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Planning & Development Consultants

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Land to the Rear of 1-2 Greenland, High Hoyland Lane,  
High Hoyland, Barnsley

FULL PLANNING APPLICATION FOR THE ERECTION OF 1 No. SELF-BUILD  
RESIDENTIAL DWELLING

PLANNING CASE REPORT

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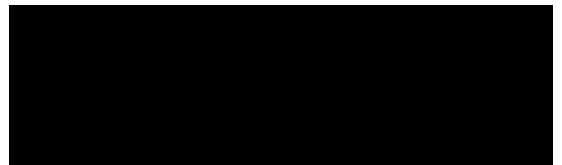


Land to the Rear of 1-2 Greenland, High Hoyland

Planning Case Report

Date: 22 September 2023

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## **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 Ltd during our investigations.

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## 1.0 INTRODUCTION

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- 1.1 The purpose of the planning system is to positively promote the spatial organisation of land in order to achieve long-term sustainable development. In the Planning Acts, 'sustainable development' means managing the use, development and protection of land, the built environment and natural resources in a way, or at a rate, which enables people and communities to provide their social, economic and cultural wellbeing while sustaining the potential of future generations.
- 1.2 Planning is a vital means of securing the long-term wellbeing of our communities. It enables the efficient use of resources and infrastructure, with multiple benefits to society, the environment and the economy. England is a geographically small, densely populated nation, with multiple demands on land and built environment.

### **The Proposal**

- 1.3 This Planning Case Report (PCR) has been produced to support a full planning application for the erection of 1 no. Self-Build residential dwelling.
- 1.4 This Planning Case Report (PCR) should be read alongside the supported technical documents. These are as follows: -
- Plans (including Design and Access Statement) – **Peter Dimberline (Chartered Architect);**
- 1.5 This PCR identifies the site location, provides a description of the site, outlines the relevant planning history, sets out the relevant planning policy and concludes with the planning case in support of the proposed development.



## **2.0 LOCATION AND SITE DESCRIPTION**

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- 2.1 The application site (“the Site”) is approximately 0.14 hectares in size and presently consists of a redundant back filled quarry that is in private ownership. The site has also historically contained buildings within it. The site’s historical uses are detailed within the Coal Mining Stability Risk Assessment that was submitted alongside the planning application.
- 2.2 The Site’s topography is sloping from north to south, with a cliff face (associated with the former quarry use) that is located approximately 15m from the proposed site access. The land plateaus from the cliff face to the proposed site access on High Hoyland Lane. The Site has strong defensible boundaries in the form of existing arboricultural features and existing residential development. The site is in Flood Risk Zone 1.
- 2.3 The Site is “infill” in nature on account of it being sandwiched between the private residential curtilage areas associated with The Mount to the east; The Greenland Cottage to the west; and The Perch and Hoyland Hill Cottage which are located to the north. The site has an existing access onto High Hoyland Lane located on the site’s southern boundary.
- 2.4 In addition to the above, planning permission has been obtained for a “annex” building to The Greenland Cottage residential property (Ref. 2022/0960), which will be positioned directly to the south and in front of the proposed location of the residential dwelling.



## 3.0 PLANNING HISTORY

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3.1 The most relevant planning history is set out below: -

### Planning Applications

- **2021/0795** - Development of one dwelling and associated work – **Refused 29 June 2022**
- **2018/0380** - Erection of 1 residential dwelling and associated infrastructure – **Refused 22 November 2019**

### Appeal under Section 78 of the Town and Country Planning Act 1990

- **Appeal Ref: APP/R4408/W/20/3247092** – Dismissed 31 July 2020

### Planning Applications on Neighbouring Site

- **2022/0960** – Erection of Single Storey Detached Annexe Building – **Approved 20 December 2022**

## 4.0 PROPOSED DEVELOPMENT

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- 4.1 The proposed development seeks to develop 1 x 4 no. bedroom residential dwelling on land to the rear of Greenland Cottage. The total internal floor area will be approximately 255 sq m.
- 4.2 Vehicular and pedestrian access to the Site will be from the existing access road running along the rear of Greenland Cottages which in turn is served direct from High Hoyland Lane.
- 4.3 The proposed dwelling will sit within the former quarry. The ground and first floor levels are built 'into the quarry' at the rear and although the dwelling is three storey when viewed from High Hoyland Lane, only one storey will project above the top of the existing quarry face.
- 4.4 The resultant built form will respect the scale and proportion of other buildings in the settlement and the surrounding street-scene and will create a natural step in profile between the existing roof levels of the adjacent Greenland Cottages to the southwest and the detached dwelling known as 'The Mount' to the northeast.
- 4.5 The dwelling will be constructed to satisfy the requirements of the Disability Discrimination Act and access into the dwelling will be via a level surface.
- 4.6 The supporting plans show how appropriately the proportions of the proposed dwelling will integrate into the built fabric of the wider settlement.
- 4.7 New external works will be kept to a minimum and the creation of external steps and retaining walls will be avoided where possible in favour of more naturally created transitions between any changes in external levels.
- 4.8 Wider garden areas beyond the building will remain and are generally at a higher level.
- 4.9 Views from the dwelling are mainly towards the south and the majority of habitable room windows are on the south facing frontage or the rear north facing elevation looking onto the private rear garden areas. The side elevations will only contain minimum openings or 'non-habitable' windows.
- 4.10 Views of the building from High Hoyland Lane will be limited when approaching from the east. Only when immediately in front of the Site will the dwelling be visible from High Hoyland Lane but this in turn will be softened by existing landscape and tree screening. Long distance views of the Site from any public footpath or bridleway will re-affirm that the building does not have a





