**BARNSLEY METROPOLITAN BOROUGH COUNCIL**

**TOWN AND COUNTRY PLANNING ACT 1990**

**APPEAL BY Mr Steven Warsop**

**Land to rear of Greenland Cottage, High Hoyland Lane, High Hoyland, Barnsley**

**LPA REF: 2023/0880**

**INSPECTORATE REF: APP/R4408/W/24/3347461**

**Helen Willows (Planning Officer) BA (Hons) MRTPI**

**Nik King (Senior Urban Design Officer)**

**Ed Jowett (Forestry Officer)**

1. **Introduction**
   1. This appeal is against the decision of Barnsley Metropolitan Borough Council to refuse planning permission for the development of 1 no. Self-Build Residential Dwelling and associated works at land to rear of Greenland Cottage, High Hoyland Lane, High Hoyland, Barnsley.
   2. The application was refused for the following reasons:
      1. The site lies within the Green Belt as defined on the approved Barnsley Local Plan Policies map wherein Local Plan Policy GB1 reflects national policy guidance and restricts new development other than in a closed list of exceptions or where very special circumstances are demonstrated. The proposed new dwelling is not infilling in a village in the Green Belt and is considered to constitute inappropriate development contrary to policy and harmful to the Green Belt as set out in NPPF at paragraphs 152 and 153. Furthermore, the application has not demonstrated very special circumstances that would clearly outweigh both the harm to the Green Belt by inappropriateness and the other harms resulting from the proposal.
      2. The design of the proposed three storey dwelling lacks detailing to reduce the impact of the height and mass of the building and results in a design which has a height, massing and vertical emphasis which would be incongruent in the street scene which is characterised by one and two storey houses. In addition, the proposed integral double garage is over dominant of the front elevation, results in an unsatisfactory appearance of the proposed dwelling and is contrary to the guidance in the SPD Design of Housing Development. Overall, the design is considered to result in a dwelling which would have an unacceptable appearance in the street scene, contrary to Local Plan Policy D1 and the SPD Design of Housing Development.
      3. The proposed development is not located in a sustainable location, with access to local facilities, services, shopping and work almost certainly to be by private car for any occupiers. This is not in accordance with the sustainable transport objectives of Local Plan Policy T3 or the NPPF to promote walking, cycling and public transport use.
      4. The application is not supported by appropriate evidence to demonstrate that the proposal will not have an adverse impact on protected species on and in the vicinity of the application site and accordingly is in conflict with Local Plan Policy BIO1 and the SPD Biodiversity and Geodiversity.
   3. The officer report raises a number of other issues which were either not resolved at the time of determination or would require the imposition of conditions in the event that planning permission were to be granted. These included drainage, trees, coal mining legacy, residential amenity during the construction period, materials to be used in the finish of the development, details of ground based solar panels, surfacing of the access/parking area and the need to secure a suitable scheme for the parking of bicycles on the site.
   4. The applicant has submitted amended plans and evidence to the Council to demonstrate that the proposal will not have an adverse impact on protected species on and in the vicinity of the application site. In particular, a pond referenced in the PEA as having potential as a newt habitat has been demonstrated to no longer exist and amended plans have been submitted which demonstrate that a building on site, which had the potential to be a bat habitat, can be retained. Accordingly, the Council is satisfied that reason number 4 has been addressed.
2. **Site location and description** 
   1. The appeal site is a former quarry which sits with Greenland Cottages to the west and The Mount located to the east. The Mount is set within large grounds which wrap around the site. To the north are also residential properties but these are entirely screened from any views from High Hoyland Lane in the vicinity of the appeal site by a significant swathe of trees which extend a significant distance to the east of the appeal site. In addition, planning permission was granted for an annex in the front garden of Greenland Cottages in 2022 (decision notice and site plan attached as appendix 1). This permission was identical to permissions granted in 2014 and 2017. There are three steel containers on the site which detract from the rural setting to a limited degree.
3. **Planning history**
   1. There are two planning applications on the appeal site which are relevant to this appeal:

2018/0380 Erection of one residential dwelling and associated infrastructure – refused and dismissed on appeal.

