



PB Planning

Millstones, Oxspring

Planning, Design & Access Statement

Yorkshire Land Limited

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Strategy > Partnership > Delivery

CONTENTS

- 1.0 Introduction
- 2.0 Site Description & Proposed Development
- 3.0 The Principle of Development
- 4.0 Presumption in Favour of Sustainable Development: *Environmental Objectives*
- 5.0 Conclusion

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INTRODUCTION

- 1.1 This Planning, Design & Access Statement accompanies a full planning application for the following proposed development at Land West of Millstones, Oxspring:-

Development of a rural exception site including four affordable homes and two open market properties with landscaping and associated infrastructure.

- 1.2 This statement has been prepared in support of the planning application and it provides details of the proposed development and an assessment of its compliance with relevant planning policy.

- 1.3 The application package is accompanied by the appropriate planning application fee and comprises electronic copies of the following documents: -

- Application Form
- Application Cover Letter
- Planning, Design & Access Statement
- Site Location Plan
- Existing Site Plan
- Proposed Site Plan
- Drainage & Levels Site Plan
- Garage Plan
- Boundary Treatment Plan
- Plots 1 & 2 – Floor Plans & Elevations
- Plots 3 & 4 – Floor Plans & Elevations
- Plots 5 & 6 – Floor Plans & Elevations
- Tree Survey
- Arboricultural Impact Assessment
- Arboricultural Method Statement
- Enabling Development Case Assessment
- Cost Review Report
- Ecological Appraisal
- Flood Risk Assessment
- Drainage Strategy Plan
- Phase 1 Land Quality Assessment
- Supplementary Information in relation to Land Contamination Assessment
- Affordable Housing Survey Results – February 2021
- Affordable Housing Survey Results - Enclosures – February 2021

- 1.4 This statement concludes that the proposed development is in accordance with relevant planning policies at national and local levels. The proposed scheme seeks to provide new high-quality affordable housing and open market housing to meet identified housing needs. Planning permission should therefore be granted in respect of this planning application.

- 1.5 In doing so it also makes clear where changes have been made to the proposals in order to respond to the Inspector's reasons for dismissing the previous proposals at the site (Ref. APP/R4408/W/21/3271635).

2.0 SITE DESCRIPTION AND PROPOSED DEVELOPMENT

THE APPLICATION SITE

- 2.1 The site is approximately 0.36 hectares in size and is currently located in the Green Belt as designated within the adopted Barnsley Local Plan.
- 2.2 The site is situated between the established Millstones development and an established heavily landscaped tree mound.
- 2.3 Whilst the application site is now being referred to as a separate site to the adjoining Millstones Development, prior to that development taking place it was just one tract of land extending west of Bower Hill road and terminating at the base of the then recently formed mound which was at that time awaiting tree planting.
- 2.4 All of this tract of land falls into one category of a Previously Developed site as it was tipped with foundry sands from the David Brown Foundry in the 1950s and 1960s, the Council granted permission (B/96/0259/PR) in May 1996, for the excavation, screening, replacement, and compaction of fill material.
- 2.5 These remediation works were then carried out in preparation for future residential development of the site.
- 2.6 In 1997 the site was surfaced in part with crushed limestone and utilised as a compound for Site offices and storage of building materials, during the construction of the Millstones Development.
- 2.7 The heavily landscaped tree mound was delivered at the Council's request, to provide a physical and enduring demarcation between the Millstones development and the Rocher Valley beyond.
- 2.8 The landscaped mound was designed jointly between landscape architects at that time, Smeeden Foreman, and the Council's Planning and Countryside Officers to create an extension of the wooded hillside located to the north of the site. Permission was granted for the creation of a landscape mound on the 17th March 1994 (Ref. B/94/0109/PR).
- 2.9 Since the construction of the adjoining Millstones development the application site, which was remediated, levelled, and prepared to support future development, has remained vacant and undeveloped.
- 2.10 The adjoining high quality, low density homes forming the Millstones development, consists of 16 dwellings (pursuant to the Council's approval of reserved matters in August 1997 – LPA Ref. B/97/075/PR).

- 2.11 The northern and western boundaries of the site are lined by dense mature deciduous woodland, and the existing area of Millstones residential development is adjacent to the eastern site boundary. The River Don forms the southern boundary of the site, with further woodland beyond.
- 2.12 The site has strong, well defined, and defensible boundaries which clearly separate the land from the wider Green Belt beyond it. This is shown in greater detail within the Landscape Statement produced by Smeeden Foreman dated May 2014, which was submitted a previous planning application (Reference 2014/0482) for four detached family/executive open market homes at the site.
- 2.13 The proposed development area extends a modest distance beyond the existing residential area at Millstones, and any further encroachment into the Green Belt beyond would not be possible due to the presence of the mature woodland to the north and west, which would form strong, permanent physical boundaries.
- 2.14 Development at the site would not have a significant impact upon local landscape character. Moreover, the proposed development would create a better defined and more defensible edge to the Green Belt, as opposed to the present situation.
- 2.15 The proposed development would represent a very modest expansion and to all intents and purposes it amounts to an infill scheme on a small, well-screened area of land between existing built development as well as mature trees and the River Don, all of which will form an enduring defensible boundary.
- 2.16 Oxspring represents a sustainable location for new housing development and the village is served by a variety of facilities.
- 2.17 The site is located within walking distance of local amenities within Oxspring Village including a local school, parks and play areas, a public house, countryside walks including the Trans Pennine Trail. Bus stops are located on Sheffield Road providing public transport links to Springvale (1.2 miles) and Penistone (1.8 miles), other local villages as well as Barnsley and Sheffield in the wider area. The site is considered to be in a sustainable location.

THE PROPOSED DEVELOPMENT

- 2.18 The scheme comprises of 6 homes. **67% of which are affordable homes**, more than double that required by the adopted Barnsley Local Plan for this location of the Borough in accordance with Local Plan Policy H7 (Affordable Housing) which seeks 30% affordable housing on sites of fifteen homes or more in Penistone and the Western Villages.

- 2.19 The proposal has evolved to meet an identified housing need for Affordable Homes in the Parish of Oxspring, a Western Rural Village within the Barnsley Borough.
- 2.20 The proposals have due regard to the policies and objectives of the adopted Oxspring Neighbourhood Plan (June 2019) in respect of supporting the provision of fair and accessible housing for local needs and local people and of the Barnsley Local Plan (January 2019) namely Policy H7 and supporting paragraph 9.29, which make provision for Rural Exception Sites to be considered to provide affordable homes in rural settlements that are constrained by or washed over by Green Belt.
- 2.21 Four of the proposed homes will be made available as discount for sale affordable homes for first time buyers of the Village/Parish area. The value of these properties will be discounted by 30% from their market value in order to ensure that they are affordable. This level of discount will be legally fixed to the properties, ensuring they remain affordable in perpetuity.
- 2.22 Two detached market homes are also proposed as part of the scheme, which are essential to ensure that the four affordable homes are viable. A robust enabling development case is submitted in support of the application to fully justify the quantum of market housing proposed.
- 2.23 The proposals comprise a carefully considered small scale residential development within a residential area providing much needed good quality local housing within a sustainable location.
- 2.24 The proposals illustrate a development of six dwellings comprising a row of two pairs of semi-detached cottages and two detached houses. All of which share the same design characteristics.
- 2.25 The semi-detached cottages have small front gardens and access to larger private gardens at the rear. They adopt a design style and appearance to similar more traditional cottages within the village being of similar scale and featuring pitched roofs, chimneys, external walls in stone, tall sash windows and stone lintels/cills. The design of the semi-detached properties is typical of the semi-rural vernacular and provides an attractive streetscape at the entrance to the site. Appropriate levels of private car parking are provided for each of the proposed homes.
- 2.26 Plots 1 & 2 are detached dwellings but also maintain traditional appearance with dark brown roof tiles, chimneys, external walls in stone, tall sash windows and stone lintels/cills.
- 2.27 Each of the proposed homes are two-storeys in height.
- 2.28 The proposed dwellings will reflect the design and appearance of traditional dwellings within the area incorporating high quality natural materials. The proposals have been sensitively designed to deliver a scheme which takes full account of the physical characteristics of the site and avoids overlooking and loss of amenity to new and existing dwellings.

2.29 Further details of the proposals are set out in Section 4 and Section 5 of this Statement.

RESPONSE TO THE PREVIOUS APPEAL DECISION

2.30 As alluded to in Section 1 above, a number of changes have been made to the development proposals in order to respond to each of the Inspector's reasons for dismissing the previous development proposals at the site (Ref. APP/R4408/W/21/3271635).

2.31 The key changes which have been made to the scheme include as follows: -

- The red line application site boundary and all residential development are now fully located in Flood Risk Zone 1.
- The market properties have been reduced in size so that they represent a much smaller proportion of the overall site area and quantum housing delivered. Key details include as follows: -
 - The proportion of affordable housing proposed within the development has increased from 60% to 67%.
 - The affordable housing floorspace proposed within the development has increased from 2,691sq.ft to 3,608sq.ft.
 - The open market housing floorspace proposed within the development has decreased from 6,674sq.ft to 4,118sqft. A reduction in excess of 38%.
 - The proportion of affordable housing proposed within the development has therefore increased from 28% of total development floorspace to 47%. An increase of in excess of 68%.
- An Enabling Development Case Assessment has been undertaken to fully demonstrate the viability justification for the level of market homes being provided.