negative impact on the 'openness' of the wider landscape and will appear as a natural infill within the existing built form.

- 4.11 At present there are three steel containers on the land, which do detract from the rural setting. However, their removal can be secured by the approval of this planning application via a suitably worded planning condition. The Council has already confirmed that it cannot otherwise enforce the removal of the containers due to the time that these features have been on the land.

#### **Building Materials and Green Credentials**

- 4.12 The proposed dwelling has been designed to meet the criteria set out in the governments 'Future Building Standard' in respect of energy efficiency, ventilation, and overheating.
- 4.13 The architecture of the proposed dwelling will respect the local vernacular; with the external materials comprising locally sourced stone or natural slate roof coverings.
- 4.14 During engineering works necessary to complete the excavations for the proposed dwelling, the stone from the former quarry will be inspected and set aside for re-use where the material is deemed suitable. The stone will be used as walling material or alternatively salvaged for use in the formation of the retaining embankments created as part of the external re-grading works and carefully integrated to create 'natural rock transitions' between the various changes in ground levels.
- 4.15 Where the building structure will be below ground, the benefits of 'thermal mass' will be exploited where possible to enhance the energy efficiency of the dwelling.
- 4.16 The ground floor foundation / floor construction will be a fully externally insulated reinforced raft slab, preventing cold bridging issues. The walls will be constructed in insulated concrete formwork (ICF) and where exposed externally, these will be faced in natural regular coursed local stone.
- 4.17 Upper level superstructure will again be ICF faced externally with stone or alternatively SIP wall panels faced externally in locally sourced natural stone. Floors will be insulated engineered timber joists and the roof will be SP panels faced with slate.
- 4.18 The main habitable room windows are located on the south and northern elevations. Where south facing, the advantages of passive solar design will come into play. South facing window locations also have the benefit of distant views over the surrounding countryside.



- 4.19 High levels of air tightness will be achieved throughout and potential thermal bridging details will be avoided. A mechanically vented heat recovery system will be introduced as part of a comprehensive programme of energy saving measures.
- 4.20 'Grey water' and rainwater will be recovered and harvested.
- 4.21 A ground based photovoltaic array will take advantage of the wider screened garden area to the rear of the proposed dwelling. This array will be discretely located and remote from the building. The Site is large enough and the topography such that the panels can be successfully screened from view without reducing their efficiency.

## 5.0 PLANNING POLICY

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- 5.1 The whole purpose and intention of the planning system is to enable the development of appropriate sites which are sustainable as defined by the National Planning Policy Framework (“the Framework”) and as set out at Paragraph 8.
- 5.2 The purpose of the planning system is to positively promote the spatial organisation of land in order to achieve long-term sustainable development. In the Planning Acts, ‘sustainable development’ means managing the use, development and protection of land, the built environment, and natural resources in a way, or at a rate, which enables people and communities to provide their social, economic and cultural wellbeing while sustaining the potential of future generations.
- 5.3 Planning is a vital means of securing the long-term wellbeing of our communities. It enables the efficient use of resources and infrastructure, with multiple benefits to society, the environment and the economy. England is a geographically small, densely populated nation, with multiple demands on land and built environment.

### Development Plan

- 5.4 The duty in Section 38(6) of The Planning and Compulsory Purchase Act 2004 (“the Act”) enshrines in statute the primacy of the Development Plan.
- 5.5 The Act states:
- “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 in accordance with the plan unless material considerations indicate otherwise.”***
- 5.6 The development plan for this residential scheme comprises the following local documents: -
- Barnsley Local Plan (adopted January 2019) (LP).
- 5.7 The correct approach to determining whether a proposal complies with a development plan is uncontroversial: -
- All the relevant policies should be identified;

- An assessment should be made as to whether the proposal complies or not with each of those policies and the weight to be given to these;
- The development plan must be read as a whole;
- It must be recognised that separate policies within the same development plan can pull in different directions; and,
- A development can conflict with one individual policy and still comply with the development plan as a whole.

5.8 The reason for a decision must be intelligible and they must be adequate. They must enable the reader to understand why the matter was decided as it was and what conclusions were reached on the principle important controversial issues, disclosing how any issue of law or fact was resolved<sup>1</sup>.

