



Planning Case Report

Land off Halifax Road, Thurgoland

JohnsonMowat
Planning & Development Consultants

Prepared on behalf of:-
Mr J Elmhirst

In support of an application for outline planning permission
for the erection of circa 25 no. dwellings including details
of access

January 2018



Mr J Elmhirst
Land off Halifax Road, Thurgoland

Planning Case Report

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1.0 INTRODUCTION

- 1.1 This Planning Case Report has been produced on behalf of our client Mr J Elmhirst in support of an outline planning application for the residential development of circa 25 no. dwellings at land off Halifax Road, Thurgoland.
- 1.2 The application site covers an area of approximately 1.04 hectares of land designated as a 'Safeguarded Land' within the Barnsley UDP. The Council are currently working toward the adoption of a new Local Plan, with hearing sessions on the examination of the Plan having recently postponed pending the outcome of further work required by the Council to identify additional capacity and more positive growth for designated villages.
- 1.3 This report demonstrates the land as a wholly suitable location for residential development, with no technical constraints that would prejudice the grant of planning permission or allocation of the site within the emerging Local Plan. The application site forms part of a wider parcel of land, retained with our client's control and available to come forward for future phased development. A plan detailing the extent our client's land ownership is included at Appendix 4.
- 1.4 This Planning Case Report demonstrates how the above matters have been addressed and should be read in conjunction with the following reports which form this full planning application submission:-
- | | |
|---------------------------------------|----------------------|
| • Indicative Site Masterplan | STEN Architecture |
| • Design and Access Statement | Johnson Mowat |
| • Flood Risk & Drainage | ARP Associates |
| • Transport Statement & Access Design | Optima Highways |
| • Phase 1 Geo-environmental Report | Lithos Consulting |
| • Ecological Appraisal | Brooks Ecological |
| • Arboricultural Survey | AWA Tree Consultants |
- 1.5 This Planning Case Report identifies the characteristics of the site and its location, the planning history of the site, the planning policy context and the planning case in support of the proposed residential scheme.

2.0 LOCATION AND SITE DESCRIPTION

- 2.1 The site is located on the eastern edge of Thurgoland, a settlement identified as a village within the settlement hierarchy of both the adopted Core Strategy and the emerging Barnsley Local Plan. Thurgoland is located approximately 6.1 miles south west of Barnsley Town Centre and approximately 10.8 miles north of Sheffield. The site extends to approximately 1.04 hectares of land, the topography of which slopes from north to south.
- 2.2 The site is considered to lie within a sustainable location in relation to access to services, facilities, employment opportunities and public transport. The following public amenities are located within the village:-
- Thurgoland CofE Primary School
 - Thurgoland Preschool
 - Playing Pitches
 - Village Store
 - Post Office
 - Green Dragon PH
 - The Horse and Jockey PH
 - Holy Trinity Church
 - Hair & Beauty Salon
- 2.3 Bus stops are located a short distance from the site along Halifax Road, including one bus stop located directly adjacent the site along Smithy Hill. Regular bus services are provided via the 23a, 24, 24a, 29, 409, 410 & 422 services to Barnsley Town Centre, Dodworth, Penistone, Stocksbridge & Chapeltown.
- 2.4 The application site is also located a short distance 1.7 miles north west of Wortley Golf Club, providing leisure and recreation opportunities.
- 2.5 In considering the sustainability credentials of the site, regard should be had to the recent appeal decision for 4 no. dwellings off Huthwaite Lane, Huthwaite (ref APP/R4408/W/15/3134783), a site located south of the village of Thurgoland, benefitting from less amenities within preferred walking distances. Here, the Council considered residential development to be unsustainable due to the location of the site, however the Inspector took a different view, concluding:-

“The LPA’s suggestion that Huthwaite, given its lack of services and limited access to public transport, is locationally unsustainable contradicts the identification of Huthwaite as a village in the CS and emerging Local Plan settlement hierarchy where some development is envisaged. Manual for Streets (MfS) published in 2007 highlights that walking offers the greatest potential to replace short car trips, particularly those under 2km. Thus, whilst within Huthwaite the availability of a wide range of services is lacking, there is within 2km a variety of facilities that could provide for the day to day needs of residents. Whilst the bus service to Huthwaite is limited, it appeared to me to run at times that would provide the opportunity to access employment and other services in Barnsley and Penistone by means other than the private car.”

- 2.6 The application site can be considered as wholly more sustainable when compared to the Huthwaite site, due to its location within walking distance of a number of key amenities with an existing village, ranked as one of the most sustainable in the District (Settlement Assessment Update, Barnsley MBC October 2017).
- 2.7 In terms of local architecture, residential properties within the vicinity of the site are of varying architectural form and scale, largely constructed of stone with slate roofs. Further information can be found within the accompanying Design & Access Statement.

3.0 PLANNING HISTORY & APPLICATION PROPOSALS

Planning History

- 3.1 The site has been designated as 'safeguarded land' dating back to the adoption of the Council's former Unitary Development Plan ('the UDP') adopted in December 2000. Safeguarded land is intended to provide some flexibility for growth and development within Green Belt boundaries that will endure for the foreseeable future.
- 3.2 The northern part of the site has been subject to two previous applications of similar nature, for residential development of 3 no. dwellings. Both applications were submitted in outline form, the latter of which remains extant. The application reference nos. and descriptions are detailed below:-
- **Application Reference 2012/0676** - Residential development of 3 no. dwellinghouses following demolition of existing barn shelters (Outline)
– Approved 3rd August 2012
 - **Application Reference 2015/0319** - Erection of 3 no. dwellings (Outline)
– Approved 23rd December 2015
- 3.3 Whilst the later of the two applications detailed above remains extant, no reserved matters submissions have been forthcoming and therefore neither scheme has been implemented.

Application Proposals

- 3.4 The application seeks outline planning permission for the erection of circa 25 no. dwellings including details of access.
- 3.5 An indicative layout arrangement has been prepared by STEN Architecture in support of the application. The layout would utilise a single point of vehicular access from Halifax Road and would provide for a mix of plot types and on-site public open space. The layout would further incorporate various points of pedestrian access, including facilitating the realignment of an existing Public Right of Way through the proposed area of open space.



- 3.6 The majority of tree planting along the southern boundary of the site would be retained, and an area of managed green space provided on the south-western corner adjacent to the existing war memorial.
- 3.7 Further consideration of the design of the scheme can be found within the supporting Design & Access Statement.

4.0 PLANNING POLICY

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

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

4.2 The development plan for this residential scheme comprises the following local documents:-

- Saved policies contained within the Unitary Development Plan (UDP) – Adopted December 2000
- The Council’s Core Strategy – Adopted 8th September 2011
- The emerging Local Plan (2014 to 2033)

4.3 The UDP Part 1 together with the Part 2 Sites Allocations was adopted in December 2000 and was only intended to cover the plan period 1986 to 2001. The plan is therefore time expired and although the Council continue to refer to saved policies contained within the UDP where compliant with national policy, these can only be attributed little weight.

4.4 Similarly, the Core Strategy was adopted in September 2011 and pre dates the National Planning Policy Framework which was adopted March 2012. Where a Local Development Plan is out of date, limited weight can be attached to the policies within the document where they conflict with more recent Government policy.

