

Statement of Case.

In Respect of Section 78 Appeal: Land north of Hemingfield Road, Hemingfield, Barnsley.

Outline planning application for demolition of existing structures and erection of residential dwellings with associated infrastructure and open space. All matters reserved apart from access into the site.

On behalf of Hargreaves Land Limited, George Newton Wright, Margaret Mary Wood, Marcus James Wood and Jonathan David Wood.

Date: January 2025 | Pegasus Ref: P23-1714 | LPA Ref: 2024/O122

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1. Introduction

- 1.1. This Statement of Case has been prepared by Pegasus Group on behalf of Hargreaves Land Limited, George Newton Wright, Margaret Mary Wood, Marcus James Wood and Jonathan David Wood (“the Appellant”) and relates to a planning appeal submitted pursuant to Section 78 of the Town and Country Planning Act 1990, concerning land north of Hemingfield Road, Hemingfield, Barnsley.
- 1.2. Hargreaves Land Limited (a wholly owned subsidiary of Hargreaves Services Plc, a diversified listed company headquartered in the North East of England) is a leading multi-sector strategic land promoter, master developer, and regeneration specialist with a proven track record of delivery. The business is focused on delivering high-quality development schemes which support economic growth for future generations and creating places where people want to live, work, and play.
- 1.3. The appeal follows the decision of Barnsley Metropolitan Borough Council dated 11 December 2024 (“the LPA”) to refuse an application for outline planning permission (LPA ref: 2024/O122) (“the planning application”) for development described as follows:

“Outline planning application for demolition of existing structures and erection of residential dwellings with associated infrastructure and open space. All matters reserved apart from access into the site.” (“the Proposed Development”).
- 1.4. The planning application was validated by the LPA on 9th February 2024.
- 1.5. Prior to submission of the application, the Appellant engaged in pre-application discussions with officers at Barnsley Metropolitan Borough Council. This included meetings with senior officers in the planning department along with several meetings with the Council’s highways team. A formal pre-application advice letter was not received by the Appellant prior to the submission of the application for outline planning permission. However, the planning application submissions sought to address issues raised in discussions with Council officers during the pre-application advice process.
- 1.6. Following submission of the application, the Appellant continued to pro-actively engage with officers at the Council. Discussions between the Appellant and the Council identified three key areas in which further evidence was required to satisfy consultees, and these were: highways and access; ecology; and, archaeology. The Appellant undertook additional work alongside the Council and statutory consultees to address their comments satisfactorily.
- 1.7. The reasons for refusal stated in the Council’s decision notice do not relate to any technical disciplines and the Council confirmed in the Officer’s Report (CD 2.1) that all technical matters have been satisfactorily addressed.
- 1.8. The planning application was refused by Officers on 11th December 2024, with the following reasons for refusal cited in the Decision Notice:

1. The application site forms part of site SL6, Land North East of Hemingfield and is allocated as Safeguarded Land within the Local Plan. The site is not allocated for development at the present time and planning permission for the permanent development of safeguarded land should only be granted following an update to a

plan which proposes the development. The proposal is therefore contrary to the NPPF and Local Plan Policy GB6.

2. In the opinion of the Local Planning Authority, the proposal would constitute piecemeal development. The site forms part of a wider safeguarded site SL6, Land North East of Hemingfield, therefore the development this site would have a potential impact on the comprehensive development of the wider site, contrary to policy GD1 of the Local Plan.

Appeal Procedure

- 1.9. This issue is dealt with in detail within the covering letter accompanying this appeal. In summary this states that, with reference to the criteria in Annex K of the Appeals Procedure Guide, the Appellant considers that this appeal should be determined by way of a public inquiry due to the complexity of the issues involved and the need for those issues to be tested through cross examination. The Appellant's evidence will consider the following issues:
- i. Review of the Local Plan – how this was undertaken and the evidence base in relation to housing land supply;
 - ii. Plan Monitoring – whether the Council has complied with paragraph 78 of the NPPF;
 - iii. Five-year housing land supply – the Appellant will demonstrate that the Council is unable to demonstrate a five-year housing land supply and thus the presumption in favour of sustainable development is triggered. Further, the housing land supply position has consistently deteriorated since the Council undertook its review of the Local Plan. The Council's has confirmed its position at a public inquiry recently that it can no longer demonstrate a five-year housing land supply, and the Appellant will also demonstrate that the actual position is significantly worse than the Council suggested in that case. The scale of difference between the Appellant and the LPA will require rigorous testing as it relates to the weight to be applied upon the contribution this site will make in relation to housing land supply;
 - iv. Local plan policies – the Appellant will examine the terms of the Local Plan policies and their relationship with the NPPF and demonstrate that the policies which are most important for determining the planning application – to the extent that they may constitute a reason for refusal – are out of date; and,
 - v. Comprehensive development – the Appellant will demonstrate that the Council's second reason for refusal relating to the 'potential impact on the comprehensive development' of the wider area of safeguarded land is unsubstantiated.
- 1.10. Each of the above issues will require consideration of a significant amount of data and evidence. It is considered that formal questioning by an advocate on these complex issues would assist the Inspector to properly examine and understand the Appellant's case.
- 1.11. In addition to the points raised above, it is not considered that the principal parties can adequately present their respective cases within 2 days (which exceeds normal practice for a Hearing). The Appellant considers that 3 days (including a site visit and closing



submissions in writing) would be required (depending upon the extent of third-party involvement in the appeal proceedings which may elongate the proceedings further).