5.9 Although a development plan has a legal status and legal effects, it is not analogous in its nature or purpose to a statute or a contract. As is often observed development plans are full of broad statements of policy, many of which are mutually irreconcilable, so that in a particular case one must give way to another. In addition, many of the provisions of development plans are framed in language whose application to a given set of facts requires the exercise of judgment.

5.10 Section 39 of the Act requires decision makers to exercise their functions with the objective of contributing to the achievement of sustainable development.

### **Adopted Planning Policy**

5.11 The Site is in the Green Belt where LP Policy GB1 'Protection of Green Belt' applies. Other relevant policies include: -

- **SD1** – Sustainable Development;
- **GD1** – General Development;
- **LG2** – The Location of Growth;
- **H1** – The Number of New Homes to be Built;
- **H2** – The Distribution of New Homes;
- **D1** – High Quality Design and Place Making;
- **LC1** – Landscape Character;
- **BIO1** – Biodiversity and Geodiversity; and,

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<sup>1</sup> [2017] EWHC 664 (Admin)

- **CC2 – Sustainable Design and Construction**

## **National Policy**

### **National Planning Policy Framework (September 2023)**

5.12 The Framework now forms the relevant policy guidance at the national level for the determination of all planning applications. The Framework is a material consideration which must be taken into account in all planning decisions.

5.13 Paragraph 2 of the Framework recognises the provisions of the Act stating: -

***“planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account when preparing the development plan, and is material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements”.***

5.14 There are three objectives (Para 8) of sustainable development comprising the **economic**, **social** and **environmental roles**.

5.15 Para. 10 sets out that the heart of the framework is a presumption in favour of sustainable development.

5.16 So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. Para. 11 of the Framework identifies how this presumption is to be applied in making decisions on individual applications stating: -

“For decision-taking this means:

**c) approving development proposals that accord with an up-to-date development plan without delay; or**

**d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>2</sup> , granting permission unless:**

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<sup>2</sup> This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery



i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>3</sup>; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.

5.17 Beyond Chapter 2 of the Framework there are 15 topic areas (as well as Annex 1 and 2) which form the Framework document; those topic areas considered of relevance to this planning application are set out below: -

- **Chapter 3:** Plan Making;
- **Chapter 4:** Decision Making;
- **Chapter 5:** Delivering a Sufficient Supply of Homes;
- **Chapter 6:** Building a Strong, Competitive Economy;
- **Chapter 8:** Promoting Healthy and Safe Communities;
- **Chapter 9:** Promoting Sustainable Transport;
- **Chapter 11:** Making Effective Use of Land;
- **Chapter 12:** Achieving Well Designed Places;
- **Chapter 13:** Protecting Green Belt Land; and,
- **Chapter 14:** Meeting the Challenge of Climate Change, Flooding and Coastal Change.

#### **Other Material Consideration**

5.18 Relevant document material the determination of this planning submission (including ‘Appeal Decisions’) are referred in Footnotes (see Footnotes 4 to 18).

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Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. Transitional arrangements for the Housing Delivery Test are set out in Annex 1.

<sup>3</sup> The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change.

## 6.0 THE PLANNING CASE

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- 6.1 Any planning application for proposed development will fall to be determined by Barnsley Council (“the Council”) against the policies contained in the development plan, and other material planning considerations. As noted above the development plan for the Site consists of the LP, with Policy GB1 confirming that Green Belt will be protected from ‘inappropriate development’ in accordance with national policy.
- 6.2 The Framework set out the relevant national policy in this regard. Paragraph 149 of the Framework sets out several exceptions that are not considered to be inappropriate in the Green Belt. The paragraph 149 exceptions represent ‘a closed list’<sup>4</sup>. A proposal will therefore need to fall within one of these exceptions in order not to require justification through very special circumstances<sup>5</sup>.
- 6.3 The exceptions including amongst other things, 149 e) where the construction of new buildings constitutes “limited infilling in villages”. Case law<sup>7</sup> has determined that where development is found to be ‘not inappropriate’ when applying paragraphs 149 or 150 of the Framework, it should not be regarded as harmful either to the openness of the Green Belt or to the purposes of including land in the Green Belt. **In view of this, there is no need for the Council to consider the effect of the development on the openness of the Green Belt** (our emphasis) except where the test is explicitly referred to in the supporting text.
- 6.4 Where a site is judged to be infill within a village it is not necessary to justify any impact on openness<sup>6</sup>.
- 6.5 In order to fall within the exception at paragraph 149(e) of the Framework, two separate points must be satisfied: -
- (i) the relevant site must be located in a village; and
  - (ii) the proposed development should constitute ‘limited infilling’.
- 6.6 There are no definitions of a ‘village’ or ‘limited infilling’ in either the LP or the Framework. The application of the matters raised in points (i) and (ii) above to any development scheme

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<sup>4</sup> Timmins and Lymm v Gedling [2015] All ER 170

<sup>5</sup> Paragraph 147 of the Framework

<sup>6</sup> APP/P0240/W/17/3185864 and Lee Valley Regional Park Authority v Epping Forst District Council [2015] EWHC 1471 (Admin) and Lee Valley Regional Park

therefore involves the exercise of planning judgments by a planning decision-maker, having had regard to all relevant factual circumstances. However, previous court judgments and appeal decisions provide useful guidance as to how each of these issues ought to be approached.