4.5 The Council are currently undergoing examination of the emerging Local Plan which will replace both the saved policies of the UDP and the adopted Core Strategy, forming the statutory development plan for the Borough for the period 2014 to 2033.

4.6 On 15th August, the Local Plan Inspector wrote to the Council to set out her interim findings further to the Stage 1 and 2 hearings which took place over the Summer. The letter sent to the Council by the Inspector did not cover each and every matter raised through the Stage 1 and 2 hearings, but rather set out the main matters where additional work may be required.

4.7 Two points of principal importance arose from the Inspector’s correspondence, those being the need to plan for a higher Objectively Assessed Housing Need (‘the OAHN’) than the



20,900 dwellings identified by the Council across the Plan period, and the need to more positively plan for the future of the Borough's villages.

4.8 With regards to the OAHN, the comments put forward by the Inspector raised significant concern that the housing need identified by the Council would not align with positive economic growth in the order of an additional 33,000 new jobs through to 2033. The Inspector considered the broad assumptions contained within the Employment Land Review robustly based and noted that the Council's growth strategy and 'jobs-led policy on' scenario are fundamental drivers for the Plan and the assessment of housing need.

4.9 At paragraph 16 of the Inspector's interim findings, the Inspector went on to conclude:-

"Based on the findings of the SHMA and the jobs target set out in the Plan, my view is that the OAHN is a minimum of 1,389 dwellings."

4.10 In addition to the above, the Inspector set out further concerns with regards to the proposed spatial distribution and the approach taken toward allocating land for development across each of the 34 villages.

4.11 The Inspector noted that the approach toward development within villages was 'more restrictive' than that of the adopted Core Strategy and that the zero figure attributed to 'other locations' in Policy H2 was at odds with the figure of 1,000 homes in 'other locations' identified through the adopted Core Strategy.

4.12 The Inspector concluded at paragraph 28 of her interim findings:-

"Based on what I have read and heard to date, my view is that if the plan is to be found sound it should have a more positive approach to the future of the Borough's villages."

4.13 Following the Inspector's interim findings and conclusions of the Stage 3 Hearings, papers were presented to the Cabinet meeting of 15th November setting out the Council's response. The Council has undertaken further work in respect of the jobs target and concluded that it is no longer realistic to expect 33,000 more jobs to come about during the plan period. Instead, the Council now consider a figure of approximately 28,840 appears more likely.

- 4.14 The implications of a reduced jobs growth forecast, are that the figure of 1,389 d/pa advocated by the Inspector is no longer considered appropriate. The additional work undertaken by the Council does however now consider a revised OAN of 1,134 d/pa, resulting in a need to accommodate an additional 34 d/pa or 646 dwellings across the Plan period.
- 4.15 The Cabinet papers further acknowledged the need to consider further housing allocations in the villages, and in particular those locations which are sustainable to accommodate growth. Although no specific proposals are put forward at this time, one option under consideration would be the allocation of all former 'safeguarded' sites.
- 4.16 The Council are anticipated to consult on revised proposals in January 2018 over the course of a six week period.

Material Considerations

- 4.17 There are a number of other relevant policies and documents which are material considerations and these are as follows:-
- National Planning Policy Framework (March 2012)
 - National Planning Practice Guidance (March 2014)
 - Barnsley UDP Saved Policies (December 2000)
 - Barnsley Core Strategy (September 2011)
 - Emerging Barnsley Local Plan

National Policy

National Planning Policy Framework (March 2012)

- 4.18 The Government's National Planning Policy Framework (the Framework) now forms the relevant policy guidance at the national level for the determination of all planning applications; this is especially so where the local development plan is either silent, absent or out of date (paragraph 14) (underlining our emphasis).
- 4.19 The Framework is based around the core principle of creating sustainable development. The Framework states at paragraph 6 that all of the policies in paragraphs 18-219 of the Framework, "taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system." There are three dimensions to sustainable development comprising economic, social and environmental

roles. These are to be considered as mutually dependent and should not be considered in isolation (paragraph 8). At the heart of the planning system is a new presumption in favour of sustainable development. Paragraph 14 of the Framework identifies how this presumption is to be applied in making decisions on individual applications. This means:-

- *“Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent silent or relevant policies are out of date, granting permission unless:*
 - *Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *Specific policies in this Framework indicate development should be restricted.”*

4.20 The presumption follows the content of Section 38 (6) of the Planning and Compulsory Purchase Act 2004 (see paragraph 2 of the Framework) and states that *“planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.”*

4.21 A set of 12 core land use principles are to underpin plan making and decision taking; these are stated at paragraph 17 of the Framework.

4.22 There are 13 topic areas which form the Framework document and those topic areas considered of relevance to this planning application are set out below.

Section 1: Building a strong, competitive economy

4.23 Paragraph 19 makes it clear that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. Planning policies should “recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing” (paragraph 21). The provision of housing is therefore identified as an essential component of economic growth and necessary to job creation and retention.

Section 4: Promoting sustainable transport

- 4.24 Provisions for the promotion of sustainable transport are set out in Paragraphs 29 to 41. At Paragraph 32 it is made clear that all developments that generate a significant amount of movement need to be supported by a Transport Statement or Transport Assessment.

Section 6: Delivering a wide choice of high quality homes

- 4.25 Paragraphs 47 to 55 provide the policy guidance for plan making and decision taking under the overall aim of significantly boosting the housing supply. Paragraph 47 states that local planning authorities should:

- *“Use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;*
- *Identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements with an additional buffer of 5% (moved forward for later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;*

- 4.26 Paragraph 49 states that housing applications are to be considered in the context of the presumption in favour of sustainable development and relevant policies regarding housing supply should not be considered up to date if a five year supply of deliverable sites cannot be demonstrated (underlining our emphasis).

Section 7: Requiring good design

- 4.27 This section of the Framework initially identifies, at paragraph 56, that the Government attaches great importance to the design of the built environment and that it also considers that design is a key aspect of sustainable development. In addition it also recognises that design is indivisible from good planning and should positively contribute to making places better for people.

- 4.28 Paragraph 57 states “it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes”.

Section 11: Conserving and enhancing the natural environment

- 4.29 Paragraph 109 refers to the contribution and enhancement of the natural and local environment including minimising impacts on biodiversity. At the point of determining an application paragraph 118 of the Framework identifies that local authorities should aim to conserve and enhance biodiversity by applying such principles as “development proposals where the primary objective is to conserve or enhance biodiversity should be permitted; and opportunities to incorporate biodiversity in and around developments should be encouraged”.

Decision Taking

- 4.30 In relation to the decision taking section of the Framework, paragraph 187 notes that local planning authorities should “look for solutions rather than problems, and decision takers at every level should seek to approve applications for sustainable development where possible.” This includes working proactively with applicants to “secure developments that improve the economic, social and environmental conditions of the area.”
- 4.31 In determining applications, paragraph 196 requires that “applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise” in line with the established plan-led planning system. Paragraph 197 confirms that in assessing and determining development proposals, “local planning authorities should apply the presumption in favour of sustainable development”.