2.32 The other key areas of the development proposals which have been maintained on account of the appeal decision include as follows: -

- The previous evidence base demonstrating the need for discounted market sales affordable properties in Oxspring is referred to as this was considered acceptable by the Inspector on the grounds that the proposal would contribute towards addressing the affordable housing need of the local community by accommodating households who are either current residents or have an existing family or employment connection. This

evidence is considered to still be up-to-date as such evidence base documents are generally accepted to have a 5-year lifespan.

- The overall design of the proposals and quality of materials to be delivered has been maintained on the grounds that the Inspector considered these to be a high quality specification and protected the amenity of existing residential properties.
- The ecology evidence base has been updated to reflect the amended proposals on the grounds that the Inspector previously accepted that the development proposals would have a positive effect on biodiversity, including Biodiversity Net Gain and also as the proposals would not affect the roots of the ancient and semi-natural woodland that lies to the north of the site.
- The internal highway layout of the proposals mirrors the specification of the previous proposals as the Inspector agreed that the proposed access road would have no significant adverse effect on the safety of road users.
- The Section 106 agreement will be updated to reflect the amended proposals but will maintain the same approach to securing the delivery of the discounted market value for eligible persons prior to the first, or any subsequent, disposal of each unit. The Inspector identified that they were satisfied that this obligation was necessary, fairly related in scale and kind, and directly related to the development, and as such this obligation would comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010 and paragraph 57 of the Framework.

2.33 Further evidence on each of the above points is provided in the proceeding sections of this report.

3.0 PRINCIPLE OF DEVELOPMENT

3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that:

“If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

3.2 As identified in Section 2 of this statement, the application site is identified to be in the Green Belt within the adopted Barnsley Local Plan. The Barnsley Local Plan was adopted in January 2019. The Local Plan is now the statutory development plan for the Barnsley Metropolitan Borough Council local authority area.

3.3 The statutory development plan for the application site also includes the Oxspring Neighbourhood Development Plan which was adopted in June 2019.

3.4 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

3.5 The policies of relevance to the development proposals are also supported by supplementary planning documents and other evidence base documents such as the Strategic Housing Market Assessment.

3.6 In this section of the Statement, we outline national and local planning guidance which supports the principle of the proposed development. We then provide the further evidence needed to demonstrate that the development fully meets the necessary planning policy requirements.

NATIONAL PLANNING GUIDANCE

3.7 Paragraph 149(f) of the National Planning Policy Framework (NPPF) outlines that the construction of new buildings within the Green Belt will **not** be considered inappropriate where they are for “*limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites)*”.

3.8 Very special circumstances are therefore not required to be demonstrated in this instance on account of the guidance presented in Paragraph 145(f).

3.9 The guidance presented in Paragraph 78 of the NPPF relates to this guidance and states that “*in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing*”.

to meet identified local needs and consider whether allowing some market housing on these sites would help to facilitate this”.

3.10 The specific wording in the paragraph is supported by the general rhetoric of the NPPF in respect of significantly boosting the supply of homes across the Country. Specific extracts from the NPPF in this regard include: -

- Paragraph 60 - *To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed.*
- Paragraph 61 - *To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment.*
- Paragraph 62 - *Within this context (of Paragraph 61), the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).*
- Paragraph 79 - *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.*

3.11 Finally, Annex 2: Glossary of the NPPF confirms that Discounted Market Sale Housing are included in the definition of affordable housing: -

- ***Discounted market sale housing:*** *is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.*

3.12 The Glossary of the NPPF also defines a Rural Exception Site as follows: -

- ***Rural exception sites:*** *Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. A proportion of market homes may be allowed on the site at the local planning authority's discretion, for example where essential to enable the delivery of affordable units without grant funding.*

3.13 The development proposals would therefore be entirely in accordance with the guidance presented in the NPPF should evidence be provided to demonstrate that it responds to identified local needs and that the delivery of market housing is needed to facilitate this.

LOCAL PLANNING GUIDANCE

3.14 The adopted Barnsley Local Plan provides local planning guidance which reflects that which is set out in the NPPF. In particular Policy H7 of the Local Plan identifies that “*Limited affordable housing to meet community needs may be allowed in or on the edge of villages*”.

3.15 Further commentary in support of Policy H7 is provided in the justification text which states that:

- Paragraph 9.28 - *The Council will look to accommodate starter homes in developments, in accordance with relevant Government policy.*
- Paragraph 9.29 - *We recognise the importance of providing affordable homes in rural settlements that are constrained by or washed over by Green Belt. Policy H7 makes provision for rural exception sites to be considered. These may in some instances be on the edge of the settlement. Sites on the edge of settlements will need to provide acceptable mitigation of their impact on the countryside or they will not be considered to be acceptable locations for residential development. We will require a planning obligation to make sure the homes remain affordable. If provision of some market housing is necessary to make the affordable housing viable, this would be considered and would be subject to an open book viability appraisal.*
- Paragraph 9.30 - *The Council will seek every opportunity to work positively with developers and other partners to deliver affordable housing and a mix of houses housing types to meet local needs through use of its own land, all available funding opportunities, innovative development models and other initiatives.*

3.16 The wording outlined above from both Policy H7, and the justification text was included following a number of comments made by the Local Plan Inspector in respect of ensuring a more positive approach to development in the Borough's Villages. Key extracts from the Inspector's report include the following: -

- Paragraphs 7 & 79 - *The plan's approach to the villages was not based on up-to-date evidence and not positively prepared.*
- Paragraph 64 - *Policy H8 (now Policy H7) also supports exception sites for affordable housing. As submitted, the wording of the policy would preclude schemes from coming forward within the built-up area of villages that are inset from the Green Belt which is unnecessarily restrictive. In order to ensure that Policy H8 is positively prepared and sets out suitable mitigation measures, MM78 is necessary. For consistency with national policy, MM78 also ensures that Policy H8 includes reference to providing some market housing where it will facilitate the provision of additional affordable housing by improving scheme viability.*
- Paragraph 84 - *The delivery of affordable housing will be supported through other mechanisms including through exception sites and Neighbourhood Plans, in addition to being delivered as a proportion of open market housing through the application of Policy H8 (now Policy H7 in the adopted Barnsley Local Plan).*

3.17 For clarity Main Modification 78 (MM78) recommended by the Inspector stated as follows: -

- Policy H7 - *Limited affordable housing to meet community needs may be allowed in ~~Green Belt~~. **or on the edge of villages.***
- Paragraph 9.29 - *We recognise the importance of providing affordable homes in rural settlements that are constrained by or washed over by Green Belt. Policy H8 (now Policy H7) makes provision for rural exception sites to be considered ~~specifically for affordable housing where market value homes would not be allowed~~. These may in some instances be on the edge of the settlement. **Sites on the edge of settlements will need to provide acceptable mitigation of their impact on the countryside or they will not be considered to be acceptable locations for residential development.** We will require a planning obligation to make sure the homes remain affordable. **If provision of some market housing is necessary to make the affordable housing viable, this would be considered and would be subject to an open book viability appraisal.***

- 3.18 It is clear that the Local Plan Inspector sought amendments to the Local Plan in order to ensure that the identified housing needs of the Borough's Villages could be met. At that time, the identified housing needs of the Villages were set out in the Council's Strategic Housing Market Assessment (SHMA), which has since been updated. We discuss the findings of the SHMA further below.
- 3.19 The Local Plan introduces two further policy requirements in respect of the development proposals. The requirement for a planning obligation to ensure that the homes to be provided remain affordable in perpetuity. It also identifies that viability evidence will need to be provided to justify the provision of some market housing to ensure that the delivery of the proposed affordable homes is viable.
- 3.20 The policy wording in the Local Plan and justification text do not set out any other specific requirements in respect of a minimum target/percentage of affordable housing that is required when assessing applications for the type of development being sought by the planning application. By this we mean there is no explicit guidance provided in respect of the amount of market housing that could be quantified as 'some' or 'a proportion' which would meet the guidance presented in both the NPPF and the Local Plan. The Inspector provided commentary on this issue in the previous appeal decision where they made the judgement that the market dwellings at the site would dominate the previous scheme. In response the applicant has significantly reduced the size of market housing proposed within the development and increased the provision of affordable homes within the development and the level being proposed is fully justified by a robust enabling development case.
- 3.21 Furthermore, the Local Plan does not present any specific policy guidance which identifies a methodology for undertaking housing surveys to establish a local community housing need. As such the application relies on the applicant's previously submitted evidence base as this was considered acceptable by the Inspector where they identified in Paragraph 14 of their decision that: -
- The appellant's survey provides the most recent and accurate position of the affordable housing needs of the local community. It indicates a local need for more than the three affordable dwellings proposed. This need at village level reflects the wider need for affordable housing in the parish, in the Rural West sub-area, and across the borough.*
- 3.22 To support the policies of the Local Plan, the Council adopted the Affordable Housing Supplementary Planning Document (SPD) in July 2022. The following extracts are of importance to the application proposals: -
- Paragraph 2.2 - *Some people cannot afford to buy or rent houses that are generally available on the open market. The Council aims to provide homes for everyone in the borough, no matter what their income and the cost of buying or renting a house.*
 - Paragraph 2.3 - *The main source of information on local housing needs is taken from the 2021 Strategic Housing Market Assessment (SHMA).*

