

<b>Application reference number</b>	2025/0279
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<b>Application Type</b>	Full planning permission
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<b>Proposal Description:</b>	Erection of 1 no. self-build residential dwelling and associated works
<b>Location:</b>	Land to rear of Greenland Cottage, High Hoyland Lane, High Hoyland, Barnsley

<b>Applicant</b>	Mr Steven Warsop
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<b>Number of Third Party Reps</b>	24	<b>Parish:</b>	High Hoyland Parish Meeting
		<b>Ward:</b>	Penistone East

## SUMMARY

The proposal seeks full planning permission for the erection of a self-build dwelling in the Green Belt near High Hoyland village. The proposal is considered to be acceptable in policy terms. The site is considered to be grey belt and the proposal is in accordance with policy in the National Planning Policy Framework which sets out when the development of homes in the Green Belt should be considered acceptable. It is therefore considered to be an acceptable and sustainable form of development in line with the Local Plan and the National Planning Policy Framework (NPPF).

The application has been amended to reflect the advice of the Design and Forestry Officers and also to include basic drainage information details as requested by Yorkshire Water.

The report demonstrates that any harm generated by the proposal is outweighed by other material planning considerations. The development would not cause an unacceptable level of harm to visual amenity, neighbouring properties, the highway network, trees and biodiversity, or drainage issues, subject to suitably worded conditions.

Recommendation: **GRANT Planning Permission**

## **Introduction**

- The proposed development is for a self-build dwelling. The application site is within the Green Belt and there is a history of applications being refused and/or dismissed at appeal since 2018.
- The application has been amended during the course of the application. Design recommendations have been incorporated and basic drainage information has been submitted.

## **Site Description**

The application site is located to the south of High Hoyland, off High Hoyland Lane. There is a row of cottages to the front (west) - Greenland Cottages and The Mount lies to the east, with the garden to this property wrapping around the site. To the rear of the site there is The Perch and Hoyland Hills Cottage.

The application site is approximately 0.14ha. There is some suggestion that the site was previously a quarry but it now appears to be used for private domestic purposes in connection with an adjacent dwelling and for this reason is considered to be previously developed land. The site has also historically contained buildings within it as shown on the OS plans from 1960 and earlier. Other than a single modest building on the site all other evidence of historic buildings on the site appear to have been removed and/or blended into the landscape.

The site's topography slopes down from north to south with a cliff face (possibly associated with the former quarry use) within the site. To the north and south of the cliff face the land plateaus.

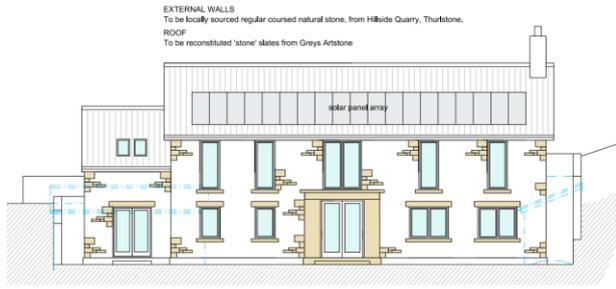
## **Proposal**

The proposed development is a detached self-build house with access taken off a private drive that goes on to serve the existing group of terraced cottages at Greenlands. The house is proposed to be two storey with coursed natural stone walls and natural/composite slate roof and would have four bedrooms and detached single garage and bike/ bin store. The house would be set into the quarry face which will be substantially removed/reduced.

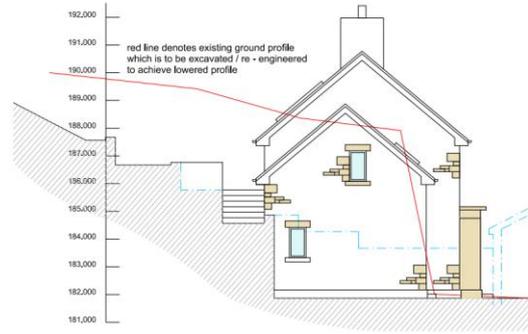
The application is supported by an Ecological Walkover Note, a Planning Statement, an Arboricultural Report with Impact Assessment, a Coal Mining Stability Risk Assessment and a number of emails and letters including a self-build self-verification document.

The application has been amended in response to comments from Yorkshire Water to include reference to a private treatment works for foul waste and that surface water will be recycled through grey water harvesting; and in response to comments from the Design and Forestry Officers, some of the public comments and the Parish Meeting.

