

Dec 2023



## Planning Policy Statement (including Design & Access)

Land at Castle Lane, Cubley, Penistone

**Proposed Residential Development – outline planning application  
for up to 2 dwellings – all matters reserved except for means of  
access to, but not within, the site**

**Prepared for Executors of Margaret Berry (Deceased) by:**



## Contents

Section	Page Number
1.0 Introduction .....	1
2.0 Planning Policy Review .....	5
3.0 Planning Assessment.....	9
4.0 Summary .....	11

## Appendices

None



24 West End Grove | Horsforth | Leeds LS18 5JJ  
m: 07913 058 468 | e: [alistairflatman@gmail.com](mailto:alistairflatman@gmail.com)  
[www.alistairflatmanplanning.co.uk](http://www.alistairflatmanplanning.co.uk)  
Registered in England Company Registration Number 10577299  
Registered Office : Cavendish House | St Andrews Court | Leeds LS3 1YL

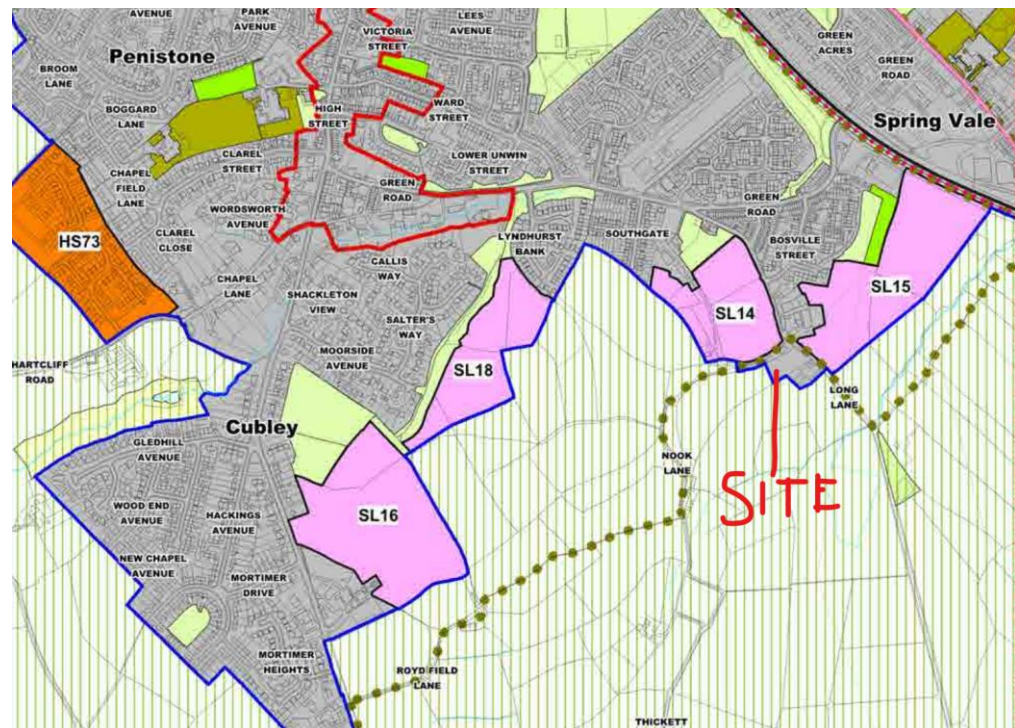
## 1.0 Introduction

- 1.1 This Planning Policy Statement has been prepared to support an outline planning application for up to 2 dwellings (all matters reserved except for means of access to, but not within the site) on land off Castle Lane, Cubley, Penistone.

- 1.2 The applicant is the Executor of Margaret Berry (Deceased).

### Background & Planning History.

- 1.3 The site comprises a grassed paddock within the settlement boundary limits of Penistone / Cubley – the extract below shows the location of the site (Map 51 – Local Plan 2019)



- 1.4 The land is part of land owned previously by Margaret Berry (now deceased). The Executors of her estate are submitting the outline planning application.