2. The Appeal Site and its Surroundings

The Appeal Site

- 2.1. The Appeal site comprises 6.78 hectares of land to the north east of Hemingfield Road and north of Briery Meadows and is in the settlement of Hemingfield that forms part of the wider Hoyland Principal Town. Hoyland (including Hemingfield) sits within the second tier of the settlement hierarchy (Policy LG2 of the Barnsley Local Plan) and is therefore identified as a focus for housing, employment, shopping leisure, education, health and cultural activities.
- 2.2. The site features agricultural buildings which (as stated in the LPA's Officer's Report) are in a general state of disrepair and are proposed to be demolished to facilitate the proposed development. The site comprises two fields that are transected by an existing track and two Public Rights of Way. The Public Rights of Way provides pedestrian access points to the site.
- 2.3. The site forms the western portion of a larger piece of land (extending to a total of 18.2ha) which is designated as Safeguarded Land by the LPA (site ref: SL6), under Policy GB6 of the Local Plan.
- 2.4. In recognising that the application represents part of a wider Safeguarded Land designation, the illustrative masterplan identifies potential vehicular and pedestrian access points into the remaining area of Safeguarded Land at the eastern boundary.
- 2.5. The site is located entirely within Flood Zone 1 and is at a low risk of flooding from all sources, and is considered to be acceptable with regards to flood risk and drainage considerations.
- 2.6. The site is not subject to any local or national designations for ecology, landscape, or heritage.

Sustainability and Accessibility

- 2.7. The sustainability of the site is confirmed by its location within a sustainable settlement which is located in a high tier of the LPA's adopted settlement hierarchy. The LPA has confirmed that it is considered to be a sustainable location for growth within the Officer's Report stating that the '*application [site] is in a sustainable area*' and the Council's Highway's Department consultation response confirms that there is '*a proliferation of sustainable transport routes within and adjacent to the site*'.
- 2.8. The closest bus stops to the site are located on Hemingfield Road, with the northbound bus stop located around 260m walking distance from the centre of the site at the southern site boundary. The southbound bus stop is currently located adjacent to the western site boundary.
- 2.9. The bus stops on Hemingfield Road are served by the 72/77a, 662 and 67/67a/67c number bus services which run frequent services to higher order centres such as Barnsley, Chapeltown, Elsecar, Wombwell, and Swinton.

- 2.10. The nearest railway station of Wombwell, a 12 minute walk from the site, provides local stopping train services operating on an hourly basis to large urban areas such as Barnsley, Leeds, Sheffield, Wakefield and Huddersfield, as well as numerous local destinations.
- 2.11. Hemingfield has a range of accessible local services and facilities. The following services and facilities are within a short walking distance from the site:
- The Ellis Church of England Primary School (410m);
 - Hemingfield Recreation Ground (Children's Play Area) (460m);
 - Seashaw's Fish and Chips (Hot Food Takeaway) (560m);
 - The Albion Inn (Public House) (570m);
 - Tekniques Hair Salon (600m);
 - Bailey's Tearoom (Café) (610m); and,
 - Hemingfield Village Store (620m).
- 2.12. Cortonwood Retail Park is located approximately 1 mile east of Hemingfield, where a greater range of shops, restaurants and other facilities are available, including two supermarkets. Cortonwood Retail Park can be accessed via sustainable transport modes including walking via the existing network of public rights of way and bus services.
- 2.13. The Public Right of Way network in and around the Appeal site provides direct pedestrian access to The Ellis Church of England Primary School, and a number of local shops. While the main entrance to The Ellis Church of England is typically accessed from School Street and Garden Grove, a public right of way (PROW) within the site provides a direct walking route connecting to the north of Garden Grove. This section between the site and Garden Gove is lit and provides a safe and suitable route which is to be retained and enhanced as part of the development proposals. A walking catchment plan was included within the Transport Assessment that was prepared for the original application. This plan can also be found within the supporting Highways Statement at **Appendix 6**.

3. The Appeal Proposals

- 3.1. The Appellant seeks outline planning permission for the demolition of existing structures and the erection of residential dwellings with associated infrastructure and open spaces, with all matters reserved apart from access into (but not within) the site.
- 3.2. Given the scheme falls within a wider area of Safeguarded Land (Local Plan ref: SL6), the Appellant has demonstrated to the Council that the proposals will not prejudice the development of the remaining part of the Safeguarded Land. This has been considered throughout the design process, and with all technical disciplines, ensuring that this is satisfactorily addressed.
- 3.3. The design evolution of the proposals has been informed by a landscape-led approach which has considered the constraints and opportunities of the site. This approach has sought to retain and enhance natural assets within the site and minimise loss and disturbance to these.
- 3.4. A parameters plan has been developed to provide a framework to guide subsequent applications for the approval of reserved matters. The parameters plan would be secured via a suitably worded condition requiring proposals at reserved matters stage to be brought forward in broad accordance with the principles established. These principles are reflected on the Illustrative Masterplan (CD 3.36B) which identifies that the Proposed Development will retain landscape features which are identified as being of higher value when set within their local context. These elements have been sensitively incorporated within the design parameters for the site. This landscape-led approach to the Illustrative Masterplan demonstrates that a well-designed place will be achieved on the site (in accordance with section 12 of the NPPF).
- 3.5. The indicative masterplan illustrates how the site could be developed in-line with this landscape-led approach and while meeting relevant policy requirements. Based on this work, it is estimated that the number of dwellings that would likely be accommodated on the site is in the region of 165–180 dwellings (dependent on the overall sizes and mix of dwellings coming forward at reserved matters stage), which would include policy compliant provision of affordable housing in terms of quantum, mix, and tenure.
- 3.6. It is noted that the adopted Affordable Housing SPD requires a statement setting out how affordable housing will be addressed on site. It is considered appropriate that this will be controlled via the imposition of a suitably worded condition. Policy H7 of the Barnsley Local Plan requires the provision of 10% affordable housing on sites in Hoyland in which the site is located. Based on the indicative number of dwellings that could occupy the site (165–180 dwellings), this would result in the provision of 16 to 18 new affordable dwellings (subject to the final quantum of development achieved on the site).
- 3.7. A new vehicular and pedestrian site access would be formed on the western boundary of the site, via a new ghost island right turn priority T-junction on Hemingfield Road. At the outset of developing the access proposals, the Appellant's highways consultants have taken into account the on-street parking taking place along Hemingfield Road. At the pre-application advice stage, the Appellant proposed a solution to ensure that the access proposals would be safe taking account of the on-street parking. The solution includes the widening of the northbound lane and introduction of a right turn ghost island. This means that traffic can continue to flow while vehicles are waiting to turn right into the site. The 4.0

