



JohnsonMowat
Planning & Development Consultants

Station Road Barnsley Limited

Valley Road, Wombwell, Barnsley

Installation of Access Control Gate

Planning, Design & Access Statement

Johnson Mowat References

Client	Station Road Barnsley Limited
Site	Valley Road, Wombwell, Barnsley
Development	Installation of Access Control Gate
Local Planning Authority	Barnsley Council
Document Type	Planning, Design & Access Statement
Document Reference	JM250083_PS_01
Issue / Revision Date	22 July 2025

Limitations

The assessments and interpretation have been made in line with legislation and guidelines in force at the time of writing, representing best practice at that time.

All of the comments and opinions contained in this report, including any conclusions, are based on the information obtained by Johnson Mowat Planning Limited during our investigations.

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1. Introduction

- 1.1 This Planning, Design & Access Statement is prepared on behalf of Station Road Barnsley Limited in relation to land at Valley Road, Wombwell, Barnsley. The location and characteristics of the site are described at Section 2.
- 1.2 The application proposes Installation of Access Control Gate, as described at Section 3. The context of this in relation to the adjacent industrial premises and the extent of the public highway is also discussed.
- 1.3 The planning history and planning policy relevant to the development proposed are set out at Sections 4 and 5 respectively.
- 1.4 A planning assessment is provided at Section 6 and the case is summarised at Section 7.
- 1.5 A list of the documents and drawings is provided at Appendix 1.
- 1.6 Aerial and streetview photography is reproduced for ease of reference at Appendix 2.

2. Site Location and Characteristics

Location

- 2.1 The application site is located at Valley Road, Wombwell, Barnsley as outlined red on the Site Location Plan (ref. 25006-MOS-SI-XX-DR-A-0100_Po2). Adjacent land within the applicant's ownership is outlined blue.
- 2.2 Valley Road provides access to an industrial estate from the B6096 Station Road in Wombwell, approximately 500m northeast of the junction with the A633 Mitchells Way/Valley Way and the town centre beyond.

Characteristics

- 2.3 The application is located within an industrial estate setting, at the entry point from Valley Road to a parcel of industrial units arranged as three terraces around a central spur road (also called Valley Road but, for clarity, referred to hereafter as the 'Valley Road spur').
- 2.4 The industrial units and associated external areas are in the ownership of the applicant and are currently being refurbished ahead of marketing and occupation by businesses.
- 2.5 These terraces of units and the associated external areas were previously owned and occupied solely by Safestyle UK and operated in association with its larger premises to the southwest.
- 2.6 Valley Road and the Valley Road spur are public highway.
- 2.7 Notwithstanding this, the Valley Road spur is gated in a manner that prevents vehicular and pedestrian access. Whilst the date that this gate was installed is unknown, online aerial photography indicates this to be sometime within the period 2002 and 2008. It has therefore been *in situ* for a period of at least 17 years. Copies of the online aerial and streetview photography are provided at Appendix 2 for ease of reference.
- 2.8 The existing gate and fence arrangement is shown on the Existing Plan (ref. 25006-MOS-SI-XX-DR-A-0101_Po2) and Existing Elevations (ref. 25006-MOS-SI-XX-DR-A-0102_Po2) drawings.
- 2.9 The existing gate is constructed of palisade-type fencing with pedestrian gates to either footway and a large double leaf swing gate to the carriageway with a supplementary barrier to maintain vehicular access control whilst the swing gate is open. This barrier has since been decommissioned by removal of the arm. The gate is contiguous with a palisade fence of consistent dimensions to either side, providing a secure perimeter to the terraced units and external areas.
- 2.10 The Valley Road spur serves only these terraced units. It is a dead-end with no onward vehicular or pedestrian/cycle connections.
- 2.11 It is interpreted that, for at least the period since installation of the gates, the Valley Road spur has operated not as a public highway but as private access/circulation space associated with terraced units and the operation of Safestyle UK (until its demise in 2023 and vacation of the site). There is no evidence of any public use or access of the road during this period or known action having been taken by the highways authority. It is assumed that any maintenance was undertaken by the landowner at its own cost.
- 2.12 Since acquisition of the terraced units and external areas by the applicant (following the demise of Safestyle UK) no changes have been made to the gate, nor any maintenance works to the road undertaken by the local highways authority.
- 2.13 Beyond the site on Valley Road, all other accesses to yards and premises are gated and palisade fences to the back of the footway are prevalent.