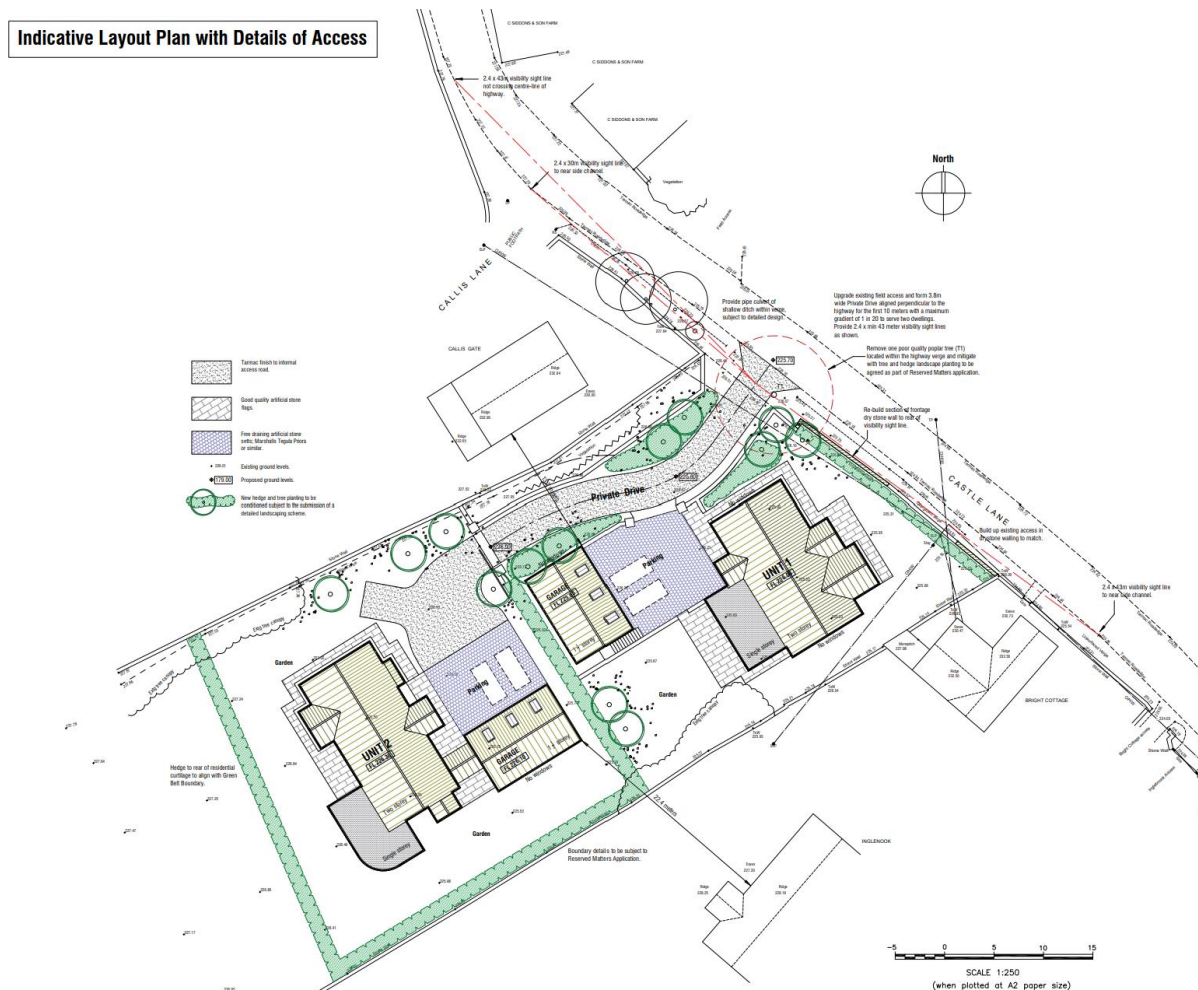
- 1.5 There is no relevant planning history relating to the site.