Local Policy

Saved Policies of the Barnsley UDP (December 2000)

- 4.32 The Barnsley UDP was adopted 17 years ago. The UDP looked forward to a notional end date of 2001. The LP is clearly time expired. Indeed a revision to this LP has been awaited for (at least) 16 years.
- 4.33 Saved policies of the LP were adopted prior to guidance set out in the Framework coming into the decision making process. Contrary to the provisions of Framework Paragraph 213, the LPA has not yet adopted an up to date replacement plan to deliver the housing

allocations required to meet the Council's planned target, although work on a new Local Plan is now at an advanced stage.

- 4.34 The site is allocated as 'Safeguarded Land' within the UDP Proposals Map for Thurgoland, reserved for long term development beyond the plan period. As set out within this report, it is now entirely appropriate for the site to be released for development in light of the interim comments on the soundness of the Local Plan put forward by the appointed Inspector.

(2011 Barnsley Core Strategy)

The Barnsley Core Strategy (CS) was adopted in 2011, prior to guidance set out in the Framework coming into the decision making process. The CS covers the period 2008 to 2026.

- 4.35 The CS was prepared to conform to those policies set out within the Yorkshire & Humber Regional Spatial Strategy (May 2008) which was revoked in July 2010 by Central Government, a matter acknowledged by the spatial strategy of the CS:-

"The Core Strategy has been prepared to be in conformity with the Yorkshire and Humber Plan: Regional Spatial Strategy to 2026 (RSS). Whilst the RSS has now been revoked our proposed spatial strategy remains the optimum strategy for Barnsley"

- 4.36 The adopted CS is therefore based upon a dated evidence base, with no up to date adopted plan in place.
- 4.37 In the interests of clarity, relevant CS Policies are considered below.

CSP9 – The Number of New Homes to be Built

- 4.38 This policy commits the Council to delivering a minimum of 21,500 homes across the plan period 2008 to 2026, a rate of 1,194 dwellings per annum. The housing requirement set out in the CS is based upon the now revoked RSS and therefore does not represent an up to date Objectively Assessed Housing Need (OAN) for the district.

CSP10 – The Distribution of New Homes

- 4.39 This spatial policy provides the distribution of the minimum 21,500 homes targeted to be delivered across the CS period, with Villages to accommodate 1,000 dwellings and therefore representing 5% of the overall CS requirement.



CSP14 – Housing Mix and Efficient Use of Land

- 4.40 This policy affirms that housing proposals will be expected to include a mix of house size, types and tenures to create mixed and balanced communities. The policy confirms that priority will be given to the development of previously developed land and that a minimum density of 40 dwellings per hectare will be expected to be achieved.

CSP15 – Affordable Housing

- 4.41 This policy sets an affordable housing threshold of 25% on site units applicable to sites located in the rural west of the Borough subject to the viability of the site. The requirements of this policy will eventually be superseded by Policy H8 of the emerging Local Plan which sets a new threshold of 30% affordable units to be provided on site.

National Planning Practice Guidance (March 2014)

- 4.42 The Planning Practice Guidance was published as a live 'working' document on 6th March 2014. It extends to over 600 pages and is intended to replace over 7,000 pages of now revoked guidance.

Barnsley Five Year 'Deliverable' Housing Land Supply Report (August 2017)

- 4.43 The Council have recently published an updated position paper on the deliverable five year housing land supply for the District. The paper provides an assessment of deliverable supply for the period 1st April 2017 to 31st March 2022 and considers both a current five year supply position based upon the CS target and an emerging position based upon the adoption of the emerging Barnsley Local Plan.
- 4.44 For the present position, the Paper informs of a deliverable supply of 8,056 dwellings against an adjusted five year requirement of 10,050 dwellings inclusive of a 5% buffer. The Council consider a housing land supply of broadly 4 years, some 2,000 dwellings short of the quantum of supply deemed to be required by the Council across the five year period.
- 4.45 Therefore in the context of the paragraph 49 of the Framework, relevant policies for the supply of housing should cannot currently be considered up to date and the tilted balance is engaged as set out at Section 5.

- 4.46 A five year supply position is also set out within the same paper based upon the emerging Local Plan target, and a readjusted base date for assessing the shortfall of 1st April 2014. In this respect, the Council consider that when incorporating emerging Local Plan allocations which can contribute to the forward supply and taking a revised OAN of 1,100 dwellings, a five year supply of broadly 6.5 years can be demonstrated.
- 4.47 The Council's perceived five year supply position based on the emerging Local Plan can presently be given little credibility. Notwithstanding the position set out within the Council's Cabinet Papers of 15th November 2017, the Local Plan remains subject to concerns by the appointed Inspector that the Plan would not meet the fully objectively assessed housing need for the District, with the Council acknowledging the 1,100 d/pa figure no longer remains good.
- 4.48 The Inspector has yet to conclude on the suitability of the emerging allocations, many of which are currently subject to Green Belt constraints and through the Hearing sessions which have taken place, the Council have acknowledged that the capacities and delivery assumptions on some of the identified allocations will reduce.
- 4.49 In addition to the above, we note the following concerns with the Council's position:-
- Figure 1 details net completions since the start of the CS period, however the undersupply recorded for the 2008/09 monitoring year does not appear to match with net completions. This should be increased to -354 dwellings, giving a total undersupply for the 2008/09 to 2016/17 period of 3,950.
 - We do not consider a 5% buffer in any way appropriate. The CS target has not been met in each of the 9 years since the start of the Plan period. Even substituting the CS requirement for the Council's latest OAN figure of 1,134 d/pa would see a significant shortfall of over 3,000 dwellings against assessed housing need. The backlog is currently equivalent to over 3 years housing requirement and there can be no doubt the Council are a 20% buffer authority.
 - At paragraph 3.14, the draft proposals under the Housing White Paper (February 2017) are cited as justification for a 5% buffer, given that the White Paper advocates a 20% buffer from November 2017 where delivery has been less than 85% of the requirement. The Council have sought to use the 2014 base household projections of 797 d/pa rather than the emerging Plan target, currently at 1,134

d/pa. Once the Local Plan is adopted there would be no doubt the Council are a 20% authority given delivery across the last three monitoring years is little over half the current OAHN.

- Whilst we have not undertaken a full review of the Council's housing trajectory, using either five year supply scenario, the Council place heavy reliance upon sites without planning permission, with over 50% of the quantum of forward supply falling into such category.

Emerging Local Plan

- 4.50 The Council draft's Local Plan is currently at an advanced stage, having gone through examination and currently pending further work by the Council on the OAN and future growth of the identified villages. Once adopted, the Local Plan will replace both the saved policies of the UDP and the policies contained within the adopted CS.
- 4.51 Policy H2 of the emerging Local Plan proposed a total of 680 dwellings to be distributed across the Plan period in other locations outside of Urban Barnsley and the Principal Towns. This figure sits somewhat below the 1,000 dwellings apportioned to the villages within the Core Strategy and has been subject to scrutiny by the Local Plan Inspector. Within the 15th November 2017 Cabinet papers the Council acknowledge a main modification to the Local Plan attributing greater growth to the villages will be 'inevitable'.
- 4.52 Policies contained within the emerging plan relevant to the proposal are considered below.