- Paragraph 2.4 - *The 2021 SHMA identifies an annual net shortfall of 190 affordable dwellings.*
- Paragraph 2.5 - *The Local Plan seeks to achieve at least 21,546 net additional homes during the plan period 2014-2033. This equates to 1,134 net additional homes per annum. The Local Plan housing growth target seeks to meet the need for market and affordable housing in full, including the backlog from previous years.*
- Paragraph 2.6 - *The Council's housing waiting list for the whole borough, as of 1st June 2022 is 8,978 (of note this is up from 7,066 in November 2018 by in excess of 25%).*
- Paragraph 2.10 - *Affordable Housing must comply with one or more of the following definitions: -*
 - ***Discounted market sales housing*** – *are dwellings sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.*

- 3.23 The SPD identifies the substantial affordable housing needs of the Borough and confirms the Council's objective to meet this need in full. Furthermore, the SPD identifies the Council's aim to provide homes for everyone in the Borough, no matter what their income or the cost of buying a house. Linked to this is the confirmation that Discounted Market Sales Housing is included in the definition of affordable housing in accordance with the NPPF. Again, the SPD does not present any specific policy guidance which identifies a methodology for undertaking housing surveys to establish a local community housing need.
- 3.24 The final strand of local planning policy guidance is the Oxspring Neighbourhood Development Plan (June 2019). A key objective of the Neighbourhood Plan is to support the provision of fair and accessible housing for local needs and local people.
- 3.25 With regards to specific policy requirements of the Oxspring Neighbourhood Development Plan, Policy OH1 relates to Meeting Local Housing Needs and states that "*affordable housing will be provided on schemes of 15 units or more in accordance with Local Plan Policy H7 Affordable Housing and must be fully integrated with market housing. Affordable housing will be allocated in the first instance to those with a local connection and affordable housing for rent will be let in accordance with Barnsley Council's Lettings Policy for Local Connections*".
- 3.26 However, whilst the policy identifies a trigger point of schemes above 15 homes in size, in accordance with the NPPF and the Barnsley Local Plan, the Neighbourhood Plan also includes wording in respect of the acceptability of Rural Exception Sites where it states in the Glossary that these are "*small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. A proportion of market homes may be allowed on the site at*

the local planning authority's discretion, for example where essential to enable the delivery of affordable units without grant funding".

3.27 With regards to meeting evidenced local housing needs, the following extracts of the Neighbourhood Plan are particularly pertinent: -

- Paragraph 5.1.5 - *Policies in the NDP should address the need for a greater number of smaller homes suitable for people wishing to downsize, the elderly and first-time buyers as identified in the Summary of Housing Needs & Capacity Assessment Advice Notes for Oxspring and in response to changing trends nationally related to the ageing population.*
- Paragraph 5.1.6 - *The results of the questionnaire in early 2015 demonstrated overall support from local residents for emerging policies on accessible housing for local people (81.48% of paper copy respondents agreed with this policy and 76.19% of online respondents) and windfall housing sites (82.72% of paper copy respondents supported this and 90.48% of online respondents).*
- Paragraph 6.1.1 - *There is a need to consider how best Oxspring can improve its housing provision to meet the needs of all residents, including those with lower income and with special needs be they elderly, disabled or the infirm.*
- Paragraph 6.1.5 - *The long-term viability of the Parish is compromised by the lack of affordable housing as many local people on lower incomes, including young people, find it difficult to afford housing within their own community where there are existing informal support networks linked to family and friends. Affordable housing levels are set out in the Local Plan which identifies the need to provide 30% of affordable homes in developments of 15 or more dwellings (Local Plan Policy H7).*
- Paragraph 6.1.6 - *The Housing Needs Advice paper produced by URS and commissioned on behalf of the Parish Council for the Oxspring NDP highlights that local housing provision has to be 'fair and proportionate' to the local community's needs. The findings set out in the document demonstrate that in the interest of providing suitable housing for local people, retaining young people, families and older people wanting to downsize and thus having a sustainable and balanced population, a small amount of housing growth is critical. When considered alongside the fairly low level of housing that would be acceptable in planning policy terms in the Parish of Oxspring, it is clear that future housing growth should cater for the needs of the local population first and foremost.*

3.28 The Neighbourhood Plan clearly supports the delivery of affordable homes within the Village, with a specific focus put on supporting the need of **first-time buyers**. It identifies that the long-term viability of the Parish is compromised by the lack of delivery of affordable housing in recent years. The evidence base which supports the Neighbourhood Plan's housing policies is provided by the URS Housing Needs Advice Paper, this document is discussed further below, however, it is clear that the evidence base identifies that a small amount of housing growth in the Village is critical in order to meet affordable housing needs.

3.29 The planning policy support for the development proposals is clear and accordingly the principle of what is being proposed is acceptable, subject to the provision of evidence to demonstrate that the development would meet an identified local housing need; that the proposed open market homes are required to enable the delivery of the affordable properties from a viability perspective; and that the affordable homes should remain affordable in perpetuity.

3.30 The following section of this statement provides this evidence.

MEETING IDENTIFIED LOCAL AFFORDABLE HOUSING NEEDS

- 3.31 Under the current policy wording of the adopted Local Plan, the only opportunities to deliver new homes in the Villages would be through small-scale windfall sites or rural exception sites. Mechanisms that have historically been available and which have failed to meet identified housing needs on account of their lack of availability; the size of sites being below the affordable housing policy thresholds; the fact that a large majority of the sites will be located in the Green Belt; and there being no desire/evidence of developers/landowners seeking to bring rural exception sites forward.
- 3.32 It is well evidenced that the historic delivery of affordable homes within Villages is only viable through the release of open market housing. Due to there being no rural exception sites being delivered anywhere in the Borough over the last ten years.
- 3.33 Notwithstanding the above, no new affordable homes have been delivered in Oxspring **for over 20 years.**
- 3.34 The current planning application at Roughbitchworth Lodge (Ref. 2018/1433 & Ref. 2022/0007) has the potential to deliver 7 affordable homes. Whilst this development has commenced, we are advised that stop orders have recently been enforced by Barnsley Council and that there may be issues with the development financing. However, in any event the affordable housing offer does not include any discounted market sale properties, or properties which meet the same local needs restrictions that will be attached to the affordable homes to be delivered within the application proposals.
- 3.35 Evidence obtained from two recently submitted Freedom of Information Act request to the Council (submitted alongside this application) has further corroborated this position where it has confirmed the following: -
- No Rural Exception Sites have been permitted in the whole Borough since the Local Plan was adopted.
 - There are no Rural Exception Site applications current in the process of being determined by the Council.
 - Only 17 affordable homes have been delivered in the Borough's Western Villages since the Local Plan was adopted.

- None of the 17 affordable homes which have been delivered in the Western Villages were discounted market sales properties.
- 40 affordable homes have been granted planning permissions since the adoption of the Local Plan (which includes the 17 affordable homes which have been delivered).
- None of the 40 affordable homes which have been granted planning permission in the Western Villages were discounted market sales properties.

- 3.36 At the Borough level, the Council's 2014 SHMA (which formed part of the Local Plan evidence base) identified an annual affordable housing need of 31 homes in the Rural West (Villages). Which over the 18-year Local Plan period equates to 558 affordable homes alone. Whereas the most recent version of the SHMA (2021) identifies an annual net affordable housing need of minus 29 homes in the Rural West. If this is correct this would be a 'swing' of 60 affordable homes per annum. However, we would question how correct this identification of this 'net' affordable housing need is as Paragraph 5.16 of the SHMA confirms that it is based on '*gross need minus estimated supply*'. However, Table 5.5(b) on page 99 of the SHMA identifies that the 'gross' annual housing need of the Rural West is **65 homes per annum**, of which the 30% affordable housing policy requirement would be 20 homes per annum.
- 3.37 From a review of the adopted Local Plan, there are only 89 homes proposed to be delivered from four housing allocations within the Rural West, excluding the Principal Town of Penistone (Ref. HS89; Ref. HS91; Ref. HS93; & Ref. HS94). The delivery of 30% affordable homes from these allocations (as required by Policy HS7) would result in the provision of **only 27 affordable homes** over the course of the 14-year Local Plan delivery period of 2019 to 2033. If indeed all of the sites come forward for development and the 30% policy requirement is achieved within each of them. Which there is no guarantee of.
- 3.38 The SHMA's identified need to deliver 65 homes per annum within the Rural West of the Borough equates to 650 homes over the remaining Local Plan period 2023-2033. Of which 27 affordable homes would equate to just 4% of the total number of homes, which is 168 fewer than the 195 homes (30%) which should be delivered under Policy H7 of the Local Plan.
- 3.39 Accordingly, we would have serious reservations against the SHMA's *estimated supply* of affordable homes in the Rural West sub-area of the Borough.
- 3.40 Furthermore, the latest SHMA also identifies that median house prices in the Rural West have increased by 14% in the period 2007 to 2019 and that lower quartile house prices have increased by 18.2%. We therefore ask, how has the affordable housing situation in the Rural

West improved significantly since 2014 (from a need for 31 affordable homes per annum in 2014 to -29 in 2021) if affordable housing is not being delivered and if house prices are substantially increasing.