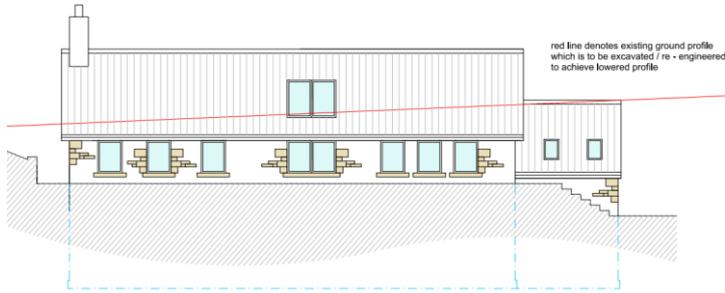
Proposed plans



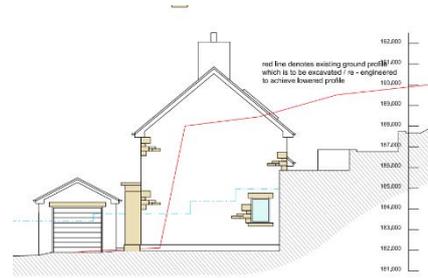
south elevation



west elevation

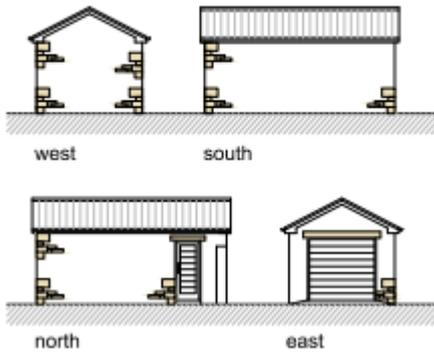


north elevation

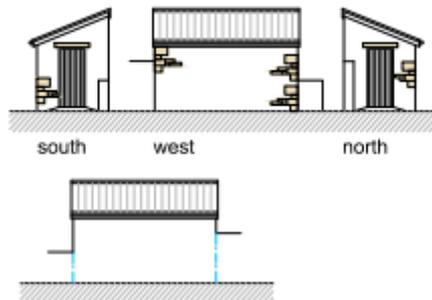


east elevation

garage elevations



bike - bin store elevations





**Relevant Site History**

<i>Application Reference</i>	<i>Application description</i>	<i>Status</i>
2023/0880	Development of one no. self-build residential dwelling and associated works	Refused and dismissed on appeal
2021/0795	Development of one dwelling and associated work	Refused
2022/0960	Erection of single storey detached annex building	Granted (and previously granted in 2017 and 2014)
2018/0380	Erection of one residential dwelling and associated infrastructure	Refused and dismissed on appeal.

**Policy Context**

Planning decisions should be made in accordance with the current development plan policies unless material considerations indicate otherwise; the National Planning Policy Framework (NPPF) does not change the statutory status of the development plan as the starting point for decision making.

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 identified as Green Belt within the Local Plan and as such the following policies are considered to be relevant to this application:

**Policy SD1 Presumption in favour of Sustainable Development** – indicates that we will take a positive approach reflecting the presumption in favour of sustainable development in the National Planning Policy Framework and that we will work proactively with applicants to find solutions to secure development that improves the economic, social and environmental conditions in the area

**Policy GD1 General Development** - sets a range of criteria to be applied to all proposals for development.

**Policy H4 – Residential Development on Small Non-allocated Sites** – proposals for residential development on sites below 0.4ha will be allowed where the proposal complies with other relevant Plan policies.

**Policy T3 New development and Sustainable Travel** – expects new development to be located and designed to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians and cycles. Also sets criteria in relation to minimum levels of parking, provision of transport statements and of travel plans.

**Policy T4 New development and Transport Safety** – expects new development to be designed and built to provide safe secure and convenient access and to not cause or add to problems of highway safety or efficiency.

**Policy D1 High Quality Design and Place Making** – indicates that development is expected to be of high quality design and to reflect the distinctive, local character and features of Barnsley.

**Policy LC1 Landscape Character** – development will be expected to retain and enhance the character and distinctiveness of the individual landscape character area in which it is located.

**Policy GS2 Green Ways and Public Rights of Way** – indicates that we will protect green ways and public rights of way from development that may affect their character or function

**Policy BIO1 Biodiversity and Geodiversity** - Indicates that development will be expected to conserve and enhance the biodiversity and geodiversity features of the borough and that harmful development will not be permitted unless effective mitigation and/or compensatory measures can be ensured.

**Policy GB1 – Protection of the Green Belt** – Green Belt will be protected from inappropriate development in accordance with national planning policy.

**Policy GB3 – Changes of use in the Green Belt** – sets criteria that will be used in the determination of applications for change of use or conversion of buildings in the Green Belt. Also indicates that we will not generally allow the change of use of Green Belt to extend residential curtilages for use as gardens.

**Policy CC1 – Climate Change** – indicates that we will seek to reduce the causes of and adapt to the future impacts of climate change by a range of measures (including promoting and supporting the delivery of renewable and low carbon energy).

**Policy CC2 – Sustainable Design and Construction** – development will be expected to minimise resource and energy construction through the inclusion of sustainable design and construction features where this is feasible and viable. Also sets the requirement that all non-residential development will be expected to achieve a minimum standard to BREEAM 'Very Good' and supported by a preliminary assessment at planning application stage.

**Policy CC3 – Flood Risk** – the extent and impact of flooding will be reduced by not permitting new development where it would be at unacceptable risk of flooding or would give rise to flooding elsewhere; ensure that only water compatible or essential infrastructure is allowed in functional floodplain (subject to the flood risk exception test) and provided that there is no harmful effect on the ability of the land to store floodwater; (etc etc) -sets a range of criteria in relation to development and flood risk, including expecting all development proposals on brownfield sites to reduce surface water run off by at least 30%; development on greenfield sites to maintain or reduce existing run off rates; and development proposals to use SuDS in accordance with policy CC4.

**Policy CC4 – Sustainable Urban Drainage Systems** – all major development will be expected to use SuDS to manage surface water drainage unless it can be demonstrated that all types of SuDS are inappropriate. The council will also promote the use of SuDS on minor development. Planning applications must be supported by an appropriate drainage plan and SuDS design statement.

**RE1 - Low Carbon and Renewable Energy** – all developments will be expected to incorporate initially appropriate design measures and thereafter decentralised, renewable or low carbon energy sources in order to reduce carbon emissions and should at least achieve carbon compliance targets set out in Building Regulations. Also sets out criteria for consideration of renewable energy producing development.

**Policy CL1 Contaminated and Unstable Land** – requires the submission of a report where future users or occupiers of development would be affected by contamination or stability issues, to establish the extent of the issues and set out measures to remove, treat or protect from contamination; or address land stability issues.