metre wide northbound through lane is proposed because it will provide a sufficient width to accommodate the current on-street parking on Hemingfield Road in the vicinity of the proposed site access junction, which is associated with existing residential properties to the western side of the carriageway. A suitable visibility splay in accordance with the guidance in Manual for Streets is achieved at the site access.

- 3.8. The Council considers that the proposed access arrangements are satisfactory. Furthermore, the Appellant also provided a Stage 1 Road Safety Audit (RSA) of the proposals and the Council has agreed the recommendations by returning a signed version of the Designer's Response to the RSA.
- 3.9. The Transport Assessment (TA) (CD3.25A) considers the impact of the proposed development on the capacity of the highways network within the vicinity of the site. The principal scenario relates to the anticipated number of dwellings that would be delivered on the site utilising the upper estimate of 180 dwellings. This figure was derived based on a capacity exercise which considered planning policy (such as the need to provide public open space and biodiversity net gain requirements), drainage requirements (such as attenuation basins), a typical housebuilders' mix of dwellings inclusive of policy compliant affordable housing in terms of quantum, mix and tenure, as well as known site constraints (such as the sewer and the associated easement which crosses the site, and the alignment of existing hedgerows).
- 3.10. The Transport Assessment also considered a sensitivity test to take account of the development of the full extent of the safeguarded land. For this purpose, the assessment considered an upper limit of 430 dwellings. This figure was derived based on the same methodology outlined above.
- 3.11. The Transport Assessment concluded that development of the site would not have an adverse impact of the operation of the local highway network and that the new junction from Hemingfield Road would satisfactorily accommodate the proposed development. It also concluded equally that the development of the entire area of safeguarded land would also not have a detrimental impact on existing junctions, including the new junction to be formed from Hemingfield Road to create an access into the site.
- 3.12. The Appellant agreed with the Council to undertake additional work to consider the impact that development of the site and the full extent of safeguarded land would have on the operation of the A6195 (Dearne Valley Parkway). The Dearne Valley Parkway forms part of the local highways network and is a dual carriageway which runs in an east to west alignment and serves as a major link between the M1 at Junction 36 and areas located to the south east of Barnsley. As a major link road, the Dearne Valley Parkway was designed to accommodate a substantial volume of vehicle movements. This analysis was presented to the Council based on the capacity of 430 dwellings as explained above. The analysis demonstrated that the development of the full site would have a minimal and acceptable impact on the operation of the Dearne Valley Parkway. The Appellant has therefore demonstrated that their access proposals have been designed in a manner which can safely accommodate all the traffic generated by occupancy of their site and the remaining area of safeguarded land. This conclusion was agreed with the Council and the highways department consultation response of November 2024 confirm this position.
- 3.13. The Appellant has also voluntarily run a further sensitivity test based on an increased capacity figure which aligns with the Council's original estimate for the site in their Strategic

Housing and Employment Land Availability Assessment (SHELAA). A summary of this is provided in paragraphs 3.32 to 3.34 and full details can be found in **Appendix 6**.

- 3.14. An Illustrative Landscape Masterplan (CD 3.35B) forms part of the outline planning application. It sets out the indicative proposals for the retention and enhancement of existing hedgerows and demonstrates how new species rich planting can be satisfactorily accommodated within the site. The landscape-led site layout was based on a Parameters Plan that was also submitted with the application, which provides a framework for the outline proposals and the Illustrative Masterplan. This emphasised the importance of movement through the site and how the existing Public Rights of Way will be incorporated into the Appeal Proposals.
- 3.15. Trees and hedgerows on site are to be retained and improved where possible, including those that run parallel to the Public Right of Way through the centre of the site. New areas of Public Open Space (POS) throughout the site will include new species rich planting. Green space and an equipped play area underpin the principles of open space provision on the site, providing amenity space for the wider community to utilise and allowing for connections to the existing network of Public Rights of Way.
- 3.16. The Appellant's focus on landscaping and green spaces will deliver a net gain in biodiversity on the site. Despite the application being validated prior to the statutory requirement for a minimum Biodiversity Net Gain of 10%, the site achieves a higher percentage in habitat and hedgerow units on the site. Based on the illustrative landscape plan, it is expected that the scheme would deliver a biodiversity net gain of 14.85% in habitat units and 122.08% in hedgerow units. The final position would be established at the reserved matters stage when the layout is agreed. The removal of trees (of which there are very few on site) and hedgerows will be minimal. Where removals are necessary replacement planting will be secured. The proposed planting on site provides a significant ecological betterment compared to the existing use, which should be attributed weight in the planning balance.
- 3.17. The Appeal site would utilise Sustainable Urban Drainage Systems (SUDS) through the provision of a surface water attenuation basin and soakaways to ensure that the site is drained via a sustainable method which represents the preferred method in the surface water drainage hierarchy. The Appellant has also demonstrated that the proposed development is located within flood zone 1 and that the site will not be at risk of flooding, nor will development of the site increase the risk of flooding elsewhere. The provision of an open attenuation basin will also provide a beneficial new habitat space thereby also contributing to delivering an increase in biodiversity.