- 6.7 It would seem to be uncontroversial that High Hoyland is a ‘village’ for the purposes of paragraph 149 of the Framework. In fact, the LP Settlement Hierarchy confirms this by identifying High Hoyland as a village.

### **Urban Fabric**

- 6.8 There has however been historical inconsistency as to whether the Site is located within High Hoyland village. These inconsistencies appear to stem from the settlement boundary demarcations for High Hoyland shown on the Council’s Policies Map, the relevant extract of which can be seen at **Appendix 1**. Specifically, the part of the settlement to the north-east of the junction of Bank End Lane and High Hoyland Lane is denoted on the Policies Map as ‘Urban Fabric’ (an area of no specific policy designation), and is not washed over by Green Belt. Previous decisions relating to the Site have therefore proceeded on the basis that the village boundaries reflect the Urban Fabric delineation shown on the policies map, and exclude any areas of washed over Green Belt.
- 6.9 Indeed, in a report prepared by the Council’s planning officer (“the Officer’s Report”) in respect of a previously submitted application seeking approval for construction of a dwelling on the Site (application reference 2018/0380) (“the Previous Application”), and which was refused by the authority on the basis that the Site was outside of High Hoyland (see **Appendix 2**), the Officer confirms that this conclusion was based on the fact that ***“the main settlement is defined as that part of the village located in Urban Fabric...the proposed development sits outside of this area weakening the case that the proposed (sic) could be described as limited infill in a village”***. The report also refers to a 2014 Appeal Decision<sup>7</sup> relating to a separate site in High Hoyland in support of this position, a copy of which is enclosed at **Appendix 3**) (“the 2014 Appeal Decision”). That decision makes the same argument to that discussed in the Officer’s Report, with paragraph 6 stating that the development plan (at that time the Core Strategy and saved policies of the former Barnsley UDP, which have since been superseded by the LP) regards the relevant site as being outside of the village because it does not fall within the ‘Urban Fabric’ area shown on the Policies Map.

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<sup>7</sup> Appeal Ref: APP/R4408/A/14/2225500 – Bank End Lane, High Hoyland, Barnsley



- 6.10 Since the 2014 Appeal Decision was issued, the courts have made clear that settlement boundaries or delineations on policies maps should not be determinative in themselves when establishing the extent of a village for Green Belt policy purposes. The issue of “limited infilling” in the Green Belt was considered in the case of *Julian Wood v SSCLG and Gravesham Borough Council*<sup>8</sup> (“Julian Wood”). This case turned on the Inspector’s assessment of whether or not the site was in the village boundary. It was common ground in this case that whether or not a proposed development constituted limited infilling in the village for the purpose of Paragraph 89 (now Paragraph 149) was a question of planning judgement for the Inspector and the Inspector’s answer to that question ***“would depend upon his assessment of the position on the ground.”***
- 6.11 It was also common ground in the case of *Julian Wood* ***“that while a village boundary as defined in the Local Plan would be a relevant consideration, it would not necessarily be determinative, particularly in circumstances where the boundary as defined did not afford the Inspector’s assessment of the extent of the village on the ground.”***
- 6.12 Paragraph 5.10 of the LP expressly recognises this fact, stating that the extent of any village settlement ***“will be a matter of interpretation on a case-by-case basis”***. Settlement boundaries identified on the Policies Map are not therefore ***“intended to be interpreted as defining development limits”*** given that there are areas of Green Belt between existing localities in some places.
- 6.13 The 2014 Appeal Decision’s reliance upon the settlement boundaries delineated in the Council’s policies map when identifying the extent of High Hoyland village is understandable given that appeal pre-dated the court judgment referred to above. That appeal was also considered against the authority’s previous Unitary Development Plan document, rather than the LP. The legal and policy context to this issue is now different to that which existed at the time of the 2014 Appeal Decision.
- 6.14 The previous application was also the subject of an Appeal<sup>9</sup> (reference 3247092) (“the Previous Appeal”), the decision letter for which is enclosed at **Appendix 4** (“the 2020 Appeal Decision”). It is important to note that the case in favour of that development was not primarily argued on the basis that it constituted limited infill within a village. Paragraph 6 of the 2020 Appeal Decision confirms this fact, noting that ***“the appellant has not expressly suggested that the proposal would not amount to inappropriate development in the Green Belt”***. Rather, the appeal

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<sup>8</sup> *Julian Wood v SSCLG, Gravesham Borough Council* [2015] EWCA Civ 195

<sup>9</sup> Appeal; Ref: APP/R4408/W/20/3247092 – Land to the Rear of Greenland Cottage, High Hoyland Lane

case was largely presented on the basis that the design quality of the house would outweigh any harm to the Green Belt.