**Policy Poll1 Pollution Control and Protection** – sets criteria to ensure that new development does not unacceptably affect or cause nuisance to the natural and built environment or to people; or suffer from unacceptable levels of pollution.

Adopted Supplementary Planning Documents relevant to this application:

Trees and hedgerows  
Biodiversity and Geodiversity  
Design of housing development

NPPF

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 116 - Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 135 – planning decisions should ensure that developments function well, add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character, establish a strong sense of place, optimise the potential of the site and create safe, inclusive and accessible places that promote health and well-being.

Para 139 – development that is not well designed should be refused. Conversely, significant weight should be given to development which reflects local design policies and/or outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area

Para 153 – Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances

Para 155 – Development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where the development would use grey belt and not fundamentally the purposes of the remaining Green Belt; there is demonstrable need for the development proposed; the development would be in a sustainable location; and where major housing development is proposed it meets the Golden Rules set out in para 156-7

Para 187 – planning decisions should contribute to and enhance the natural and local environment by protecting sites of biodiversity value and minimising impacts on and providing net gains for biodiversity; and preventing new development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable land instability.

Paras 196 and 197 – Planning policies and decisions should take account of ground conditions and any risks arising from land instability and ensure that adequate site investigation information is available to inform assessment. Responsibility for securing a safe development rests with the developer and/or landowner.

## **Other**

South Yorkshire Residential Design Guide

## **Relevant Consultations:**

**High Hoyland Parish Meeting** – Initial comments objected to the proposal for the following reasons:

- Noting the previous refusals and dismissed appeals on the site.
- Disputing the grey belt land classification in the recent appeal decision on the site and in particular the reliance on the classification of the land as a former quarry, submitting evidence that the site has not been a historic quarry or in industrial use and concluding that the proposal is inappropriate development in the Green Belt.
- Significant loss of openness which would set a dangerous precedent in the Green Belt.

- The proposal causes demonstrable harm to the Green Belt and the established rural character of the village.
  - Contrary to Local Plan Policies D1 (Design) and BIO1 (Biodiversity and Geodiversity) including due to coloured aluminium windows; scale and form of the dwelling and extensive glazing and orientation causing overlooking and loss of privacy for existing residents.
  - Cumulative overdevelopment from the prospect of the development of the permitted annex and this proposal contrary to NPPF policy on valued landscapes.
  - Permitted annex provides a reasonable and proportionate means of meeting the needs of the applicant for a home and there is no justification for a second, larger home that would exacerbate the harm.
  - The legal access to the site is questioned and in particular question the rights of the applicant to secure mains water supply, connection to the electricity grid and access for construction work, concluding the development is possibly legally unviable.
  - Question whether the publicity on the application has met the statutory obligations for public consultation.
- Further comments received 31 July making the point that the evidence submitted by the Parish Meeting supports the argument that the land contributes meaningfully to the purpose D at NPPF paragraph 143, that is the green belt purpose 'to preserve the setting and special character of the historic village' (misquoting the NPPF which refers instead to historic towns)
- Further comments received 11 August making the points
- Contend that the claim of a quarry being definitively located on the application site is unsubstantiated
  - Indicate that local knowledge suggests that the buildings shown on historic maps near the application site were outhouses/toilet blocks serving Greenland Cottages and not residential dwellings.
  - Challenge the submission that the application site is previously developed land
  - Submit that new evidence and representations (that were not available to the Planning Inspector in the recent appeal decision on the site) should be assessed and may justify revisiting conclusions reached by the Planning Inspector.

**Biodiversity**- No objections subject to conditions.

**Highways DC** – No objections subject to conditions

**Drainage** – No objection, happy for the details to be checked by building control.

**Yorkshire Water** – Initially objected to the proposed development due to lack of submitted drainage information. In response to reconsultation on drainage details, confirmed no objection.

**Pollution control** – no objections subject to a condition and an informative

**Design Officer** – initial comments recommended that the application was deferred to allow for improvements to the design and clarification of details to be supplied. In response to reconsultation on amended design details confirmed no objections subject to conditions.

**Forestry Officer** – Confirmed broadly no objections but recommended the applicant consider moving the dwelling further away from the canopy of one of the trees in the adjacent garden.

**The Coal Authority** – no objection subject to a pre-commencement condition and informatives

**South Yorkshire Mining Advisory Service** – no objection subject to a pre-commencement condition

**Ward Councillors** – no comments received

### **Representations**

Neighbour notification letters were sent to 13 surrounding properties, a site notice was placed nearby and a press notice placed in a local newspaper.

24 representations were received. Thirteen objectors submitted 17 representations raising the following material planning issues:

- The site is in an area of the village which is washed over by **Green Belt** where inappropriate development is harmful to the Green Belt and will have a negative impact on the open and rural character of the area. Note the Green Belt Review 2014 concluded that the Green Belt around High Hoyland was very strongly fulfilling Green Belt purposes.
- The site is **outside the village envelope** defined in the development plan.
- The proposal is **not limited infilling** in the village.
- Can we have clarification/evidence that the site is **brownfield and grey belt** as we dispute that there has ever been a **quarry** on the site and if there was, there has not been a quarry for 100 years, and there is no proof and no visible signs of **buildings** on the site referred in the submission as former dwellings. Refer to evidence submitted by the Parish Meeting in relation to this matter. Submit that the site contributes strongly to the Green Belt purpose d 'to preserve the setting and special character of historic towns' and for this reason the site is not grey belt. High Hoyland is a Conservation Area and the outlying rural areas of the village make an equally significant contribution to the setting and special character of High Hoyland, a historic settlement which appears in the Domesday book.
- Barnsley has already released numbers green belt and grey belt sites to accommodate housing and meet its **housing delivery targets**. Understand that BMBC has a shortfall of deliverable sites to meet its housing targets but it has a wealth of alternative brownfield sites that could be considered before allowing inappropriate development in the Green Belt.
- **Planning history** - this is the fourth application for a house in the last 7 years two of which have been dismissed at appeal. This application does not address the reasons for refusal of the most recent application. References to two other applications for dwellings refused in the village one of which was dismissed at appeal in 2014
- The proposal is **not in a sustainable location** with access to services and facilities, in conflict with local plan spatial strategic and settlement hierarchy, policies LG2 and T3 and the NPPF
- The proposal does not present evidence of **need or support the delivery of affordable housing** and doesn't justify development in this sensitive rural location. Priority should be given to less sensitive grey belt sites elsewhere in the borough.
- The application has permission for a residential **annex** which would meet his needs, this proposal is unnecessary and the combination of the permitted annex and the proposed dwelling, garage, bin and bike stores would result in overcrowding, dominating the street scene and further harm to the openness of the Green Belt.
- Dispute the
- The applicant makes the case that the proposal would result in visual improvement to the area by **removal of metal containers**, vehicle parking and machinery from the site but the applicant and his family have the power to remove them without the need

for planning permission , or Planning Enforcement should do so (having previously considered removal of the metal container not to be expedient)

- **Access** is via a private road which is also a **public right of way** which is used by 4 other dwellings and needs to be kept clear at all times. The proposal would be detrimental to access for existing residents and users and could cause safety issues with access onto the national speed limit road High Hoyland Lane. Seek clarification as to why the entire access road is included within the boundaries
- Acknowledged the change made since the previous application, but the **design** remains a large detached property, incongruous with the surrounding historic environment. The building is elevated and will **overshadow and dominate** the partly single storey Greenland Cottages and appears wider than previous designs and orientated to **overlook** Greenland Cottages creating **privacy** concerns. The use of aluminium windows/doors and composite slate roof tiles is not in keeping with the area and conflicts with local plan policies D1 and BIO1 which require new development to respect **local character** and protect the natural and historic environment.
- The **height** of the house means that it will be prominently visible from High Hoyland Lane and public viewpoints in Cawthorne and Cannon Hall and dominating the streetscape and disrupting the character of the terrace. *is incongruous to the current landscape and its immediate surroundings and is not in keeping with the village aesthetic.*
- **Utilities - drainage** should be a consideration as there is no main drainage here. – the application indicates surface water drainage will be to a main sewer but there is none in the vicinity; and makes no provision for disposal of foul sewage. There is no mains drainage and since 2020 there are new regulations in place for septic tanks and water treatment which may need separate planning permission.
- Water and electricity supplies to the village are often interrupted and there is no main gas.
- Would set a **precedent** for development to be permitted on Green Belt areas surrounding High Hoyland and neighbouring villages.
- The site has continuously been cleared and disturbed for the last 9 years, every few months with excavators and heavy machinery, the rock face cut away and vegetation cleared which prevents **wildlife** from establishing on the site.
- The application indicates that one new **parking space** will be provided; the site is regularly used for parking more than two vehicles and there is no provision for the existing parking on the site.
- We have witnessed destruction of the land over the years and recent **extensive works with an earth mover** making the quarry face dangerously unstable. Photos demonstrate that much of the greenery on the site has been removed over the last 20 years or so.
- The application lacks detail of the **self-build** or measures to secure this aspect of the proposal/ensure it won't be sold on for profit.

Not material

The following matters were also raised in seven letters from one objector, however these are not material planning considerations and as such are afforded no weight:

- **Ownership** – the owner of parts of the application site including the access has confirmed that he has advised the applicant that he will not grant a right of access or easement to allow the proposed house to be built.

## Assessment

The main issues for consideration are as follows:

- The principle of residential development in this location.
- The impact on visual amenity and the character of the area
- The impact on the existing trees
- The impact on neighbouring residential properties
- The impact on the ecology of the site
- The impact on the highway and pedestrian safety.
- Drainage issues
- Stability issues
- Other

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

#### Principle of development

The site is near to but outside the 'Urban Fabric' of High Hoyland as defined on the Local Plan proposals map and within the Green Belt. National and local policy indicates that new buildings in the Green Belt are inappropriate development and should not be approved unless one of the specified exceptions applies, or very special circumstances are demonstrated that clearly outweigh the Green Belt and other harm. One of the specified exceptions is development that would utilise grey belt land, subject to criteria set out in the NPPF.

It is first necessary to determine if the application site is grey belt. This is defined in the NPPF as:

- land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.

Firstly, this definition establishes that land does not have to be previously developed in order to be grey belt. In this instance, the application site is considered to be previously developed if for no other reason that it has had a longstanding use in connection with the adjacent dwelling at Greenlands. For clarity, although gardens in built up areas are specifically excluded from the definition of previously developed land in the NPPF, the application site is not considered to be in a built-up area.

Secondly, it is necessary to establish if the land contributes strongly to any of the three specified Green Belt purposes. These purposes are:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- d) to preserve the setting and special character of historic towns;

Planning practice guidance makes clear that villages are not large built-up areas. High Hoyland is a village and not a town, and it is not a historic town.

It is concluded therefore that the land cannot contribute strongly to any of these three purposes.