3. Proposed Development

3.1 The proposed development is described as follows:

Installation of access control gate

- 3.2 Notwithstanding the existing gate in the same location, planning permission is required for the proposed access control gate.
- 3.3 Permitted development rights under GPDO Schedule 2 Part 2 Class A 'gates, fences, walls etc' do not apply given the position of the gate relative to a highway used by vehicular traffic.

Existing Gate

- 3.4 The existing vehicular gate, barrier and pedestrian gate to the right-hand-side (on approach to the site) shall be removed. The existing pedestrian gate to the left-hand-side shall be retained but permanently fixed shut.

Gate Specification

- 3.5 The gate comprises a single cantilever sliding vehicle gate of c.2m height and wire mesh construction. Gate finish to be painted green (RAL 6005) to match the existing palisade fence.
- 3.6 Further details of the proposed gate are shown on the Proposed Plan (ref. 25006-MOS-SI-XX-DR-A-0103_P03) and Proposed Elevations (ref. 25006-MOS-SI-XX-DR-A-0104_P02) drawings.

Gate Operation

- 3.7 The gate will be kept open during the normal operational hours of the site. Outside of these hours, the gate will be closed, but access will be possible for occupiers or authorised visitors by use of a telephone-based remote access control system.
- 3.8 The site will be monitored by a local security company, which will also be responsible for securing and closing the site outside of operational hours, thereby ensuring continued oversight and enabling a prompt response to any issues that may arise.

Highways Matters

- 3.9 It is recognised that the Highways Authority has a statutory duty to prevent obstruction of highways and that wilful obstruction of a highway without lawful authority is an offence under the Highways Act.
- 3.10 We are not aware of any lawful authority obtained by the preceding site owner to obstruct the highway by installation of the existing gate. However, we would request copy of any record held by the Highways Authority of such approval being granted.
- 3.11 As set out in Section 4, there is no indication of planning permission having been sought for installation of the existing gates, or of the Local Planning or Highways Authority having objected to the existence of the gates.
- 3.12 This application relates to a corresponding proposal to stop-up the public highway forming the Valley Road spur, such that this becomes a private access road (as per its current operation) and is no longer public highway. Upon stopping-up of the highway it will remove any maintenance obligations and costs to the Local Highways Authority.
- 3.13 The stopping-up application shall be progressed under the Section 247 of the Town and Country Planning Act, on the basis that stopping-up is necessary to enable development to take place in accordance with planning permission. The respective development is the installation of the new access control gate as proposed by this application.

- 3.14 Any stopping-up is therefore dependent upon the determination of this planning application, allowing matters to be fully considered by the Local Planning and Highways Authority.

4. Planning History

4.1 The applications recorded on Barnsley Council's online register of planning applications, where the red line boundary includes the location of existing/proposed gates are listed in Table 1 below.