- 3.41 Furthermore, Paragraph 4.22 of the SHMA identifies that the Rural West sub-area has the highest proportion of owner occupied tenure households (77.6%) and the lowest proportions of households living in affordable housing (10.6%). These are trends which have not changed since the publication of the 2014 SHMA, which of course was used as evidence to underpin the 30% affordable housing requirement for this sub-area in Policy H7 of the Local Plan (which was found sound by the Local Plan Inspector). This was also key evidence which led to the Inspector to request Main Modification 78 to ensure the delivery of much needed market and affordable housing in the Borough's Villages.
- 3.42 In light of the above, we would argue that the evidence presented in table 5.5(b) on page 99 of the SHMA presents a more accurate picture of housing need in the Rural West of the Borough, where it identifies a **gross need of 65 homes per annum**.
- 3.43 There is robust evidence to demonstrate that this level of annual housing need has never been met in the preceding 10 years and is unlikely to be met in the next 10-years unless innovative development models such as that being proposed by this application are used.
- 3.44 The persistent under delivery of affordable housing presents a critical situation, particularly in the area's Villages. Taking into account this extremely acute affordable housing position, very substantial weight should be given to the delivery of the 67% provision of affordable homes within this scheme.
- 3.45 With regard to the need to deliver larger detached family homes, the latest SHMA also states in Paragraph 4.53 that demand for 5 or more-bedroom dwellings is seen mainly in the more rural sub-areas of the Borough, including the Rural West.
- 3.46 Finally, it is clear from a review of the latest SHMA that the applicant's housing needs survey remains the only micro-level understanding of the affordable housing needs of Oxspring. The survey undertaken provides robust evidence that there is an established local housing need in the Village for the four affordable homes which are proposed to be delivered as part of the development proposals.
- 3.47 Consequently, if the applicant hadn't undertaken their own survey work there would have been no way of identifying those 13 people/households in affordable housing need which meet the prescribed criteria for Oxspring. This is because the LPA have not included this level of work in

the latest SHMA and as Oxspring Parish Council rejected the opportunity to undertake their own survey work. Further details in respect of the housing survey are provided below.

- 3.48 With regards to the evidence base supporting the Oxspring Neighbourhood Plan, as outlined above this included an independent URS Housing Needs & Capacity Advice Note for the Village commissioned by Planning Aid England on behalf of the Parish Council.
- 3.49 The URS Report was prepared on behalf of Oxspring Parish Council in order to aid the delivery of Oxspring's 'fair share of development' and to subsequently inform the policies and proposals of the Oxspring Neighbourhood Plan.
- 3.50 A key conclusion of the report was the identification of a housing need of 68 homes in the previous plan period (i.e., to 2026), which can be extrapolated to 96 homes over the current Barnsley Local Plan period to 2033. The report identified the need to deliver a range of house types, including affordable housing.
- 3.51 The conclusions of the URS Study provided the evidence base for the Oxspring Neighbourhood Plan to identify the need to provide fair and accessible housing for local needs and local people as a key objective of the Plan. Including the need to deliver affordable homes for first time buyers. Otherwise, the long-term viability of the Parish would be compromised by the lack of affordable housing *"as many local people on lower incomes, including young people, find it difficult to afford housing within their own community where there are existing informal support networks linked to family and friends"*.
- 3.52 However, whilst the affordable housing objectives of the Neighbourhood Local Plan are clear, its policies rely on those of the adopted Barnsley Local Plan when it comes to delivery i.e., the housing allocation at Roughbitchworth Lodge (Local Plan Site Ref HS89); non-Green Belt windfall sites; and rural exception sites.
- 3.53 We previously undertook an assessment of the available non-Green Belt housing sites located within Oxspring (*Non-Green Belt Windfall and Safeguarded Land Housing Deliverability and Capacity Assessment – July 2015*) to identify whether there are sufficient deliverable sites to meet Oxspring's identified housing needs in the Barnsley Local Plan period to 2033.
- 3.54 The findings of the assessment were clear in that there are no deliverable non-Green Belt sites that could meet the Village's identified housing needs. Furthermore, even if these sites were considered deliverable, all of these sites would deliver a number of homes below the 15 home threshold outlined by Policy H7 of the Local Plan, and as such there would be no requirement for them to deliver affordable housing.

- 3.55 Accordingly, the only way in which the identified affordable housing needs of Oxspring will be met is through the release of Rural Exception Sites. This policy mechanism has been available for a considerable period of time and has failed to deliver any affordable homes in the Village.
- 3.56 It therefore remains our view that a more innovative delivery mechanism should be considered as prescribed by Paragraph 9.30 of the adopted Barnsley Local Plan. Such as facilitating the delivery of discounted market sales affordable homes through the provision of some market housing to ensure scheme viability. Which is exactly why the Barnsley Local Plan Inspector recommended that the policies and justification text of the Local Plan should be updated, via Main Modification No.78 to enable such developments to come forward. The application proposals represent this type of development.

THE APPLICANT'S HOUSING NEEDS SURVEY

- 3.57 Whilst the housing needs evidence presented in the Council's SHMA and the Oxspring Neighbourhood Plan is clear, in order to ensure that the development proposals unequivocally comply with national planning guidance, the applicant has undertaken their own survey of the Village to seek to establish the local housing need for discount market sale housing.
- 3.58 As stated above, the applicant's survey was considered acceptable by the Inspector of the recent appeal where they identified in Paragraph 14 of their decision that: -
- The appellant's survey provides the most recent and accurate position of the affordable housing needs of the local community. It indicates a local need for more than the three affordable dwellings proposed. This need at village level reflects the wider need for affordable housing in the parish, in the Rural West sub-area, and across the borough.*
- 3.59 The survey consisted of distributing an advisory leaflet to every household in the Village and placing public notices in the Barnsley Chronicle, Penistone Living Magazine, and on the Social Media Account of the applicant's estate agent, Lancaster's Property Services. A copy of the leaflet and the notice are enclosed within the application submission documents.
- 3.60 The leaflet/notice provided details of the proposed development and invited residents of the Village/Parish in need of affordable housing to register their interest with the applicant's estate agent. Following the receipt of the responses, the applicant's agent then wrote to each interested party to request confirmation that: -
- They are a resident of the Village/Parish; or
 - They are related to someone who lives in the Village/Parish; or
 - They are in full time employment at an established business located in the Village/Parish.
 - They are between 23 and 40 years of age; and
 - They do not have a gross household income of over £80,000 per annum.

3.61 The applicant's agent also asked what type/size of home they were in need of.

3.62 The responses received are summarised in the table below (for private & confidentiality reasons). Full details of the responses are included within the Affordable Housing Survey Results document which is enclosed with this application submission.

Resident Name	Address/Location	Local Need Relationship	Age	First Time Buyer	Type/Size Housing Need
Mr M	Oxspring	Lives in Village	Under 40	Y	2 Bedroom
Ms L	Oxspring	Lives in Village with Parents	31	Y	3 Bedroom
Ms H	Oxspring	Lives in Village with Parents	21	Y	2 & 3 Bedroom
Ms Pot	Oxspring	Lives in Oxspring	27	Y	2 Bedroom
Mr B	Oxspring	Lives in Oxspring	24	Y	2 Bedroom
Ms J	Penistone	Parents Live in Oxspring	Under 40	Y	3 Bedroom
Ms L	Oxspring	Lives in Oxspring	Under 40	Y	2 or 3 Bedroom
Ms Por	Not Oxspring	Parents Live in Oxspring	Under 40	Y	2 Bedroom
Mr H	Oxspring	Lives in Village with Parents	25	Y	2 or 3 Bedroom
Ms F	Oxspring	Lives in Oxspring	39	Y	3 Bedroom
Mr S	Not Oxspring	Brother Lives in Oxspring	26	Y	2 or 3 Bedroom
Ms W	Not Oxspring	Grandparents Live in Oxspring	Under 40	Y	3 Bedroom
Ms C	Oxspring	Lives in Village with Parents	23	Y	2 or 3 Bedroom

3.63 It is important to recognise at this point that the wording of the leaflet and questions posed to respondents were derived from the definition of a Rural Exception Site as set out in the Glossary of the NPPF and the Oxspring Neighbourhood Plan.

3.64 The survey undertaken by the applicant provides robust evidence that there is an established local housing need in the Village for the four affordable homes being delivered as part of the development proposals.

3.65 The table above only lists those responses which met with the locational criteria stipulated in Paragraph 3.59 above. A significant number of additional responses were received from people seeking to buy their first home from the wider Oxspring/Penistone area, demonstrating that the acute affordable housing needs identified in local planning policy guidance and its evidence base exists.