Thirdly, it is necessary to consider whether the application of the policies relating to 'footnote 7' assets would provide a strong reason for refusal. The list of assets includes habitats sites such as Special Protection Areas, Special Areas of Protection and Sites of Special Scientific Interest; Local Green Space; National Landscapes (formerly AONB); National Parks; Irreplaceable habitats (such as ancient woodland) and areas at risk of flooding. None of these types of assets would provide a strong reason for refusal.

It is concluded therefore that the site is grey belt. It is necessary to consider whether the development of the site would meet the criteria set out in paragraph 155 of the NPPF which states:

The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
- b. There is a demonstrable unmet need for the type of development proposed;
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and
- d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below.

Having established that the site is grey belt, it is necessary to consider whether the development would fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. The grey belt assessment has considered purposes a, b and d of the Green Belt. Purpose c is 'to assist in safeguarding the countryside from encroachment'. It is considered that the application site makes a very limited contribution to safeguarding the countryside from encroachment as the site is previously developed and includes outbuildings and steel containers, and the site is of a modest size. Purpose e is 'to assist in urban regeneration, by encouraging the recycling of derelict and other urban land'. It is considered that the modest size of the site makes a limited contribution towards assisting in urban regeneration. Planning practice guidance advises that authorities should consider whether, or the extent to which, the development of the Green Belt Land would affect the ability of all the remaining Green Belt across the area of the plan from serving all five of the Green Belt purposes in a meaningful way. It is concluded that the proposal would not affect the ability of the Green Belt across the area of the plan to serve all five Green Belt purposes in a meaningful way. Criteria a is therefore met.

Barnsley cannot currently demonstrate a five year housing land supply (including the buffer required because of our most recent housing delivery test result) and accordingly there is a demonstrable unmet need for housing and the criteria b is met.

The site is near to a village which is recognised in the Local Plan settlement hierarchy and in Local Plan policy LG2 as a focus for, albeit limited, growth. The village enjoys the benefit of only a public house. There are bus stops in the village but the services provided from them are limited. However, in the previous appeal on the site, the Inspector accepted that future occupiers of the proposed dwelling would be largely reliant on the use of private motor vehicles to meet everyday needs, noted that the status of High Hoyland in Local Plan policy LG2 and concluded that given the proximity to the services and facilities in nearby Kexbrough, Clayton West, Scissett and Skelmanthorpe and concluded that the site is an appropriate location for residential development. Reflecting this decision, it is concluded that the development would be in a sustainable location and criteria c is met.

Criteria d relates to major development involving the provision of housing and is not applicable to this proposal as it is not major development.

It is concluded that the development meets the criteria of paragraph 155 of the NPPF and that the proposal is appropriate development in the Green Belt. The NPPF is clear that if development is considered to be not inappropriate development on grey belt, it is excluded from the policy requirement to give substantial weight to any harm to the Green Belt, including to its openness.

Local plan policy GB1 indicates that Green Belt will be protected from inappropriate development in accordance with national planning policy. The assessment above indicates that the proposal is not inappropriate development and therefore the proposal complies with this policy.

The development would be in a sustainable location as it is close to a village included in the Local Plan settlement hierarchy and in Local Plan policy LG2 as a focus for growth; and the village is not an unduly long drive from other settlements which enjoy the benefits of appropriate services and facilities.

Local Plan policy H4 indicates that residential development of sites below 0.4 hectares will be allowed where the proposal complies with other relevant policies in the Plan.

It is concluded that the proposed development is in accordance with national and local planning policy relating to the principle of development. There is a need for housing generally and specifically a need for self-build housing and great weight is given to this material consideration. A condition it recommended to secure the self-build nature of the house, at least for the first three years of occupation.

In respect of the grey belt assessment it is noted that the Parish Meeting have made submissions challenging the grey belt classification of the site by the Inspector in the recent appeal decision on the site and in particular the assessment that the site was previously developed because of the existence of a former quarry (or the more recent submission that there was prior residential development on the site). Even if the site is not a former quarry and the former buildings on the 1850 OS plan were ancillary to the dwellings at Greenlands, the site is still considered to meet the definition of previously developed land because of its history of use in connection with the adjacent dwelling at Greenlands. In any event, the definition of grey belt is not reliant on the site being previously developed.

### Visual amenity

As originally submitted, the application proposal is noted to have a reduced height; increased set back from the access road and reduced visual impact of the garage compared to the appeal proposal. The application proposal was amended in response to comments from the Design Officer seeking to secure a design that would more closely reflect the semi-rural character of the appeal site and its setting and clarification of some details of design. The amendments confirm a single walling material and the source of quarry for the natural stone to be used. The overall glazing coverage on the front elevation is reduced (to harmonise with the solid-to-void ration of Greenland Cottage) and the depth of window recess is clarified, the windows and doors remain colour coated aluminium which is acceptable. The drawings also now show the photovoltaic proposal on the front elevation roof slope. The amendments generally help to harmonise the proposed dwelling with the setting of Greenland Cottage and the rural setting. Subject to conditions recommended by the Design Officer to require full details of the proposed materials and the provision on site of a sample panel of the proposed wall materials with mortar to be agreed, and also of a sample of the natural stone for the vestibule and the roof material and window frame, hard

and soft landscaping, boundary treatments and also to secure the removal of all steel containers on the site, it is considered that the proposal is acceptable from a design and visual amenity point of view, appropriate to its setting and in conformity with Local Plan Policy D1 High Quality Design and Place making. Moderate weight is given to this material consideration.

