

Application Reference: 2026/0131

Site Address: 12 Bellwood Court, Hoyland, Barnsley, S74 0FF

Proposal: Movement of existing 2 m high fence onto rear boundary line following removal of conifers.

Relevant Site Characteristics

The site relates to a detached dwelling within the Hoyland area. The surrounding area is characterised by detached and semi-detached properties constricted from red brickwork along with rendered features. Fences, walls and hedgerows are commonplace on Skiers View Road.

The site is located on a newly built housing estate with rear gardens boundaries adjacent to Skiers View Road. Due to the relationship of the sites topography in relation to Skiers View Road, the garden provides a raised element, likely as a retaining wall feature.

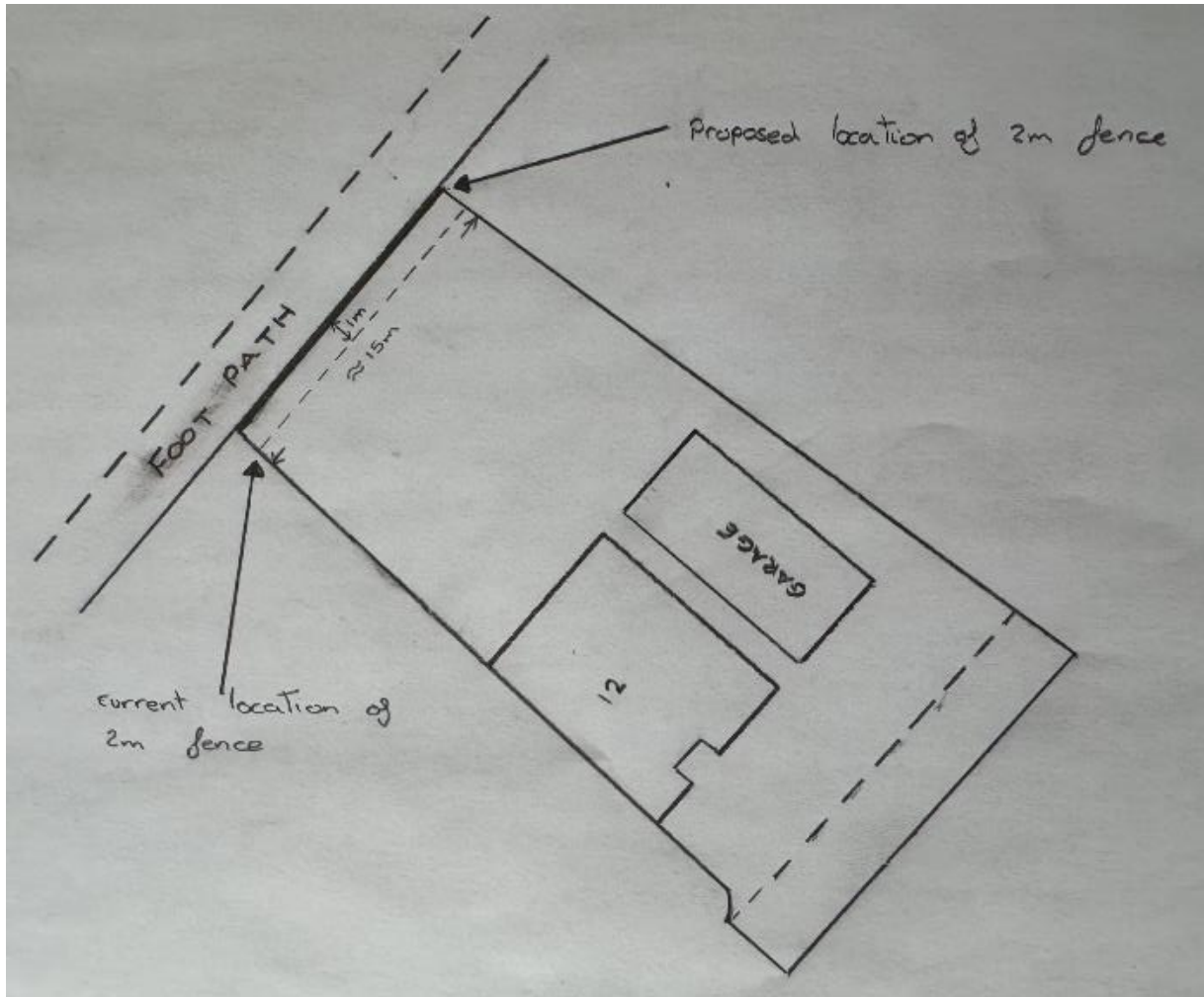
The rear of the site to which the proposed fence relates has a fence set in from the rear of the site by approximately 1 metre. A substantial hedgerow of conifer trees are located to the rear of the fence of several of the properties and adjacent to the highway which was required to be retained when the dwellings were constructed.