3.66 Of the 24 people that responded to the survey, 13 provided evidence to confirm that they met the established criteria. It is important to remember that only 4 of these 13 people/households are required to meet the criteria in order for the scheme to be considered acceptable in planning

policy terms with regards to meeting an identified local housing need. Which unfortunately means in this case that 9 people/households would still need to seek other housing opportunities in the Village, which at this time simply do not exist.

- 3.67 The survey findings therefore corroborate the evidence presented in the Local Plan evidence base, the latest SHMA, and the Oxspring Neighbourhood Plan/URS Study.
- 3.68 Notwithstanding the fact that the evidence presented is robust, it must be remembered that the housing needs evidence provided in support of the planning application is the only micro-level local housing needs evidence which is available for use in the determination of this application.
- 3.69 Accordingly, the development proposals would meet an evidenced local community need as required by national and local planning guidance.

DELIVERY OF DISCOUNTED MARKET SALES AFFORDABLE HOUSING BY REGISTERED PROVIDERS

- 3.70 Finally, with regards to mechanisms of delivering discount market sale housing, enclosed with this submission is a letter from Kester Horn of Space Partnerships. Mr Horn works with a large number of Registered Provider Housing Associations (RP's) to deliver both Homes England grant funded and S106 affordable housing within Yorkshire, including Barnsley.
- 3.71 The letter from Mr Horn confirms that the delivery of discounted market sales housing will in reality only be delivered by private developers and not registered providers. Mr Horn's letter specifically comments as follows: -

“Whilst the majority of affordable homes delivered have been for affordable rent, rent to buy and shared ownership, we have seen limited delivery of starter homes by housing associations. In our experience, starter homes are not provided by housing associations as part of their intermediate tenure products, as they do not fit within their business models.

Housing associations are run on the basis of long-term business plans, relying upon incomes from rents modelled over 30 years, or shared ownership accommodation, where the RP receives a rent on their retained proportion of the property. A short-term sales income through the starter homes model does not fit with this strategy.

The consequence of this, is limited delivery of starter homes, as they are not being delivered at any scale via Homes England grant, whilst RP's will shy away from this tenure if made available through S106 affordable homes. As a result, there is an unmet housing need for those that are seeking an affordable home ownership product but have sufficient capital to take a greater initial share than if offered via shared ownership. Starter Homes or a Discount for Market Sale product would help to meet this unmet need.”

- 3.72 The evidence provided in Mr Horn's letter therefore identifies that the only available mechanism to deliver the established local housing need for first-time buyer discounted market sales homes in Oxspring is via private development proposals such as those being proposed by this planning application.
- 3.73 The development proposals should therefore be strongly supported for this reason.

VIABILITY

- 3.74 As identified above, in order to provide site-specific evidence to justify the level of open market housing proposed within the development, an Enabling Development Case Assessment has been prepared by Cushman & Wakefield. Their assessment has fully considered the comments made by the Inspector of the recent appeal in respect of viability matters.
- 3.75 The submitted Enabling Development Case Assessment aims to establish the quantum of new build Development required to offset the cost of the development of affordable housing to achieve a positive return in line with market expectation. The report outlines the approach to calculating the 'Deficit' for the proposed development, along with an explanation of the methodology and conclusions reached to determine what level of Enabling Development is required to facilitate the level of affordable housing proposed.
- 3.76 Enabling Development is development that would be unacceptable in planning terms but for the fact that it would bring public benefits sufficient to justify it being carried out, and which could not otherwise be achieved. It is felt to be the most appropriate methodology to use to provide a comprehensive case to assess whether the delivery of market homes is essential to enable the delivery of affordable homes without grant funding.
- 3.77 The principle of Enabling Development was established in the 'English Heritage Enabling Development and the Conservation of Significant Places' guidance first published in 1999 and revised in 2012. The guidance provides details of a number of tests that are likely to be applied when assessing such an application and the extent of supporting information required. It also proposes a structure against which any development appraisals demonstrating the requirements for Enabling Development ought to be assessed along with key guidance as to the likely acceptable valuation inputs.
- 3.78 The guidance recognises that there will be circumstances when the residual value generated will be less than zero pounds resulting in a Deficit. In these circumstances, the case for Enabling Development can be made. It will need to be clearly demonstrated that the existing value of the land, plus the development costs, exceeds the value of the development when completed.

- 3.79 Where the residual land value generated is a negative, the case for Enabling Development can be made, but only sufficient to cover the Deficit i.e., bring the residual value back to zero.
- 3.80 As part of the enabling development argument the first action was to establish the Deficit that is brought about from the development. This involved running a residual appraisal based on market facing inputs on a scheme with the result being the land value achieved. This subsequent output provides a measure for the deficit with a second appraisal focused on the amount of further/ alternative development required to reduce the Deficit.
- 3.81 The assessment is supported by evidence supplied in respect of the achievable sales values for the completed development by Lancasters Estate agents and analysis of the cost to bring the development forward, which was also completed by Cushman & Wakefield. This evidence is enclosed within the Enabling Development Case Assessment.
- 3.82 Accordingly, the assessment initially carries out a development appraisal based on a 100% affordable scheme. This element of the assessment confirms that when applying the Gross Development Value set out, measured against the cost of the development and profit margin, the deficit and subsequent land value produced is a negative figure of **-£392,396**.
- 3.83 Subsequently a degree of development for open market sale housing is required to sit alongside the affordable housing to reduce the overall deficit of the project.
- 3.84 To reduce the deficit and create a profit margin to a level which is acceptable for the Applicant, it is proposed that in addition to the affordable properties a further two properties (plots one and two) are developed for general market sale.
- 3.85 With regards to the profit margin, the report identifies that given the size of the proposed development, the historic ownership and acknowledgement that the site is located within the greenbelt the applicant is prepared to accept a lower profit margin than the market would normally dictate. Therefore, in this circumstance a 12% margin has been applied to the gross development value within the appraisal. Which is clear evidence that the applicant is willing to ensure that any profit is not unreasonable and is only that which is needed to enable/facilitate the delivery of the affordable homes.
- 3.86 The result of the enabling case assessment identifies that the incorporation of the two-market dwellings means that the projects deficit is reduced to a positive figure of **£21,783** as opposed to the (-£392,396) seen from the first appraisal providing 8 (100%) affordable dwellings.

- 3.87 Whilst the land value is now positive, it is important to maintain a balance within the scheme, with the 4 affordable properties meeting an evidence based direct local need for affordable housing.
- 3.88 The assessment concludes that it has been demonstrated that without the addition of the dwellings available for market the sale, the scheme will generate a considerable deficit and will be unviable.
- 3.89 The Applicant has sought to design an appropriate scheme that minimises the impact on the Greenbelt whilst remaining commercially desirable, albeit accepting a lower profit margin to ensure the scheme moves forward. The proposed development is considered suitable having regard to the location and site constraints and meets the requirements of the local housing market.
- 3.90 The submitted viability evidence therefore provides sufficient justification to confirm that the development proposals meet with the required policy tests in respect of demonstrating that the delivery of the four affordable homes would simply not be viable without the two market properties. The evidence also corroborates the required size of the two detached market homes.
- 3.91 Further practical evidence of this conclusion is found in the fact that no rural exception sites have been delivered in the Borough for over 10 years or ever in Oxspring.
- 3.92 Accordingly, in the spirit of the justification text outlined in Paragraph 9.30 of the Barnsley Local Plan, the Council should support every opportunity to work positively with developers to deliver affordable housing and a mix of houses housing types to meet local needs through the use of innovative development models such as that being proposed by this planning application.

AFFORDABLE HOUSING IN PERPETUITY

- 3.93 The planning application will be supported by an updated version of the previously signed/completed Section 106 Legal Agreement that was submitted alongside the previous planning appeal at the site.
- 3.94 With regards to ensuring that the proposed affordable housing will be secured in perpetuity the S106 Legal Agreement will stipulate the following: -
- The proposed 30% reduction of market value of the four affordable homes will remain in perpetuity through restricting future re-sales to this level of reduction and that the properties must be sold to people who have a local connection to the Village; are aged between 23 & 40; and who do not have a gross household income in excess of £80,000 per annum.
 - The S106 Agreement will place a restriction on the title of each property, effectively ensuring that the 30% discount is maintained in the future. Such a proposal is in

accordance with the guidance presented in the previously enclosed letter of Mr Horn of Space Properties.

- The S106 Agreement also includes the local needs restrictions (identified in Paragraph 3.59 above) to ensure that future purchasers of the affordable homes meet the planning policy requirements associated with the development.
- To safeguard the delivery of the proposed affordable homes **ahead of the open market properties**, the S106 agreement also contains legal obligations that require the completion of the affordable homes prior to the occupation of the open market properties.

3.95 Together these obligations will ensure that the affordable homes remain affordable in perpetuity; that they will only be made available to meet the needs of the local community; and that they must be delivered simultaneously with the open market properties. Providing certainty that the proposals unambiguously comply with the relevant national and local planning policy guidance.

