

Application Reference: 2025/0126

Location: 11 Surrey Close, Worsbrough Common, Barnsley, S70 4NB.

Introduction

This application has been submitted following a complaint to the Council.

This application seeks retrospective planning permission for the erection of a raised decking area with balustrades and a detached outbuilding within the rear garden.

Relevant Site Characteristics

This application relates to a modest sized plot located on the south side of Surrey Close which is a residential cul-de-sac characterised by other two-storey semi-detached dwellings of a similar scale and appearance. The topography of the area falls significantly south-to-north.

The application property is a two-storey semi-detached dwelling constructed of brick with a concrete pantile pitched roof. The property benefits from an existing two-storey side extension and is fronted by a large driveway. To the rear is a modest sized garden which falls south-to-north towards the rear elevation of the property. Within the rear garden is a raised decking area and a detached outbuilding of a timber construction. This development is positioned to the south-east corner within the site and is positioned adjacent to the east and south party boundaries. Boundary treatments comprise timber fencing and a neighbouring hedge.



Site History

B/03/0323/BA	Erection of two-storey side extension.	Approved.
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No special restrictions or designations affecting the proposal are considered to apply to this site, such as permitted development rights having been removed, or listed status etc.

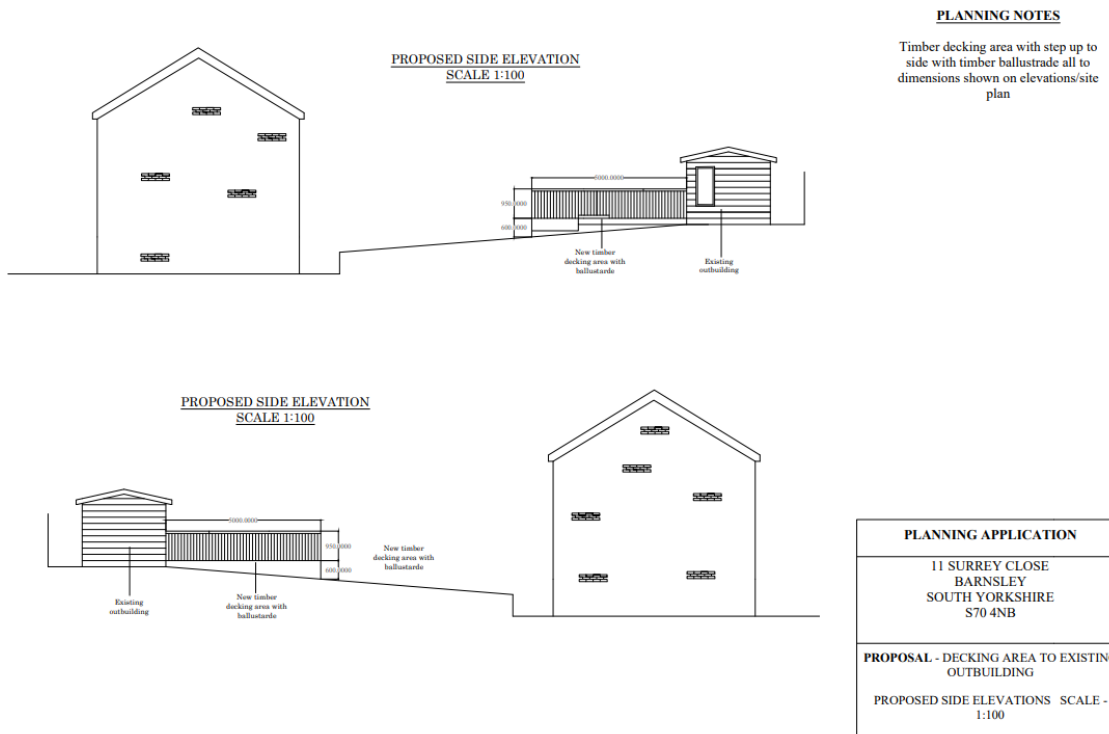
Detailed Description of Proposed Works

This application seeks retrospective planning permission for the erection of a raised decking area with balustrades and a detached outbuilding within the rear garden.

The raised decking area has been constructed in a sloping garden. The height of the raised decking area taken from the highest point of the ground level immediately adjacent measures approximately 0.2 metres and the height from the lowest point of the ground level immediately adjacent measures approximately 0.6 metres. The balustrades are approximately one-metre-high, and the decking area covers approximately 28 sqm of the rear garden area.

The outbuilding measures approximately 2.7 metres (L) x 4 metres (W) x 2.5 metres (H) and covers approximately 11 sqm of the rear garden area.

A site visit was undertaken by the Case Officer on 6th June 2025. This involved taking measurements and confirming their accuracy.



Relevant Policies

The Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires development proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for Barnsley consists of the Barnsley Local Plan (adopted January 2019).

The Local Plan review was approved at a full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering on its objectives. This means, no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review, which is due to take place in 2027, or earlier, if circumstances require it.

The development site is allocated as urban fabric within the adopted Local Plan which has no specific allocation. The following Local Plan policies are relevant in this case:

- *Policy SD1: Presumption in favour of Sustainable Development.*
- *Policy GD1: General Development.*
- *Policy D1: High quality design and place making.*
- *Policy T4: New Development and Transport Safety.*

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

In December 2024, the Government published a revised NPPF which is the most recent revision of the original Framework, first published in 2012 and updated several times, providing the overarching planning framework for England. The NPPF sets out the Government's planning policies for England and how they are expected to be applied. The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions. The revised document has replaced the earlier planning policy statements, planning policy guidance and various policy letters and circulars, which are now cancelled.

