dwelling. The distance between the first-floor windows of Plot 4 and the windows of No's 29 and 31 Millstones is 23.3 meters and 27.3 meters, respectively.

Plot 4 has a single storey flat offshoot to the east side with a side facing full height window which reduces the distance between the two dwellings to 19.3 meters which is shown on the plans. This is not considered to create any issue of overlooking due to the fact that the floor levels of the two properties are similar and there is a high boundary hedge/fence proposed between the two which would screen/block any views between the two properties. Notwithstanding this position, as identified in Section 2 of this statement, the development proposals were amended to remove this window in order to remove this concern of local residents.

We note the comments made from the resident of No. 31 that the plans do not show a projection at the rear (west) of their property which is correct, and this is an omission on the submitted plans. However, this projection would appear to be a small bay window which projects less than 1.5m from the elevation of the property. Nevertheless, for the reasons identified above, the development proposals would still comply with the guidance presented in the SPD with regards to acceptable separation distances.

- 5.60 The development proposals are bespoke and have been designed to specifically reflect the character of the site's surroundings. They should be considered exemplary, as we know of no other rural exception site which has been designed to this standard in the Borough.

TECHNICAL/ENVIRONMENTAL MATTERS

- 5.61 As identified in Section 4 of this Statement, a number of technical reports were submitted alongside the planning application. Each of which were prepared by expert consultants. At the time of submitting this appeal (4 months since the application was made valid) no objections were received to the planning application from technical/environmental consultees. This is expected given that the previous planning applications submitted at the site were considered acceptable in respect of technical/environmental matters.
- 5.62 The technical evidence submitted with the planning application and summarised in Section 4 of this Statement confirm that the concerns raised by 3rd parties will either be resolved through appropriate mitigation recommended within each of the submitted reports (and which can be conditioned) or are not justified by evidence.
- 5.63 With regards to highways matters, the impact of a scheme of 5 homes on the local highway network is considered negligible. The development will be accessed via the adopted road which serves the Millstones development, prior to forming a private drive which has been designed to meet acceptable highways design standards. Refuse Vehicle Swept Path Analysis has also been provided to demonstrate that a refuse vehicle can manoeuvre appropriately within the confines of the highway

- 5.64 Accordingly, there are no technical/environmental issues that would preclude the development of the site.

THE SEQUENTIAL TEST

- 5.65 Following the submission of the planning application, the Council suggested that the Appeal Proposals would need to comply with the Sequential Test.
- 5.66 As stated in Section 4 of this Statement, the submitted Flood Risk Assessment was updated in January 2021 in order to response to comments received from the Environment Agency in respect of the southern sections of the gardens for Plots 4 & 5 being located in Flood Risk Zone 2 & 3. Previous work by the Appellant with the Environment Agency in relation to a residential development located on the opposite of the River Don identified the need to place residential dwellings above the 176.00 AOD contour line in order to remove the risk of flooding. Effectively placing the properties into Flood Risk Zone 1.
- 5.67 Accordingly, the proposed plans for Plot 5 and the Site Plan were amended to ensure that all finished floor levels and outside patio amenity areas were located above the 176.00 AOD contour. The contour line is shown on the Site Plan as confirmation.
- 5.68 Following the submission of the revised Flood Risk Assessment and amended Plans the Environment Agency removed their objection to the development. Confirming that there are no flood risk issues associated with the development of the site.
- 5.69 Notwithstanding the above, the site would pass the sequential test as there are no other suitable, available or achievable sites located in Flood Risk Zone 1 which can deliver the type of homes being proposed within the development. Which are affordable homes that are being made available at a discounted market sale value to deliver an identified local housing need of Oxspring. Evidence of the housing need which the proposals will meet is provided in Section 3 of the Statement.
- 5.70 The Council previously identified the potential requirement for the applicant to consider potential windfall sites located in the Green Belt as part of a sequential test. This was on account of it being accepted that there are no other sites located within the Village which are not located in the Green Belt, that are suitable, available or achievable residential development sites which can deliver the specified housing needs that the Appeal Site can deliver.
- 5.71 However, as identified in Section 3 of this Statement, all other non-Green Belt sites have been assessed (including potential Windfall Sites – please refer to the submitted Oxspring Windfall &

Safeguarded Land Deliverability Assessment) and the submitted information confirms that there are no available sites to deliver the type of homes being proposed by the Appeal proposals.

