

**2025/0733**

**Mr Geoffery and Janice Laverack Hollinshed**

**Land off Bateman Close, Cudworth, Barnsley**

**Outline application for the erection of 2 dwellings (access and layout only with all other matters reserved)**

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### **Site Description**

The application site is to the east of Bateman Close at sits between No11 Bateman Close and 159 Weetshaw Lane. The site was previously part of 159 Weetshaw Lane's garden area but has since been sold. The surrounding properties are two storey detached dwellings which are built in red brick. The properties along Bateman Close all have small driveways and front gardens bound by low brick walls and hedges/planting. Beyond the site to the north are open fields and the site is surrounded by residential development on all other sides.

### **Planning History**

2011/0849: Erection of a detached dwelling (Outline) – Approved with conditions

2015/1488: Erection of 1 no. detached dwelling – Approved with conditions

2020/0450 – Erection of 1 detached dwelling. Granted

### **Proposed Development**

The applicant is seeking outline approval for the erection of two detached dwellings for access and layout only at this stage with all other matters reserved.

Below is the proposed site layout:



## Relevant Policies

### The Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Barnsley consists of the Barnsley Local Plan (adopted January 2019). The Local Plan review was approved at the full Council meeting on 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering its objectives. This means no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review. The next review is due to take place in 2027 or earlier if circumstances, require.

### **Local Plan Allocation – Green Belt**

To the extent that development plan policies are material to an application for planning permission the decision on the application must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004). In reference to this application, the following policies are relevant:

**Policy SD1: Presumption in favour of Sustainable Development** – States that proposals for development will be approved where there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents. Development will be expected to be compatible with neighbouring land and will not significantly prejudice the current or future use of neighbouring land. Policy GD1 below will be applied to all development.

**Policy GD1: General Development** – Development will be approved if there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents. Development will be expected to be compatible with neighbouring land and will not significantly prejudice the current or future use of neighbouring land.

**Policy GB1: Protection of Green Belt** – Green Belt will be protected from inappropriate development in accordance with the NPPF.

**Policy D1: High quality design and place making** – Development is expected to be of a high-quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and other features of Barnsley.

**Policy H4 Residential Development on Small Non-allocated sites** – Proposals for sites below 0.4ha will be allowed where the proposal complies with other relevant policies in the plan.

**Policy H6: Housing Mix and Efficient use of land** – Housing proposals will be expected to include a broad mix of house size, type and tenure to help create mixed and balanced communities. Homes must be suitable for different types of households and be capable of being adapted to meet the changing needs of the population. Proposals to change the size and type of existing housing stock must maintain an appropriate mix of homes to meet local needs.

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

**Policy POLL1: Pollution Control and Protection** – Development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air, surface water and groundwater, noise, smell, dust, vibration, light or other pollution which would unacceptably affect or cause a nuisance to the natural and built environment or to people.

**Policy T3: New Development and Sustainable Travel** – New Development will be expected to:

- Be located and designed to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians and cyclists.
- Provide at least the minimum levels of parking for cycles, motorbikes, scooters, mopeds and disabled people set out in the relevant Supplementary Planning Document.

**Policy T4: New Development and Transport Safety** – New development will be expected to be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement.

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

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

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

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

The most relevant sections are:

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

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

#### Supplementary Planning Documents:

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

The most pertinent SPD's in this case are:

- Biodiversity and Geodiversity
- Design of Housing Development
- Parking

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

#### Other Guidance

- South Yorkshire Residential Design Guide

### **Consultations**

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

<b>Consultee</b>	<b>Summary of response</b>
Yorkshire Water	No objection subject to conditions
Highways	No objection subject to conditions
Biodiversity	No objection subject to conditions
Local Ward Councillors	No comments received

### **Representations**

The application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015. Neighbour notification letters were sent to surrounding properties and one representations was received.

The representation raised no objection to the proposal and wanted to ensure that there would be access from Bateman Close to the rear of No 157 Weetshaw Lane. This appears to be the case.

### **Assessment**

The main issues for consideration are as follows:

- The principle of the development

- The layout design and impact on residential amenity
- The impact on highways safety
- The impact on biodiversity

For the purposes of considering the balance in this application the following planning weight is referred to in this report using the following scale unless the NPPF establishes a specific weight:

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

### Principle of Development

Policy H4 of the Local Plan states that small residential developments on non-allocated sites of up to 0.4ha will be supported provided they meet other development plan policies.

The site lies within the Green Belt, as does the entirety of Bateman Close and the surrounding residential area. Policy G1 of the Local Plan seeks to protect the Green Belt in line with National Policy. The National Planning Policy Framework (NPPF) makes clear that inappropriate development is, by definition, harmful to the Green Belt and should only be permitted where one of the exceptions set out in paragraph 154 applies. In this case, the most relevant exception is part (e), which allows for limited infilling within villages.