### Impact on Trees

The Council's Forestry Officer confirmed that the application has been amended to overcome the concerns raised by the previous appeal proposal and there is only very minor encroachment into the rooting area of the tree T1. He further recommended that the applicant consider moving the house further away from tree T2 in the neighbour's garden to reduce the need for pruning of the tree canopy and this is included on the amended plans. It is considered that the proposal would not have any unacceptable impact on the trees on and off the site and that the proposal is in conformity with Local Plan policy BIO1 Biodiversity and Geodiversity and the associated SPD Trees and Hedgerows. Moderate weight is given to this material consideration.

### Residential Amenity

The application proposal is considered to have an acceptable relationship with the nearby dwellings, not causing any adverse effect on living conditions including by reason of overlooking, loss of privacy or dominance. Subject to the condition recommended by the Council's Pollution Control officer to restrict the hours of construction, it is considered that the proposal would have an acceptable impact on residential amenity in conformity with Local Plan policies GD1 General Development and Poll1 Pollution Control and Protection. Moderate weight is given to this material consideration. In addition, an informative is recommended on the advice of the Council's Pollution Control officer giving the developer advice about not causing a nuisance during construction.

### Impact on Geodiversity and Biodiversity

Local Plan Policy BIO1 states that development will be expected to conserve and enhance the biodiversity and geodiversity features by protecting and improving habitats; maximising biodiversity opportunities in and around new developments and encouraging provision of biodiversity enhancements.

BNG became mandatory for all applications in April 2024 except where one of the exemptions (as set out in the PPG) are met. The PPG states that self-build and custom self-build applications are exempt and therefore a +10% net gain in biodiversity is not required in this instance. Nevertheless, the mandatory BNG conditions still apply, and the onus is on the applicant to appropriately discharge these conditions and demonstrate which exemption is met. An informative is recommended advising the developer of this matter.

However, the standard biodiversity policies included in the adopted development plan are still relevant including the requirement for all new dwellings to include integrated bat and bird boxes as set out in the adopted Biodiversity and Geodiversity SPD. A condition has therefore been attached to this effect which requires details to be submitted prior to any above ground works.

As the existing stone building will not be impacted, bat activity surveys have not been required. The application notes that there is a low chance of negative impacts to reptiles. Subject to conditions recommended by the Council's Ecologist to secure a precautionary working method statement in respect of reptiles and requiring bat and bird boxes to be

installed as per the Biodiversity and Geodiversity SPD, alongside hedgehog highways and invertebrate boxes on trees, it is concluded that the proposal is acceptable from a biodiversity point of view and in conformity with Local Plan Policy BIO1 Biodiversity and Geodiversity and the associated SPD. Moderate weight is given to this material consideration. In addition, a number of informatives are recommended on the advice of the Council's Ecologist giving the developer advice about working in relation to protected species. As referred above, a condition relating to the self-build nature of the house is recommended which would require a biodiversity gain plan to be submitted if the house does not remain occupied by the applicant for the first three years of occupation.

### Highway and Pedestrian Safety

Highways DC have previously objected to development of the site noting its sustainability credentials. However, since the Inspector on the recent appeal on the site considered that the site was an appropriate location for residential development, there is no such objection to this proposal subject to conditions relating to the surfacing and gradient of accesses, driveways, parking and turning areas. The proposal indicates that three parking spaces would be provided, one in the proposed garage and two in the parking/turning area in front of the house. An informative is recommended relating to the need to secure Highways consent for any works to the highway. Subject to these conditions and informative, it is considered that the proposal is acceptable from a highway safety and sustainability point of view and is in conformity with Local Plan policies T3 and T4. The access to the site (and to Greenland Cottages) is in part a public right of way. The scale of development proposed is not considered likely to result in an increase in vehicular use of the public right of way to an extent that would affect its character, function or safety and the proposal is considered to be in accordance with Local Plan Policy GS2. Moderate weight in favour of the application is attached to this material consideration.

The Parish Meeting and an owner of part of the application (including the access) have questioned the applicant's ability to construct the proposed dwelling and secure access for utilities including indicating that permission for access will not be given. The certificate of ownership has confirmed that the applicant has served notice of the application on the owner of part of the application site and so this remains a private legal matter between the applicant and the owner of part of the application site.

### Drainage

The application has been amended to include details of drainage, specifically to include reference to a private treatment works for foul waste and that surface water will be recycled through grey water harvesting. Reflecting the advice of Yorkshire Water and the Council's Drainage Engineer, it is concluded that the drainage aspects of the proposal are acceptable. Moderate weight in favour of the proposal is given to this material consideration.

### Stability

Reflecting the advice of SYMAS and The Coal Authority, who agree with the submitted coal mining risk assessment which recommends an intrusive site investigation to evaluate ground conditions, it is considered that subject to the imposition of a condition requiring that site investigation, the proposal would be in conformity with Local Plan policy CL1 and limited weight in favour of the proposal is given to this material consideration. In addition, a number of informatives are recommended on the advice of The Coal Authority.

### Any Other Material Planning Considerations

The application has been amended to clarify the solar panel proposal on the front roof plane. The sustainability merits of this and of the proposed grey water recycling are considered to be benefits of the proposal that attract significant weight.

Notwithstanding the Parish Meeting's submission on the impact on a valued landscape and conflict with NPPF policy at paragraph 187 on valued landscapes, the appeal site and the landscape in the vicinity of the appeal site while highly attractive are not formally recognised or designated as a valued landscape in the development plan. The NPPF policy is clear that any such valued landscapes should be protected and enhanced 'in a matter commensurate with their statutory status or identified quality in the development plan'.