2021/0795 – Development of one dwelling and associated work -refused

* 1. There is a nearby application which is relevant to this appeal

2014/0520 – erection of two number dwellings – refused and dismissed on appeal.

1. **Planning Policy Context**

**Local Plan Policy**

* 1. Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. Barnsley’s statutory development plan consists of the adopted Local Plan, a Joint Waste plan and four Neighbourhood Plans. The Joint Waste Plan is silent on the appeal proposal and the Neighbourhood Plans do not cover the area of the appeal site. The Local Plan was adopted in January 2019. A Local Plan review was approved at the full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering its objectives. The next review is due to take place in 2027 or earlier if circumstances require it. The Local Plan is supported by a series of Supplementary Planning documents which provide more detail to adopted policies and are a material consideration in the decision-making process.
  2. Local plan policies relevant to the refusal include:

GB1 Protection of Green Belt

D1 High Quality Design and Place Making

T3 New Development and Sustainable Travel

BIO1 Biodiversity and Geodiversity

* 1. Local plan policies relevant to the suggested conditions include:

SD1 Presumption in favour of sustainable development

GD1 General Development

H4 Residential development on small non allocated sites

T4 New Development and Transport Safety

CC1 Climate Change

CC2 Sustainable Design and Construction

CC4 Sustainable Urban Drainage Systems

RE1 Low Carbon and Renewable Energy

CL1 Contaminated and Unstable Land

Poll1 Pollution Control and Protection

4.4 Supplementary planning documents relevant to the suggested conditions include:

Design of Housing Development July 2023

Biodiversity and Geodiversity March 2024

Trees and Hedgerows May 2019

**National Policies - NPPF**

* 1. The National Planning Policy Framework sets out the Government’s planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise.
  2. Paragraphs of particular relevance to this appeal include:
  3. Para 114 – in assessing specific applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be taken up.
  4. Para 115. 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.
  5. Para 128 – Planning decisions should take into account the scope to promote sustainable travel modes that limit future car use.
  6. Para 135 – planning decisions should ensure that developments function well, add to the overall quality of the area, are visually attractive, sympathetic to local character, establish a strong sense of place, optimise the potential of the site and create safe, inclusive and accessible places that promote health and well-being.
  7. Para 136 – trees make an important contribution to the character and quality of urban environments. Planning policies and decision should ensure that opportunities are taken to incorporate trees in developments and that existing trees are retained wherever possible.
  8. Para 139 – development that is not well designed should be refused. Conversely, significant weight should be given to development which reflects local design policies and/or outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area
  9. Para 152 – Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances
  10. Para 154 – A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt and sets out a closed list of exceptions including limited infilling in villages.
  11. Para 174 – planning decisions should contribute to and enhance the natural and local environment by protecting sites of biodiversity value and minimising impacts on and providing net gains for biodiversity
  12. Paras 189 and 190 – Planning policies and decisions should take account of ground conditions and any risks arising from land instability and ensure that adequate site investigation information is available to inform assessment. Responsibility for securing a safe development rests with the developer and/or landowner.