- 6.15 As such, there would appear to have been very little (if any) evidence before the previous Inspectors with regards to the extent of High Hoyland village. Indeed, paragraph 8 of the 2020 Appeal Decision suggests that the only written evidence available to the Inspector in considering this issue was the 2014 Appeal Decision. Clearly the Inspectors determining 2014 and 2020 appeals could have arrived at an entirely different conclusions on the extent of High Hoyland village had they been provided with additional information indicating that the village boundaries extended beyond the junctions of High Hoyland Lane with Back End Lane and Church Lane.
- 6.16 Looking at the aerial photographs at **Appendix 5**, the Site does not read on the ground as falling within an undeveloped open area. Rather, the Site and its immediate environs form part of a wider area of built form in visual terms. Spatially, and as can be seen from the maps enclosed at Appendices 1 and 3, the developed area to the south-west of the Bank End Lane and High Hoyland Lane junction that is washed over by Green Belt forms a continuum of built form when viewed in conjunction with the 'Urban Fabric' village area denoted on the policies map. There are no clear and obvious physical features that separate these two areas. Rather, the indentation morphology of both areas align with one-another in providing a consistent linear settlement pattern. It would appear that 16 no. dwellings are located within the part of the settlement washed over with Green Belt, and which would not be regarded as forming part of the village on the basis of the conclusions reached by the 2014 and 2020 Appeal Decisions. That is a significant number in the context of a settlement that is understood to accommodate 55 no. households.
- 6.17 The following table set out evidence which will be material to any future decision making.

**Table 6.1 – Other Material Matters**

Indicator	Commentary
<b>Settlement Hierarchy</b>	High Hoyland is identified as a 'village' in the settlement hierarchy at paragraph 5.9 of the LP, and has its own parish meeting. Correspondence between the Applicant and the Council's Head of Elections (see <b>Appendix 6</b> ) reveals that there are 55 households on the Council's electoral register with a High Hoyland address, with the settlement also noted as having a

	<p>population of approximately 125 persons as at 2021<sup>10</sup>. The village incorporates a public house, is served by public transport services, and historically had its own places of worship. It therefore satisfies the natural definition of a 'village' in that it consists of a group of houses and associated buildings in a rural area.</p>
<p><b>Pre-Application Response (2017/ENQ/00162)</b></p>	<p>This Pre-App Response (see <b>Appendix 7</b>) from Hannah Andrew (then Senior Planning Officer writing on behalf of the Head of Planning) in relation to the planning application which subsequently submitted for permission under planning application ref 2018/0380 states: -</p> <p>The key extract from the Pre-App Response is:</p> <p><i>"The site is located on a plot of land between a row of terraces known as Greenland and The Mount. There are houses to the rear, albeit these are located some distance from the proposed with a wooded area between (which the applicants have informed me forms part of the curtilage of The Mount). I have also looked at the historic mapping and there does appear to have been buildings located here in the past, as per the discussion on site. <b><u>In this respect the proposed may be considered as infill development.</u></b>"</i></p>
<p><b>Cherry Tree Pub</b></p>	<p>Paragraph 7 of the 2020 Appeal Decision comments that the "main village lies some distance from the Site". However, the Site is only 300 metres (approximately) and less than 5 minutes' walk from The Cherry Tree Public House, bus stops, and notice board facilities that the 2014 Appeal Decision noted as being "the main focus of the village" which the settlement is "primarily concentrated around". <b><u>It is important to note that both the site and existing properties on Upper Field Lane (currently Urban Fabric) in the eastern side of the village are located equidistant from the Cherry Tree Pub.</u></b> The annotated map at</p>

<sup>10</sup> High Hoyland Parish Website

	<b>Appendix 8</b> shows the proximity between the Site and The Cherry Tree Public House for ease of reference.
<b>High Hoyland Methodist Chapel</b>	Facilities serving the village and local community have been historically sited in the Site's immediate vicinity and within the part of the settlement designated as Green Belt. The former High Hoyland Methodist Chapel (now a private residence having been converted in the 1990's) was constructed in 1890 and is located on High Hoyland Lane to the north-east of the Site. It is therefore clear that buildings along High Hoyland Lane have formed an important part of the village's social evolution and identity. It is also noted that street lighting and telecommunications paraphernalia extends along High Hoyland Lane well beyond the Site, providing a continuous linkage to the remainder of High Hoyland village on the ground. Indeed, the village street lighting extend to as far as Deffer House, which is the final property located along High Hoyland Lane, way beyond the site.
<b>Planning Application 2022/0960</b>	The planning officer's report for a recently approved residential extension at 1-2 Greenland Cottage (reference 2022/0960) ("the 2022 Officer's Report") ( <b>Appendix 9</b> ), which expressly acknowledges that the property is "located within the village of High Hoyland". This Site is located immediately to the north of the property, and there are no features on the ground that would explain how the Council could consider the property to fall within the village boundary, but the Site to fall outside of it for these purposes.
<b>Head of Elections</b>	The Council's Head of Elections at <b>Appendix 6</b> also confirms that the authority regards properties situated along High Hoyland Lane as having a High Hoyland address for electoral purposes. It is also clear from the 2020 Appeal Decision and 2022 Officer's Report that High Hoyland Parish Meeting is consulted upon planning proposals beyond the 'Urban Fabric' boundaries identified in the policies map. As such, the Council seemingly progresses administrative matters affecting the Site on the basis