3.96 As outlined above, the Section 106 agreement will be updated to reflect the amended proposals but will maintain the same approach to securing the delivery of the discounted market value for eligible persons prior to the first, or any subsequent, disposal of each unit. The previous appeal Inspector identified in Paragraph 39 of their decision that they were satisfied that the obligations included within the S106 were necessary, fairly related in scale and kind, and directly related to the development, and as such this obligation would comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010 and paragraph 57 of the Framework.

3.97 Finally, enclosed with this submission is a letter from Paul Onslow at UK Mortgage Experts, which confirms mortgage availability for the proposed affordable properties within the scheme. This letter provides further comfort of the ability of the affordable homes to be delivered and secured for local people at a discounted value in perpetuity.

MEETING IDENTIFIED OPEN MARKET HOUSING NEEDS

3.98 Whilst the focus on demonstrating the principle of development has been on the proposed affordable homes, weight should also be given in the determination of the application to the delivery of the two detached open market properties on the basis that they meet another housing need identified in the SHMA.

3.99 As identified above, the latest SHMA states in Paragraph 4.53 that demand for 5 or more-bedroom dwellings is seen mainly in the more rural sub-areas of the Borough, including the Rural West.

3.100 The Council's adopted Housing Strategy for the period 2014-2033 identifies the key objective of increasing the number of larger (4 and 5 bed) family/higher value homes across the Borough

and specifically identifies the objective of delivering “c.2500 larger family/higher value homes” in the strategy period.

- 3.101 The evidence highlighted above clearly points to a need for more larger family housing in order to stem the flow of higher income households out of the Borough in search of larger properties, and also to attract the higher income population into Barnsley. The level of larger family housing currently being developed in the Borough falls a long way short of achieving these aims.
- 3.102 The need for family housing is also recognised in the URS Study which supports the Oxspring Neighbourhood Plan.
- 3.103 The two open market homes also include home office working areas, as patterns of home working have increased as a result of the COVID-19 pandemic. This element of the proposals is in accordance with Policy OEN3 and Paragraph 6.3.2 of the Neighbourhood Plan which seek to strengthen the local economy by supporting the provision of business space through encouraging home working. Paragraph 6.3.2 further states that “*without these, Oxspring could become a less sustainable community with fewer opportunities for employment*”.
- 3.104 In conclusion, the two proposed market homes have been specifically designed to meet an established housing need of the Borough and to be sympathetic to the character of the surrounding area of the site. Weight should be attached to this important element of the proposal in the determination of the application.

CONCLUSION

- 3.105 The conclusive evidence presented in this section of the statement unequivocally establishes that the development proposals are in accordance with relevant national and local planning guidance as: -
- They will deliver four affordable homes to meet an established local housing need.
 - The two open market properties are required to facilitate the viable delivery of three affordable homes at a discounted market sale value of 30%.
 - Section 106 planning obligations will ensure that the affordable homes remain affordable in perpetuity; will only be made available to the local community; and that they are all delivered prior to the occupation of the open market dwellings.
 - The two proposed open market properties have also been designed to meet an identified need for larger family homes in the Village and Borough.
- 3.106 We therefore believe that this innovative development opportunity to deliver the evidenced local housing needs of Oxspring should be supported.

3.107 The NPPF identifies that there are three dimensions to sustainable development: economic, social, and environmental. In responding to the principle of development we have set out the socio-economic benefits associated with the development proposals. We therefore set out in the section below how the development proposals can be considered a sustainable development in respect of environmental objectives.

4.0 PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT: *ENVIRONMENTAL OBJECTIVES*

MEETING THE ENVIRONMENTAL OBJECTIVE OF SUSTAINABLE DEVELOPMENT

- 4.1 The NPPF defines the environmental objective of sustainable development as being:

“to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”

- 4.2 The supporting technical documents submitted with the application identify that the development will not have an adverse impact on the local environment. A summary of the key conclusions identified within the submitted technical documents is provided below.

DRAINAGE & FLOOD RISK

- 4.3 A Flood Risk Assessment and Drainage Strategy prepared by Topping Engineers are submitted alongside the planning application.
- 4.4 As outlined in Section 2 above, the red line site application boundary is located within flood zone 1 with a low risk of flooding from rivers or the sea. All residential properties and their garden curtilage areas are therefore located in Flood Risk Zone 1. As the site is less than 1 hectare in size, a flood risk assessment is not necessarily required to be submitted alongside the application. The sequential test and exception test is also not required on this basis.
- 4.5 Notwithstanding the above, the submitted documents demonstrate that the proposed development is not at significant flood risk, nor will it increase the risk of flooding to other areas.
- 4.6 The current site is considered to be greenfield in drainage terms. This results in the amount of impermeable area on this site being increased. Therefore, it is proposed that the site will be attenuated at greenfield discharge rates. This will also follow the SuDs hierarchy for the disposal of surface water drainage from the site.
- 4.7 The submitted Drainage Strategy identifies that rainwater/surface water from the development will be attenuated in a cellular storage chamber and released via a hyrdobrake at a restricted rate to the River. Foul water from the development will discharge into the existing sewer located at the north-east corner of the site.

- 4.8 The Local Lead Flood Authority, Yorkshire Water and the Environment Agency did not object to the previous application at the site and thus we expect this position will be maintained on account of the positive changes made to the development, to place all residential development within identified areas of Flood Risk Zone 1.
- 4.9 In compliance with the requirements of the NPPF, and subject to the mitigation measures proposed, the development could proceed without being subject to significant flood risk. Moreover, the development will not increase flood risk to the wider catchment area as a result of suitable management of surface water runoff discharging from the site.
- 4.10 On account of the evidence provided within the submitted Flood Risk Assessment and Drainage Strategy it is considered that the development proposals are in accordance with Policies GD1, CC3 and CC4 of the Barnsley Local as there are no flood risk or drainage concerns that would preclude the development of the site.

ARBORICULTURE

- 4.11 A Tree Survey, Arboricultural Impact Assessment, and Arboricultural Method Statement undertaken by Arboricultural Consultant James Royston is submitted alongside the planning application.
- 4.12 The Tree Survey identifies the 10 trees and/or groups of trees located on the site's boundaries. Some of the trees included in this survey were of low value and have been allocated a category C, but several trees are of higher value.
- 4.13 The Arboricultural Impact Assessment confirms that all of the existing trees located on the site's boundaries will be retained within the development proposals. It also outlines that plans show that new tree planting will be undertaken as part of this project, which will serve to increase and improve the quality of the tree cover in the local area.
- 4.14 An Arboricultural Method Statement has also been submitted to identify the measures which will be undertaken to ensure good practice in the management of trees during the proposed development. This document can be attached to a suitably worded planning condition to ensure compliance with it.
- 4.15 Finally, during the determination of the previous appeal concerns were originally raised by the Council in respect of the safeguarding of the Ancient Woodland located adjacent to the northern boundary of the site. Again, for the avoidance of any doubt, we wish to make clear that the Ancient Woodland designation and the trees located within it are not located within the boundaries of the application site.

- 4.16 We can again confirm that the development proposals would not impact upon the Ancient Woodland on account of: -
- The existing track which runs through the application site, adjacent to the woodland edge, is stone surfaced.
 - Beneath this track lies an existing Yorkshire Water foul trunk sewer for its full length of the site. This section of trunk sewer (which takes the entire wastewater capacity of Oxspring and the Principal Town of Penistone) was diverted in the 1990's to accommodate the adjacent existing Millstones development and when re-routed there was no evidence of tree roots found, just solid sandstone bedrock which was required to be removed with mechanical machinery.
 - The combination of the existing sewer and hard surfacing preclude the presence of tree roots within this area and do not allow for the establishment of semi-natural vegetation.
 - The change in levels between the site and the woodland would deter access as well. Such measures are proposed to be secured by condition should the application be approved.
- 4.17 In addition to the above, we can also confirm that the applicant has control of the land to the north of the application site and can therefore confirm that no public access to this area is allowed.
- 4.18 One further, and very important point, is associated with the trajectory/angle of tree root protection areas at the site, given that the trees located to the north of the site's boundaries are approximately 3m above the ground level of the application site and are located approx. 8m away from the northern edge of the proposed access road and over 20m from the closest of the proposed dwellings. The existing trees are therefore located a substantial distance and beyond 15m from all of the proposed built form, other than the proposed site access road.
- 4.19 The first thing to consider is the location of existing roots. As is shown in the submitted Tree Survey the root protection areas of trees which are located in the woodland to the north of the site do not extend into the site when calculated in accordance with BS5837:2012. Meaning it is physically impossible for there to be any root damage at the location of the proposed access road because there are no roots in this location.
- 4.20 Importantly, the proposed access will be located in the same location as the existing access track. No dig roads incorporating a cellular confinement system are now commonplace, and the Arboriculturist is therefore very confident that the proposed access road could be constructed without any need for excavation.
- 4.21 Finally, when undertaking a site visit the Council will be able to view the existing relationship between the Millstones development's access road and the trees located on the banking adjacent to it, which are clearly flourishing and not impacted by the location of the access road.