Relevant Planning History

Application Reference	Description	Status
2008/0144	Residential development of 19 dwellings.	Approve with Conditions
2017/0592	Residential development of 11 no. dwellinghouses and associated access road	Approve with Conditions Condition 2 requires the conifer hedge to the rear boundaries to be retained
2017/1509	Discharge of conditions 5, 6, 7, 9, 10, 11, 12, 14, 16, and 17 of application 2017/0592 - Residential development of 11 no. dwelling houses and associated access road.	Approve
2020/0524	Conversion of integral garage into living space, erection of detached garage to side of dwelling and extension of driveway	Approve with Conditions

Detailed description of Proposed Works

The applicant is seeking permission to relocate the existing 2 metre high rear fence 1 metre to the rear boundary of the site. The fence would span approximately 15 metres. This will result in the removal of the existing conifers hedgerow.



Relevant policies

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 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.

The following Local Plan policies are relevant in this case:

- Policy SD1: Presumption in favour of Sustainable Development.
- Policy D1: High Quality Design and Place Making.
- Policy GD1: General Development.
- Policy T4: New Development and Transport Safety

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance

In December 2024, The Government published a revised National Planning Policy Framework ("NPPF") which is the most recent revision of the original Framework, published first in 2012 and updated a number of times, providing the overarching planning framework for England. It sets out the Government's planning policies for England and how they are expected to be applied. The NPPF must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions. This revised document has replaced the earlier planning policy statements, planning policy guidance and various policy letters and circulars, which are now cancelled.

Central to the NPPF is a presumption in favour of sustainable development which is at the heart of the framework (paragraph 10) and plans and decisions should apply this presumption in favour of sustainable development (paragraph 11). The NPPF confirms that there are three dimensions to sustainable development: economic, social and environmental; each of these aspects are mutually dependent. The most relevant sections are:

Section 2 - Achieving sustainable development

Section 4 - Decision making

Section 12 - Achieving well-designed places

The National Design Guidance (2019) is a material consideration and sets out ten characteristics of well-designed places based on planning policy expectations. A written ministerial statement states that local planning authorities should take it into account when taking decisions.

Supplementary Planning Guidance

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. The most pertinent SPD's in this case are:

- Walls and Fences

The adopted SPDs should be treated as material considerations in decision making and are afforded full weight.

Consultations

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

Any neighbour sharing a boundary with the site has been sent written notification and the application has been advertised on the Council website.

One representation has been made outlining the following concerns. Concern regarding possible impact on land stability due to the removal of the trees. Concern regarding the possibility of levelling the existing raised garden area to allow use as an entertaining space resulting in a loss of privacy.

Planning Assessment

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

The site falls within Urban Fabric where extensions and alterations to a domestic property are acceptable in principle provided that they remain subsidiary to the host dwelling, are of a scale and design which is appropriate to the host property and are not detrimental to the amenity afforded to adjacent properties.

Hedgrows Removal

When planning permission was granted for properties on this section of Bellwood Court the hedgerow to the rear of the site were identified on the on approved plan 'Cadam_01_Bellwood Cres - Site Plan' as "to be retained" and conditioned to be retained in perpetuity under condition 2 of the 2017/0592 Decision Notice. The hedge has since been pruned by the applicant which has resulted in considerable damage to the hedge, however it is not dead. It is therefore acknowledged the hedgerow no longer provide sufficient screening and security, as was previously intended. Regardless of the current health of the hedge, it remains in situ and the street scene is characterised by the hedge which extends to along the rear boundary of several properties. Given the hedgerow has been conditioned to be retained, the hedge should only be removed and replaced in the same arrangement with a more suitable native species such as a Beech or Hornbeam and retained and maintained thereafter. Prior to the submission of the application, informal advice was provided to the applicant that an application to erect a 2m fence directly adjacent to the highway and to remove the hedgerow would not be acceptable.

The hedge is noted to have previously been at a substantial height prior to any pruning. The hedge has since been reduced to the current height prior to July 2025. At this point the hedge is clearly still alive and retain its function of providing screening and security. Based upon the photos submitted by the applicant and a site inspection on the 13th March 2026, it appears the hedge has subsequently been pruned again, despite previously being at a maintainable level, resulting in significant damage to the health of the hedge.

It is therefore considered the removal and relocation of the hedge would not be acceptable as it is contrary to condition 2 under the approval of 2017/0592. This carries substantial weight in opposition of the application.