Technical Details

- 3.18. This statement provides a summary of the key technical issues which have been considered during the determination of the Appeal Proposals. A series of technical appendices have been prepared to support this statement and these demonstrate that the proposed development is acceptable in terms of their respective disciplines.
- 3.19. While this summary covers key technical disciplines only, the Council's Officer's Report considers a wider range of technical issues and concludes on each matter that the proposed development is acceptable.

Landscape

- 3.20. The Landscape and Visual Assessment accompanying the planning application set the basis for developing a landscape led approach to the design of the Appeal Proposals. The Landscape Statement at **Appendix 4** summarises the findings of the Landscape and Visual Assessment and explains the approach to developing the landscape-led development proposals. The Landscape and Visual Assessment identifies that due to the scale and nature of the proposals, the existing settlement context of the Appeal Site, its relatively low-lying position in the landscape, and screening in the wider gently undulating and well-vegetated landscape, any short term effects on the surrounding landscape would be limited and restricted in extent.
- 3.21. The Appeal Site is not subject to a to any landscape designation which recognises landscape or scenic quality. The land is located within the settlement limit. It is mostly farmland, and it forms part of a wider area of farmland, which is surrounded to the south and west by existing residential properties and to the north by the A6195 Dearne Valley Parkway which is raised upon an embankment. The land to the east is farmland and comprises the remaining part of the designated Safeguarded Land.
- 3.22. The pedestrian experience of users of PRowS has been considered and addressed within the Illustrative Masterplan (CD 3.36B) and the Parameters Plan (CD 3.37B). As illustrated on the Illustrative Landscape Masterplan (CD 3.35B) the future character of the Appeal Site has been derived from an understanding of its local context and has drawn upon the character and features of the wider landscape to provide a strong sense of place within the development and in addition, therefore, being sensitive to the existing settlement context and character.
- 3.23. As referenced the Officer's Report, the LPA concurs that any impact upon visual amenity can be mitigated through detailed design and landscaping which would be agreed at Reserved Matters stage.
- 3.24. The Landscape and Visual Assessment concludes that any landscape and visual effects are limited and restricted in extent and can be satisfactorily mitigated and finds that the Appeal Proposals would not result in an extent of harm which would warrant the refusal of planning permission.

Ecology and Biodiversity

- 3.25. The supporting Ecology and Biodiversity Statement prepared by Baker Consultants is found at **Appendix 5**.
- 3.26. The Appeal Proposals have been supported by a full suite of ecological surveys, which are comprehensive and fully up to date. These surveys considered and addressed the baseline condition of the site, and presented the results of surveys of protected species and habitats. The ecologists concluded that there are no ecological or biodiversity constraints which would prevent the grant of planning permission for the proposed development and it is noted that the site itself has negligible ecological value.
- 3.27. The application for outline planning permission was validated prior to the date on which the statutory requirement to provide a net gain in biodiversity greater than 10% would apply. Therefore, the requirement to provide a non-specific net gain in biodiversity (Paragraph 187(d) of the NPPF) applies. The Appellant has undertaken a Biodiversity Net Gain

assessment and this assessment identifies that a net gain in excess of the statutory requirement of 10% would be delivered within the site. Overall, there are no significant ecological constraints to the proposed development that cannot be satisfactorily resolved through mitigation secured by planning condition and obligations.

- 3.28. As confirmed in the Officer's Report, the Council's ecologist raises no objections and the LPA considers that subject to appropriately worded conditions and the suggested contribution to provide offsite mitigation for ground nesting birds, the proposed development complies with policy.

Highways and Transport

- 3.29. The supporting Highways Statement prepared by Bryan G Hall is found at **Appendix 6**. The statement summarises the key findings of the Transport Assessment and the subsequent 'Highways Technical Note – Response to Highways Consultation Comments' (an addendum to the Transport Statement which was submitted to the Council prior to determination of the application on 29th August 2024 (CD 3.27)) and it explains the iterative and pro-active process that the Appellant followed to agree highways matters with the Council.

- 3.30. The Highways Statement appended to this document confirms that during the application process, it was agreed with BMBC Highways that, subject to mitigation measures outlined during the application process, the development would be acceptable in terms of highway operation and highway safety. Furthermore, the consultation response from Highways reiterated the fact that the proposed development would be acceptable from a Highways perspective.

As stated in the Officer's Report, the Appellant acknowledges that the Transport Statement Technical Note, Road Safety Audit and access drawings were deemed acceptable by the Highways Authority, as demonstrated by their final consultation response indicating no objection on 28th November 2024, subject to the conditions and planning obligations set out within the consultation response and reiterated in the Highways Statement.

- 3.31. The Highways Statement confirms that the operational capacity of the proposed junction has been sensitivity tested against a reasonable estimate of the capacity of the entire area of safeguarded land at 430 dwellings.
- 3.32. The technical note (at Appendix 6 of this document) also presents a further sensitivity test which assesses the capacity of local junctions to accommodate a total of 520 dwellings inclusive of up to 180 dwellings that are considered achievable on the Appeal site. This further sensitivity test has been conducted voluntarily by the Appellant for robustness. It 'rounds up' the Council's indicative housing yield of 518 dwellings identified in the 2016 Strategic Housing and Economic Land Availability Assessment (SHELAA) (CD 5.6) and presents a likely worst-case scenario. The Council's SHLAA figure would have been derived from applying a set of assumptions about the developable of the area which would not have been informed by the site's constraints nor today's policy position which has evolved since 2016. Once again, the results indicate that even if the proposed site access junction with Hemingfield Road was to serve a total of 520 dwellings (in the unlikely scenario that a further access was not provided to the east), it is predicted to remain well within its operational capacity.
- 3.33. The sensitivity test of the traffic impact of 520 dwellings on the safeguarded land has demonstrated that the impact on the highway network, both in the vicinity of the site and

further afield along the A6195 Dearne Valley Parkway, would not be significant and would have no material impact on the operation of the local highway network. The sensitivity testing clearly demonstrates that from a highways perspective, the site will not compromise the future development of the wider safeguarded land and that the new site access junction has been designed satisfactorily to accommodate future development.

