

STATEMENT IN SUPPORT OF AN APPEAL AGAINST THE DECISION BY BARNSELY M.B.C. TO REFUSE TOWN & COUNTRY PLANNING PERMISSION

Planning Ref **2019/1136**

Applicant -Ms Stephanie Dunlavey

Proposals-Residential development of 4 no. dwellings

Garage Site, Martin Croft, Silkstone, Barnsley, S75 4JS.

REASON FOR REFUSAL

In the opinion of the Local Planning Authority, the proposed development is contrary to Local Plan Policy GD1, Policy D1 and the Council's Supplementary Planning Document 'Design of Housing Development' in that the development of 4 dwellings represents an overdevelopment of this site and the proposed layout and scale of the proposal would be materially detrimental to the amenities of existing and proposed residents.

BACKGROUND

Following preliminary work to assess the feasibility for redevelopment of the site, it was purchased, at auction from Barnsley MBC.

A Town & Country Planning was submitted and registered by Barnsley M,B.C. on 18th September 2019

Pursuant to article 31(1)(cc) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), the Local Planning Authority, complied with their Planning Service Charter for Business and otherwise actively engaged with the Agent acting on behalf of the applicant in dealing with the application.

In turn the, Applicant and Agent were receptive to comments received from Planning Officers and were proactive in providing additional detail where necessary and made small variations to the proposals to satisfy LPA requirements.

Planning Officers, at senior level endorsed the Case Officers report which was presented to the Planning Committee with a recommendation for approval.

The Case Officer's initial favourable report is included with the appeal documents. Particular, pertinent points within the document are highlighted in blue.

The Applicant attended the Planning Board Meeting and was shocked to hear comments from Members of the Panel regarding ownership and maintenance of the private drive, problems with dust bins blowing onto the highway.

The Appellant has no recollection of any specific requests from Members for the number of properties to be reduced.

Sadly, the minutes of the meeting do not record the proceedings and members comments.

Although all issues raised by Members were answered by Planning Officers present at the meeting it was concluded that the Applicant should be requested to provide further details of the bin store proposals and how the private drive would be managed. Allegedly, it was suggested that the number of properties should be reduced.

This despite clear guidance from Officers that the scheme met or exceeded the Authorities standards for separation and amenity. A decision was deferred.

This additional information was subsequently provided and dwelling sizes reduced. The Applicant was unwilling to reduce the dwelling numbers because Planning Officers, after weeks of scrutiny, were satisfied that the scheme was very acceptable when assessed against the National and Local Planning Policies and Guidance.

The application was supported by Officers and re-presented to the Planning Board with a favourable report with a recommendation for approval. This report is included with the appeal documents.

At the next meeting of the Planning Board, despite the efforts of Planning Officers to stress to the Members the acceptability of the proposals in Planning terms, the application was refused on 21st February 2020

National Planning Policy Framework

This section of the Statement sets out relevant National Planning Policy. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England with a strong emphasis being on presumption in favour of sustainable development.

In determining applications, **Paragraph 38** states 'Local Planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure

developments that will improve the economic, social and environmental conditions of the area.'

Paragraph 78 states 'to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.'

Paragraph 80 states 'planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.'

Paragraph 83 Part D states 'planning policies and decisions should enable the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship'

Paragraph 109 states '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.'

The Government remains committed to encouraging high density development and the most efficient use of land. In particular, **Paragraph 118 (d)** states that planning policies and decisions should promote and support the development of under-utilised land and buildings

Paragraph 124 states 'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, Local Planning Authorities and other interests throughout the process.'

Paragraph 127 sets out criteria for ensuring good design through the planning process and states "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;

Paragraph 130 states 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of

an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion,

In light of the decision to refuse the application the decision makers have disregarded the overriding principles contained in the NPPF.

Further, there has been a blatant disregard for the Authorities own policies intended to give developers and Officers clear guidance to what is or is not acceptable.

This undermines the whole concept of having these tools only if they are not to be applied fairly.

Conclusion

It is deeply disappointing that the Councils Planning Committee has undone all the hard work between the appellant and the Planning Department which resulted in a recommendation for approval.

The Committee have based their decision without providing any substantive evidence to justify their conclusions especially when they have gone against the recommendation of their own Officers, Policies, Guidance and Specialist Consultants.

Respectfully, it is considered that there is sufficient evidence within this Appeal Statement and Officers Reports to allow you to overturn the decision. This will allow the comprehensive redevelopment of this derelict former garage site to one that will have so many benefits to the wider area.