Scale, Design and Impact on the Character

The Supplementary Planning Document for Walls and Fences 'The design, the materials used and the height of the wall or fence should relate to the character of the area in which you live or work. Particular care should be taken on site frontages, in other visually prominent locations, or in sensitive settings (close to listed buildings for example). In urban and suburban areas the use of stone, artificial stone and brick walls, good quality timber

fencing, iron railings or hedges will usually be appropriate depending on the type and colour of the materials used and the character of the area and the individual property. The use of less appropriate materials such as blockwork, concrete panels, perforated blocks and industrial security fencing will often damage the appearance of a property and the area in which it is located. In rural areas, dry stone or traditional stone coursed walls or hedges (for instance, hawthorn) will usually be most appropriate.'

As a result of the previous planning approval, there is an expectation the hedgerow be retained in perpetuity, and forms a significant character within the streetscene. The removal of this section would be incongruous within the street scene as it has been retained by the neighbouring properties in accordance with the previous permission.

The proposed fence would be a significant height at approximately 2 metres and placed at the rear of the highway boundary. Although the height is significant, it is of a similar scale to other fences within the street scene of Skiers View Road. The fence would be constructed from similar materials to other fences in the street scene and would match the fence in a similar relationship to the Highway to the rear of 4 and 6 Bellwood Court.

The proposed fence would be in a prominent location on Skiers View Road where there are long distance views of the site. Despite the acceptable design of the fence, the loss of the hedge and erection of the fence together would result in the loss of a continuous hedge, resulting in a patchwork of boundary treatments. The hedgerow was conditioned to be retained for additional visual amenity of the site. Although another similar fence is located on Skiers View Road, this would not justify the hedge removal, non-compliance of the condition 2 approval of 2017/0592 and would change the existing character of the site.

It is therefore considered that the proposed fence and loss of hedgerow is not acceptable in terms of its impact on the visual amenity and not in compliance with Local Plan policy D1: High Quality Design and Place Making. This carries considerable weight in opposition of the application.

Impact on Neighbouring Amenity

The proposed fence would not be impactful on the residential amenity of neighbours. The fence would be located further to the rear of neighbouring properties, reducing the fences' ability to have an overbearing nature on residential amenity.

The removal of the hedgerow would impact the rear amenity space privacy of both the applicant and neighbouring 10 Bellwood Court. The hedgerow was conditioned to be retained in order to ensure screening and security to the rear amenity space of Bellwood Court properties. Although it is acknowledged the fence would provide screening, the removal of the hedge therefore jeopardises the existing privacy and has the potential to allow for significant overlooking to both the applicant and neighbouring rear amenity space.

It is therefore considered that the proposal would result in a significant increase in overlooking to a detrimental level and is not in compliance with Local Plan Policy GD1 General Development. This carries substantial weight in opposition of the application.

Highways

The proposal would not have an impact on highways safety. The proposed fence is located across from a junction but does not restrict junction visibility for both pedestrians and drivers.

As such the proposal is considered acceptable in terms of its impact on highway safety and in compliance with Local Plan Policy T4 New Development and Transport Safety. This carries limited weight in favour of the application.

Other Matters

The removal of the hedgerow itself resulting in loss of land stability is not a material planning consideration. Although the removal of the hedgerow is a part of the planning application, the structural impact is not what is being assessed. The application is assessing the location of the fence adjacent to the highway and the loss of the hedge. As such, although the hedge removal may impact land stability, this is not a planning consideration.

The possibility of the existing raised garden to be used for domestic entertainment is also not being considered as part of this application. The raised area is existing and therefore could currently be used for entertaining or gathering of people.

Planning Balance and Conclusion

The proposal is contrary to condition 2 of the 2017/0592 approval and would result in an unsatisfactory impact on residential and visual amenity and is therefore contrary to local planning policy D1 and GD1, holding considerable and substantial weight in opposition of the application respectively.

The proposal would not detrimentally impact upon on highway safety and is therefore compliant with local planning policies T4, holding limited weight in favour of the application.

For the reasons given above, and taking all other matters into consideration, the proposal does not fully comply with the relevant plan policies and planning permission should not be granted. For the reasons given above, and taking all other matters into consideration, planning permission should be refused.

RECOMMENDATION: Refuse

Justification

STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015

Contact has been made with the applicant to request clarification as to the materials used for the fence and the intended tree removal and replacement location.

Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering objections, the determination of the application and the resulting recommendation. It is considered that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home and his correspondence.

The reason for the Council's decision to refuse planning permission are:

- 1) In the opinion of the local planning authority, the proposed fence and hedgerow removal proposed in a prominent location would negatively impact the street scene and appear incongruous against the existing character. Consequently, this application is contrary to Local Plan Policies GD1: General Development and D1: High Quality Design and Place Making.

- 2) In the opinion of the local planning authority, the proposed hedgerow removal would result in significant levels of overlooking. The proposed development would have a significant detrimental impact upon the privacy enjoyed by neighbouring properties and is contrary to Local Plan Policy GD1: General Development.