	that it falls within the village, both for planning purposes in the context of other regimes. We also note that third party data and gazetteer publishers regard the Site as falling within High Hoyland on the basis of Ordnance Survey ( <b>see Appendix 10</b> ) mapping and wider considerations <sup>11</sup> .
<b>Electoral Services</b>	A letter recently received from Barnsley Electoral Services (dated 28 July 2023) also confirms the Site address as being in High Hoyland (see <b>Appendix 11</b> )
<b>Official Correspondence</b>	Various items of official correspondence, including utility bills, addressed to 1-2 Greenland in High Hoyland are attached at <b>Appendix 12</b> and serve to demonstrate that the property is considered as being in High Hoyland.
<b>Signage</b>	A carved boundary marker stone referencing 'High Hoyland' is located to the west of the Site. It would be nonsensical to suggest that properties surrounding or in the case of this Site "located beyond the carved stone" are not part of the High Hoyland.
<b>Street Lighting</b>	High Hoyland is served by a unique set of street lights. These street lights extend from the centre of the village along High Hoyland Lane and well beyond the Site. As a result even in the hours of darkness properties located beyond the 'Urban Fabric' of the village area denoted on the policies map are still physically and visually part of High Hoyland.

6.18 There is therefore a good basis (in fact, indisputable evidence) upon which to conclude that the Site is located within High Hoyland village, notwithstanding the conclusions of the 2014 and 2020 Appeal Decisions. The Council has effectively acknowledged that the Site is within High Hoyland village when determining other applications (**see Appendix 13**), and has recognised that development beyond a primary village 'cluster' can still form part of a village when applying

<sup>11</sup> For example, GetThe Data .com and Sreetlist.com, with maps identifying the extent of their understanding of High Hoyland village enclosed at **Appendix 10**

Green Belt policy<sup>12</sup>. Establishing the extent of a village in planning terms clearly requires consideration of matters beyond policy designations, and the boundaries of High Hoyland should not be identified solely by reference to policy designations. Indeed, the boundaries of other villages in the Council's administrative area would plainly not be identified purely by reference to the extent of identified 'Urban Fabric' in the LP. For example, the village of Hoylandswaine<sup>13</sup> includes significant areas of built development along Barnsley Road and Skinpit Lane (including the Lord Nelson public house) that are washed over by Green Belt and outside of the 'Urban Fabric', but which are nonetheless part of the 'village' for these purposes.

- 6.19 No criticism is made of the 2014 and 2020 Appeal Decisions given that they fell to be decided by reference to the evidence submitted as part of those proceedings. The evidence submitted in respect of this issue in both appeals was less than detailed, particularly given that the previous application and associated appeal were progressed on the basis of a design-quality argument rather than as an 'infill' case. However, consideration of relevant factors on the ground suggests that the village boundary ought to encompass land washed over with Green Belt and which is outside of the Urban Fabric shown on the Policies Map. Indeed, the Council accepted that the Site's immediate locality falls within the High Hoyland village boundary in its recent determination of application reference 2022/0960.
- 6.20 Whether a proposal constitutes 'limited infilling' is a matter of planning judgment for a decisionmaker. There is no definition of the term in the Framework, and although the LP contains a definition of 'Infill Development', that term is used in the context of other policies rather than Green Belt matters. A view must therefore be formed in light of the facts, although the courts have indicated that a conclusion on this issue will typically be formed following consideration of *"the nature and size of the development, the location of the Site, and its relationship to other existing development adjoining it and adjacent to it"*<sup>14</sup>.
- 6.21 The proposed development in this instance would involve the construction of a single dwelling. It is therefore a small-scale project that should naturally be regarded as 'limited' for these purposes. As can be seen from the aerial photographs and maps at **Appendix 5**, the Site's vicinity is characterised by neighbouring residential development and its associated curtilage. The Greenland Cottages properties are located to the west of the Site, with the approved annex associated with 1-2 Greenland Cottage to the south of the Site expected to be developed

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<sup>12</sup> See for example, the Officers Report for application reference 2016/1513 in which it was acknowledged that "further dwellings" sited along an adjoining highway outside of the 'main development' associated with the settlement still fell within the village boundary (**Appendix 13**)

<sup>13</sup> See Policies Map Extract at **Appendix 14**

<sup>14</sup> R (Tate) vs Northumberland County Council [2018] EWCA Civ 1519



imminently pursuant to planning permission reference 2022/0960. A residential property known as ‘the Mount’ is located to the north-east of the Site, with its garden and driveway running adjacent to the Site’s eastern boundary. Garage buildings and structures associated with The Mount’s residential use are located within the vegetation forming that property’s boundary with the Site.