### The Application Site

- 1.6 The site is located within the existing settlement limits of Penistone / Cubley to the south of the junction of Castle Lane and Callis Lane. Dwellings are located to the north and south of the site.
- 1.7 The site area is 0.24ha with the site set to grass. The site slopes down from north to south.
- 1.8 The site sits within Flood Zone 1 and is not subject to any landscape, ecology or heritage designations.
- 1.9 There are two existing access gates into the site from Castle Lane, one in the north east corner and the other in the south east corner.

## The Proposed Development

- 1.10 The proposal is submitted in outline for up to 2 dwellings with means of access to (but not within the site) to be considered.
- 1.11 The proposal is accompanied by an Indicative Site Layout (copied below) demonstrating how 2 detached dwellings could be developed on the site. The proposal requires the removal of a single tree within the highway verge adjacent to the proposed means of access.



- 1.12 As can be seen from the above, the proposed means of access utilises the existing northern most field gate as this can deliver the required visibility splays.

### Means of Access

- 1.13 In terms of access, the site has a 38m frontage to Castle Lane (speed limit of 30mph). There are currently two field access points, one at either end of the frontage. The proposed access requires an upgrade of the existing access in this location and the south west access will be closed. The improved access at the north west end of the frontage offers the best location for visibility in both directions. It will be constructed at 3.8m wide and set perpendicular to Castle Lane for a minimum distance of 10 metres with a maximum gradient of 1 in 20. The alignment of Castle Lane either side of the site provides a degree of natural speed limiting

such that excessive speeds would not be expected and based upon the 30mph limit the recommended visibility requirement of 43 metres has been provided based upon the stopping sight distance tables in the South Yorkshire Residential Design Guide.

#### Indicative Design

- 1.14 Whilst all matters relating to design and landscape are reserved, it is considered the site could comfortably be developed with 2 larger detached dwellings. The submitted indicative site layout illustrates how the site provides an opportunity to accommodate two large, detached family homes with garaging and generous garden spaces. The dwellings have been designed and located to avoid any overbearing, overlooking or loss of privacy issues with neighbouring dwellings and should include a high level of landscaping as is illustrated on the indicative plan (above) and illustrative sketch (below). The dwellings have been orientated to provide street frontage and take advantage of existing views as well as south west light to private amenity areas.
- 1.15 The dwellings would be constructed in natural stone with good quality artificial stone slate or blue slate steeply pitched roofs. Walling would be pointed in grit sand, lime based mortar and flush pointed with a brushed finish to expose the aggregate. Window openings would have natural sawn stone heads and cills and be divided by stone mullions creating a vertical emphasis in keeping with the local vernacular. Doors would be in oak with matching frames and windows in aluminium with black or off white finish and be set into deep reveals of not less than 75mm. Rainwater goods would be in aluminium with a black finish. Externally paths would be in stone flags with parking areas in a suitable block paving and the access road would have a tarmac finish.
- 1.16 The application is accompanied by an indicative 3d sketch image showing how 2 large, detached dwellings would sit on the site. This is copied below:



### The Planning Application

- 1.17 This statement describes the application site and nature of the proposal (above) together with an assessment of planning policy issues (Chapter 2) of relevance to the application. Assessment of the planning application is set out in Chapter 3 with a summary of the planning application / planning case is set out in Chapter 4.
- 1.18 This statement will fully justify the proposal for the site and will advance reasons why it should be supported and planning permission granted.
- 1.19 On the basis of the information provided in this statement, the associated supporting documents and on the application drawings, a presumption in favour of development can be maintained in this particular instance, the application being in accordance with the advice set out in the NPPF.
- 1.20 The planning application is supported by the following:
- i. Completed application forms, with all certificates signed and dated;
  - ii. Site Location Plan (dwg OS1), Indicative Site Layout and Means of Access (dwg P1a) & Illustrative sketch image (dwg P2)– (MBooth Design)
  - iii. Preliminary Ecological Appraisal (Whitcher Wildlife)
  - iv. Tree Survey and AIA (James Royston)
  - v. Planning Statement (Alistair Flatman Planning)
- 1.21 The submitted additional technical information is considered sufficient to enable the Local Planning Authority to determine the clear merits of the proposed development.