Policy SD1 – Presumption in Favour of Sustainable Development

- 4.53 In line with the objectives of the NPPF, this policy details the presumption in favour of sustainable development and the Council's positive approach toward working with applicants to find solutions to delivering development proposals that improves the economic, social and environmental conditions of the area.

Policy GD1 – General Development

- 4.54 This policy details a series of criteria of which development meeting each of the requirements will be approved without delay. Such considerations include impacts on

amenities of existing and future occupiers, compatibility with neighbouring uses and environmental impacts.

Policy H6 – Residential Development on Large Non-Allocated Sites

- 4.55 This policy sets out the Council's considerations for large scale residential development (10 dwellings or more) on those sites not identified as preferred housing allocations through the emerging Local Plan. The policy in full states:-

“Proposals for residential development on sites above 0.4 hectares which are not shown as housing sites on the Policies Maps will be given priority where they are:

- *Located on previously developed land.*
- *Located within Urban Barnsley or the Principal Towns as shown on the Proposal Maps*

If the above criteria are satisfied residential development will be allowed where it can be demonstrated that the site:

- *Is located within the built up area. 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; and*
- *Is accessible by public transport; and*
- *Has good access to a range of shops and services.”*

Policy H7 – Housing Mix and Efficient Use of Land

- 4.56 This policy aligns with Policy CSP14 of the adopted Core Strategy and seeks an appropriate mix of house type, size and tenure together with a target density of 40 dwellings per hectare.



Policy H8 – Affordable Housing

- 4.57 This policy will supersede Policy CSP15 of the adopted Core Strategy and sets an onsite affordable housing requirement of 30% subject to the viability of the site.

5.0 THE PLANNING CASE

- 5.1 This section of the report identifies the main planning considerations and provides an assessment of the planning merits of the case in support of the proposed development.

Principle of Development

- 5.2 Within the Barnsley UDP, the site was identified as 'safeguarded land', that being part of a pool of sites considered suitable in principle for residential development, but protected for the duration of the Plan period unless otherwise required. Its very purpose is to provide flexibility for growth within Green Belt boundaries if required.
- 5.3 The emerging Barnsley Local Plan is currently at advanced stage having recently been subject to examination, with Stage 3 Hearings taking place during October on those sites identified as preferred housing allocations. Notwithstanding this, the appointed Local Plan Inspector wrote to the Council on 15th August 2017 to set out a number of concerns with the soundness of the Local Plan. Of principal importance, was the need for the Council to align the OAHN with jobs growth forecasts for the District and to more positively plan for the growth of the identified villages.
- 5.4 Following further work by the Council, the authority put forward a revised jobs growth scenario to the Cabinet Meeting of 15th November 2017 which advocated a revised OAHN of 1,134 d/pa. This revised figure is 34 d/pa above the identified housing need set out in the submission draft Local Plan, resulting in a minimum need for 646 dwellings to be identified across the Plan period.
- 5.5 The Council's same Cabinet Papers of 15th November also acknowledged the inevitability of a Main Modification to Policy H2 of the emerging Local Plan, to more positively reflect growth in the villages. Policy H2 as drafted identifies 680 dwellings to be distributed to villages across the Plan period, some 320 dwellings short of the Core Strategy target.
- 5.6 The release of this safeguarded site for residential development is therefore entirely appropriate in the context of the latest position with the emerging Local Plan. The very purpose of the site's designation as 'safeguarded land' is to act as a reserve site in the event that it is required. Indeed that could not be more true here, the Council acknowledge that both more planned housing supply is required and importantly, that more positive growth is required within the designated villages.

- 5.7 Thurgoland is identified within the Council's October 2017 Settlement's Assessment Update as scoring as being the second highest scoring village in the District in terms of its sustainability credentials. As set out within Section 2 of this report, amongst other local amenities the village benefits from a primary school, local shop, post office and public houses/restaurants. A number of bus stops are located a short distance from the site, including one bus stop directly adjacent the site itself and provide for frequent transport links through to Barnsley, Penistone, Dodworth, Stocksbridge & Chapelton.
- 5.8 This was recently reflected by the grant of planning permission on a piece of safeguarded land to the south of the village, east of Cote Lane. The application was approved by Committee on 20th December under reference 2016/0340 for a scheme of up to 24 dwellings. In respect of the sustainability credentials of the scheme, the Officer's Report concluded:-

"Consideration has been afforded as to whether the site is locally unsustainable due to its location within a village in the Core Strategy as opposed to a site located within Urban Barnsley or a Principal Town.

When considering this point I have afforded consideration to the conclusions arrived at by the Planning Inspector who determined the recent appeal to determine whether or not to allow the construction of 4 dwellings to be constructed off Huthwaite Lane which is in close proximity to the site. When allowing the associated appeal the Inspector afforded weight to the fact that the site is located in a designated Core Strategy village and that associated policies do not preclude new housing development where some development is envisaged (up to 1000 dwellings).

In the view of the Inspector a sufficient variety of services exists within the area to provide for the day to day needs of residents. He is also felt that the bus service would run at times and provide sufficient opportunity to access employment and other services in Barnsley and Penistone by means other than the private car and that there was a reasonable level of access to Penistone and Silkstone train stations. Therefore despite the site being rejected as a Local Plan housing allocation due to its village location being at the bottom of the settlement hierarchy, overall and on balance I am minded to conclude that the development would not be classed as unsustainable when measured against the Government's definition of sustainable development in the NPPF."

- 5.9 In terms of the application site, it is noted that the Halifax Road safeguarded land can be considered better located than the Cote Lane site, given its location is more centrally placed within the village and closer to both local amenities and bus services.
- 5.10 The development would support the vitality of existing local businesses including the local stores and pubs/restaurants through increased resident expenditure.
- 5.11 The site was identified within the Council's 2013 Strategic Housing Land Availability Assessment ('the SHLAA') undertaken by Peter Brett Associates under reference 276, North of Halifax Road, Thurgoland. The SHLAA confirmed a number of key points, including:-
- No access infrastructure constraints are identified;
 - Minor drainage constraints are considered (but not identified);
 - No constraints by way of ground conditions are envisaged;
 - No geological constraints are envisaged;
 - The site is considered attractive to the housing market;
 - Over 90% of the site falls within flood zone 1;
 - The site is not within 800m of an AQMA; and
 - The site is not within an area of Grade 1 Agricultural Land.
- 5.12 More recently, the Council considered the site as part of the Housing Site Selection Methodology to underpin work on the Local Plan. The site was given an overall score of 244, however was ultimately not selected as a preferred housing allocation within the submission draft Local Plan. It is respectfully noted that the sites overall score within the site assessment is higher than sites H44 (193), AC10 (225) and the same as H19 (244), all of which form preferred allocations.
- 5.13 The release of a 'safeguarded' site in this location will not only contribute to meeting the Council's revised OAHN and requirement for additional housing land within the villages, but will also clearly ease pressure on Green Belt. To look at further Green Belt releases in advance of this piece of safeguarded land would be to essentially 'leapfrog' those sites already assessed as suitable options for housing growth.
- 5.14 In addition to all of the above, the Council currently accept that a five year housing land supply cannot be demonstrated. The August 2017 paper discussed at Section 4 of this

report suggests a figure of circa 4 years for the period 1st April 2017 to 31st March 2022. Within our review, we however note that the Council's undersupply has been calculated incorrectly and we further disagree with the application of a 5% buffer. When rectifying these matters alone, the Council's five year supply position only worsens and puts in doubt the delivery of a five year supply upon adoption of the Local Plan. It is therefore imperative that sites are able to contribute in the short term. In the case of the application site, the development is of a scale that could comfortably seek reserved matters approval and deliver in full within the immediate five year period. The site is likely to be attractive to the housing market and will be marketed to prospective SME housebuilders should outline permission be granted.

