



## Appeal Decision

Site visit made on 7 September 2021

**by Paul Cooper MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 September 2021

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**Appeal Ref: APP/R4408/W/21/3277106**

**Land on North side of Bank End Road, Barnsley S70 4AF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr & Mrs Taylor against the decision of Barnsley Metropolitan Borough Council.
  - The application Ref 2020/1180, dated 6 October 2020, was refused by notice dated 15 December 2020
  - The development proposed is Residential development of up to 2no dwellings (Outline with All Matters Reserved).
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application is in outline form, with all matters to be determined at Reserved Matters stage.
3. The site address is different on the application form, decision notice, and appeal form. I have utilised the address that best describes the location of the site.
4. I have taken the description of development from the Council's decision notice as it describes the proposal concisely. I note that the appellant uses this description on the appeal form. Therefore, I am satisfied that neither party is prejudiced by this course of action.

### Main Issue

5. The linked main issues in this appeal are the effect of the development on ecology and protected trees.

### Reasons

6. The appeal site is located in a predominately residential area, adjacent to Bank End Road. The site slopes steeply uphill from Bank End Road and is covered in trees subject to an area Tree Preservation Order.
7. From the evidence in front of me, the appeal site is a small section of the overall site. The Council have indicated that nine trees are in the developable area and a minimum of five additional trees would be affected by having roots or boughs spreading into the area.

8. The statement of the appellant indicates that the overall site requires long term woodland management and that developing the appeal site would fund the maintenance in the long term.
9. In order to address the Reasons for Refusal, the appellants have included measures and proposal to offset the loss of trees and Green Space through Biodiversity Net Gain (BNG). According to the calculations the baseline for the site is 4.55 and 0.14 habitat and hedgerow units respectively, and the proposed interventions would achieve 4.68 and 0.45 respectively, which indicates that BNG could be achieved.
10. The Council have also employed their own specialist in these matters, and he has looked at the woodland management proposals suggested by the specialist of the appellant. Some of the management aims appear to be somewhat confused, in that it states pathways to be maintained, when there are none, and the pathways are to be gritted in winter. This suggests that the original report was done as a desk-based assignment, rather than addressing site specific circumstances.
11. The Council's specialist also questions the principle of the BNG calculation for the site, and the use of DEFRA Metric 2.0 as reference. The specialist, in their Statement, actually turns the question around as to whether there should be the use of BNG, as this does not apply to irreplaceable habitats, questioning the status of the woodland.
12. The Council's specialist has questioned the accuracy of the appellants evidence in determining the nature of the woodland, stating that a number of assessments were not carried out and assumptions made as a result. The Council specialist has provided a comprehensive assessment of the site and considers that given the evidence that the site is a "relict ancient woodland" if not a named "ancient wood" and as such the site does not fall within the Metric that has been assigned to it by the appellant's specialist.
13. I consider that the evidence supplied by the Council specialist to be far more thorough and wide-ranging than that supplied by the appellant, and I agree with the findings of the Council specialist with regard to the status of the site, and its incompatibility with any form of residential development.
14. There is no doubt that the long-term preservation and maintenance of the woodland is necessary, but this method is not a solution and the harm to biodiversity and protected trees far outweighs any potential benefits from residential development on the site.
15. Therefore, I find the proposals are contrary to Policies GS1, GI1, BIO1, GD1, D1 and LC1 of the Barnsley Local Plan (2019) which amongst other matters, expects development to avoid adverse impact on the environment, retain and enhance landscape character, enhance biodiversity and protect ancient and veteran trees where identified, as well as conserving and enhancing the natural environment as set out in the National Planning Policy Framework.

### **Other Matters**

16. I have noted the comments of the appellant with regards to the anti-social behaviour taking place on site, but I consider that the site could be made safe without the need for residential development.

### **Conclusion**

17. For the reasons set out, the proposal would conflict with the development plan when taken as a whole. Material considerations put forward in this case do not indicate that permission should be granted despite this conflict. Therefore, the appeal is dismissed.

*Paul Cooper*

INSPECTOR