1. **Justification for the reasons for refusal and one other issue.**

**Green Belt**

* 1. The first reason for refusal relates to the principle of development in the Green Belt. Inappropriate development in the Green Belt is, by definition, harmful and should not be approved unless very special circumstances can be demonstrated that clearly outweigh both harm to the Green Belt by reason of inappropriateness and any other harm. The construction of new buildings is classed to be inappropriate development under national planning policy in the NPPF at paragraph 154 with a closed list of exceptions including (e) limited infilling in villages.
  2. In order to determine if NPPF para 154(e) is to apply, it is necessary to determine both whether the applications site is a village and, if it is, whether the proposal comprises limited infilling. The status of the village boundary defined on the Local Plan policies map is material to this decision but it is not determinative as to the extent of the village. The decision as to whether the proposal constitutes limited infilling in a village in the Green Belt is a matter of planning judgement.
  3. It is considered that this site does not qualify as a site for limited infilling in a village. The main village lies some distance away, to the northeast of the junction of High Hoyland Lane and Bank End Lane. Within this main part of the High Hoyland the character is of a closely developed village.
  4. There is a clear break in development between the dwellings on High Hoyland Lane and the main village of High Hoyland. Within this break, there is a substantial tree belt. The character of the street scene travelling down High Hoyland Lane from the junction with Bank End Lane changes in comparison with the character of the main village. Initially, the impression is of a group of substantial trees, and beyond that you can glimpse a house which is set back significantly from High Hoyland Lane behind a well planted garden (the house fronts onto Bank End Lane and doesn’t really relate to High Hoyland Lane) The roadside planting becomes significantly more dense and becomes part of a substantial tree belt which forms a significant feature of this area between Bank End Lane and High Hoyland Lane. Beyond the tree belt, there are a number of less densely developed houses (in comparison to the closely developed main village of High Hoyland).
  5. The judgement that the site does not qualify as a site for limited infilling in a village is consistent with previous appeal decisions. In the 2014 appeal decision (copy of decision and site plan attached at appendix 2) on a site between this current appeal site and the junction of High Hoyland Lane and Bank End Lane, the Inspector stated that ‘the main area of dispute surrounds whether or not the appeal site is located in the village’ (para 5). At paragraph 7 the Inspector goes on to state that ‘during my site visit I saw that the main focus of the village is primarily concentrated around ‘The Cherry Tree’ pub up to the junction of High Hoyland Land and Church Lane. He goes on to find that beyond the pub ‘the density of development decreases, with large detached houses set back from the road in generous, mature landscaped plots. Thus notwithstanding the boundary of the Proposals Map, I am not persuaded that the appeal site forms part of the village where the exception afforded to limited infilling applies’.
  6. In the 2020 appeal decision on this current appeal site (copy of appeal decision attached at appendix 3) the Inspector stated that ‘The appellant has not expressly suggested that the proposal would not amount to inappropriate development within the Green Belt … (but) the appellant does assert that the appeal site is an infill site’ (para 6). The Inspector was provided with a copy of the 2014 appeal decision and noted the finding in that decision that the proposal did not represent limited infilling in the village (para 8). The Inspector went on to conclude that they saw ‘no reason why a different conclusion should be reached’ (para 8) and that ‘the development would not fill an existing clear gap between the existing properties. The surrounding dwellings do not read as being directly adjacent to the site. This is because there is dense vegetation between the appeal site and the properties to the north and west’ (para 10). The Council’s reason number 1 is consistent with this planning judgement.
  7. It is concluded therefore that there has been no change in circumstances since those decisions. The character of the settlement remains such that the application site is some distance from the more densely developed main village, there is a clear break in development between the dwellings on High Hoyland Lane and the main village, and the dwellings on High Hoyland Lane are much less densely developed than the character of development in the main village. The application site does not lie within a village in the Green Belt. It is therefore not necessary to consider whether the proposal could be said to form limited infilling. It would however be consistent with the 2020 appeal decision to conclude that the proposal is not infilling because ‘the development would not fill an existing clear gap between the existing properties. The surrounding dwellings do not read as being directly adjacent to the site. This is because there is dense vegetation between the appeal site and the properties to the north and west’.
  8. Furthermore, it is a fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open, and the essential characteristics of Green Belts are their openness and their permanence. The proposed development would be significantly more noticeable than the metal containers and cars that currently occupy the site. The erection of a substantial three storey dwelling and new parking area would have a significant impact on openness and this would be exacerbated if the anticipated pressure on trees at the front of the site is realised and their screening presence is lost. It is therefore concluded that the proposed development would harm the openness of the Green Belt in both visual and spatial terms, contrary to the purposes of Green Belt policy.