- 5.15 The site would further meet full compliance with policy GD1 'General Development' of the emerging Local Plan, complying with each of the criteria of the emerging policy.
- 5.16 Having regard to all of the above, we conclude that there is no conceivable reason for the site not to be released for residential development. The site would both contribute to meeting the current Local Plan shortfall in OAHN and positively plan for the growth of a sustainable village.

Prematurity

- 5.17 The National Planning Practice Guidance states that in the context of the presumption in favour of sustainable development, arguments that an application is premature are unlikely to justify a refusal of planning permission other than in exceptional cases, where it is clear that any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. Such grounds may include:-
- i. The development would be so substantial, or its cumulative effect would be so significant that to grant planning permission would undermine the plan making process.
 - ii. The emerging plan is at an advanced (submission) stage but not yet part of the development plan for the area.
- 5.18 In this instance the site is not currently identified as a preferred housing allocation within the emerging Local Plan, however representations have made to the Council to confirm the site's availability and suitability for development. The Council accept that additional housing land will be required and that sites will need to be identified within the villages, however at the time of writing specific additional sites have yet to be identified.

- 5.19 The development proposed would allow for circa 25 no. dwellings, which would represent around 0.1% of the current OAN advocated by the Council of 21,546 dwellings. The site is therefore not at all significant in scale to prejudice the emerging Plan.

Other Material Considerations

- 5.20 Having regard to the sites suitability in principle for residential development, other material considerations are summarised in detail below. For clarity, further detail can be found within each of the supporting technical reports which accompany the planning application submission.

Design & Sustainability

- 5.21 The development would form a logical urban extension to the north eastern edge of the existing settlement. The layout and design of the proposed residential development has been considered through the supporting Design & Access Statement.
- 5.22 The indicative layout would utilise a single point of vehicular access to the site taken from Halifax Road together with multiple points of pedestrian access. The indicative layout demonstrates an area of public open space to the north western corner of the site together with a village green area on the south western corner providing a landscaped buffer to the existing war memorial.
- 5.23 The indicative scheme shows a mix of detached and semi-detached properties that would deliver choice and meet local needs within Thurgoland. The development would also provide 7 new affordable homes subject to viability and would therefore accord with policy H8 of the emerging Local Plan.
- 5.24 Consideration has also been given to CABE Building for Life 12 (2012) and the Design & Access Statement supporting the application has evaluated and considered the proposal against each of the 12 criteria.

Highways

- 5.25 A Transport Statement and detailed access design has been prepared by Optima Highways in support of the application. The access has been designed as the most suitable



point of entry to the site, taken from Halifax road and would achieve appropriate visibility splays in both directions.

- 5.26 The Transport Statement further sets out the sustainability credentials of the site and concludes that the junction would operate well within capacity with no queuing during peak periods.
- 5.27 It is therefore concluded that there are no significant adverse impacts identified through the Transport Assessment and in accordance with paragraph 32 of the Framework there are no grounds to refuse the application on this basis.

Ecology

- 5.28 There are no designated sites located within 1km of the application site. The application is supported by a detailed Ecological Appraisal undertaken by Brooks Ecological together with a Bat Activity Survey.
- 5.29 The Ecological Survey confirms there are no significant ecological impacts that would arise as a result of the proposals and therefore no mitigation works are necessary.

Ground Conditions

- 5.30 A Preliminary Geo-environmental Investigation has been prepared by Lithos Consulting to support the application. The report follows a site walkover & investigation together with a review of the site history and assessment of existing ground conditions.
- 5.31 The report concludes there to be no significant risk toward residential development in this location and makes recommendation for further investigative works to be undertaken which can be secured via a suitably worded planning condition.

Flood Risk & Drainage

- 5.32 The site is located within Flood Zone 1, and is therefore located within an area not at risk of flooding. A drainage appraisal has been prepared by ARP Associates to accompany the application and demonstrates there to be no flood risk or drainage constraints which would prevent the proposed development from being consented.

Trees

- 5.33 An Arboricultural Survey has been prepared by AWA Tree Consultants in support of the proposals. The survey confirms there to be no Cat A trees present within the site, with only two recorded Cat B trees (T6 & T39).
- 5.34 Both Cat B trees would be retained as part of the scheme, with the majority of trees along the southern boundary, with the exception of a single Cat C tree to be removed on the south east corner in order to provide vehicular access.
- 5.35 There are opportunities for new tree planting to be facilitated as part of a detailed landscape scheme at reserved matters stage.

Planning Balance

- 5.36 The site is located on the eastern edge of the village of Thurgoland, an area of land safeguarded in the 2000 UDP. Whilst the present Publication Draft of the emerging Local Plan does not identify the site for residential development, the Council are undertaking further work to identify both additional housing land, and in particular identifying opportunities for positive growth within the villages.
- 5.37 The application site is not constrained by Green Belt, and is well located within a village scored by the Council as being the second most sustainable within the District. The site represents a clear opportunity for both making good the Local Plan shortfall, and attributing further growth to a sustainable village that would not rely on additional land being removed from the Green Belt.
- 5.38 The site is subject to no significant environmental constraints and the various technical reports produced to accompany this application submission demonstrate that there will be no adverse impacts as a result of granting planning permission.
- 5.39 The indicative masterplan demonstrates how development could integrate within the locality and would provide for a mix of property types, without detriment to neighbouring amenities. The settlement characteristics and the site's opportunities and constraints have been assessed in the supporting Design and Access Statement.



- 5.40 The masterplan demonstrates a high quality residential scheme, that would incorporate areas of open space and add betterment through the diversion of an existing public right of way through managed open space.
- 5.41 There are a number of significant benefits that can be delivered through the development of these housing proposals. The site would provide a deliverable supply of much needed land for housing in a district where the identified housing land supply is significantly short of five years.
- 5.42 Having regard to all of the above, it is clear that there is a significant presumption in favour of the development. The proposal would represent a wholly suitable and proportionate extension to a sustainable village, and the supporting material has demonstrated there to be no technical issues which would prevent the grant of planning permission.