The Parish Meeting make the case that the applicant has consent for an annex in the garden of 1 Greenlands, that this would meet his need for a home and that the development of both annex and the application proposal would amount to overdevelopment. The applicant has made the case that the proposed house would meet his needs and represents a self-build design. The permission for the annex is subject to a condition that it shall be ancillary to 1-2 Greenland Cottage. The construction of both the permitted annex and the proposed dwelling is not considered to be overdevelopment.

The Parish Meeting make the case that the application may not have been properly publicised. Notifications were sent to 13 local residents, a site notice was placed nearby and a press notice was placed in the Barnsley Chronicle. 19 letters of objection have been received and are considered above. The publicity meets the requirements of the Barnsley Statement of Community Involvement which itself sets out how the publicity on planning applications will meet the requirements of the Development Management Procedure Order.

An objector makes the case that High Hoyland is a Conservation Area and the development should be heavily restricted. The closed part of the Conservation Area is over 380 metres from the application site, the proposal will not affect the Conservation Area or its setting and national and local policy does not support the 'heavy restriction' of development in the Conservation Area.

All other matters raised by consultees and objectors have been considered but do not outweigh the conclusions reached in this report.

## **PLANNING BALANCE & CONCLUSION**

In accordance with Paragraph 11 of the NPPF (2023) the proposal is considered in the context of the presumption in favour of sustainable development. The proposal is considered to be located within a sustainable location on a site suitable for residential development in the Local Plan and this weighs considerably in favour of the application. In addition the amendments that have been undertaken have amended the design in an acceptable manner and included details of drainage that are acceptable. The amended scheme has also seen the siting of the dwelling amended to reduce the need for pruning of an adjacent tree.

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

Great weight in favour of the application has been afforded to the provision of a self-build dwelling.

The design, relationship with the trees, improvements to biodiversity to be secured by condition and acceptable impact on residential amenity have all been given moderate weight. The proposal will have an acceptable impact on highway and pedestrian safety and

adequate drainage details have been submitted, both of these considerations attracting moderate weight in favour of the proposal. The proposal includes sustainability credentials including grey water recycling and solar panels on the roof and these attract significant weight in favour of the application. Finally, the proposal raises concerns about stability but this matters can be controlled by condition and this matter is given limited weight in favour of the application.

Having balanced all material planning considerations, whilst a number of objections have been received in respect to the proposal they have been suitably addressed through the information supplied and further amendments to the scheme. As a consequence, the positive aspects of the proposal outlined above are not outweighed by any other material planning considerations.

The proposal is therefore, on balance, recommended for approval subject to conditions.

## **RECOMMENDATION**

### **GRANT PLANNING PERMISSION FOR THE PROPOSED DEVELOPMENT SUBJECT TO THE CONDITIONS**

#### **CONDITIONS/REASONS**

01. Standard time limit

The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

**REASON:**

In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.

02. Plans condition

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:

Amended Proposed site plan drawing number 2023/01/04 Rev B

Proposed window details – August 2025

Amended Proposed Plans and Elevations drawing number 2023/01/05 Rev A

**REASON:**

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

03. Intrusive investigations

No development shall commence (excluding the demolition of existing structures) until; a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance including the Construction Industry Research and Information association publication C758D “Abandoned mine workings manual”. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site

investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with Local Plan Policy CI1 Contaminated and Unstable Land and paragraphs 187, 196 and 197 of the National Planning Policy Framework.

#### 04. Biodiversity mitigation

The development shall be carried out in accordance with the following additional biodiversity mitigation and enhancement measures, for which a scheme shall be submitted for approval in writing by the local planning authority, prior to commencement of development. The scheme will include the measures listed below and shall be implemented prior to first occupation in accordance with the approved details. The features shall thereafter be permanently retained.

- Precautionary working method to ensure impacts to reptiles are minimal;
- Integrated bat and bird boxes to be installed in suitable locations within the dwelling;
- Invertebrate boxes to be installed on suitable trees on site, and
- Hedgehog highways to be installed in all boundary fencing. The hedgehog highways will be signposted to prevent the blocking of gaps.

Reason: in the interests of Biodiversity and in accordance with Local Plan Policy BIO 1 and SPD Biodiversity and Geodiversity.

#### 05. Materials

Upon commencement of development, full details of the proposed external materials shall be submitted for approval in writing by the Local Planning Authority. The details shall confirm the exact name/ specification of the natural stone (both pitched and, if being used, flat), the exact name/ specification of the roofing material, confirmation that the same walling and roofing materials are being used on the garage and bin/bike store, colour of window and door frames, colour of rainwater goods, garage door material/ colour, bin/bike store door material and colour.

In addition, details of proposed external materials shall be provided on site, comprising a sample panel (minimum size 1m by 1m) of the natural stone for the main walling with mortar; a sample of the natural stone for the vestibule; a sample of the roofing material; and a sample of the window frame. The development shall be carried out only in accordance with the approved details.

Reason: in the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.

#### 06. Soft and Hard Landscaping

Upon commencement of development full details of soft and hard landscaping shall be submitted for approval in writing by the Local Planning Authority and the approved hard landscaping details shall be implemented before the house hereby permitted is first occupied.

Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.

#### 07. Implement and maintain landscaping

All planting, seeding or turfing comprised in the approved details of soft landscaping shall be carried out in the first planting and seeding seasons following the occupation of the house or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the

development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

**Reason: In the interests of the visual amenities of the locality, in accordance with Local Plan Policy D1 High Quality Design and Place Making**

08. Boundary treatments

Upon commencement of development there shall be submitted for approval in writing by the Local Planning Authority a plan indicating the position and appearance of the front boundary treatment to be erected and any other boundary treatment to be erected. The approved boundary treatment shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the locality in accordance with Local Plan Policy D1 High Quality Design and Place Making.

