[redacted]

Hi Richard

Thank you for bearing with me. I've concentrated on your planning case report submission and the legal submission as it's clear that the principle of development is the most critical issue to resolve.

I must advise that it is my clear view that the principle of development has not been established and that the proposal is inappropriate development in the Green Belt.

My analysis includes:

- The status of the village boundary defined on the Local Plan policies map is not determinative as to the extent of the village.
- The decision as to whether the proposal constitutes limited infilling in a village in the Green Belt is a matter of planning judgement.
- A plain reading of what the Inspectors said on the previous appeals on the site and nearby is material to the decision on this application:
    - 2014 appeal decision nearby – the Inspector clearly visited the site and made their own assessment of the character of the site and the wider area and concluded that notwithstanding the boundary on the Proposals Map, the appeal site did not form part of a village where the exception afforded to limited infilling applies. They note at para 7 of the decision letter that 'the main area of dispute surrounds whether or not the appeal site is located in a village'….'during my site visit I saw that the main focus of the village is primarily concentrated around 'The Cherry Tree Pub' … Further west, and beyond 'The Cherry Tree' High Hoyland Lane … the density of development decreases, with predominantly large detached houses set back from the road in generous, mature landscaped plots. Thus, notwithstanding the boundary on the Proposals Map, I am not persuaded that the appeal site forms part of a village where the exception afforded to limited infilling applies.'
    - 2020 appeal decision on site – again, the decision was clearly based on an assessment following a site visit. The first main issue is 'whether the proposal is inappropriate development in the Green Belt for the purposes of the Framework and development plan policy, including an assessment of the effect on the openness of the Green Belt'. They note that the appellant asserts that the appeal site is an infill site; that since neither the Framework nor the LP define limited infilling it is therefore a question of fact and planning judgement for the decision-maker; and at para 7 state 'It was evident on my site visit that the main villages lies some distance from the site, to the north east. There is a clear break in development between the dwellings along High Hoyland Lane and the main village'. They go on at para 9 to find that High Hoyland Lane does not have a continuously built up frontage and at para 10 to find that the development would not fill an existing clear gap between the existing properties and that the surrounding dwellings do not read as being directly adjacent to the site…because there is dense vegetation between the appeal site and the properties to the north and west and conclude that the site would not constitute limited infill within a village. They also find that the proposed development would have a significant adverse impact on openness and note that they observed on their site visit that the development would be more visible when approaching from the south west and along the PROW to the south.

- I do not consider that the submission, including aerial photographs, historic OS maps, electoral and utility letters and appeal decisions elsewhere would change the assessment about the character of the application site and the wider area which lead to the conclusions that the site is not in the village of High Hoyland and is not limited infilling in a village for the purposes of Framework para 154. This includes your submission that elsewhere Inspectors have found that infill development could include development within the confines of a group of buildings. However, I do not find that the characteristics of the application site would fall within this definition or test either.

I also attach for your attention comments from the Biodiversity Officer in relation to the amended PEA. You will see that they raise a number of issues which would need to be addressed before the application could be favourably recommended (if the principle were acceptable). In its current form, this issue raises another harm which would weigh against the proposal.

Because your submission is based on your planning judgement that the proposal is not inappropriate development in the Green Belt, you have not made any submission that there are any very special circumstances that would clearly outweigh the harm to the Green Belt and any other harm. It is clear that there are a number of elements in your submission which would weigh in favour of the proposal as benefits. These include the development of a self build dwelling; the removal of containers on the site, the intention to meet Future Building and Homes Standard ahead of the proposed 2025 intended implementation/requirement, and the provision of a ground based photovoltaic array (although I am not clear from the submission where this would go on the site and whether that would be acceptable). However, I do not consider that the benefits of the scheme would clearly outweigh the harm to the Green Belt and any other harm.

I note that I haven't received comments from a couple of the consultees, including most critically the Forestry Officer in relation to the submitted Arboricultural Report. I have reminded the consultees that their comments are outstanding.

In the circumstances your application will be recommended for refusal. Can you advise me if you want the application to be determined or confirm your intention to withdraw the application.

Finally may I advise that I will be on leave next week and returning to the office Monday 19 February.

With regards

Helen Willows BA (Hons) MRTPI
(She/Her)
Planning Officer
Regeneration and Culture Service
Barnsley Council

[redacted]

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My working days are Mondays, Tuesdays, Wednesdays and Thursday mornings

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Please be aware that the Development Management Team are currently experiencing temporary resourcing pressures. Unfortunately, this means we may not respond to correspondence as quickly as we would like. This situation is expected to last for a temporary period whilst a recruitment exercise is undertaken. I would like to thank you for your continued patience at this time.

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