

Application reference number	2025/0572
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Application Type	Full
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Proposal Description:	Creation of a permanent access track, dropped kerb and vehicular crossover and erection of bollards and a swing gate (Retrospective)
Location:	Land south of Clough Fields Road, Hoyland, Barnsley

Applicant	Yorkshire Water Services Ltd		
Number of Third-Party Reps	None	Parish:	None
		Ward:	Rockingham Ward

Site Description

The site is located to the south of Clough Fields Road, opposite to the junction with the western section of Shaftesbury Drive.

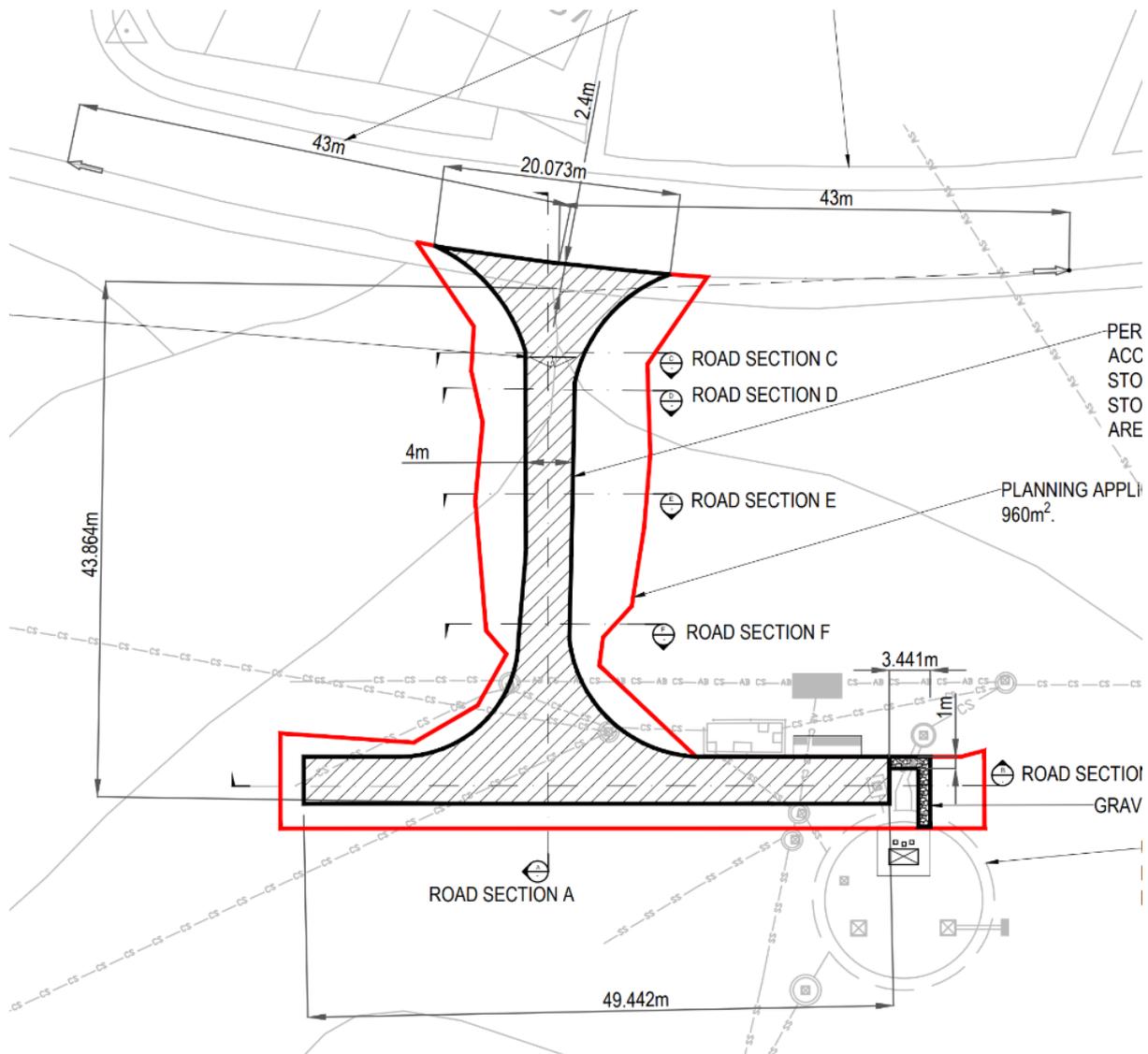
The site currently comprises open maintained grassland, with a band of trees along the northern and western boundaries, with a denser band along the eastern and southern boundaries. Aerial photography indicates worn paths along the site, however there are no public rights of way across it.

The development outlined in the application has been undertaken and completed. The track has been constructed from material with a similar appearance to road planings. The metal, 5 bar gate has been installed on wooden posts and are hung to open into the site.

Proposal

The applicant seeks permission for the retention of a permanent access track, dropped kerb, and bollards and swing gate from Clough Fields Road to the Clough Fields Road Combined Sewage Outflow.