## 2 Planning Policy Review

### National Planning Policy Framework (Dec 2023)

- 2.1 The National Planning Policy Framework (revised December 2023) sets out the government's planning policies for England and how these are expected to be applied. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.
- 2.2 Set out below is a summary and assessment of the relevant sections of the NPPF. The National Planning Policy Framework sets out that the purpose of the planning system is to contribute to the achievement of sustainable development. The guidance advises that the policies in paragraphs 1-231 taken as a whole constitute the government's view on what sustainable development in England means in practice for the planning system.

### Achieving Sustainable Development

- 2.3 Paragraphs 7, 8 and 11 of the NPPF confirm that the purpose of the planning system is to contribute to the achievement of sustainable development.
- 2.4 Paragraph 8 sets out the three overarching objectives of sustainable development, namely economic, social and environmental objectives. Paragraph 10 confirms that the presumption in favour of sustainable development is at the heart of the Framework.
- 2.5 Paragraph 11 sets out the presumption in favour of sustainable development stating:

*For decision-taking this means:*

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>8</sup>, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>7</sup>; or*
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.**

- 2.6 The site sits within the urban area of Cubley / Penistone, and comprises an infill development opportunity within an existing residential development. It is in a sustainable location within the urban area and as such the principle of development is acceptable.

### Delivering a sufficient supply of homes

- 2.7 Chapter 5 of the NPPF relates to the delivery of a sufficient supply of homes with Paragraph 60 confirming the Government's objective of significantly boosting the supply of housing.

- 2.8 Paragraph 70 confirms the role of smaller sites in meeting housing requirements stating such sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. Paragraph 70 goes on to advise that in order to promote the development of a good mix of sites local planning authorities should support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes and work with developers to encourage the sub-division of large sites where this could help to speed up the delivery of homes.
- 2.9 The application comprises a windfall site within the main urban area and will contribute to the Council's housing supply.
- 2.10 As such the proposal is considered acceptable in principle with regards NPPF paras 60 and 70.

#### **Promoting Sustainable Transport**

- 2.11 Chapter 9 of the NPPF refers to highways matters with para 115 advising that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 2.12 The proposed development for up to 2 dwellings will not give rise to any highway safety or capacity issues. The site is also in a sustainable location in terms of accessibility to shops, schools, employment opportunities and public transport.
- 2.13 The proposal will not give rise to any severe residual cumulative impacts on the road network in terms of safety or capacity.

#### **Design - Achieving well-designed and beautiful places**

- 2.14 Chapter 12 of the NPPF refers to Design (Achieving well-designed and beautiful places) and advises that good design is a key aspect of sustainable development.
- 2.15 Paragraph 135 sets out a number of design criteria to be considered in terms of design of development stating:
- 135. Planning policies and decisions should ensure that developments:*
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
  - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
  - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
  - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
  - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*

*f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

- 2.16 The proposed development is submitted in outline with details on design / appearance reserved for future consideration. However, an indicative site layout has been prepared which shows how the site could be laid out.
- 2.17 From the information submitted it is considered the site can be designed to reflect the residential character of its surrounds whilst providing a safe means of access. The proposal can deliver a well-designed scheme with benefits to visual amenity of the site and its surrounds.

### **Meeting the challenge of climate change, flooding and coastal change**

- 2.18 Paragraph 165 of Chapter 14 confirms that development should be directed away from areas with the highest probability of flooding. The site lies within Flood Zone 1 and is therefore at low risk from flooding.