- 6.22 The 2020 Appeal Decision concluded that the construction of a dwelling on the Site would not constitute infill on the basis that the building would not occupy “*an existing clear gap between the existing properties*” and as surrounding dwellings “*do not read as being directly adjacent to the site*” **as a result of vegetation to the north and west**”. However, it has been determined in separate appeal decisions (see **Appendix 4**) that ‘infill’ should not necessarily be confined to the infill of a gap in an otherwise built-up frontage, but can extend to development within the context of a wider group of buildings<sup>15</sup>. Similarly (see **Appendix 15**), such decisions<sup>16</sup> have noted that ‘infilling’ suggests development of land surrounded by existing development on at least 2 no. sides within reasonable proximity, rather than requiring built form along each and every border. Paragraph 13 of APP/W/4223/W/19/3227776 (see **Appendix 16**) states: -

***“whereas ‘infilling’ suggest the development of land that is surrounded by existing development on at least 2 sides within reasonable proximity, the requirement for such infilling to be ‘limited’ requires consideration of both the development site and the scale and form of the proposed development”***

- 6.23 The aerial photographs and maps at **Appendix 5** show how the Proposed Development would be positioned within the wider collective of buildings in the vicinity. The Proposed Development would adjoin long-established residential plots to the east and south/west, and occupy a vacant space within the contextual grain of the surrounding built form. The Site is bordered by ‘previously developed land’ for the purposes of the Framework on all sides other than to the north, and does not abut any agricultural land or other uses that might otherwise affect the surrounding character of the area. The Site’s positioning within the street scene and the vegetation to its northern and eastern boundaries provide an obvious gap in spatial terms. Indeed, the Site has historically been developed and accommodated substantial built form, as can be seen from the enclosed historical map extract from 1893 (**Appendix 17**). Beyond the immediate vegetation to the northern boundary are substantial detached residential properties,

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<sup>15</sup> See for example, Appeal Ref: APP/R4408/W/20/3247092 at **Appendix 4**, endorsed in the recent Appeal Decision APP/W4223/W/22/3299298 (**Appendix 15**)

<sup>16</sup> Appeal Ref: APP/W4223/W/19/3227776 – Hawthorn Cottage, Lee Side, Kiln Green, Diggle, Oldham (**Appendix 16**)



with generous curtilage. As can be seen from the Maps at **Appendix 18**, the Site is regarded in land use and spatial terms as forming part of a wider area characterised by development.

- 6.24 Paragraph 10 of the 2020 Appeal Decision suggests that the Site ought not to be regarded as 'infill' land on the basis that its frontage is set back from High Hoyland Lane. However, the concept of infilling does not expressly require plots to abut a public highway, and the appeal decisions identified above indicate that a broader view should be taken in considering a site's relationship to its wider context. In any event, the Site directly adjoins an access which connects to the public highway, and which serves the Greenland Cottages. The proposed dwelling would be sited between established residential land uses, with the broader area also predominantly characterised by residential use.
- 6.25 This is clearly an 'infill' site and therefore it is not necessary to justify any impact on openness. That said any development is expected to retain and enhance the character and distinctiveness of the individual Landscape Character area in which it is located. Identifying landscape effects is arrived at by combining separate judgement about the sensitivity of any landscape receptor with the magnitude of the proposed change.
- 6.26 In this case the sensitivity to change is assessed as low /medium and the magnitude of change is assessed to be moderate. Subsequently the assessment of overall landscape effects on the Site and its immediate setting landscape receptor is assessed to be moderate.
- 6.27 The nature for the landscape effects is assessed to be beneficial due to the removal of elements which detract from both the landscape and scenic quality of the landscape, and are uncharacteristic of the local area. The addition of a new dwelling of a site specific design, which responds to the local landscape and is partially enveloped by a former quarry will reinforce these elements of the historic landscape in the immediate area.
- 6.28 In summary the overall landscape effects of the proposed dwelling are considered to be moderate beneficial and therefore fully compliant with the provisions of LP Policy LC1.

### **The Presumption in Favour of Sustainable Development**

- 6.29 The Framework makes it clear that the purpose of the planning system is to contribute to the achievement of sustainable development, through 3 over-arching and inter-dependant objectives – economic, social and environmental.





- 6.30 There are three dimensions to sustainable development: **economic**, **social** and **environmental**<sup>17</sup>. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
- 6.31 The consideration of whether a development proposal represents sustainable development is a question unaffected by whether it accords with policies in an up-to-date Development Plan. The determination of whether a proposal represents sustainable development is a planning judgment based upon the criteria set in the Framework.
- 6.32 In making the planning balance the Framework does not indicate that any one element should represent a trump card<sup>18</sup>. However equally that does not mean that a proposal has to pass all three of the sustainability tests to be acceptable and that any of the three roles can act as a trump card against the development. The Framework is clear, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
- 6.33 It is rare for any development to have no adverse impacts and on balance many fail one of the roles. For the Framework's sustainability test to have meaning then, all of the competing considerations have to be assessed together and an overall balanced conclusion reached.
- 6.34 Whilst the starting point for decision making is the development plan, the presumption in favour of sustainable development always applies and feeds in to the planning balance. Consequently, it is necessary to consider the proposals against the three dimensions of sustainable development.