6.0 SUMMARY AND CONCLUSIONS

- 6.1 The National Planning Policy Framework indicates that housing applications should be considered in the context of the presumption in favour of sustainable development, which should be seen as the golden thread through both plan-making and decision-taking.
- 6.2 The site was formerly overlooked by the Council as a preferred housing allocation within the emerging Barnsley Local Plan, despite scoring favourably within the Housing Site Assessments which underpinned the site selection methodology. Indeed the only area of criticism of the site set out within the Housing Site Assessment was the location of the site itself, being within an identified village.
- 6.3 Following interim comments into the examination of the emerging Plan made by the appointed Inspector, the Council now find themselves in a position where additional housing land is required, and importantly more positive growth is to be distributed to villages capable of taking sustainable development. Recently updated scoring assessments undertaken for each of the villages shows Thurgoland to be one of the most sustainable in the District, with the site well located within walking distance of a number of local amenities.
- 6.4 Indeed the sites former designation as 'safeguarded land' is a clear indication of its suitability to come forward for residential development. Its very purpose is to act as a reserve of land in the event it is required to meet future growth. Never has that been more true, and we consider the Council would be wrong to overlook the allocation of this site at the expense of further amendments to Green Belt boundaries.
- 6.5 The site would make for a compatible use and the technical reports accompanying the application detail how the development will not give rise to any adverse impact upon matters of transport, drainage, trees or ecology. The development would therefore comply with the Core Principles of the NPPF as detailed within paragraph 17 of the Framework.
- 6.6 In addition to all of the above, the Council cannot currently demonstrate a deliverable five year supply of housing land. The tilted balance is therefore engaged and permission should be approved unless adverse impacts would significantly and demonstrably outweigh the benefits.



6.7 Therefore taking account of the all of the above factors including all merits of the scheme taken as a whole, this report has demonstrated that when assessed against the requirements of the Framework, there are no adverse impacts that would arise from a residential development of the site. In accordance with paragraph 14 of the Framework, we consider that planning permission should be approved and this safeguarded site allocated for residential use within the emerging Local Plan.



Appendix 1 – Housing Site Assessment

Local Plan

Sustainability Appraisal Publication 2016



Stage 1: Housing Site Selection Methodology

Site Status: Rejected

Site Area (ha): 0.8

Criteria Topic	Criteria	Score
Transport		
Availability of Rail and Bus	Red Site (not in buffer): 1 points Amber Site (partly withing buffer and partly out): 3 points Green Site (within walking distance of buffer): 5 points	1
Potential for the site to be accessed by public transport	The site gets 1 point per ability to meet these criteria: Site within 2km of existing railway station (shuttle bus): 1 point Site 1km from existing bus route (potential for amended route): 1 point Site within 800 metres of railway lane (potential for new railway station): 1 point	1
Proximity to strategic highway network	Site is within 0.8km of strategic road network: 5 points Site is between 0.8km and 1.6km from strategic road network: 3 points Site is over 1.6km from strategic road network: 1 point	5
Proximity to Service		
Proximity to Key Services	Site has all essential facilities plus 5 other services: 5 points Site has all essential facilities within 800m: 3 points Site has three or less essential facilities within 800m: 1 point	1
Proximity to Town Centres	Within 0.8km of a town, district or local centre: 5 points Site is between 0.8km and 1.6km from a town, district or local centre: 3 points Site is over 1.6km from a town, district and local centre: 1 point	1
Efficient Use of Land		
Soil Quality	Loss of Grade 1 or 2 agricultural land: 1 point Loss of Grade 3 - 5 agricultural land: 3 points No loss of agricultural land: 5 points	3
Land Type	Greenfield: 1 point A mix of PDL and Greenfield: 3 points PDL: 5 points	1
Relationship to existing settlement area	Site is significantly detached from existing settlement area: 1 point Site is bordered on at least one side by an existing housing/settlement area: 3 points Site is completely within existing housing/settlement area: 5 points	3
Environment		
Impact on Conservation Areas	Site is within a conservation area: 1 point Site is adjacent to (within 20m) of a conservation area: 3 points Site not within 20m of conservation area: 5 points	5
Impact on Listed Buildings	Site within 100m of a Listed Building: 1 point Site not within 100m of a Listed Building: 3 points	3
Impact on Registered Park and Gardens	Site within 500m of a registered park and garden: 1 point Site not within 500m of a registered park and garden: 3 points	3
Flood Risk	Site within Floodzone 3a: excluded at the beginning of the assessment Site within Floodzone 2: 1 points Site within Floodzone 1: 5 points	3
AQMA	Site within 200m of AQMA: 1 point Site 200m to 800m from AQMA: 3 points Site not within 800m of AQMA: 5 points	5
Physical Problems of Limitation		
Access Infrastructure	Extensive new access infrastructure required: 1 point Some new access infrastructure required: 3 points Extensive new access infrastructure not required: 5 points	5
Drainage Infrastructure	Extensive new drainage infrastructure required: 1 point Some new drainage infrastructure required: 3 points Extensive new drainage infrastructure not required: 5 points	3
Ground Condition	Treatment/remediation expected to be required: 1 point Treatment/remediation expected to be required on part of the site: 3 points Treatment/remediation not expected to be required on majority of the site: 5 points	5
Geo-cavities	Site within area likely to contain geological constraints or mining cavities: 1 point Site not within area likely to contain geological constraints or mining cavities: 3 points	3
1 Bad Neighbours	Major bad neighbour constraint which are difficult to remedy/overcome: 1 point Bad neighbour constraints, but potential for mitigation: 3 points No bad neighbour constraints: 5 points	5
Stage 1 Score		56

Stage 2: Housing Site Selection Methodology

Site Status: Rejected

Site Area (ha): 0.8

Criteria Topic	Criteria	Score
AVAILABILITY - Ownership Information		
Evidence owner is willing to develop the site	Owner known and firm confirmation received they are willing to develop site: 5 points Agent proposed site, willingness of owner unconfirmed: 3 points Owner unknown or complex multiple ownership: 1 point Owner unwilling to develop the site: 0 points	3
	Total Score: Availability (Factor Value x 22)	66
SUITABILITY		
Biodiversity		
Impact of biodiversity on suitability for development	No detrimental local ecological impact: 5 points Some adverse local ecological impact but scope for mitigation: 3 points Very detrimental ecological impact: 1 point	5
Greenspace		
Greenspace	Not on an identified greenspace: 5 points On a greenspace where its loss would not result in deficiency: 3 points On a greenspace where its loss would result in deficiency: 1 point	5
Landscape Sensitivity		
Landscape sensitivity is a judgment about the degree to which a landscape character area can accomodate change without adverse affects on its character	Low landscape sensitivity: 5 points Medium landscape sensitivity: 3 points High landscape sensitivity: 1 point	1
Landscape Capacity		
Landscape sensitivity is a judgment about the ammount of development that can be accomodated	High landscape capacity: 5 points Medium landscape capacity: 3 points Low landscape capacity: 1 point No landscape capacity: 0 points	1
	Total Score: Stage 1	56
	Suitability Score: Stage 2	12
	Total Score: Suitability	68
Achievability		
Achievability		
Impact of market attractieness on liklihood of development	Highly attractive area: 5 points Moderately attractive area: 3 points Low attractiveness area: 1 point	5
Viability		
Viability	Site is finacially viable and generates a positive residual value at or about the market rate: 5 points Site is viable but generates a positive residual value below the market rate: 3 points Site is marginally viable i.e. it neither generates a positive or negative residual value. Or site is unviable and generates a negative residual value: 1 point	5
	Total Score: Achievability	10
	Total Score: Achievability (Factor x 11)	110
	Total Score: Stage 2	188
	TOTAL SCORE:	244
Justification	Site rejected due to location within in a village at the bottom of settlement hierarchy in a location with sustainability issues. The site is proposed as Safeguarded Land reference SAF22 in the Local Plan	

**Appendix 2 – Barnsley Local Plan 2017, Update of
Settlement Assessments for Villages (October 2017)**

Barnsley Local Plan Examination 2017

Update of settlement assessments for Villages

At the stage 2 hearings sessions of the Local Plan examination the Council committed to updating the settlement assessments in respect of the villages.