### **Conserving and enhancing the natural environment**

- 2.19 Paragraph 180 of Chapter 15 advises that the planning system should contribute to and enhance the natural and local environment by: -
- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
  - b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
  - c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
  - d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
  - e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
  - f)remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate."*
- 2.20 Paragraph 186 relates to ecology and biodiversity considerations when determining planning applications. The site is set to grass and has no ecological value. Future reserved matters applications will deliver opportunities for new planting within and around the edges of the site. Further details are set out in the submitted Preliminary Ecological Appraisal.
- 2.21 The site is not subject to any landscape designations.
- 2.22 Paragraph 189 refers to ground conditions, advising that when making decisions consideration must be given to whether a site is suitable for its

proposed use taking account of ground conditions and any risks arising from land instability and contamination.

- 2.23 The site has only ever been used for agricultural uses and there are no known contamination or stability issues that would prevent development of this site.
- 2.24 Paragraph 191 also references the importance of ensuring new developments do not harm the living conditions of existing residents. The application is submitted in outline although it is possible to develop 2 dwellings on site without harming the living conditions of residents to the north and south.

### **Assessment against NPPF**

- 2.25 Assessing the proposal against the main objectives of the NPPF, it is clear the scheme accords with the overarching approach to planning in that:-
- The proposal will maintain the supply of housing in the district through development of a small windfall site in the urban area of Penistone / Cubley (Principal Town);
  - The proposal represents development of a sustainable site within the urban area;
  - The site is not of any environmental, ecological, heritage or landscape value;
  - The site can be safely accessed and will not give rise to any highway safety or capacity issues;
  - The proposed development will not give rise to any ecological or landscape (tree) harm;
  - The site will not give rise to any flood risk or drainage issues;
  - As illustrated by the proposed layout, elevations and Design Statement, the development proposal will provide a development that is sympathetic to and reflective of the character of the surrounding area.

### **Statutory Development Plan Policies**

- 2.26 The Development Plan for Barnsley is formed by the adopted Local Plan (Jan 2019). Paragraph 5.9 of the Local Plan confirms Penistone / Cubley as a Principal Town. The relevant policies are set out below:

Policy SD1 – Presumption in favour of sustainable development

Policy LG2 – The location of Growth – this confirms priority for development in Principal Towns

Policy GD1 – General Development – this sets out a number of general development control matters to be considered in relation to (inter alia) amenity, landscaping, access and trees.

Policy H4 – Residential Development on small non-allocated sites – proposals for residential development on sites below 0.4 hectares will be allowed where the proposal complies with other relevant policies in the Plan.

Policy D1 – High Quality Design and Place Making – policy sets out that development is expected to be of a high quality and respect local character. The policy sets out a number of criteria which should be considered

- 2.27 These Local Plan policies are considered in the next section.

### 3 Planning Assessment

#### Principle of Development

- 3.1 The site comprises an infill plot in a sustainable and accessible location within the urban area of Penistone / Cubley, a principal town to the west of Barnsley. Local Plan Policy LG2 confirms the principle of development in Principal Towns
- 3.2 There are existing dwellings to the north and south of the site together with safeguarded land allocations to the north and east. The site is served by an existing access point of Castle Lane.
- 3.3 The NPPF seeks to boost the supply of housing (para 60) and encourages use of windfall sites in urban areas. The development of this site will assist the LPA in maintaining its supply of deliverable housing sites.
- 3.4 With regards the residential element of the proposal, this falls to be assessed against Local Plan policy H4 as a small windfall site. The site is a grassed paddock within settlement limits of the principal town of Penistone / Cubley. The site sits between existing dwellings to the north and south and can be developed to deliver two larger family dwellings which will contribute to maintaining the supply of housing.
- 3.5 The proposal is therefore considered to be consistent with Local Plan Policies SD1, LG2 and H4.