The access track extends 44m into the site returning at 90degrees for approximately 49m to provide access to the underground storm storage tank. The track is to be 4m in width and set back from the highway by approximately 5m and the gate is hung to open into the site. The gates are 1.2m in height and approximately 4.5m in width.



Policy Context

The Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Barnsley consists of the Barnsley Local Plan (adopted January 2019).

The Local Plan was adopted in January 2019 and is accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment, and mixed-use sites). In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies which are a material consideration in the decision-making process.

The Local Plan review was approved at 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. This means, no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review. The next review is due to take place in 2027, or earlier, if circumstances require it.

Local Plan

The site is located within Land off Clough Fields Road Housing Allocation HS61 within the Adopted Local Plan which has a site-specific policy set out in full below

Local Plan Policy HS61 Land off Clough Fields Road, Hoyland Common

The development will be subject to the production of a Masterplan Framework covering a number of sites including housing site references: HS61; HS62; HS65; HS58 and HS68. The Masterplan Framework should demonstrate that proposals will positively support and complement the comprehensive manner.

The development is expected to:

- Retain and manage the woodland at the south and east of the site;
- Provide appropriate access to site HS65; and
- Provide small scale convenience retail and community facilities in compliance with Local Plan Policy TC5 Small Local Shops

Archaeological remains may be present on this site therefore proposals must be accompanied by an appropriate archaeological assessment (including field evaluation if necessary) that must include the following

- Information identifying the likely location and extent of the remains, and the nature of the remains
- An assessment of the significance of the remains and
- Consideration of how the remains would be affected by the proposed development.

Other Key Policies of The Local Plan relevant to the proposal:

Local Plan Policy GD1 General Development

Local Plan Policy D1 High Quality Design and Place Making

Local Plan Policy T3 New Development and Sustainable Travel

Local Plan Policy T4 New Development and Transport Safety Policy

Local Plan Policy SD1 Sustainable Development

Hoyland South Masterplan Framework

The site-specific policy set out above requires development to be in accordance with a masterplan framework document. The Hoyland South Masterplan Framework was adopted by Full Council on 26th November 2020 and covers approximately 42 hectares in total. It consists of several allocated sites referenced above.

The framework outlines

- A vision for a mixed-use neighbourhood including housing, a local hub, and a potential primary school.
- Design principles, movement frameworks, and infrastructure planning.
- The need for planning applications to align with the framework's objectives, including placemaking, access, and integration with surrounding development

The Hoyland South allocation has been designated to be a new mixed used development for 1100 homes and a small local shop. The designated site is located south of Hoyland central area, and north of the protected ancient woodland Skier's Spring Wood Local Wildlife Site.

The development will include a new small local shop, improved play facilities and gateway to the development that enhances and supports the existing shops north of Clough Field Road. The Masterplan Framework provides flexibility to potentially relocate Springwood Primary school if this is deemed favourable. Alternatively, this area should be developed for housing.

The Masterplan Framework document is accompanied by an adopted Design Code for the site. The purpose of the Design Code is to provide a benchmark for quality and make sure the vision for the site is translated through the delivery of its components.

Adopted Supplementary Planning Documents

In line with the Town and Country Planning (Local Planning) (England) Regulations 2012, Barnsley has adopted twenty-eight Supplementary Planning Documents (SPDs) following the adoption of the Local Plan in January 2019.

Trees and Hedgerows

National Planning Policy Framework (NPPF) (2024)

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. NPPF policy of relevance to this application includes:

Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development.

Relevant Consultations:

Biodiversity – No objections received
Education – No objections – verbal comments received
Forestry Officer – Verbal response – no objection
Highway Drainage – No objections received
Highways DC – No objections subject to conditions
Public Rights of Way – No objections
Ward Councillors – No objections received

Representations

The application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015.

Neighbour notification letters were sent to 14 surrounding properties; a site notice was posted adjacent to the site, and the application was advertised on the Council website; no representations have been received.

Assessment

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that: 'Where in making any determination under the planning acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise'.

The NPPF (December 2024) at paragraph 2 states that planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF must be taken into account in preparing the development plan and is a material consideration in planning decisions.

The main issues for consideration are as follows:

- The principle of the development
- The impact on the highway network and highways standards
- The impact on Biodiversity and Trees

For the purposes of considering the balance in this application the following planning weight is referred to in this report using the following scale:

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little or no

Principle of development

Under Schedule 2, Part 13 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO), sewerage undertakers such as Yorkshire Water are granted specific permitted development rights which enables, amongst other things, below ground development without the need to apply for planning permission. However, the GPDO does not permit the construction of access roads or tracks, and therefore planning permission is required for the access track associated with the Clough Fields project.