- 4.22 The position outlined above was accepted by the Inspector where they stated in Paragraph 33 of their decision that: -

Natural England and Forestry Commission guidance suggests that a 15 metre buffer should be provided for the ancient and semi-natural woodland that lies to the north of the site, in order to avoid root damage. However, the submitted tree survey indicates that the root protection area of this group of trees lies entirely outside the appeal site. Furthermore, the part of the appeal site nearest the woodland currently contains a stone surfaced access track with foul sewer below that run for the length of the site, and at a substantially lower level than the trees. On this basis, the roots would not be affected by the proposal and such a buffer is not necessary.

- 4.23 Accordingly, it is considered that the development proposals are in accordance with Policy GD1 and BIO1 of the Barnsley Local and Policy OEN1 of the Oxspring Neighbourhood Development Plan.

ECOLOGY

- 4.24 An Ecological Appraisal has been undertaken by Smeeden Foreman to support the planning application.
- 4.25 The appraisal identifies that the development is considered feasible with minimal impact on biodiversity provided that mitigation and enhancement measures detailed within the report are incorporated within the site proposals.
- 4.26 In order to protect the River Don wildlife corridor, the proposed boundary delineating the proposed properties has been amended on the Site Plan to deliver a minimum 10m buffer zone in order to provide a semi-natural habitat along the River's edge.
- 4.27 The delivery of a new landscaping scheme as part of the development proposals (including the reseeded of the 10m buffer area adjacent to the river with an appropriate native wildflower mix) will therefore allow for the establishment of a more diverse range of species which will then be subject to appropriate management aimed to maximise its biodiversity value in perpetuity. In addition to the introduction of an area of semi-natural habitat adjacent to the river, all of the existing trees along the river's edge will be retained, further protecting the site's features of ecological value. Full details of the landscape proposals and its management in perpetuity can of course be secured by condition should the application be approved.
- 4.28 With regards to the need for protected species surveys, trees along the edge of the River Don were identified to provide suitable features to support roosting bats within the Ecological Appraisal. However, as identified above, all of the trees on-site are to be retained in order to minimise impacts on the river corridor and allow for the provision of valuable dead wood habitats. Due to the retention of all of the existing trees, alongside the ability to condition the provision of a sympathetic lighting scheme which will not illuminate the river corridor, the

requirement for further surveys in respect to protected species has been negated. The retention of all trees and the proposed mitigation with respect to lighting will ensure that impacts are avoided such that surveys in this case are not required. Lighting can be designed to avoid illuminating features used by bats. Such details can be secured by condition should the application be allowed. Any potential for bat roost features within the tree canopies along the river corridor will therefore not be affected by the proposals such that a survey for protected species is not required.

4.29 With regard to the potential presence of signal crayfish within the River Don, this is an invasive, non-native species which it is illegal to release or cause to spread in the wild. Historically released or escaped into the river system from crayfish farms, this species has spread extensively to the detriment of fish stocks and native crayfish upon which it preys, out-competes for food/habitat and spreads crayfish plague. Should any works be needed which could disturb the riverbank (to deliver the required drainage infrastructure), precautionary measures will need to be undertaken to avoid the accidental spread of signal crayfish or crayfish plague including:-

- Inspection of areas to be disturbed by a suitably qualified ecologist.
- Supervision during excavations within the riverbank by a suitably qualified ecologist.
- Biosecurity measures in respect to cleaning all items of personal equipment and machinery used during inspection/excavations within the riverbank.

4.30 Again, these measures can be secured by condition.

4.31 Finally, with regards to delivering 'no net loss' to Biodiversity, the development proposals will seek to protect and enhance the site's biodiversity value through:

- The provision of an 10m buffer area adjacent to the River Don and the reseeded of the area with an appropriate native wildflower mix.
- The retention of all trees on site and the planting of new trees.
- The retention of existing boundary hedgerows and the planting of new hedgerows.
- The provision of a sensitive lighting scheme to avoid illuminating features used by bats.
- The incorporation of bird and bat boxes on the retained trees and the proposed homes.
- The use of precautionary and sensitive construction techniques to avoid accidental spread of signal crayfish or a crayfish plague.
- The use of precautionary and sensitive construction techniques to protect species such as bats, badger, otter, hedgehog, and breeding birds.
- The introduction of a 30-year management and maintenance scheme to protect and enhance the site's biodiversity features in the long-term.

- 4.32 The above measures have been included within the development proposals. Evidence of which can be found on the submitted Site Plan. Further details can also be secured by a planning obligation included within the Section 106 Agreement, including long term management and maintenance in perpetuity.
- 4.33 These details have been taken into account in the Biodiversity Net Gain assessment which is included in the enclosed Ecology Appraisal. The conclusion of this work is that Biodiversity Net Gain can be delivered as part of the development proposals.
- 4.34 Notwithstanding the results of this assessment, the Section 106 Agreement will again include clauses associated with the delivery of Biodiversity Net Gain. The clauses enable the applicant to confirm post-determination of the application whether 'biodiversity net gain' (as referred to in the agreement) can be delivered on-site through the delivery of the identified on-site enhancement measures. If 'biodiversity net gain' cannot be delivered on site through the delivery of such measures, the Section 106 agreement then includes a mechanism which enables the applicant to seek to off-set the required level of biodiversity gain required on land within proximity of the site, and/or through a financial contribution as a last resort.
- 4.35 The applicant owns land adjacent to the application site which is located along the same River corridor and as such this is where any required off-setting could be considered. However, should the necessary level of off-setting not be achievable on this parcel of land (in combination with the application proposals), the Section 106 agreement will identify that the applicant would need to pay a financial contribution to the Council which would ensure 'biodiversity net gain' is delivered. A similar mechanism has also recently been agreed with the Council on a number of schemes across the Borough.
- 4.36 The position outlined above was accepted by the Inspector who previously agreed that the development proposals would have a positive effect on biodiversity.
- 4.37 The development proposals will therefore achieve 'biodiversity net gain' as required by the Framework, Local Plan Policy BIO1, Policy OEN1 of the Oxspring Neighbourhood Plan, and the Council's Biodiversity and Geodiversity SPD.

DESIGN & AMENITY

- 4.38 The proposed dwellings will reflect the design and appearance of traditional dwellings within the area incorporating high quality natural materials. The proposals have been sensitively designed to deliver a scheme which takes full account of the physical characteristics of the site and avoids overlooking and loss of amenity to new and existing dwellings.

- 4.39 All of the proposed homes will be built from the same palette of materials and to the same high quality of construction required to meet building regulation standards. The result being that the affordable homes will be indistinguishable from the proposed market homes in this regard.
- 4.40 With regard to other specific issues raised by 3rd parties in respect of the previous proposals at the site and the potential impact on amenity, we would comment as follows: -

The design of the affordable housing is not socially inclusive and does not promote balanced, mixed neighbourhoods and social integration.

The high-quality homes that will be delivered will increase social inclusion and integration in the Village on account of the mix of housing types, which reflects the character of the Village. The Village has an eclectic mix of smaller, medium, and larger housing types which has evolved without any formal pattern, helping to create strong community.

Overlooking to properties at No 29, 31 & 33 Millstones.

The nearest proposed home to these properties is Plot 1, and care has been taken to ensure that the amenity of existing properties is protected. On the facing elevation there is only one window, which relates to an en-suite bathroom. The window will be obscurely glazed to ensure there will be no over-looking or loss of privacy to the existing homes located adjacent to Plot 1.

The distance between the facing gable/elevation of Plot 1 and the rear west facing windows of No. 31 Millstones is over 14 meters. The Council's Supplementary Planning Document: Design of Housing Development Section 4 states that there should be a minimum distance of 12m between side elevations and a habitable window of an original house.

The nearest new buildings within a direct line of sight between No's 29 and 33 are single storey garages, and whilst these buildings are located beyond acceptable separation distances, views towards them from the existing properties will be obscured by the rear boundary treatments of the existing properties and the new boundary treatments to be provided by the development.

- 4.41 The development proposals are bespoke and have been designed to specifically reflect the character of the site's surroundings. They should be considered exemplary, as we know of no other rural exception site which has been designed to this standard in the Borough.

HIGHWAYS

- 4.42 The development proposals have been designed to meet the Council's relevant highways guidance, which will enable it to be adopted by the Council if the development is approved.
- 4.43 The relevant guidance is outlined in the Designing New Housing Development SPD and South Yorkshire Residential Design Guide, which identify that the design of all new developments must be based on an appraisal of the surrounding street pattern, which identifies the hierarchy of routes and the pattern of movement through the area.