Reference	Description	Decision / Date	Note
2017/0576	Discharge of conditions 4 and 6 (Travel Plan and Highway Survey) of 2016/0246 - (Variation of condition 2 of planning application 2015/0224: (Erection of a new manufacturing unit adjacent to the existing PVC unit, and additional staff parking provision)	Approved	Online record states approved, but no date or decision notice available.
2016/1373	Erection of 2 aluminium, non illuminated fascia signs to front elevation of warehouse.	Approved 06/12/2016	
2016/0246	Variation of condition 2 of planning application 2015/0224: (Erection of a new manufacturing unit adjacent to the existing PVC unit, and additional staff parking provision) to raise height of part of building by an additional 3m	Approved 11/05/2016	Relates to development proposed southwest of Valley Road. Red line includes yard/parking area off Valley Road spur, but not the spur road itself. No conditions in relation to the gate. Not referred in plans/documents seen. No reference to gate in Highways consultation response.
2015/0224	Erection of a new manufacturing unit adjacent to the existing PVC unit, and additional staff parking provision.	Approved 02/07/2015	Relates to development proposed southwest of Valley Road. Red line includes yard/parking area off Valley Road spur, but not the spur road itself. No conditions in relation to the gate. Gates referred in Transport Statement, but no reference to extent of public highway. Highways consultation response not online.
2007/0580	Erection of industrial units	Approved 11/06/2007	Gates indicated on Site Plan (topographical survey data). Highways consultation response not online.

TABLE 1 – PLANNING HISTORY

4.2 The planning history files available online provide no indication of planning permission having been sought for installation of the existing gates, or of the Local Planning or Highways Authority having objected to the existence of the gates.

5. Planning Policy

Development Plan

Local Plan (adopted January 2019)

- 5.1 The policies map indicates that the site is subject of the following designations, as shown on the extract at Figure 1, below:
- Within settlement limits – Wombwell
 - Urban fabric – land within settlement with no specific allocation
 - Nature improvement area – Dearne Valley Green Heart
 - Local strategic highway network – Station Road

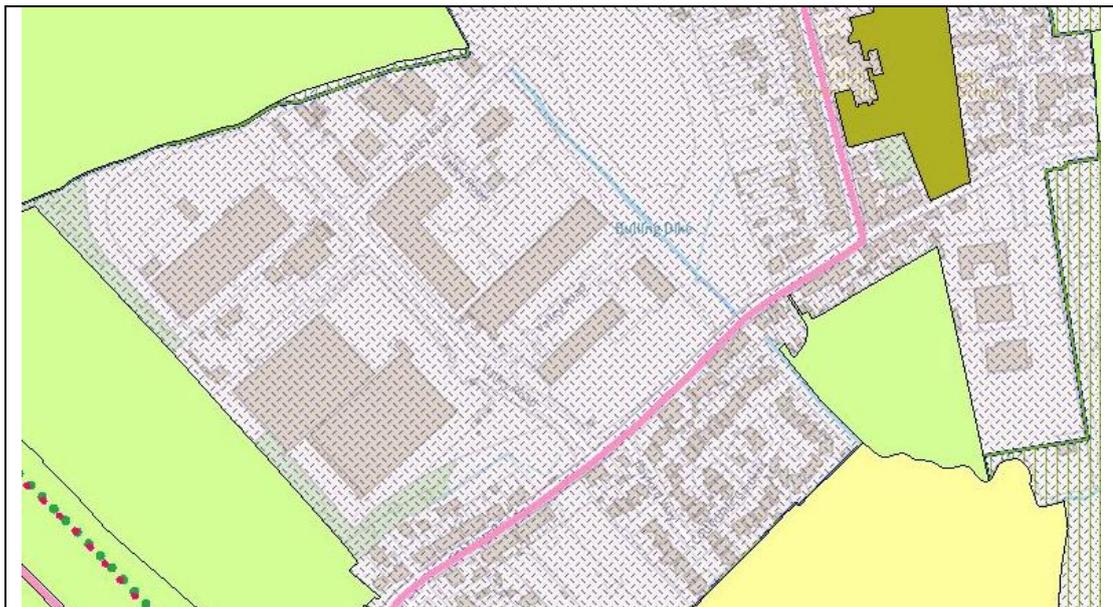


FIGURE 1 - ADOPTED DEVELOPMENT PLAN MAP EXTRACT

- 5.2 The following Local Plan¹ policies are potentially relevant to the proposed development:
- Policy GD1 General Development
 - Policy T4 New Development and Transport Safety
 - Policy E3 Uses on Employment Land
 - Policy E4 Protecting Existing Employment Land
 - Policy D1 High Quality Design and Place Making

- 5.3 The key points of the above policies as relevant to the development proposed are summarised below.