The proposed access track is located within Housing Site HS61, which forms part of the Hoyland South Masterplan Framework. While the majority of this site is allocated for housing, the specific area affected by this application is identified as a potential location for a future primary school. On the face of it, the proposal appears to conflict with the site's allocation and the objectives of the Masterplan Framework.

However, following consultation with the Council's Education team, it has been confirmed that the installed access track aligns closely with the indicative primary vehicle access shown in the masterplan. It is also positioned to the west of the potential school site. Given that no development has yet come forward on the masterplan site, there remains flexibility to amend the school's layout to accommodate the access track.

The track provides essential access to the completed Clough Fields Combined Sewage Outflow Project which has recently been completed to enhance local drainage infrastructure. This carries significant weight in favour of the application and outweighs the potential conflict with the Masterplan Framework.

Therefore, in principle, the development is considered acceptable, subject to compliance with other Local Plan Policies as addressed below.

Highways safety

Permission is sought for the retention of a permanent access track serving Yorkshire Water operational land, the retention of the dropped kerb and vehicular cross over onto Clough Fields Road and the retention of bollards and swing gate to prevent unauthorised access to the site. Highways have been consulted on the application and raise no objection to the development subject to condition requiring the gates to be set back from the highway and to open inwards.

The access has been constructed with suitable visibility afforded in each direction, and as such the scheme is unlikely to have any long-term highway repercussions, with vehicular

access only being allowed by permitted vehicles associated with Yorkshire Water; this carries considerable weight in favour of the application and as such the scheme is acceptable in terms of its impact on the highway network and the free and safe flow of traffic in compliance with Local Plan Policy T4

Biodiversity

Biodiversity Net Gain (BNG) became mandatory for all applications in April 2024 except where one of the exemptions (as set out in the Planning Practice Guidance) are met. This application is exempt from the requirement to provide BNG as it is a retrospective application.

Trees

The access to the site has been sited in an existing clearing between trees to limit the impact of the development upon them. As mentioned previously there are no trees within the site and the track is located a sufficient distance from the boundary trees not to have an impact on them, this carries significant weight in favour of the application. The tree officer has provided verbal comments and has no objections.

Visual Amenity and Impact on the Character of the Area

The access and security gate are visible from Clough Fields Road but are not out of character with the area, and the scale of the gates have been kept to a minimum to limit their impact. This carries considerable weight in favour of the application and as such is acceptable and in compliance with Local Plan Policy D1

Residential Amenity

The site is located on the periphery of a residential area on a busy route within the Hoyland area. It is not considered that the proposed access would have a detrimental impact on residential amenity, this carries significant weight in favour of the application. As such it is considered that the proposed development is in compliance with Local Plan Policy GD1 General Development and is considered to be acceptable in terms of residential amenity.

PLANNING BALANCE & CONCLUSION

In accordance with Paragraph 11 of the NPPF (2024) the proposal is considered in the context of the presumption in favour of sustainable development.

As mentioned previously the benefits to the improvement to the local drainage network outweigh the apparent conflict with Local Plan Policy HS61 and the Hoyland South Masterplan, in addition the access aligns closely with the indicative primary vehicle access outlined in the masterplan, and as such the development is considered acceptable

The proposal is considered to be located within a sustainable location and would not impact on the character of the area, highway safety, or upon residential amenity, and this weighs considerably in favour of the application.

Based on the above assessment it is considered that the retention of the drop kerb, access track and gates are considered not to have a detrimental impact on highway safety, the character of the area, or upon residential amenity. As such the proposed development is considered acceptable and in compliance with Local Plan Policies GD1, D1, T3 and T4.

All other material planning considerations have been fully explored by the appropriate consultees who have raised no objections to the proposal and holistically this weighs moderately in favour of the application.

The proposal is therefore, on balance, recommended for approval.

RECOMMENDATION

APPROVE THE PROPOSED DEVELOPMENT SUBJECT TO THE CONDITIONS BELOW:

CONDITIONS/REASONS

The development hereby approved shall be carried out strictly in accordance with the amended plans and specifications as approved unless required by any other conditions in this permission:

Plan References

CLO08 MMB WTN FLS DR C 5201 Rev P04 Permanent Access Road Site Location Plans and Road Details

CLO08 MMB WTN FLS DR C 5202 Rev P03 Site Location Plan

Arboricultural report ref: 22701/AJB produced by JCA Arboricultural and Ecological Consultants

Arboricultural Impact Assessment ref: 22701-A/AJB produced by JCA Arboricultural and Ecological Consultants

Ecological Walkover Memorandum ref: 100381144-002 Rev B produced by Mott Macdonald Bentley

REASON: To ensure that the development is carried out in accordance with the application as approved.

Any gates or gate positions at the vehicular access shall be set back a minimum distance of 5m from the carriageway edge, be designed to open inwards and permanently retained as such for the lifetime of the development.

Reason: To ensure vehicles are able to pull clear of the adopted highway and avoid becoming an obstruction to approaching / oncoming traffic.

The above consideration and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's right to respect for his private and family life, his home, and his correspondence.