- 3.34. The analysis demonstrates that the local highways network will continue to operate well within operational capacity now and in the future and that there are no existing highways safety issues which would result from the proposed development such as to be considered unacceptable, applying the relevant tests in the NPPF. It has been demonstrated that the Proposed Development will not have an unacceptable impact on the development of the remaining area of the safeguarded land.

Noise

- 3.35. The supporting Noise Statement prepared by Environmental Noise Solutions Ltd is found at **Appendix 7**. The Statement confirms that a Noise Impact Assessment (CD 3.22) was prepared in support of the application for outline planning permission, which proposed a scheme of mitigation. The assessment demonstrates that the proposed mitigation would achieve suitable residential amenity for future occupiers of the site. Furthermore, recommendations were made for mitigating noise in external amenity areas. The mitigation measures can be secured via an appropriately worded condition.
- 3.36. The Statement also confirms that Pollution Control at BMBC agreed with the recommendations of the submitted Noise Impact Assessment and raise no objections.
- 3.37. Additional work has been voluntarily undertaken by the Appellant to support the statement to address public comments relating to the potential for residential dwellings to incorporate Air Source Heat Pumps (which will become a common solution for housebuilders to utilise in meeting the changes to Building Regulations brought forward in the Future Homes Standard proposals which aim to dramatically cut carbon emissions) and potential increases in traffic arising from the proposed development. Overall, it was found that the impacts upon existing residents are negligible, and therefore noise is not considered to be an impediment to the Appeal Proposals.

Flood Risk and Drainage

- 3.38. The supporting Flood Risk and Drainage Statement prepared by Weetwood can be found at **Appendix 8**. The statement reiterates that as per the submitted Flood Risk and Drainage Assessment (CD 3.14), the site is assessed to have an overall low risk of flooding from all sources. Therefore, no measures are proposed or deemed necessary to mitigate flood risk on the site aside from the finished floor levels to accord with Building Regulations and be at least 150mm above adjacent ground levels.
- 3.39. Soakaway tests were also undertaken on site by Sirius Geotechnical Ltd, which indicates that soakaway drainage will be the most suitable method on the site. This represents the preferred and most sustainable method for surface water drainage as per the surface water drainage hierarchy. Furthermore, the statement prepared by Weetwood establishes that an infiltration basin (calculated to provide a storage volume of 785m³) would be sufficient to store any additional surface water runoff from impermeable surfaces of the proposed development. The indicative masterplan illustrates how this basin can be provided located at the lowest point of the site.

- 3.40. The statement confirms that domestic foul water would be discharged to an existing public combined sewer that crosses the site.
- 3.41. The Council's Drainage Water and the statutory undertaker, Yorkshire Water, have confirmed that they do not have any objections to the proposed development. The Council states in the Officer's Report that they consider the proposal to be acceptable and that it accords with national and local planning policy relating to flood risk and drainage matters.

Ground Conditions

- 3.42. An assessment of ground conditions was prepared by Sirius Geotechnical Ltd (Titled Preliminary Appraisal Report (Desktop Study) incorporating Coal Mining Risk Assessment and Contaminated Land Assessment) (CD 3.11) was submitted alongside the planning application.
- 3.43. The report concludes that given the site's agricultural history, it is unlikely that the site has been affected by previous contaminative activities. The report identifies that coal mining activity took place in the north-western corner of the site previously, but that the coal was worked at a shallow depth. This area accords with the lowest point of the site and is the proposed location for the attenuation basin and dwellings would not be constructed within this area.
- 3.44. The Council consulted with the South Yorkshire Mining Advisory Service and The Coal Authority (now renamed the Mining Remediation Authority) and no objections were raised by these bodies. The Council and the Appellant consider that matters relating to ground conditions can be addressed by the imposition of a suitably worded condition, to ensure that an intrusive site investigation is undertaken and a remediation scheme is secured if should a scheme be necessary as is standard practice.

Archaeology and Heritage

- 3.45. The supporting Archaeology and Heritage Statement prepared by MAP Archaeological Practice can be found at **Appendix 9**. The statement confirms that the application for outline planning permission was supported by an Archaeology and Heritage Desk-Based Assessment (CD 3.4) which considered numerous data sets derived from the South Yorkshire Historic Environment Record.
- 3.46. The statement outlines the process that the Appellant went through to ensure that matters relating to archaeology on the site have been satisfactorily addressed. This included the undertaking of a Geophysical Survey to identify the potential for archaeological remains on the site.
- 3.47. Following this, the Appellant submitted a Written Scheme of Investigation (WSI) to explore a number of anomalies that were identified by the Geophysical Survey. The WSI was amended to reflect discussions with South Yorkshire Archaeological Services (SYAS) who act as the Council's advisor on archaeological matters.
- 3.48. Following agreement of the WSI, the Appellant's archaeologists undertook a scheme of targeted trial trenching across site to explore potential archaeological anomalies and to confirm the absence of the same in other areas of the site. The trial trenching exercise carried out on the site was successful in confirming the findings of the geophysical survey (CD 3.5). SYAS observed the trial trenching and confirmed that it accorded with the WSI

(CD 3.6). SYAS confirmed in their consultation response that the proposal 'is acceptable in terms of archaeological impacts subject to conditions' and the Council's Officer's Report confirms the same.

