
2024/1050

Mr Jordan Hague

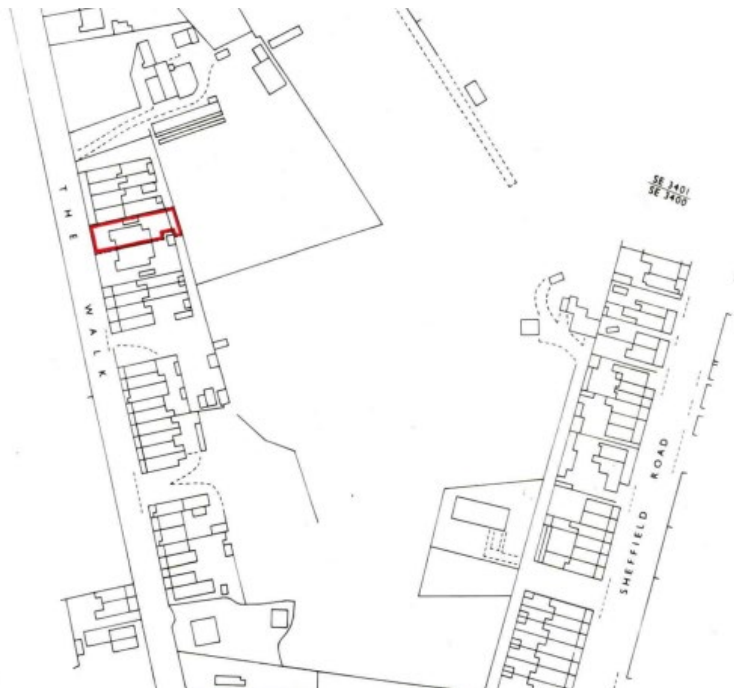
83 The Walk, Birdwell, Barnsley, S70 5UB

Formation of dropped kerb outside property for vehicle access to residential driveway.

Site Description

The application relates to a plot located on the north-east side of The Walk (C146) and in an area that is principally residential characterised by two-storey semi-detached and terraced dwellings of a similar scale and appearance.

The property in question is a two-storey semi-detached dwelling constructed of brickwork with street-facing stonework. The property has a pitched roof with grey slate roof tiles and features an existing single storey front porch and side attached garage. The property is fronted by a small garden with a steep driveway positioned to the north side within the plot.



Planning History

There is no planning history associated with the development site.

Proposed Development

The applicant is seeking permission for the installation of a dropped kerb on a classified highway to provide access to an existing driveway.



Policy Context

Planning decisions should be made in accordance with the current development plan policies unless material considerations indicate otherwise; the National Planning Policy Framework (NPPF) does not change the statutory status of the development plan as the starting point for decision making. The Local Plan was adopted in January 2019 and is accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment, and mixed-use sites). In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies which are a material consideration in the decision-making process.

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.

Local Plan Allocation – Urban Fabric and Green Belt

The application site is allocated as urban fabric in the adopted Local Plan which has no specific land allocation, but the highway is in the Green Belt. Therefore, the following policies are relevant:

- **Policy SD1: Presumption in favour of Sustainable Development.**
- **Policy GB1: Protection of Green Belt.**
- **Policy T4: New Development and Transport Safety.**

National Planning Policy Framework (December 2024)

The NPPF sets out the Government's planning policies and how these are expected to be applied. The core of this is a presumption in favour of sustainable development. Proposals that align with the Local Plan should be approved unless material considerations indicate otherwise. In respect of this application, relevant sections include:

- **Section 9: Promoting sustainable transport.**

Paragraph 116. 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, following mitigation, would be severe, taking into account all reasonable future scenarios.

- **Section 12: Achieving well-designed places.**
- **Section 13: Protecting Green Belt land.**

Paragraph 142. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 153. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 154. Development in the Green Belt is inappropriate unless one of the following exceptions applies:

- a) buildings for agriculture and forestry;

- b) *the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c) *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- d) *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) *limited infilling in villages;*
- f) *limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- g) *limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.*
- h) *Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:*
 - i. *mineral extraction;*
 - ii. *engineering operations;*
 - iii. *local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
 - iv. *the re-use of buildings provided that the buildings are of permanent and substantial construction;*
 - v. *material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
 - vi. *development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.*

Supplementary Planning Document(s)

- **House Extensions and Other Domestic Alterations.**
- **Parking.**

Consultations

Highways Development Control	No objection subject to informative.
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Representations

Neighbour notification letters were sent to surrounding properties. No representations were received.

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

Planning permission is required for access onto and development upon a classified highway and permission will be granted where such development does not impinge upon highway safety.

Development should not have a harmful impact on the appearance or character and should preserve the openness of the Green Belt. As the proposed development relates purely to the installation of a dropped kerb, a separate Green Belt assessment is not required in this instance. Additionally, whilst the proposed development is not an exception to inappropriate development in the Green Belt, as defined by paragraph 154 of the National Planning Policy Framework, it is not considered contrary to the aims of the relevant local and national Green Belt policies, especially as the general function and character of the Green Belt would be preserved.

The principle of development is therefore considered acceptable.

Highway Safety

Highways Development Control were consulted, and, in their response, it is acknowledged that the existing off-street parking arrangements, specifically the gradient of the driveway and the positioning of the access gates, would not comply with modern standards. However, historic images on Google Streetview show that the driveway and gates have been in use since at least 2009 without issue, and adjoining 81 The Walk received a similar permission under application 2015/1240. As such, no objection to the scheme was raised. Additionally, the proposed development would not be prejudicial to highway safety as existing off-street parking arrangements within the development site would be maintained. This weighs significantly in favour of the proposed development.

The proposal is therefore considered to comply with *Local Plan Policy T4: New Development and Transport Safety* and is acceptable regarding highway safety.

Planning Balance and Conclusion

In considering the above assessment, the installation of a drop kerb would enable lawful vehicular access to the development site that would not be prejudicial to highway safety. This application is therefore recommended for approval.

**Recommendation -
Approve with Conditions**