Policy GD1 General Development

- 5.4 Proposals for development will be approved if (*inter alia*):

They will not adversely affect the potential development of a wider area of land which could otherwise be available for development and safeguards access to adjacent land.

Adequate access and internal road layouts are provided to allow the complete development of the entire site for residential purposes, and to provide appropriate vehicular and pedestrian links throughout the site and into adjacent areas.

¹ <https://www.barnsley.gov.uk/media/17249/local-plan-adopted.pdf>

Policy T4 New Development and Transport Safety

5.5 New development will be expected to be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement.

5.6 The supporting text at paragraph 12.59 states:

If a development... would create or add to highway safety problems or would adversely affect the efficiency of the highway we will refuse planning permission, unless the developer agrees to take full responsibility for any necessary improvements or measures to upgrade the highway network to a suitable standard.

Policy E3 Uses on Employment Land

5.7 On land currently or last used for employment purposes, the following uses will be allowed: 1. Research and development, and light industry; 2. General industrial; or 3. Storage or distribution

Policy E4 Protecting Existing Employment Land

5.8 Land or premises currently or last used for employment purposes will be retained in order to safeguard existing or potential jobs.

Policy D1 High Quality Design and Place Making

5.9 Development is expected to be of high-quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and features of Barnsley. Through its layout and design development should (*inter alia*):

Provide an accessible and inclusive environment for the users of individual buildings and surrounding spaces.

Provide clear and obvious connections to the surrounding street and pedestrian network.

Promote safe, secure environments and access routes with priority for pedestrians and cyclists.

Create clear distinctions between public and private spaces.

Supplementary Planning Documents

5.10 Supplementary planning documents (SPD) prepared by the local planning authority do not form part of the development plan but may be a material consideration in planning decisions. SPDs may provide guidance on design and other technical matters which should inform a development proposal.

5.11 The following SPDs prepared by Barnsley Council are potentially relevant to the subject site and the proposed development:

- Walls and Fences

Walls and Fences SPD 2019

5.12 This document indicates that planning permission is likely to be required given the relationship of the proposed gated with the highway. It indicates that the main issues to be considered are likely to be:

- Design, appearance and materials
- Highway safety
- The impact on neighbours

6. Planning Assessment

- 6.1 This section assesses the conformity of the proposed development to the policies of the development plan under the key topic areas and any material considerations, including the relationship of the planning decision with an associated application to stop-up the highway.

Design, Appearance and Materials

- 6.2 The design, appearance and materials of the proposed gate are shown on the Proposed Plan (ref. 25006-MOS-SI-XX-DR-A-0103_P03) and Proposed Elevations (ref. 25006-MOS-SI-XX-DR-A-0104_P02) drawings.
- 6.3 The proposed gate is to be constructed of high-quality materials and of a design which serves its intended function of access control and security, whilst being easily and efficiently passable by vehicular, cycle or pedestrian users and contributing to the attractiveness of the industrial premises within the site.
- 6.4 The gate will create a clear distinction between public and private spaces and create a safe and secure environment within which businesses can operate. It will also communicate that there is no onward connection from the Valley Road spur by vehicle, cycle or on foot and thereby avoid access occurring by mistake and any consequential issues of exiting the site.
- 6.5 The appearance of the gate will maintain or improve upon the appearance of the existing gate in this location and make a significantly greater contribution to the external public realm than the existing gates and fences that are prevalent along Valley Road.
- 6.6 The proposed development therefore accords with and supports the objectives of Local Plan D1.