- 3.49. It has been confirmed that mitigation will be limited to a focused strip, map and record. This can be secured via an appropriately worded condition.
- 3.50. With regards to above ground heritage assets, the Council has not raised an objection and has confirmed in the Officer's Report that no harm will be caused to the setting of designated heritage assets.
- 3.51. The Archaeology and Heritage Statement concludes that the proposal will not have a detrimental impact on heritage assets, including archaeology.

4. Planning History

4.1. It is acknowledged that there are numerous historic applications on this site dating back some decades. The site's planning history includes the following applications:

- B/74/O244/WW- Erection of dwellings.
- B/74/O241/WW- Residential Development.
- B/82/1142/WW- Erection of cubicle and feed building for dairy cows.
- B/89/O811/WW- Erection of new farmhouse and garage.
- B/92/O224/WW- Outline planning permission for residential development.
- B/99/O089/WW- Residential development – erection of 16 detached houses.
- 2007/1024- Use of part of agricultural building as a farm shop. **Approved 14/06/2007.**
- 2011/0614- Erection of a detached agricultural workers dwellinghouse. **Withdrawn 25/05/2011.**
- 2012/0581- Erection of an agricultural workers dwelling. **Refused 21/05/2012.**

4.2. The applications listed above were all considered at a time when the site formed part of the designated Green Belt and therefore a different policy context applied. Due to the adoption of the Barnsley Local Plan which removed this land from the Green Belt, it is considered that the planning history is not relevant to the determination of this Appeal.

Pre-Application Discussion

- 4.3. A request for pre-application advice was made to the Council in a submission made on 6 November 2023.
- 4.4. The pre-application submission was validated (reference: 2023\ENQ\00437) on 23 November 2023.
- 4.5. An initial pre-application meeting was held with BMBC planning officers on 5 December 2023. A further meeting was held with the Council's highways department officers on 13 December 2023.
- 4.6. The Council did not issue comprehensive pre-application advice prior to, or after receipt of, the planning application submission.

Public Consultation

- 4.7. On 20 December 2023 a consultation leaflet was distributed within the local community. The leaflet provided details of the proposed development and invited the local community and other interested parties to a public consultation event which was held on 11 January 2024. The event was held at The Ellis Church of England Primary School which is an easily accessible venue located close to the site.

- 4.8. A meeting was held with ward councillors on 10 January 2024 to discuss the proposals and to explain how the proposals would be presented to the local community at the public exhibition.
- 4.9. Following the public exhibition, members of the public were invited to send comments regarding the proposals to the design team for a period of two weeks between 11th and 25th January 2024. Full details of the public consultation process can be found in the Statement of Community Involvement [document reference].

Post Submission Discussions

- 4.10. Following the submission of the application, the Appellant continued to engage with Council officers. This included regular dialogue and meetings with the case officer, as well as meetings with the Council's Head of Planning.
- 4.11. A summary of the key post submission engagement is discussed in section 3 above. This continual engagement led to consultees and the Council not raising any objections relating to technical matters.
- 4.12. A full list of documents submitted in support of the application, including those submitted during the determination process, are included in **Appendix 11**.

5. Planning Policy

- 5.1. For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the adopted development plan comprises the Barnsley Local Plan, which was adopted in January 2019. The Local Plan was subsequently reviewed by the Council. The review concluded that an update to the plan was not required. This position was confirmed by the Council on 24th November 2022.
- 5.2. This section of the Statement will outline those policies which are applicable to the scheme, as referenced within the Decision Notice and Officer's Report. The LPA is obliged to prepare Decision Notices that are full, clear and precise.
- 5.3. The specific policies referred to in the Decision Notice are:
- Policy GD1: General Development; and,
 - Policy GB6: Safeguarded Land.

Development Plan

Barnsley Local Plan (2019)

- 5.4. The Barnsley Local Plan establishes a Settlement Hierarchy for the borough to direct growth to the most sustainable locations. This is set out in paragraph 5.9, whereby the Plan states that *"in order to create sustainable communities, the Local Plan identifies where development should be focused and where it should be limited."*
- 5.5. The table below shows the hierarchy and the towns or villages that fall within each bracket:

Classification	Settlements
Sub Regional Town	Urban Barnsley (including Darton, Dodworth, Monk Bretton, Carlton, Athersley South, Athersley North, New Lodge, Mapplewell, Staincross, Kexborough, Gilroyd, Barugh Green, Higham, Pogmoor, Gawber, Worsbrough Common, Worsbrough Dale, Worsbrough, Ardsley, Wilthorpe, Hoyle Mill, Kendray, Stairfoot, Ward Green, Lundwood)
Principal Towns	Cudworth (including Grimethorpe and Shafton), Wombwell (including Darfield), Hoyland (including Birdwell, Blacker Hill, Elsecar, Hemingfield and Jump), Goldthorpe (Dearne Towns, including Thurnscoe and Bolton on Dearne), Penistone (including Cubley and Springvale), Royston
Villages	Billingley, Brierley, Broomhill, Carlecotes, Cawthorne, Crane Moor, Crow Edge, Great Houghton, Green Moor, High Hoyland, Hood Green, Howbrook, Hoylandswaine, Huthwaite, Ingbirchworth, Langsett, Little Houghton, Middlecliff, Millhouse Green, Pilley, Oxspring, Silkstone, Silkstone Common, Swaithe, Tankersley (including lower Pilley), Townhead, Thurlstone, Thurgoland, Weetshaw Lane (near Cudworth), Woolley Colliery Village, Worsbrough Village, and Wortley

Table 5.1: Barnsley Local Plan Settlement Hierarchy

- 5.6. As Table 5.1 shows, Hemingfield is classed as part of Hoyland, which is defined as a Principal Town. The 'Vision' of the Barnsley Local Plan is that the principal towns will, alongside Urban Barnsley, be a focus for growth. The site is accordingly, having been released from the Green Belt and designated as Safeguarded Land, located within the identified development limits of Hoyland (as shown in figure 5.1 below).