### **The Economic Objective**

- 6.35 The economic objective of sustainable construction contributes to building a strong, responsive and competitive economy by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation and also by identifying and coordinating development requirements including the provisions of infrastructure.
- 6.36 The economic benefits associated with the development of the Site are broadly categorised (all are relevant) as: -
- Capital Investment and Expenditure Benefits;

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<sup>17</sup> Framework - §8

<sup>18</sup> Appeal Ref: APP/N1350/A/14/2217552 – Land off Sadberge Road, Middleton St George, Darlington - §70

- Construction Benefits;
- Direct Employment Benefits;
- Indirect and Induced Employment Benefits;
- Customer Expenditure Benefits;
- Public Finances;
- Local Authority Revenue Benefits;
- Local Community Benefits; and,
- Other “Softer” Benefits

6.37 When the quantitative and qualitative benefits are considered in tandem the wider economic benefits are as follows: -

#### Development as a Driver of Economic Growth

6.38 Improving the long-term competitiveness of the UK economy, including through its significant network of supply chains and contracting relationships.

#### Delivering “Real” Jobs and Economic Value

6.39 Construction is a major source of national employment, with construction supporting more jobs compared with investment in many other sectors of the economy. The construction industry provides a crucial labour market entry point for young, lower skilled workers and those moving out of unemployment.

#### Sector Skills and Employability

6.40 The construction industry offers a range of opportunities across different trades and skill sets from bricklaying and carpentry through to plumbing and maintenance. Apprenticeship opportunities are particularly prevalent, and have been increasing over the last few years.

#### Enhancing Place Competitiveness and Local Economic Development

6.41 The proposals will create competitiveness within the construction industry and it will be the intention to use local suppliers. This is considered important for an area to remain competitive and attractive to business and economic activity, which in turn will drive the economic growth the country needs.

6.42 The economic benefits associated with the creation of employment, supporting existing businesses and generating funds to support existing services and facilitate the creation of new

community infrastructure would be significant. As a result, the proposals would satisfy the economic objective of sustainable development which weighs significantly in the proposals favour.

### **The Social Objective**

- 6.43 The Framework summarises the social objective of sustainable development supports strong, vibrant and healthy communities by providing the residential accommodation required to meet the needs of present and future generations and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.
- 6.44 The development provides a significant benefit in providing a new self-build dwelling for the occupation of the Applicant, who is registered on the Council's Self-Build Register, in a location where the Applicant has grown up and has a significant number of historic and family ties. Further the Site constitutes a windfall site and does not prejudice the delivery of the Council strategic or spatial aims and policies.
- 6.45 Overall, the proposed development will contribute to and assist in maintaining a strong, vibrant and healthy community which is capable of meeting the needs of the present and future generations in a well-designed, integrated and accessible environment. In this context the proposed development would satisfy the social objective of sustainable development, which should be given significant weight.

### **The Environmental Objective**

- 6.46 The Framework explains that the environmental objective of sustainable development is to contribute to protecting and enhancing the natural, built and historic environment, including making effective use of land, helping improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving towards a low carbon economy.
- 6.47 The proposals promote the effective use of land in meeting the need for homes which is supported by Para. 119 of the Framework. The proposals will also facilitate the remediation of despoiled and degraded land which is supported by Para.120 of the Framework. Further the proposed development is looking to maximise the use of locally sourced and recycled materials (particularly stone) and embrace several green technologies within the building fabric. Details of these are clearly set out in Paragraphs 4.11 to 4.20 above. Further any perceived impacts can be easily mitigated for through the imposition of suitably worded conditions. In this context



the proposed development would satisfy the environmental objective of sustainable development, which should be given significant weight.

## 7.0 SUMMARY AND CONCLUSIONS

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- 7.1 A site visit will enable the Council to formal assess the 'position on the ground'; however, informed by supporting evidence the Applicant believes it would be difficult for the Council to affirm a different position and indeed the Council have already confirmed in written pre-application advice in 2017 that the site may be considered as being infill, in terms of its spatial setting and relationship to surrounding development.
- 7.2 In this context and on the basis of the overwhelming evidence presented in this statement affirming that the site is located within the village of High Hoyland, this proposal for the construction of 1 self-build residential dwelling undoubtedly amounts to development constituting limited infilling within a village, and as a result it would not be inappropriate development in the Green Belt. Further the landscape effects are assessed as being moderate beneficial and which do not detract from the scenic quality of the landscape. Overall the proposals align with all relevant policies as set out in the LP and there are no material considerations to indicate that a decision should be taken other than in accordance with the LP and Framework.