**Design**

* 1. The second reason for refusal relates to the design of the proposed three storey dwelling. National planning policy indicates that development which is not well designed should be refused and that significant weight should be given to development that reflects local design policies. Local planning policy (D1) ‘High Quality Design and Place Making’ indicates that development is expected to be of high quality design and will be expected to respect local character. In terms of place making, whilst a variety of building materials are used in the dwellings in the local vicinity along High Hoyland Lane, (Friedland House, Greenland Cottages, The Mount, High Croft, Chapel House and The Withens), there is a general consistency in the heights of either one or two storeys. The exception to this being The Mount at three storeys. However, The Mount is set within well landscaped gardens, which mainly shield it from view from High Hoyland Lane. Where it is visible the building is well modelled to help reduce the visual impact of its mass and height. In terms of its solid/ void relationship the elevations are dominated by natural walling materials rather than windows. Furthermore, the windows reduce in volume towards the top storey.
  2. The proposal which is the subject of this appeal has a height of three storeys. However, it lacks details to reduce the visual impact of its height and mass. For example, the limited depth of setbacks of the side projections from the front face of the building do little to reduce the visual impact of the scale of the building when viewed from High Hoyland Lane. The side projection to the west shares the same ridge height as the front face of the building. The vertical emphasis of several of the front facing windows on the first and second floors emphasize the height of the building. In terms of the solid/ void relationship the front elevation is dominated by glazing and a garage door, rather than the walling of natural materials. The largest single expanse of glazing, in terms of both height and width, occurs on the top floor of the building. Overall, this would result in a design which has a height, massing and vertical emphasis which would be visually incongruent to the local street scene.
  3. The character of the proposal is further harmed by the proposed integral double garage, which is over dominant of the front elevation, resulting in an unsatisfactory appearance and contrary to the guidance in the Council’s SPD Design of Housing Development which states at para 12.7 that ‘The design and location of garages should be subservient to dwellings. Integral garages should be set back from the frontage of the dwelling’.
  4. The proposed use of regular coursed natural stone and natural roof slates, while a positive feature, would not overcome the aforementioned concerns in relation to the character of the predominantly rural setting.

**Sustainability**

* 1. The third reason for refusal relates to the sustainability of the location for new development. Sustainability and the presumption in favour of sustainable development is a thread that runs through the National Planning Policy Framework. The site is located in the Green Belt outside the village of High Hoyland which lacks any significant level of services, there being only a public house in the village, but no shop, school or church. The village is also lacking in access to good quality public transport. The bus stops in the village provide a bus service to the towns of Barnsley and Wakefield but only an approximately hourly service and only at the weekends. Access to the main village is up High Hoyland Lane where the topography and lack of surfaced footway does not support walking and cycling, and the nearest bus stop is over 400 metres to the north and uphill. It is therefore reasonable to conclude that any occupiers of the proposed dwelling would be entirely reliant on the use of a car to access services, facilities, shopping and work. This is not in accordance with sustainable transport objectives of Local Plan policy T3 or the NPPF to promote walking, cycling and public transport

**Ecology**

* 1. As indicated at para 1.4 above, the applicant has submitted amended plans and evidence to the Council to demonstrate that the proposal will not have an adverse impact on protected species on and in the vicinity of the application site. The Council is satisfied that reason number 4 has been addressed.

**Trees**

* 1. The submitted planning application form indicates that there are trees or hedges on the proposed development site and accordingly an Arboricultural Report and Impact Assessment (AIA) was submitted in support of the application. This indicates that one Oak Tree which is being assessed as being of low value will be required to be removed to facilitate the development and that potentially damaging activities are proposed in the vicinity of other trees which are proposed to be retained. No comments had been secured from the Forestry Officer on this element of the proposal at the time of the decision on the application. The officer report therefore concludes that this issue would need to be adequately resolved if planning permission were to be granted.
  2. Subsequently, after the appellants agent had advised that an appeal was shortly to be submitted, comments were again sought from the Forestry Officer and supplied to the agent (and with the appeal questionnaire). These note the extensive excavations are proposed which are not mentioned in the AIA. There are significant level changes proposed to accommodate the dwelling, however no details have been incorporated into the AIA. The AIA does note that the rooting areas shown are likely to slightly exaggerated given the nature of the site, however the proposed dwelling details drawing number 2023/01/03 does appear to show significant level changes in the rooting areas of those trees on the eastern boundary particularly T3. The information in the AIA would therefore need to be updated to deal accurately with the impacts on the trees in light of the levels information. If significant impacts are detailed for the trees, then it would be appropriate to seek amendments to the scheme to better incorporate the trees into the proposal.
  3. In addition, there is also concern at the future pressure on the trees given the close proximity of their canopies to the proposed development, particularly for trees T1 and T3. The location of the dwelling needs to be such that the trees are not going to come under pressure due to the overhang/proximity issues as they grow and further mature. This would also have the benefit of negating the need to remove T2.
  4. The impact of the proposal on the trees is contrary to Local Plan policy BIO1 which indicates that development will be expected to conserve and enhance the biodiversity of the features of the borough. The proposal is also contrary to the adopted SPD Tree and Hedgerows which sets out the Council’s view that trees and hedgerows enhance the quality of the environment and should be retained and protected wherever possible (para 5.1), and NPPF para 136 which states that trees make an important contribution to the character and quality of urban environments. Planning policies and decision should ensure that opportunities are taken to incorporate trees in developments and that existing trees are retained wherever possible. This is considered to be particularly the case in this rural location where tree cover is a significant contribution the character of the street scene. The amended drawings submitted at June 2024 do not change this conclusion.