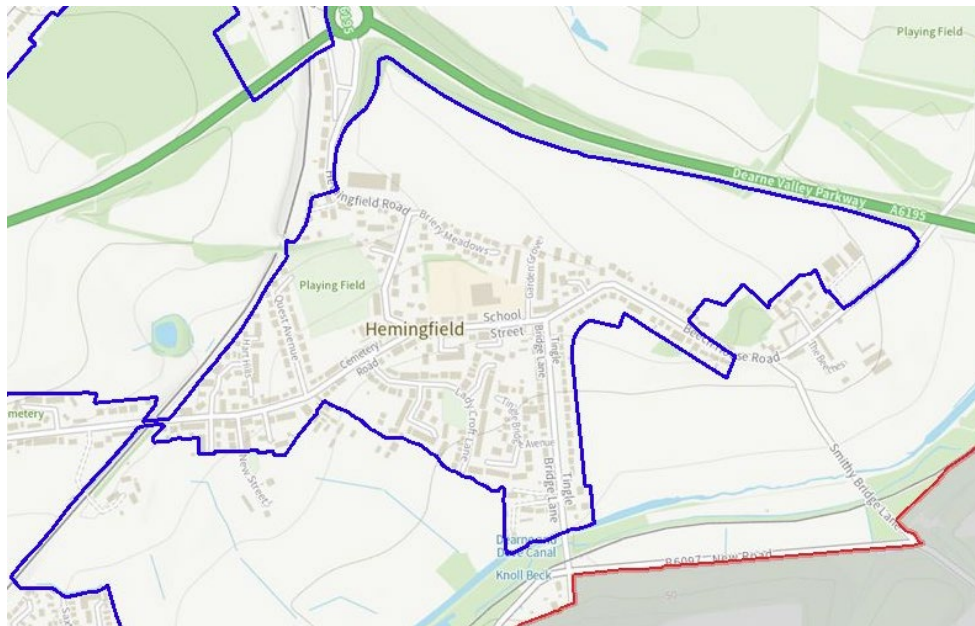


Figure 5.1:

Hoyland Settlement Limits (source: extract from Barnsley Council Local Plan Map)

- 5.7. In outlining the spatial strategy of the plan, paragraph 5.16 states that the roles of Principal Towns as accessible and vibrant places to live should be enhanced. Paragraph 5.45 of the Local Plan outlines the Council's ambition for the Principal Town of Hoyland (which includes Hemingfield) and states:

"We want Hoyland [incorporating Hemingfield] to grow in housing and employment terms taking advantage of its accessible location and utilising strategic transport links."

- 5.8. Policy LG2: The Location of Growth identifies that priority will be given to development in Urban Barnsley and the Principal Towns. The supporting text (paragraph 7.2) further notes that individual Principal Towns will be the main local focus for housing, employment, shopping, leisure, education, health and cultural activities and facilities. They are identified by BMBC as being the main local focus for new housing along with Urban Barnsley.
- 5.9. Policy H1: The Number of New Homes to be Built sets out a plan requirement of 21,456 net additional dwellings during the period 2014 to 2033. Supporting paragraph 9.1 of the plan identifies that this gives an indicative annualised figure of 1,134 per annum. This requirement was adopted in recognition of the need to address market and affordable housing needs and to support the economic growth ambitions to be delivered by the plan.
- 5.10. In line with the Council's stated position in the Local Plan that they 'want Hoyland to grow', Policy H2: The Distribution of New Homes distributes 12% of the total housing requirement

within the plan period, equating to 2,567 dwellings, to the Principal Town of Hoyland. This is more than any other Principal Town, save for Dearne.

- 5.11. Policy E2: The Distribution of New Employment Sites also demonstrates the importance of Hoyland as a key growth location in the borough by distributing 37% of the allocated employment land to the Principal Town of Hoyland, which is more than any other Principal Town and indeed more than Urban Barnsley itself. This reflects the important role that Hoyland has in contributing towards the borough's housing and economic growth aspirations and its position as a highly sustainable place to which to direct growth.
- 5.12. With the above definition and role of a Principal Town in mind the proposed development is in conformity with the Local Plan Vision and Spatial Strategy. It is located within the settlement limits. It will contribute significantly towards meeting the local need for market and affordable housing and will provide an accessible and vibrant place to live within Hemingfield as part of the Principal Town of Hoyland.
- 5.13. Policy GD1: General Development identifies that proposals for development will be approved if they conform with various criteria, including residential amenity, compatibility with neighbouring uses and not adversely affecting the potential development of adjacent land. This policy is addressed in detail within section 8 of this statement of case. The Appellant clearly demonstrates that the proposals are in full accordance with this policy.
- 5.14. Policy GB6: Safeguarded Land identifies that the development of sites designated as safeguarded land will only be permitted following a review of the Local Plan. Section 8 of this statement clearly sets out why this policy (which principally relates to the 'timing' of the release of the land for development) is out of date as per Paragraph 11(d) (Footnote 8) of the NPPF.
- 5.15. Further policies, including those listed in the Officer's Report, are highlighted below. The acceptability of the proposed development is assessed against the below policies in Section 8 of this Statement:
 - Policy SD1: Presumption in favour of sustainable development;
 - Policy GD1: General Development;
 - Policy LG2: The Location of Growth;
 - Policy H1: The Number of New Homes to be Built;
 - Policy H2: The Distribution of New Homes;
 - Policy H6: Housing Mix and Efficient Use of Land;
 - Policy H7: Affordable Housing;
 - Policy T3: New Development and Sustainable Travel;
 - Policy T4: New Development and Transport Safety;
 - Policy D1: High Quality Design and Place Making;
 - Policy LC1: Landscape Character;
 - Policy HE1: The Historic Environment;
 - Policy HE2: Heritage Statements and General Application Procedures;