The settlement assessment work was originally carried out in 2003 and updated in 2007. The original documents are referenced as EB27 [Barnsley Settlement Assessment Babtie February 2003](#) and EB28 [Barnsley Settlement Assessment 2007 update Jacobs](#) in the Examination Library.

In the original work not every village was assessed. In order to address the issues raised in the Local Plan hearings each village has been assessed.

The original methodology has been followed in this new piece of work. However the 'potential benefits of growth' section of the original assessments hadn't been completed consistently for the villages covered. Therefore this has been left out of the new assessments. A section on digital infrastructure has been added to consider broadband and 4G coverage, as we felt this would be helpful.

The methodology for the scoring has been retained whereby each element scores high, medium or low. Each section is given an overall high, medium or low score which then also equates to a numerical score of 1 for low, 2 for medium and 3 for high.

The villages covered by the original assessments were: Great Houghton; Little Houghton; Brierley; Cawthorne; Oxspring; Silkstone Common; Silkstone

The ranking of the villages in the updated settlement scoring is as follows:

Village	Score
Great Houghton	18
Thurgoland	16
Silkstone	16
Tankersley	16
Pilley	16
Oxspring	16
Cawthorne	16
Brierley	16
Hoylandswaine	15
Silkstone Common	15
Middlecliffe	15
Broomhill	15
Thurlstone	15
Swaithe	15
Woolley Colliery Village	15
Worsbrough Village	14

Millhouse Green	13
Wortley	13
Billingley	13
Weetshaw Lane	12
Carlecotes	12
Crane Moor	12
Town Head	12
Crow Edge	12
High Hoyland	12
Howbrook	12
Ingbirchworth	12
Langsett	12
Little Houghton	12
Green Moor	11
Hood Green	11
Huthwaite	11

Appendix 3 – Appeal Decision
APP/R4408/W/15/3134783, Land off Huthwaite Lane
(29th February 2016)

Appeal Decision

Site visit made on 2 February 2016

by **S R G Baird BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 February 2016

Appeal Ref: APP/R4408/W/15/3134783

Land off Huthwaite Lane, near Thurgoland, Huthwaite, South Yorkshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Yorkshire Land Limited against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2014/1240, dated 17 October 2014, was refused by notice dated 30 July 2015.
 - The development proposed is the erection of 4 detached dwelling houses with associated access, parking and landscaping.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of 4 detached dwelling houses with associated access, parking and landscaping on land off Huthwaite Lane, near Thurgoland, Huthwaite, South Yorkshire in accordance with the terms of the application, Ref 2014/1240, dated 17 October 2014, subject to the conditions set out in the attached schedule.

Application for Costs

2. An application for costs was made by Yorkshire Land Limited against Barnsley Metropolitan Borough Council is the subject of a separate Decision.

Main Issues

3. Whether, having regard to the provisions of the development plan¹ and the National Planning Policy Framework (Framework), the proposed development would constitute unsustainable development.

Reasons

4. The Core Strategy (CS) settlement hierarchy lists Huthwaite as a village and, as I understand it, the emerging Local Plan continues to list Huthwaite as a village. The CS indicates that within villages, development is likely to occur on small infill sites that are consistent with and sensitive to Green Belt policy.
5. The appeal site is located within the Green Belt, where the Framework says that inappropriate development should not be approved except in very special circumstances. The construction of new buildings is regarded as inappropriate development except where it comprises limited infilling within villages². The site has a frontage to Huthwaite Lane, it is bounded on its eastern and western sides by residential development and is located within the built-up area of the

¹ Barnsley Local Development Framework – Core Strategy Adopted 2011 (CS).

² Framework paragraph 89 5th bullet point.

village. On these facts and given the scale of the development, I conclude, that this proposal would comprise limited infilling in a village and would not be inappropriate development. Accordingly, it is unnecessary to consider whether very special circumstances exist to justify the development.

6. The above conclusion is wholly consistent that of the planning officer contained in a report to the Planning Regulatory Board (PRB) and a conclusion the local planning authority (lpa) does not resile from in its appeal statement. The development would inevitably have some effect on the openness of the Green Belt. However, given that I have concluded that it would represent limited infilling in a village, the effect on openness would not be so significant that it would cause any material harm to the Green Belt.
7. Framework paragraph 6 says that the policies in paragraphs 18 to 219, taken as a whole constitute the Government's view on what sustainable development means for the planning system. Paragraph 7 identifies that there are 3 dimensions, to sustainable development; economic, social and environmental. Section 6 of the Framework deals with the delivery of housing. Key objectives that would contribute to the economic and social dimensions include boosting significantly the supply of market housing, delivering a wide choice of high quality homes and the creation of sustainable, inclusive and mixed communities. These objectives include planning for a mix of housing based on, amongst other things, the needs of different groups.
8. Lpa's are required to identify and update annually a supply of specific deliverable sites sufficient to provide 5-years worth of housing against their housing requirements. The appellant submits that there is not a 5-year supply of housing land, a statement which the lpa does not refute. Thus, the provision of 4 dwellings would make a small, but important contribution to the housing needs of this district.
9. This development would provide 4, high-specification 5-bedroom 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 Strategy³ (ES) acknowledges the need to deliver a step change in the quality and mix of housing available in the district. The ES goes on to identify that an inadequate supply of appropriate development sites and executive housing is an issue to be addressed. Similarly, 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 SHMA⁴ 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 appellant's submission that the development would assist in achieving these objectives is not challenged by the lpa. Thus, the provision of 4 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.
10. The Framework does not contain a definition of an inclusive and mixed community and clearly whether this objective is achieved is a matter of informed judgement. Here, the lpa appears to suggest that the contrast

³ Growing Barnsley's Economy 2012-2033.

⁴ Strategic Housing Market Assessment.

between the existing dwellings to the east and west with the scheme would lack integration thus creating an exclusive community. The implication of this approach is that the type development on the site should reflect the size and type housing around it. In my view what this approach would do is reinforce the nature of the existing community and restrict the creation of a mixed community in terms of family type and size. The introduction of 4, large detached houses into this setting would not conflict with the objective of encouraging inclusivity and would positively contribute to the creation of a mixed community consistent with the Framework.