1. **Response to the Appellants Appeal Statement**

**Green Belt**

* 1. The Council fundamentally disagrees with the appellants submission that the proposal comprised appropriate development because it is infill development within a village within the Green Belt.
  2. The appellant maintains that because previous planning application and appeal decisions have taken the Green Belt boundary as a material consideration, they have gone on to take that as a determinative factor. Neither those decisions nor the decision subject to this appeal have taken the Green Belt boundary to be determinative. The decisions, like this one, have also considered the character and appearance of the village of High Hoyland and of the area in the vicinity of the appeal site and gone on to conclude that the different characteristics are such that the appeal site is not in the village and the development of the appeal site is not infilling. This is the Council’s case.
  3. The Inspector in the 2014 appeal on the nearby appeal site (between this current appeal site and the junction of High Hoyland Lane and Bank End Lane) goes to some lengths to describe the character of the main built up area of the village and contrast that with the character of the development in the vicinity of the appeal site. Accordingly, the Inspector in the 2020 appeal on this current appeal site saw no reason to reach a different conclusion.
  4. The application was supported by a number of submissions that make the case that the application site is in the village and further submissions are submitted in support of the appeal. In particular, the submissions include aerial photographs, historic OS maps, electoral and utility letters and appeal decisions elsewhere.
     1. The aerial photographs do not change the way that the character of the village of High Hoyland and the wider area are appreciated and perceived on the ground and it is this perception that it is considered most relevant. The ordnance survey maps indicate that there was previously development on the appeal site but there is no longer any evidence of those buildings and the site is properly to be considered as a greenfield site.
     2. The previous existence of buildings on the site should be given little if any weight and there is no suggestion that the proposal would meet the exception in paragraph 154 (d) of the NPPF.
     3. Electoral and utility letters which address the adjacent house as ‘High Hoyland’ are of little value in the assessment of the character of the area. The adjacent house is in the parish of High Hoyland. The Local Land and Property Gazetteer (which each Council maintains as a definitive list of addresses) indicates that isolated houses and farm groups within the parish (and in excess of 500 metres to the north-west and south of the appeal site) are in the locality of High Hoyland and so will be addressed as such.
     4. It is very rarely if ever the case that the material considerations around development proposals in different villages can be the same and so it is the case that in relation to the development cited at Wintersett – where the Inspector determined that a village that is not inset from the Green Belt may still be a village for the purposes of Green Belt policy. As the appellant points out, Barnsley Council has shared this view in previous residential planning approvals at Huthwaite and Howbrook where the village is not inset from the Green Belt. This is not the case at High Hoyland where part of the village is inset from the Green Belt and the issue at hand is whether a site beyond the inset is also within the village. Similarly, in the case of the decision cited at Charlesworth, it is clear from google maps that the area in the vicinity of that site is significantly more built up than the current appeal locality and that built up character appears to have been material to the decision. Those characteristics are not shared by the appeal site.
     5. The 2017 pre application response in relation to building a house on the appeal site from a Council planning officer was completed without the benefit of advice from planning policy. When planning policy advice was sought on the subsequent planning application, the correct interpretation of Green Belt policy was supplied, and the application went on to be refused (2018) and dismissed at appeal (2020)
     6. The existence of the former High Hoyland Methodist Chapel close to the appeal site is not of significance in determining, for the purposes of Green Belt policy, the extent of the village. It is noted that the ‘Old School House’ in the parish of High Hoyland is in an isolated location some 650 metres to the west of the junction of High Hoyland Lane and Bank End Lane. In addition, the former All Hallows CoE church is in an isolated location more 300 metres to the north of the northern most house in the village.
     7. The planning officers report on the recently approved (2022) residential annex at 1-2 Greenland Cottage states that the ‘property is located within the Green Belt and within the village of High Hoyland’. The development was approved on two previous occasions, and the 2017 and 2014 officer reports used exactly the same words, that the ‘property is located within the Green Belt and within the village of High Hoyland’. The reports conclude that the annex is not disproportionate and is in accordance with national and local planning policy relating to the extension or alteration of a building in the Green Belt. There is no stipulation in this Green Belt policy that the building is, or is not, in a village and no such determination is made in the officer reports.
     8. The village signage, street lighting and speed limits are also not of significance in determining the character of the area and therefore the extent of the village for Green Belt policy purposes. The decision about the location of these features will reflect local considerations as well as national guidance, the suitability and availability of highway verges for their location and the need for them to visible to road users.
  5. The appellants interpretation of infill development and the characteristics of the appeal site fails to have regard to the substantial landscaping in the vicinity of the appeal site, which has the effect of screening the impact and presence of the scattered dwellings. It also doesn’t take account of the substantial tree belt which, in views from High Hoyland Lane, separates the main built up village of High Hoyland from the scattered dwellings on High Hoyland Lane.
  6. The appeal site neither gives the impression of being a gap in an otherwise built- up frontage, nor of being development in a wider group of buildings. There is a dwelling to the east of the appeal site but because of the substantial planting in the garden of the dwelling, the building itself is only briefly glimpsed. The dwellings to the rear of the appeal site are beyond the substantial tree belt and cannot be seen from any vantage point on High Hoyland Lane in the vicinity of the appeal site.
  7. However, none of these submissions change the Council’s assessment about the character of the application site and the wider area which lead to the conclusions that the site is not in the village of High Hoyland and is not limited infilling in a village for the purposes of NPPF para 154(3).