#### Design

- 3.6 Local Plan Policy D1 sets out design principles. The site currently comprises a grassed paddock with no ecological, heritage or landscape designations.
- 3.7 The application is submitted in outline with all matters reserved except for means of access. However, an indicative layout and illustrative sketch has been prepared to show how the site could be paid out and what the houses could look like. The indicative layout seeks to ensure both plots have adequate parking / garaging as well as private amenity space and would not give rise to any issues of overlooking of dwellings to the north and south of the site.
- 3.8 Matters relating to external appearance, scale and landscaping are reserved for future approval.
- 3.9 Whilst no specific details are set out at this stage on design, it is considered the proposal can be designed (including scale and materials) and laid out to ensure it delivers a high quality scheme in-keeping with its location on the southern edge of the settlement. The site provides an opportunity for larger family housing at a lower density providing a suitable transition into countryside beyond. The proposal would therefore be consistent with guidance set out in the NPPF with respect to Design (Chapter 12) and Local Plan Policy D1.
- 3.10 In terms of layout / residential amenity, the submitted indicative plan demonstrates how houses could be laid out to ensure no issue of overlooking / lack of privacy arise. The dwellings would also benefit from private amenity space. The proposal will therefore provide suitable living conditions for future residents in accordance with Local Plan policy GD1.
- 3.11 In light of the above it is considered the proposal is consistent with design guidance and policies set out in the NPPF and adopted Local Plan policies.

### Highways

- 3.12 The site will be accessed from the existing field gate in the north east corner of the site. The second field gate to the south would be closed off. Details are submitted demonstrating suitable visibility splays and gradients to provide a safe means of access whilst the indicative layout provides space for parking and turning.
- 3.13 In summary, the Proposed Development will not have a detrimental impact on the local highway network and is therefore in accordance with the NPPF and the Local Plan policies T3 and GD1.

### Residential Amenity

- 3.14 The indicative layout demonstrates that 2 dwellings can be developed on site with no issues of over-looking or loss of privacy in respect of relationship with dwellings to the north and south.
- 3.15 As such the proposal will ensure suitable living conditions are provided for future residents whilst ensuring there is no harm to existing residents. The proposal is therefore consistent with Local Plan policy GD1.

### Drainage and Flood Risk

- 3.16 The site is in Flood Zones 1 where there is the lowest risk of flooding and can be developed without increasing the risk of flooding.

### Ecology and Trees

- 3.17 The site is currently a paddock (neutral grassland) with areas of scrub and off site trees and is of no ecological value (refer to submitted Preliminary Ecological Appraisal [PEA]). An existing tree in the highway will be removed – this is considered to be of no particular value (Cat B tree) and replacement planting can take place on site. There are no ecological designations on site and no evidence of protected species. The proposal will provide opportunities for new tree / shrub planting within the site and along its boundaries to re-introduce vegetation to the site. Bird and bat boxes can also be included in future dwellings as deemed necessary.
- 3.18 A Tree Survey has been prepared given the proposed removal of the highway tree. The Tree Survey confirms there are no grounds to resist the proposal due to unacceptable loss of important or valuable trees.
- 3.19 In light of the above (and details set out in submitted Tree Report and PEA), there are no ecological or tree reasons why the site should not be developed for housing.
- 3.20 Considering the above assessment and with regards the submitted plans, and technical reports, it is considered the proposal is consistent with relevant National and Local planning policies. As such there is no planning reason why outline planning permission should not be granted for the proposed residential development of the site (for up to 2 dwellings).

## 4.0 Summary

- 4.1 This Planning Policy Statement has been prepared to support an outline planning application for up to 2 dwellings (all matters reserved except for means of access to, but not within the site) on land off Castle Lane, Cubley, Penistone. The applicant is the Executor of Margaret Berry (Deceased).

### Background & Planning History.

- 4.2 The site comprises a grassed paddock within the settlement boundary limits of Penistone / Cubley (Principal Town)
- 4.3 There is no relevant planning history relating to the site.