Relationship with Adjacent Sites and Occupiers

- 6.7 As the proposed gate is to replace an existing gate in the same position, it shall cause no impact on or change to the amenity of neighbours. The gate has no bearing on the operation of nearby businesses or the industrial estate overall. Given the industrial setting, there are no residential neighbours opposite or adjacent to the site whose visual amenity could be affected by the proposed gate.
- 6.8 As the Valley Road spur includes no onward connection to further road infrastructure, and all adjacent land is otherwise accessible to the public highway network, the proposed gate shall not adversely affect the potential development of a wider area of land which could otherwise be available for development. Any future development proposal at the Valley Road spur or adjacent land in the applicant's ownership remains unencumbered by the proposed access control gate.
- 6.9 The proposed development therefore accords with and supports the objectives of Local Plan GD1.

Access and Highway Safety

- 6.10 The proposed gate will provide appropriate vehicular and pedestrian access into the site, maintaining security by limiting access to users and visitors of the industrial units – essentially the same as the existing gate has done for at least 17 years.
- 6.11 As the gate position in relation to the carriageway, footway and landscaping on the highway is unchanged, no change is caused to its visibility or to visibility splays.
- 6.12 The gate will be managed and maintained in a manner to ensure no adverse effects on highway safety or efficiency. The gate will be kept open during the normal operational hours of the site. Outside of these hours, the gate will be closed, but access will be possible for occupiers or authorised visitors by use of a telephone-based remote access control system.
- 6.13 The proposed development therefore accords with and supports the objectives of Local Plan Policies GD1 and T4.

Employment Land

- 6.14 The proposed replacement gate has no impact on the continued use of the wider site for employment purposes. Moreover, the new gate is part of a broader substantial investment in the modernisation of industrial premises by applicant. Taken together, these works will enhance the operation, security and attractiveness of the site and premises for occupation by businesses.
- 6.15 The proposed development therefore accords with and supports the objectives of Local Plan Policies E3 and E4.

Public Highway and Maintenance

- 6.16 Whilst the status of the Valley Road spur as a public highway is controlled by other legislation (i.e. the Highways Act) and not therefore a planning matter, it is pertinent to consider the public highway aspect of the proposal given that any application to stop-up the highway under the Town and Country Planning Act will depend upon planning permission being in place.
- 6.17 Section 247 of the Town and Country Planning Act may be applied where stopping-up is necessary to enable development to take place in accordance with planning permission.
- 6.18 As the installation of a gate across the public highway (without lawful authority) would be an offence under the Highways Act, it is necessary that the highway obstructed by the gate be stopped-up if the gate is to be installed without an offence being committed.
- 6.19 Consideration is therefore given to the effect and implications of stopping-up the highway forming the Valley Road spur.
- 6.20 Stopping-up will have the effect of removing the public right of passage (i.e. to freely pass and repass without let or hindrance). As there is no onward connection, the public highway status of the Valley Road spur serves only to allow access along the road itself and to the immediately adjacent premises, which are all within the applicant's private ownership.
- 6.21 There are no other landowners or beneficiaries who depend upon the Valley Road spur public highway for access.
- 6.22 There are no connecting public rights of way such as footpath, bridleway or by-way, and therefore no route depended upon or enjoyed by horse riders, cyclists or pedestrians.
- 6.23 The above is further evidenced by the fact that the highway has been gated for at least 17 years without known complaint or other issue arising.
- 6.24 Stopping-up of this part of the public highway will cause no discernible change to the experience of any user of highways or rights of way in this locality.
- 6.25 Stopping-up of the highway will release the local highway authority from its duty to maintain the highway at public expense. Maintenance responsibilities and liabilities will then rest with the landowner (i.e. the applicant or its successor).
- 6.26 This will remove any cost to the local highway authority for future maintenance works and liability in respect of the condition of the highway, with direct benefit to public finances and resources.
- 6.27 Overall, there is no discernible loss of public benefit resulting from the right of access and there is a public benefit of removed maintenance cost and liability.