11. The lpa's suggestion that Huthwaite, given its lack of services and limited access to public transport, is locationally unsustainable contradicts the identification of Huthwaite as a village in the CS and emerging Local Plan settlement hierarchy where some development is envisaged. Manual for Streets (MfS) published in 2007 highlights that walking offers the greatest potential to replace short car trips, particularly those under 2km. Thus, whilst within Huthwaite the availability of a wide range of services is lacking, there is within 2km a variety of facilities that could provide for the day to day needs of residents. Whilst the bus service to Huthwaite is limited, it appeared to me to run at times that would provide the opportunity to access employment and other services in Barnsley and Penistone by means other than the private car.
12. The lpa does not dispute that the proposed dwellings are of good quality or that there would be unacceptable effects on the living conditions of adjoining residents. I have no reason to disagree with those conclusions. In addition to retaining existing trees and hedging, the submitted scheme includes details of proposed landscaping that would strengthen the existing planting. In terms of visual impact, whilst the proposed layout, with the majority of the houses set back within the plot and the frontage house set at an angle to the road, would result in a change in the appearance of the area it would not unacceptably diminish the spacious character of the immediate area or appear obtrusive and incongruous in the immediate setting.
13. The environmental dimension includes moving to a low carbon economy. In terms of housing, this can be achieved through the minimisation of resource and energy consumption. Here, the appellant proposes to use low carbon energy generators such as solar panels, heat pumps, high standards of insulation and low energy lighting. The appellant also confirms that the homes would be constructed to achieve Level 3 of the Code for Sustainable Homes (CSH), which would be consistent with the requirements of CS Policy CSP 2. The CSH has now been superseded and elements of it have been incorporated into the Building Regulations and set to the equivalent of Code Level 4.
14. An ecological appraisal of the site has identified that the existing habitat value of the site is limited. Whilst I appreciate that the value of the site in ecological terms has been diminished by the actions of previous owners, this scheme is accompanied by proposals for the retention, creation and management of habitats, which would be a benefit. This is a matter that can be covered by way of a planning condition.
15. Access to the site would be from Huthwaite Lane which is an unmade road and in places in poor condition. Subject to the road frontage of the site being resurfaced, the highway authority has no objection to the scheme on highway

safety grounds and I have no reason to disagree with that conclusion. This is a matter that could be dealt with by way of a planning condition.

Conclusion

16. Drawing all these matters together, whether a development is sustainable is a matter that has to be viewed in the round looking at the development plan and the Framework as a whole and balancing harm against benefits. Thus, having regard to all the factors discussed above, I consider that the proposal would not conflict with the relevant policies of the development plan as a whole and Policies CSP 1, CSP 25 and CSP 29 in particular and having regard to the Framework as a whole would comprise sustainable development. In light of these conclusions and having taken all other matters raised into consideration, I conclude that this appeal should be allowed.

Conditions

17. I have imposed a condition specifying the relevant drawings as this provides certainty (2). In the interests of the appearance of the area and protecting the living conditions of existing and proposed residents, conditions relating to: finished levels (3), finishing materials (4), a construction method statement (6), landscaping, the protection of existing trees and boundary treatments (9), 10, 11 & 13), hours of construction (12), the treatment of potential ground contamination (14), controls relating to windows on Plot 3 (18), are all reasonable and necessary. In the interests of providing drainage and the prevention of flooding, a condition relating to foul and surface water drainage (8) is reasonable and necessary. In the interests of highway safety, conditions relating to: the provision of parking and manoeuvring areas (5), site gradients (7), the surfacing of Huthwaite Lane (16) and a restriction on the gating of the access (17) are reasonable and necessary. In the interests of ecology, I consider a condition relating to the implementation of ecological mitigation is reasonable and necessary. Where necessary and in the interests of precision and enforceability I have reworded the suggested conditions.
18. I have not imposed the suggested condition relating to the removal of permitted development rights. Planning Policy Guidance indicates that such a condition should only be used in exceptional circumstances. No such circumstances have been demonstrated here.

George Baird

Inspector

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans:- Drawing Nos. YLHLBR1 Site Location Plan; 2014/10/01 Plot 1 Dwelling Details; 2014/10/02 Plot 2 Dwelling Details; 2014/10/03 Plot 3 Dwelling Details; 2014/10/04 Rev A Plot 4 Dwelling Details; 2014/10/05 Rev A Proposed Site Layout Drawings and Drawing R/1638/1A Landscape Details.
3. Prior to the commencement of development plans to show the finished floor levels of all buildings and structures; road levels; existing and finished ground levels shall be submitted to and approved by the local planning authority. Development shall be carried out in accordance with the approved details.
4. No development shall take place until full details of the proposed external materials have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
5. The parking/manoeuvring facilities, shown on the submitted plans, shall be surfaced in a solid bound material (not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.
6. No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 1. the parking of vehicles of site operatives and visitors;
 2. means of access for construction traffic;
 3. loading and unloading of plant and materials;
 4. storage of plant and materials used in constructing the development;
 5. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 6. wheel washing facilities
 7. measures to control the emission of dust and dirt during construction;
 8. measures to control noise levels during construction.
7. Vehicular and pedestrian gradients within the site shall not exceed 1:12.
8. No development shall take place until:
 - (a) full foul and surface water drainage details, including a scheme to reduce surface water run-off by at least 30% and a programme of works for implementation, have been submitted to and approved in writing by the local planning authority;
 - (b) porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways;
 - (c) calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways.

Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented and the scheme shall be retained throughout the life of the development.

9. No development shall take place until there has been submitted to and approved in writing by the local planning authority, full details of hard landscaping works. The approved hard landscaping details shall be implemented prior to the occupation of the dwellings.
10. The soft landscaping works hereby approved shall be carried out strictly in accordance with FDA Landscaping Plan R/1638/1A as approved. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
11. Prior to the commencement of development or other operations being undertaken on site in connection with the development, (i) Tree Protective Barrier details; (ii) a Tree Protection Plan and (iii) a Arboricultural Method Statement prepared in accordance with BS5837 (Trees in Relation to Construction 2005: Recommendations) shall be submitted to and approved in writing by the local planning authority. No development or other operations shall take place except in complete accordance with the approved methodologies. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.
12. Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 08:00 to 18:00 hours Monday to Friday and 09:00 to 14:00 hours on Saturdays and at no time on Sundays or Bank Holidays.
13. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the position of any boundary treatment to be erected. The boundary treatment shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details.
14. Prior to commencement of development an investigation and risk assessment to assess the nature and extent of any contamination on the site shall be submitted to and approved in writing by the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:
 - (i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health;
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

The above must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Development shall be carried out in accordance with the approved report including any remedial options.

15. Prior to commencement of development full details of the mitigation measures identified in the Ecological Survey (revision C), including a timetable for their implementation, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
16. No development shall commence until a detailed scheme for the resurfacing of Huthwaite Lane between Cote Lane and the application site including the full extent of the site frontage have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to first occupation of any dwelling.
17. Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking, amending or re-enacting that Order) no gates, bollard, chain or other means of obstruction shall be erected across the approved access off Huthwaite Lane.
18. All windows on the east facing elevation of the Plot 3 facing the existing dwellings Kinross and Fair View, Cote Lane shall be fitted with obscure glass and retained as such thereafter.

Appendix 4 – Extent of Applicant Land Ownership

These are the notes referred to on the following official copy

The electronic official copy of the title plan follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.

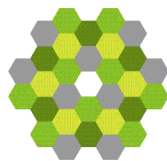
This official copy was delivered electronically and when printed will not be to scale. You can obtain a paper official copy by ordering one from Land Registry.

This official copy is issued on 30 November 2016 shows the state of this title plan on 30 November 2016 at 14:28:15. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002). This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

This title is dealt with by the Land Registry, Nottingham Office .

Land Registry
Official copy of
title plan

Title number **SYK522967**
Ordnance Survey map reference **SE2901SW**
Scale **1:2500 reduced from 1:1250**
Administrative area **South Yorkshire : Barnsley**



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