### The Application Site

- 4.4 The site is located within the existing settlement limits of Penistone / Cubley to the south of the junction of Castle Lane and Callis Lane. Dwellings are located to the north and south of the site. There are two existing access gates into the site from Castle Lane, one in the north east corner and the other in the south east corner.
- 4.5 The site area is 0.24ha with the site set to grass. The site sits within Flood Zone 1 and is not subject to any landscape, ecology or heritage designations.

### The Proposed Development

- 4.6 The proposal is submitted in outline for up to 2 dwellings with means of access to (but not within the site) to be considered.
- 4.7 The proposal is accompanied by an Indicative Site Layout demonstrating how 2 detached dwellings could be developed on the site with suitable parking, turning and gardens. The proposal requires the removal of a single tree within the highway verge adjacent to the proposed means of access.
- 4.8 The proposed means of access utilises the existing northern most field gate as this can deliver the required visibility splays for a 30moh road (2.4m x 43m).
- 4.9 The application is accompanied by an indicative layout illustrating how the site provides an opportunity to accommodate two large, detached family homes with garaging and generous garden spaces. The dwellings have been designed and located to avoid any overbearing, overlooking or loss of privacy issues with neighbouring dwellings and should include a high level of landscaping as is illustrated on the indicative plan. The dwellings would be constructed in natural stone with good quality artificial stone slate or blue slate steeply pitched roofs.

### Assessment

- 4.10 The site comprises an infill plot within the settlement limits at the south eastern edge of Penistone / Cubley.
- 4.11 The NPPF seeks to boost the supply of housing (para 60) and encourages use of windfall sites in urban areas. The development of this site will assist the LPA in maintaining its supply of deliverable housing sites.
- 4.12 The proposal, this falls to be assessed against Local Plan policy H4 as a small windfall site. The site sits between existing dwellings and will deliver up to 2 larger family dwellings. The proposal is therefore considered to be consistent with Local Plan Policies SD1 and H4.

- 4.13 The application is submitted in outline with all matters reserved except for means of access. The submitted indicative layout demonstrates how the site could be laid out to accommodate up to 2 dwellings ensuring both plots have adequate parking / garaging as well as private amenity space whilst ensuring there are no issues of overlooking / loss of privacy for the neighbouring dwellings.
- 4.14 The site will be accessed via an existing field gate (to north east corner) with the second existing field gate closed off. Suitable visibility splays can be achieved and the indicative layout proposed demonstrates how each dwelling can be safely accessed and served by a driveway with parking for at least 2 cars. Adequate turning can also be provided on site.
- 4.15 The site is in Flood Zone 1 where there is the lowest risk of flooding and can be developed without increasing the risk of flooding. There are no heritage or landscape designations on site and there are no ecological or tree reasons why the site should not be developed for housing.
- 4.16 Assessing the proposal against the main objectives of the NPPF, it is clear the scheme accords with the overarching approach to planning in that:-
- The proposal will maintain the supply of housing in the district through development of a small windfall site in the urban area of Penistone / Cubley;
  - The proposal represents development of a sustainable site within the urban area;
  - The site is not of any environmental, ecological, heritage or landscape value;
  - The site can be safely accessed and will not give rise to any highway safety or capacity issues;
  - The proposed development will not give rise to any ecological or landscape (tree) harm;
  - The site will not give rise to any flood risk or drainage issues;
  - As illustrated by the submitted indicative plans, the development proposal will provide a development that is sympathetic to and reflective of the character of the surrounding area.
- 4.17 The Proposed Development therefore complies with requirements set out in the NPPF and Local Plan policies SD1, LG2, GD1, H4 and D1.
- 4.18 In view of the above, it is considered the scheme satisfies national and local policy and represents a suitable development proposal for the site that addresses all the relevant and material considerations. In this context, the proposal satisfies Section 38(6) of the Planning and Compulsory Purchase Act 2004 and it is considered that outline planning permission should be granted.