Central to the NPPF is a presumption in favour of sustainable development (paragraph 10) and plans and decisions should apply this presumption in favour of sustainable development (paragraph 11). There are three dimensions to sustainable development: economic, social and environmental; each of these aspects are mutually dependent. The following NPPF sections are relevant in this case:

- *Section 2: Achieving sustainable development.*
- *Section 4: Decision-making.*
- *Section 12: Achieving well designed places.*

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

Supplementary Planning Guidance

In line with the Town and Country Planning (Local Planning) (England) Regulations 2012, Barnsley has adopted twenty-eight Supplementary Planning Documents (SPDs) following the adoption of the Local Plan in January 2019. The following SPDs are relevant in this case:

- *House extensions and other domestic alterations (Adopted March 2024).*
- *Parking (Adopted November 2019).*

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

Other Material Considerations

- Town and Country Planning (General Permitted Development) (England) Order 2015.
- Permitted development rights for householders: Technical Guidance.

Consultations

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

No statutory or non-statutory consultees were consulted on this application.

Any neighbour sharing a boundary with the site has been sent written notification and the application has been advertised on the Council website. One objection was received and the concerns identified are summarised as follows:

- The proximity of the development to party boundary;
- The outbuilding is elevated on railway sleepers and is elevated significantly from the ground;
- Impact on privacy;
- Impact on mental health and well-being;
- Impact on the value of the property and could deter potential buyers; and
- The accuracy of the measurements.

Whilst all concerns are acknowledged, only those that are material planning considerations can be considered. Impact on mental health and well-being, property value and the potential to deter buyers are not material planning considerations and are therefore given no weight.

The extent in which the concerns raised which are material planning considerations are considered in this instance is dependent on whether the retrospective development meets the requirements for permitted development, therefore not requiring planning permission. Any potential impact which may arise from development that meets permitted development requirements and has been implemented utilising permitted development rights cannot be controlled by the local planning authority and cannot be assessed against adopted local planning policies and guidance.

Considering the above, an assessment has been made against the relevant legislation to determine if the retrospective development meets the relevant permitted development criteria.

Planning Assessment

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

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

Principle of Development

This application has been submitted following a complaint to the Council. It was requested as it was thought the retrospective development did not meet permitted development requirements. As such, an assessment has been undertaken against the provisions of Class E, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Class E, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), permits buildings etc incidental to the enjoyment of a dwelling-house. Within this are the following categories:

Permitted development

The provision within the curtilage of the dwellinghouse of—

- a) *any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or*
- b) *a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.*

Development not permitted

E.1 Development is not permitted by Class E if—

- a) *permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);*
- b) *the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);*
- c) *any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;*
- d) *the building would have more than a single storey;*
- e) *the height of the building, enclosure or container would exceed—*
 - i. *4 metres in the case of a building with a dual-pitched roof,*

- ii. *2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or*
- iii. *3 metres in any other case;*
- f) *the height of the eaves of the building would exceed 2.5 metres;*
- g) *the building, enclosure, pool or container would be situated within the curtilage of a listed building;*
- h) *it would include the construction or provision of a verandah, balcony or raised platform*
- i) *it relates to a dwelling or a microwave antenna;*
- j) *the capacity of the container would exceed 3,500 litres; or*
- k) *the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).*

Paragraphs E.2 and E.3 are not relevant in this instance.

Interpretation of Class E

E.4 For the purposes of Class E, “purpose incidental to the enjoyment of the dwellinghouse as such” includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse.

The Permitted development rights for householders: Technical Guidance sets out key definitions:

- *“Raised” – in relation to a platform means a platform with a height greater than 0.3 metres.*
- *“Height” – references to height (for example, the heights of the eaves on a house extension) is the height measured from ground level. (Note, ground level is the surface of the ground immediately adjacent to the building in question and would not include any addition laid on top of the ground such as decking. Where ground level is not uniform (for example if the ground is sloping), then the ground level is the highest part of the surface of the ground next to the building.)*

Having checked these specifications, the retrospective development does comply with the legislation and requirements for permitted development: the retrospective development is not situated on land forward of the principal elevation of the original dwellinghouse; the outbuilding is located within two metres of a boundary forming the curtilage of the dwellinghouse, but its height does not exceed 2.5 metres when measured from the highest part of the surface of the ground next to the building, in line with the technical guidance; and the retrospective development includes a decking area which does not meet the definition of a “raised platform” because its height is not greater than 0.3 metres when taken from the highest part of the sloping surface of the ground immediately adjacent, in accordance with the technical guidance.

Consequently, any potential impact which may arise because of the retrospective development, that is confirmed to meet permitted development requirements, cannot be controlled by the local planning authority and cannot be assessed against adopted local planning policies and guidance. Whilst the concerns raised are acknowledged, they cannot be attributed weight in this instance for this reason, and therefore, no further assessment is considered necessary.

Planning Balance and Conclusion

The retrospective development has been assessed against the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), and is confirmed to meet the relevant and required permitted development criteria and conditions. Consequently, any potential impact which may arise because of the retrospective development cannot be controlled by the local planning authority (LPA) and cannot be assessed against adopted local planning policies and guidance in this instance.

RECOMMENDATION: Approve subject to conditions.

Justification

Statement of compliance with Article 35 of the Town and Country Development Management Procedure Order 2015.

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

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

Conditions:

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

Proposed Side Elevations
Proposed Front Elevation
Proposed/Existing Site Plan
Site Location Plan

and specifications as approved unless required by any other conditions in this permission.

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

Informative(s):

2. The granting of planning permission does not in any way infer that consent of the landowner is given. Therefore, the consent of all relevant landowners is required before proceeding with any development, including that of the Council as landowner.

If it should transpire that the applicant does not own any of the land included in this consent, then it is the responsibility of the applicant to seek all necessary consents and approvals of the landowner.