**Design**

* 1. In respect to the appellants submission, the Council’s case is fundamentally made above. I will address the procedural matters in relation to determination of the application below. The appellants response does not address the reason for refusal including the Local Plan Policy and SPD cited. The response notes that there is a three storey dwelling adjacent to the appeal site to the east, The Mount. However, as noted previously, because of the substantial amount of vegetation in the grounds of The Mount, it is only briefly glimpsed from High Hoyland Lane. In any event, the Council’s reason for refusal makes the point that the street scene is characterised by one and two storey dwellings, and this is the case. The existence of The Mount, largely screened by garden planting, does not change this character. In addition, the street scene drawing submitted in support of the application will never be actually seen by anyone in this way. This is because the drawing fails to record the planting in the grounds of The Mount. The drawing also fails to record the trees that are adjacent to the proposed dwelling which the Council is concerned will be felled as a result of construction or because of pressure from the owner subsequently due to the very close proximity of tree canopies to the dwelling.

**Sustainability**

* 1. The appellants case that the existence of a piece of safeguarded land next to the village of High Hoyland demonstrates that the Council considers the village to be a sustainable location is not borne out by the facts. The appellant is correct that the Local Plan designates an area of safeguarded land in High Hoyland. This designation was ‘rolled over’ from the designation in the 2000 UDP which preceded it. In preparing the Local Plan, the Council considered the suitability of safeguarded land for development (ahead of substantial green belt release for housing, employment and other infrastructure needs) and also whether there were exceptional circumstances which justified moving the Green Belt boundary and removing safeguarded land designations and rolling the Green Belt designation across them. Many UDP safeguarded sites were allocated for development. The village of High Hoyland was not considered to comprise a sustainable location (because of the poor access to services and facilities as previously noted). However, the site is still capable of being developed and there were no exceptional circumstances to justify moving the Green Belt boundary here and removing the safeguarded land designation. For information, there was one instance in the borough where the Council made the case that because of flood risk and biodiversity issues, safeguarded land had no development potential at all, and that site is now designated as Green Belt. It is highly unusual (nationally, as well as in Barnsley) to be able to make an exceptional circumstances case to remove a safeguarded land designation and roll over the Green Belt designation and the courts have held that it cannot be done lightly.
  2. The list of application reference numbers that are said to share similar characteristics with the appeal proposal include conversion, demolition and redevelopment of previously developed land and conversion under prior approval. They share no similar characteristics with the appeal proposal.
  3. The final response is in relation to the lack of footway on High Hoyland and the similarity with the situation on Upper Field Lane. The significant difference at Upper Field Lane is that the westward bound bus stop here is on the countryside side of the Lane (where there are no houses) but also that on the opposite site of the Lane where there are houses, there is a footway and a bus stop in the footpath for buses travelling in the opposite direction. It appears to be the case that passengers have always alighted on the westward bound bus onto the verge and will then have crossed the road to the footway and houses opposite. Conversely, at High Hoyland Lane there is not footway on either side of the road. The lack of surfaced footway is one of the reasons that the location does not support walking.