Planning Balance

- 6.28 The development proposal conforms to the applicable parts of relevant policies of the development plan.
- 6.29 Whilst planning policies do not directly address public highway obstruction matters (as governed by the Highway Act), this may be a material consideration in this case given that any planning

permission granted shall form the basis of an application to stop-up the Vallery Road spur part of the public highway.

- 6.30 The effects and implications of such stopping-up as directly related to the installation of the gate are therefore considered and as outlined above, there is no discernible loss of public benefit resulting from the right of access and there is a public benefit of removed maintenance cost and liability.
- 6.31 This material consideration does not therefore indicate that a decision should be taken contrary to development plan policy and supports the grant of planning permission.
- 6.32 The overall benefit is the contribution that the proposed gate makes to quality and attractiveness of the refurbished premises for business use, thereby helping to facilitate growth and modernisation of existing local businesses and new inward investment. Given a gate has existed in this location for at least 17 years there is no harm or other issue caused by installation of a new gate and the associated stopping-up of the highway.
- 6.33 Accordingly, planning permission should be granted and the stopping-up of the Valley Road spur facilitated.

7. Summary and Conclusion

- 7.1 The application proposes installation of an access control gate across a highway spur at Valley Road, Wombwell. This planning statement has identified the following key points to inform a planning decision:
- 7.2 The Valley Road spur forms part of the public highway. Notwithstanding this a similar gate to that proposed has existed across this for at least 17 years.
- 7.3 The Valley Road spur serves only the adjacent premises which are in the applicant's ownership. There are no connections to other highways, footpaths, bridleways or by-ways.
- 7.4 The premises served by the road are vacant and have recently been refurbished by the applicant to meet modern expectations and are to be marketed for business occupation. The proposed gate enhances the attractiveness of the site to occupier businesses by maintaining security.
- 7.5 The gate is designed to ensure safe and convenient access by pedestrians, cyclists and vehicles. The gate shall be managed and maintained to ensure efficient access by authorised users and visitors to the site. It makes no change to highway safety and efficiency from the existing situation.
- 7.6 The development proposal conforms to the applicable parts of relevant policies of the development plan.
- 7.7 Whilst planning policies do not directly address public highway obstruction matters (as governed by the Highway Act), this is relevant as any planning permission granted shall form the basis of an application to stop-up the Valley Road spur part of the public highway.
- 7.8 Given the nature of the site and long-preceding access restrictions, there is no discernible loss of public benefit resulting from the removal of public access rights. Moreover, there is a public benefit of removed maintenance cost and liability.
- 7.9 The overall benefit is the contribution that the proposed gate makes to quality and attractiveness of the refurbished premises for business use, thereby helping to facilitate growth and modernisation of existing local businesses and new inward investment. Given that a gate has existed in this location for at least 17 years there is no harm or other issue caused by installation of a new gate and the associated stopping-up of the highway.
- 7.10 Accordingly, planning permission should be granted and the stopping-up of the Valley Road spur facilitated.

Appendix 1. Drawings and Documents List

1. Site Location Plan (ref. 25006-MOS-SI-XX-DR-A-0100_P02)
2. Existing Plan (ref. 25006-MOS-SI-XX-DR-A-0101_P02)
3. Existing Elevations (ref. 25006-MOS-SI-XX-DR-A-0102_P02)
4. Proposed Plan (ref. 25006-MOS-SI-XX-DR-A-0103_P03)
5. Proposed Elevations (ref. 25006-MOS-SI-XX-DR-A-0104_P02)

Appendix 2. Aerial and Streetview Photography

Streetview (August 2024)



Aerial photo (May 2023)



Streetview (June 2009)



Aerial photo (September 2008) - Earliest image to show gate in situ



Aerial photo (2002) – Only image to show site prior to installation gate