- 5.72 Furthermore, as alluded to above, there are no other Green Belt sites located adjacent to the Village which are currently being put forward to deliver the type of homes being proposed by the Appeal proposals. Indeed, no such sites have come forward for development in Oxspring for over 20 years.
- 5.73 We would also add here that should any other site located in the Green Belt come forward, it would have a higher impact on the openness and character of the Green Belt than the Appeal Site due to the strong defensible boundaries which the Appeal Site benefits from.
- 5.74 Finally, whilst we do not believe that the need for an exceptions test is triggered, the submitted Flood Risk Assessment identifies measures that will be put in place (which can be conditioned) to ensure that the development would be safe for its lifetime taking into account the vulnerability of its users and that it won't increase flood risk elsewhere. The sustainability benefits that the Appeal proposals can deliver will also far outweigh any flood risk, which due to amendments made to the scheme would be limited to the southern sections of the rear gardens of proposed Plots 4 & 5.

OTHER MATTERS

- 5.75 The evidence presented as part of the planning application confirms that both the Council and Oxspring Parish Council accept that there is an acute need to deliver affordable housing in the Village and that no new affordable homes have been delivered in Oxspring for over 20 years.
- 5.76 Whilst this evidence is provided in documentation that underpins adopted local planning policy guidance, we enclose a letter prepared by Richard Crossfield dated 5th February 2021 which was submitted to senior members and officers of the Council. The letter outlines the acute housing needs of the western area of the Borough from someone who is dealing with the negative impact of this housing shortage on a day-to-day basis.

CONCLUSION

- 5.77 The Appeal proposals will meet an identified local housing need and there are no technical concerns that would render the development unsustainable in the context of the NPPF.
- 5.78 There are no objections to the application from any technical consultees.

- 5.79 The only robust evidence which has been presented in respect of the development proposals is that which has been submitted by the applicant and which demonstrates that the application meets all relevant planning policy requirements.
- 5.80 The proposals are entirely within the spirit of Paragraph 9.30 of the Barnsley Local Plan, which identifies that the Council will seek every opportunity to work positively with developers and other partners to deliver affordable housing and a mix of housing types to meet local needs through use of its own land, all available funding opportunities, innovative development models and other initiatives.

6.0 CONCLUSIONS

- 6.1 This Appeal Proposals seek full planning permission for the delivery of a Rural Exceptions Site consisting of three affordable homes and two open market homes and associated infrastructure at Land West of Millstones, Oxspring.
- 6.2 This Statement of Case provides a review of relevant planning policy at the national and local levels. It demonstrates considerable support for the proposed development of the application site. It has also provided commentary on a number of other issues and matters raised by 3rd Parties and the Council since the submission of the planning application.
- 6.3 The planning justification for the proposed development of the site is summarised as follows: -
- The proposals will deliver three affordable homes to meet an identified and established local housing need in Oxspring.
 - Evidence has been provided to demonstrate that the two open market properties are required to facilitate the viable delivery of three affordable homes at a discounted market value of 35%.
 - The proposed Section 106 planning obligations will ensure that the affordable homes remain affordable in perpetuity; will only be made available to the local community; and that they are all delivered prior to the occupation of the open market dwellings.
 - The two proposed open market properties have also been designed to meet an identified need for executive/family homes in the Village and Borough.
 - The development proposals are situated in a **suitable** and highly sustainable location in respect of existing settlement form and there are no technical or environmental (built or natural) constraints that would preclude the development of the site.
 - The site is **available** now as the applicant is actively seeking to secure planning permission for the residential development of the site.
 - The site can also be considered **achievable** as new homes can be viably delivered at the site within the next 5 years.
 - The submitted Planning Layout and Design & Access Statement identifies that the proposals will deliver a high-quality development that reflects the character of the site and its surroundings.
 - The technical reports that have been submitted with this planning application identify that there are no technical or environmental issues that would constrain the site's development.
 - The development proposals meet the NPPF definition of Sustainable Development and there is therefore a presumption in favour of granting planning permission for this development without delay.
- 6.4 The evidence presented in this Statement unequivocally establishes that the development proposals are in accordance with relevant national and local planning guidance.

- 6.5 Whilst the need to submit this appeal for non-determination is disappointing, and the Appellant is frustrated that they find themselves at this juncture, we must not lose sight of the fact that this development will deliver new homes for those individuals who aspire to take that important first step onto the property ladder and purchase their very first home. Due to strong/high house prices in the Appeal site housing market area, these individuals are currently being priced out of the market and their only opportunity to realise the dream of purchasing their first home is through the delivery of affordable housing (a point recognised by the Barnsley Local Plan Inspector). Sadly, due to the complete lack of delivery of affordable homes in this area over the last two decades, to date these individuals find that their hopes and aspirations of owning a home in the village are almost impossible to realise..
- 6.6 We therefore believe that support should be given to this innovative development opportunity which is Planning Policy Compliant and seeks to deliver the robustly evidenced local housing needs of Oxspring. Planning permission should therefore be granted in respect of this planning application without delay.