09. Self-build/custom

The dwelling hereby approved shall be constructed as a self-build/custom build property, as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015. The dwelling shall only be occupied as a self-build/custom build dwelling in accordance with Section 1(A1) of the Self-build and Custom Housebuilding Act 2015 for a period of at least 3 years from date of the first occupation of the dwelling. In the event that the dwelling is not built and occupied for a minimum 3 years as a self-build/custom build property, a biodiversity net gain plan shall be submitted to and approved by the Local Planning Authority. The biodiversity net gain plan shall be implemented in accordance with the approved details.

Reason: In accordance with the Schedule 7A: Biodiversity Net Gain in England of the Town and Country Planning Act 1990.

10. Removal of all steel containers

The existing steel containers shall be removed from the site before the house hereby permitted is first occupied.

Reason: To ensure that the development takes the form envisaged by the Local Planning Authority when granting permission and in the interests of the acceptable appearance of the completed development in accordance with Local Plan Policy D1 High Quality Design and Place Making.

11. Surfacing and drainage of hard surface

Prior to the first occupation of the development hereby permitted, the proposed accesses, driveways, on-site car parking and vehicle turning shall be laid out in accordance with the approved plan. Driveways and vehicle parking areas accessed from the approved streets must be properly consolidated and hard surfaced and drained into the site and subsequently maintained in good working order at all times thereafter for the lifetime of the development.

Reason: To ensure that there are adequate parking facilities to serve the development which are constructed to an acceptable standard; to ensure adequate provision for the disposal of surface water and to prevent mud/debris from being deposited on the public highway; and to prevent the migration of loose material on to the public highway to the detriment of road safety and in accordance with Local Plan Policy T4 New Development and Transport Safety.

12. Access/drive gradient

The gradient of the vehicular access/driveway shall not exceed 1 in 12 as measured from the edge of adjacent carriageway.

Reason: In the interests of the safety of persons using the access and users of the highway in accordance with Local Plan Policy T4 New Development and Transport Safety.

### 13. Hours of construction

During construction or demolition works, activity shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays

Reason: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1

## **INFORMATIVES**

### 01.

Any vegetation clearance should be undertaken outside of the bird nesting season (March-August inclusive). Should this not be possible then a suitably qualified ecologist should undertake a nesting bird check no more than 48 hours prior to the start of works. Should active nests be found, works should cease until the nests are no longer active and the chicks have fledged and the ecologist has deemed the area to be free of nesting birds.

### 02.

If a protected species (such as any bat, great crested newt, badger, reptile or any nesting bird) is discovered using a feature on site that would be affected by the development or related works all activity which might affect the species at the locality should cease. You should then seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. This action is necessary to avoid possible prosecution and ensure compliance with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 (as amended), the Protection of Badgers Act 1992 and the Wild Mammals Act 1996. This advice note should be passed on to any persons or contractors carrying out the development/works.

### 03.

If a bat or evidence of the presence of bats is discovered on site prior to or during development all work should stop immediately. A licensed bat consultant or Natural England must be contacted and works implemented only in accordance with methods advised by them. This advice note should be provided to any persons/contractors carrying out the development along with the contact details of a relevant ecological consultant. This action is necessary to avoid possible prosecution and ensure compliance with the Wildlife & Countryside Act 1981 (as amended), The Conservation of Habitats and Species Regulations 2017.

### 04.

Planning permission does not infer any other consent is given and it is the responsibility of the applicant to ensure that all other permissions are in place before development commences. The developer must contact Highways, Engineering & Transportation on 01226 773555 prior to any work commencing on site, to gain all necessary technical and legal approvals relating to the creation/alteration/reinstatement and removal of vehicular accesses to the highway.

### 05.

It is recommended that measures are taken to prevent a nuisance/ or effect the quality of life of local residents. Please note that the Council's Pollution Control Team have a legal duty to investigate any complaints about noise, smoke or dust. No waste should be

burnt. If a statutory nuisance is found to exist, they must serve an Abatement Notice under the Environmental Protection Act 1990. Failure to comply with the requirements of an Abatement Notice may result in a fine of up to £20,000 upon conviction in Magistrates' Court. It is therefore recommended that you give serious consideration to the steps that may be required to prevent a noise, dust or smoke nuisance from being created.

06.

Ground Investigations and groundworks

Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: [www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property](http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property)

07.

Requirement for Incidental Coal Agreements

If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required from the Coal Authority. Further information regarding Incidental Coal Agreements can be found at: [www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-forapplicants-for-incidental-coal-agreements](http://www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-forapplicants-for-incidental-coal-agreements).

08.

Shallow coal seams

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

09.

The General Biodiversity Gain Condition has a separate legal basis in contrast to other planning conditions and will apply to all planning permissions, unless exempt. The General Biodiversity Gain Condition will therefore not appear on the decision notice along with the list of planning conditions imposed on the application, rather it will be referenced separately. The General Biodiversity Gain Condition cannot be varied or removed by an application under Section 73 of the Town and Country Planning Act. It also cannot be discharged as part of the grant of planning permission.

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

**The above objections, consideration and resulting recommendation have had due 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 and/or objector's right to respect for his private and family life, his home and his correspondence.**

In dealing with the application, the Local Planning Authority has worked with the applicant to find solutions to the following issues that arose whilst dealing with the planning application:

To improve the design and relationship with trees and to address the lack of drainage information.