**Ecology**

* 1. As previously indicated the Council agrees that reason number 4 has been addressed.

1. **Draft conditions in the event that the appeal is allowed**
   1. A list of suggested conditions is attached as appendix 4
2. **Procedural** 
   1. The application was originally allocated to a planning officer who left the authority in December 2023. The application was then reallocated. The new case officer wrote to the applicants agent at that time indicating the intention (after a period of two weeks leave over Christmas and New Year) to write with their assessment of the issues raised by the application. Unfortunately, the case officer then took a further three weeks sick leave. On return to work, the case officer wrote to indicate that they would set out how they saw the application proceeding and requested an extension of time until 29 February. Over the exchange of a further 6 emails the agent agreed to the extension of time but gave the clear indication that they were seeking a quick decision. On 8 February the case officer wrote to the agent indicating that the principle of development was not acceptable and the proposal was inappropriate development in the Green Belt. In the circumstances it did not appear to be expedient to suggest any further delay in the determination of the application given the advice that the principle of development was not considered to be acceptable. The agent did not offer any further extension of time and the application was refused on 29 February.
   2. In relation to the Design reason for refusal and the Forestry issues raised in the officer report and here. Both the Design officer and the Forestry Officer are sole practitioners. As such, the extreme work pressures that Development Management have been under is exacerbated for them. They were reminded on 8 February that their comments were outstanding and again on 26 February. The agent was aware on 9 February that these comments were outstanding (and as previously indicated did not offer an extension of the time in which the application may be determined). The Design Officer comments were received on 28 February. The agent advised the case officer that the refusal would be appealed on 21 June. Comments were again sought from the Forestry officer, received on 25 June and forwarded to the agent that day.
   3. The Council would note the context of a situation where the principle of development was not considered to be acceptable, the agent was pressing for a decision, and amendments to improve the design and address the concerns in relation to tree(s) on the site would not change recommendation of refusal. The Council would further note the willingness of Council to engage with applicant and agent in relation to the ecology issue.
   4. The Forestry officer has confirmed to the appellant that the site visit he undertook in June 2024 was merely to remind himself of a site which he had previously visited in relation to previous applications in 2018 and 2021. He was therefore very familiar with the site.
3. **Conclusion**
   1. The erection of a dwelling would be inappropriate development that would be harmful to openness of the Green Belt and would result in a poorly designed dwelling that fails to pay sufficient regard to the character of the street scene, in an unsustainable location, and is also likely to lead to the unnecessary loss of mature trees that contribute to the character of the street scene and would otherwise soften the impact of the development. There are no very special circumstances to justify granting planning permission. The proposal is therefore unacceptable and contrary to Local Plan policies GB1, D1, T3 and BIO1.
4. **Appendices**
5. Copy of application decision notice and site plan for 2022/0960
6. Copy of 2014 appeal decision and location plan (off site)
7. Copy of 2020 appeal decision (on site)
8. Suggested conditions in event appeal allowed.