



33 Wellington Street, Leeds LS1 4DL **Tel** +44 (0)113 283 2500
Fax +44 (0)113 245 9412 **Document Exchange** 12051 Leeds 24
Email robert.moorer@walkermorris.co.uk **Web:** www.walkermorris.co.uk

FAO: Mr Garry Hildersley
Planning Development Management
Barnsley Council
PO Box 634
Barnsley
S70 9GG

Our ref RMS/RXM/HAR01295.9

Your ref

14 March 2025

By email only; GarryHildersley@barnsley.gov.uk
CC: developmentcontrol@barnsley.gov.uk &
helen.skinner@planninginspectorate.gov.uk

Dear Mr Hildersley

Planning Appeal by Hargreaves Land Limited
Land north of Hemingfield Road, Hemingfield, Barnsley, S73 0PW
(PINS reference APP/R4408/W/25/3359917)

We write on behalf of the appellant in relation to the above planning appeal.

The Planning Inspectorate's letter of 7 March 2025 sets out a timetable for the appeal. The public inquiry is to open on 10 June 2025, with proofs of evidence to be submitted by 12 May 2025. We note that the Council's statement of case is due to be submitted by 14 April 2025, in addition to the statement of common ground. The Council's statement of case must set out the full case the Council intends to rely upon. It should explain fully the reasons for refusal. It is not however reasonable for a Council to fail to set out clear and precise reasons for refusal in the first place and only use the statement of case to set out what the reasons for refusal are about.

Local planning authorities are required in law to "state clearly and precisely their full reasons" when deciding to refuse a planning application (Article 35 of the Town and Country Planning DMPO 2015). There is also a legal requirement to include a statement explaining how the LPA have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application. Indeed, not to do so can be the basis for an award of costs.

In this case, the Council's second reason for refusal asserts that the proposal would constitute piecemeal development, forming part of a wider safeguarded site SL6. The decision notice states this would have a "potential" impact on the comprehensive development of the wider site, contrary to policy GD1 of the Local Plan. The nature of that potential impact is not described in the Council's decision notice. Nor is it described in the officer's report. The latter sets out a vast range of matters that have been agreed and settled through the appellant working proactively with the Council. Indeed, no technical or locational issues were left outstanding.

Given the reasons for refusal do not state clearly and precisely the basis of any concern related to comprehensive development, simply saying that this is a potential impact, we would ask that the Council addresses this now, ahead of the statement of case. The Council may then supplement this explanation fully and clearly in its statement of case. The appellant currently has no idea from the reasons for refusal what specific harms to comprehensive development (type, and nature) it is claimed there is the potential to be caused by the appeal proposals. The Council should explain what harms are alleged (whether potential

or actual) and provide sufficient detail to allow the appellant the opportunity to address these in its evidence. It should do so fully and precisely.

Currently, it is not possible to establish the nature of the alleged harms, or what (if any impact) they may have. The appellant must be afforded the ability to know the case it has to address. Otherwise, it would be unfairly prejudiced.

We therefore ask that full details relating to reason for refusal 2 are provided as a matter of urgency, and no later than 7 days from the date of this letter.

Further, please would the Council provide full documentation in relation to its up-to-date position on five-year housing land supply (including as submitted in relation to planning appeal reference APP/R4408/W/24/3347461).

We have copied this letter to the Planning Inspectorate and reserve the right to refer to it at a later stage, should it become necessary.

Yours faithfully

Walker Morris LLP

Walker Morris LLP

Ms Helen Skinner, Planning Inspectorate, APP/R4408/W/25/3359917