The northern boundary of the site aligns with Bateman Close and the rear gardens of properties on Weetshaw Lane, effectively filling a small gap within the village. On this basis, the proposal is considered as limited infilling and is therefore acceptable under this exemption. Furthermore, the site benefits from a recent planning history of approvals for a dwelling on the site, which has already established the principle of residential development. As such, the principle of the development is acceptable in this instance.

### Layout, Design and Residential Amenity

The proposed development is an outline permission, with no floor plans or elevation drawings provided at this stage. As such, a full assessment has not been taken as to the design/visual amenity of the development however an indicative site plan has been submitted which shows two dwellings located centrally within the plot, directly adjacent to No 11 Bateman Close.

The Design of Housing SPD states that infill development should ensure the space between the proposed dwelling and adjacent dwellings should reflect the prevailing character of the street and that the siting of the dwelling should reflect the building line of the dwellings on the same side of the street.

The footprint of the proposed dwellings are proportional to the size of the plot and leave a substantial portion of garden space available to both dwellings. The site layout follows the pattern of the adjacent street scene along Bateman Close and therefore is acceptable in terms of overall layout and shape.

The Design of Housing Development SPD states that the layout and design of new housing development must ensure that high standards of privacy, light and outlook are provided for existing and future residents. To ensure privacy is protected development should meet the minimum separation distances set out in the South Yorkshire Residential Design Guide.

The proposed dwellings are positioned approximately 14 metres north of the shared boundary with 159 Weetshaw Lane. This comfortably exceeds the separation standards set out in the South Yorkshire Residential Design Guide (SYRDG), which recommends a minimum of 10 metres between a new dwelling and an adjoining private garden. Furthermore, where habitable room windows directly face one another, the guidance advises a minimum distance of 21 metres between properties. In this instance, the proposed dwellings are situated approximately 38 metres from No. 159 Weetshaw Lane, which they directly face. This substantial separation is well above the required standard and ensures there will be no adverse impact on neighbouring amenity. There are no properties to the rear.

Other design matters such as landscaping, boundary treatments and external materials will be covered through conditions and at the reserved matters stage.

Overall, the layout is therefore in accordance with the guidance set out in the Design of Housing SPD and Local Plan Policy D1: High Quality Design and Place Making and is acceptable in terms of amenity and design, based on the information currently presented at this outline stage. This weighs moderately in favour of the proposal.

### Highway Safety

This is an outline application with all matters reserved except for access and layout.

Access to the site is proposed via Bateman Close, utilising the existing dropped kerb on the eastern side of the cul-de-sac turning head. The proposed vehicular access and driveway are broadly aligned with the current arrangement, although minor adjustments to the kerb may be required to ensure proper alignment with the new layout. Highways DC have raised no concerns with this.

The submitted site plan demonstrates that sufficient on-site parking and turning facilities will be provided, and that refuse bins can be presented for collection at the roadside on Bateman Close in the same manner as neighbouring properties.

Accordingly, the proposal is considered acceptable in terms of access and highway safety. Highways Development Control has recommended two conditions: one to ensure that the access, parking, and manoeuvring areas are appropriately surfaced prior to occupation, and another to confirm that gradients are suitable. These measures will safeguard highway safety in accordance with Policy T4 of the Local Plan.

### Impact upon Biodiversity

Local Plan Policy BIO1 states that development will be expected to conserve and enhance the biodiversity and geodiversity features by protecting and improving habitats; maximising biodiversity opportunities in and around new developments and encouraging provision of biodiversity enhancements. Biodiversity Net Gain (BNG) became mandatory for all applications in April 2024 except where one of the exemptions (as set out in the PPG) are met.

The statutory biodiversity metric submitted with this application indicates that the development will cause the loss of -0.43 habitat units (-77.33%) as a result of the proposals and due to the small size of the proposals site there is a lack of opportunity to achieve any further gains on site. It is presumed the developer will look to address the 10% Biodiversity Net Gain (BNG) requirement through off-site measures and this can be set out when submitting the biodiversity gain plan at the discharge of condition stage.

As no significant on-site gain is proposed a condition for a Habitat Management and Monitoring Plan will not be necessary.

The Biodiversity SPD also requires all new dwellings to include integrated bat and bird boxes. A condition has therefore been attached to this effect which requires details to be submitted prior to any above ground works. Overall, the biodiversity impacts weighs in moderate favour.

### Planning Balance and Conclusion

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

### **Recommendation**

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 objections, the determination of the application and the resulting recommendation. It is considered that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home and his correspondence.