- 4.44 In terms of an appraisal of the surrounding street pattern, the existing development of Millstones leads from its junction with Bower Hill as a traditional type of street with a kerbed footway to its south side and a kerbed service margin to its north side. To the south side of Millstones are two short cul-de-sac serving residential development each of which are laid out as a shared surface from a raised plateau starting from the back of the junction radii. It is therefore entirely appropriate that the proposed development is served by a similar shared surface as is shown on the submitted Site Plan.
- 4.45 Section 3.3 of the South Yorkshire Residential Design Guide (SYRDG) provides details of street types and denotes this type of street as a 'Level Surface Street' which is appropriate for relatively short stretches in locations with low to very low vehicle flows and speeds. The proposals therefore accord with SYRDG.
- 4.46 The SYRDG is not prescriptive in relation to dimensions for different types of streets, and in terms of design parameters suggests that the largest regular vehicle that is to be accommodated is a 'refuse truck'. The swept path analysis shown on the submitted Site Plan demonstrates that the proposed layout can adequately accommodate the turning manoeuvres of a standard refuse collection vehicle.
- 4.47 As such there is no reason why the road within the development cannot be designed and constructed to an adoptable standard, and there is no reason for the Council not to accept this for adoption.
- 4.48 Turning to the matter of waste collection, with the access road adopted, the ability of refuse vehicles to access the north-west corner of the development is demonstrated by the swept path analysis. Therefore, there will be no requirement for a separate bin collection point within the development, as prospective residents will be able to leave their bins outside their homes for collection.
- 4.49 The access shown on the submitted Site Plan is suitable and appropriate to be offered for adoption and if required this could be secured by a suitably worded planning condition. Following its adoption, the development will be provided with adequate provision for the collection of waste and there will be no unacceptable conflict with road users.
- 4.50 The proposals will therefore accord with Policies Local Plan policies GD1, T4 and S1 and with National Planning Policy for Waste. In relation to the Framework, paragraph 111, states 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*'. There is no reason on highway grounds why the proposed development

should not be granted planning permission as the proposals accord with local and national guidance and will not result in any harm or unacceptable impact on highway safety.

GROUND CONDITIONS & MINERALS

- 4.51 The Phase 1 Land Quality Report prepared by Roberts Environmental dated March 2014 has been submitted to support this Planning Application. Whilst the report was prepared six years ago, circumstances at the site remain unchanged and therefore the contents of the report remain relevant and valid.
- 4.52 The site currently forms an undeveloped parcel of land, with surfacing comprising grassed pasture. No significant sources of contamination were identified associated with the sites current use.
- 4.53 During the review of historical maps, it has been identified that the subject site remained generally undeveloped. Significant potential historical sources of contamination are unlikely to be present on this site. However, they cannot be wholly discounted, and some made ground may be present, associated with the infilled quarry and landscaped mound to the north and west, along with a series of earthworks and regrading works on the eastern side of the site at Millstones.
- 4.54 From a review of the British Geological Survey the geology of the subject site comprises drift deposits of Alluvium and River Terrace Deposits underlain by Grenoside Sandstone, classified as a Secondary-A Aquifer. There are no shallow coal seams within this rock formation and the site is not at risk from shallow coal mining activity.
- 4.55 An assessment of the risk from ground gas has identified a number of potential sources within a plausible migration distance including landfill sites, (although anecdotal evidence indicates infilling occurred with inert material), and the potential presence of naturally occurring organic material within the alluvial deposits below the site. Therefore, the site may be at risk from ground gas, and it would be considered prudent to incorporate gas monitoring within the scope of future ground investigation works.
- 4.56 Based on our review of information available, we are of the opinion a plausible pollutant linkage has not been identified at the site for the continued current use. However, in the event of development the potential for a pollution linkage should be further assessed.
- 4.57 The report concludes that the issues identified should not preclude the future redevelopment and that the environmental risk arising from the ground condition at the subject site is Low.

4.58 As the report outlines various references to the infilling of a small sandstone quarry, located 10m to the northwest of the site and due to lack of evidence, makes recommendations in respect of potential made ground, which we feel warrant proper address at this stage and accordingly a Supplementary Evidence paper is submitted alongside the planning application. The submitted supplementary paper confirms the following: -

- The creation of a landscape mound, by re-grading works and subsequent restoration, did not involve the importation or exportation of any material.
- Written correspondence was previously received from Mr I D V Gilmour of the South Yorkshire Waste Regulation Unit, confirming that the movement of soils within the site curtilage did not require a waste disposal licence.
- The small sandstone quarry, which lies 10 metres beyond the North Western boundary of the current application site, was infilled in accordance with all required Permissions granted by the Council.
- The excavated surplus soils were excavated and transported to the locations agreed with the Council, including the small sandstone quarry. This material was then covered with sub-soils and ultimately capped with top-soils and then planted with trees.
- All of the material was formed of clean inert soils; hence the works did not require grant of a waste disposal licence. On this basis, it can be ascertained that the materials were not considered to present any contamination risk by either the Council or the South Yorkshire Waste Regulation Unit.

4.59 The development therefore satisfies the requirements of Policy CL1 of the Barnsley Local Plan as there are no ground-related issues that would preclude the development of the site.

CONCLUSION

4.60 On account of the information presented in this section, it is considered that the development proposals comply with the guidance presented in the NPPF and the Development Plan. As a consequence, the development proposals can be considered Sustainable Development as defined by the NPPF and consequently there is a presumption in favour of granting planning permission for this development without delay in accordance with Policy SD1 of the Barnsley Local Plan.

5.0 CONCLUSION

- 5.1 This application seeks full planning permission for the delivery of a Rural Exceptions Site consisting of four affordable homes and two open market homes and associated infrastructure at Land West of Millstones, Oxspring.
- 5.2 This statement provides a review of relevant planning policy at the national and local levels. It demonstrates considerable support for the proposed development of the application site.
- 5.3 Robust evidence has been presented to confirm that the proposals will help meet the locally identified housing needs of the Village of Oxspring and in doing so will contribute to addressing an established acute need for affordable housing in the Rural West area of Barnsley.
- 5.4 The statement has also outlined where changes have been made to the proposals in order to respond to and positively address the Inspector's reasons for dismissing the previous proposals at the site (Ref. APP/R4408/W/21/3271635).
- 5.5 The planning justification for the proposed development of the site is summarised as follows: -
- The proposals will deliver four affordable homes to meet an identified and established local housing need in Oxspring.
 - Evidence has been provided to demonstrate that the two open market properties are required to facilitate the viable delivery of four affordable homes at a discounted market value of 30%.
 - The applicant's housing needs survey remains the only micro-level understanding of the affordable housing needs of Oxspring.
 - The application proposals represent the only available development opportunity to meet the identified affordable housing needs of Oxspring.
 - The evidence presented on affordable housing need and delivery illustrates some serious shortcomings in terms of past delivery trends in the local authority area, particularly in the Borough's Western Villages.
 - The persistent under delivery of affordable housing in the Borough presents a critical situation, particularly in the Borough's Villages.
 - Taking into account the extremely acute affordable housing position, very substantial weight should be given to the delivery of a 67% provision of affordable homes in favour of the application proposals.
 - The proposed Section 106 planning obligations will ensure that the affordable homes remain affordable in perpetuity; will only be made available to the local community; and that they are all delivered prior to the occupation of the open market dwellings.
 - The two proposed open market properties have also been designed to meet an identified need for larger family homes in the Village and Borough.

- The benefits that the development will deliver will outweigh any environmental harm.
- The development proposals are situated in a **suitable** and highly sustainable location in respect of existing settlement form and there are no technical or environmental (built or natural) constraints that would preclude the development of the site.
- The site is **available** now as the applicant is actively seeking to secure planning permission for the residential development of the site.
- The site can also be considered **achievable** as new homes can be viably delivered at the site within the next 5 years.
- The submitted plans identify that the proposals will deliver a high-quality development that reflects the character of the site and its surroundings.
- The technical reports that have been submitted with this planning application identify that there are no technical or environmental issues that would constrain the site's development.
- The development proposals meet the NPPF definition of Sustainable Development and there is therefore a presumption in favour of granting planning permission for this development without delay.

5.6 The evidence presented in this Statement unequivocally establishes that the development proposals are in accordance with relevant national and local planning guidance. The proposals importantly align with the Barnsley Local Plan Inspector's recommendations outlined in Main Modification 78 which sought to address and ensure the delivery of much needed affordable housing in the Borough's Villages. The development is also in accordance with the requirements of the guidance presented in Paragraphs 60, 61, 62, 78, 79 and 149(f) of the NPPF and Policy H7 and Paragraphs 9.28 to 9.30 of the adopted Barnsley Local Plan. Support should therefore be given to this innovative development opportunity which seeks to deliver the robustly evidenced local housing needs of Oxspring.

5.7 When determining this application we ask that the Council must not lose sight of the fact that this development will deliver new homes for those individuals who aspire to take that important first step onto the property ladder and purchase their very first home. Due to strong/high house prices in the application site housing market area, these individuals are currently being priced out of the market and their only opportunity to realise the dream of purchasing their first home is through the delivery of affordable housing (a point recognised by the Barnsley Local Plan Inspector). Sadly, due to the complete lack of delivery of affordable homes in this area over the last two decades, to date these individuals find that their hopes and aspirations of owning a home in the village are almost impossible to realise. The proposal seeks to help address this.

- 5.8 It is clear that if the application were to be refused, the identified housing needs of Village would remain unmet and there would be no immediate prospect of those in affordable housing need finding a discounted market sales affordable home elsewhere in the Village in the near future.
- 5.9 We therefore believe that support should be given to this innovative development opportunity which is policy compliant and seeks to deliver the evidenced local housing needs of Oxspring. Planning permission should therefore be granted in respect of this planning application without delay.