- Policy HE6: Archaeology;
- Policy GI1: Green Infrastructure;
- Policy GS1: Green Space;
- Policy GS2: Green Ways and Public Rights of Way;
- Policy BIO1: Biodiversity and Geodiversity;
- Policy GB6: Safeguarded Land;
- Policy CC1: Climate Change;
- Policy CC2: Sustainable Design and Construction;
- Policy CC3: Flood Risk;
- Policy CC4: Sustainable Drainage Systems (SUDS);
- Policy CC5: Water Resource Management;
- Policy RE1: Low Carbon and Renewable Energy;
- Policy POLL1: Pollution Control and Protection; and,
- Policy I1: Infrastructure and Planning Obligations.

Designation of the Appeal Site

- 5.16. When the first iteration of the National Planning Policy Framework (NPPF) was published in 2012 it replaced previous Planning Policy Statement (PPS) and Planning Policy Guidance (PPG) documents, including Planning Policy Guidance 2: Green belts ('PPG2'). In publishing the NPPF, the Government of the time sought to significantly reduce the length and detail contained in national planning policy in order to simplify the planning system. Therefore, Safeguarded Land is not defined in a current planning policy document.
- 5.17. While it is no longer adopted policy and has been replaced by the NPPF, PPG2 provides useful context on the interpretation of the concept of Safeguarded Land. It helps to define Safeguarded Land and clarifies that it '*should be genuinely capable of development*' and that it should '*be located where future development would be an efficient use of land, well integrated with existing development, and well related to public transport and other existing and planned infrastructure, so promoting sustainable development*'.
- 5.18. The Appeal site is designated as Safeguarded Land within the Barnsley Local Plan under reference SL6. This designation was made following an assessment of a wider parcel of former Green Belt through the Barnsley Metropolitan Borough Council Green Belt Review, 20 July 2014 (CD 5.8). This identified the site as being part of a larger general area of former Green Belt identified as WOM5. The Green Belt Review (section 7.2.2) identified that WOM5 was not considered to be fulfilling the purposes of Green Belt. It also recognised the Green Belt boundary was generally weak.

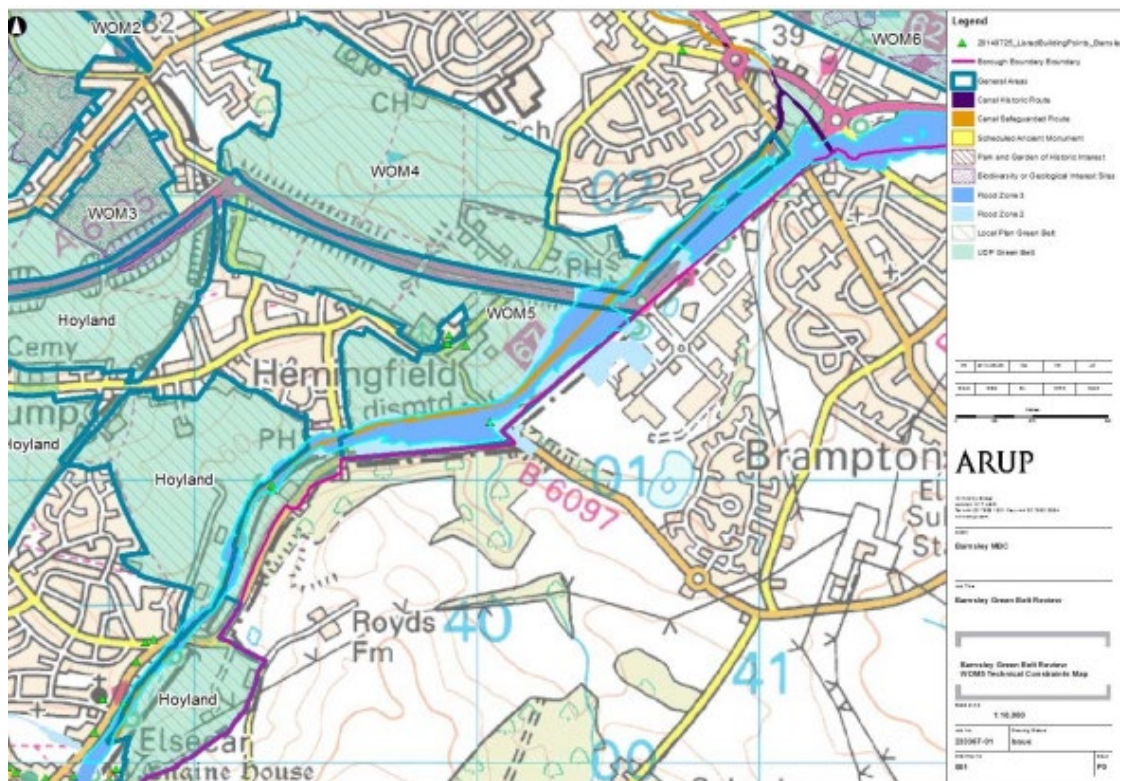


Figure 5.1: WOM5 Green Belt parcel (source: Arup, 2014)

- 5.19. Based on the assessment of whether the existing Green Belt was fulfilling the purposes as set out in the NPPF, and the analysis of site-based constraints, the Green Belt assessment identified a resultant land parcel from WOM5 that could be put forward for consideration in the Housing Sites Selection Methodology and the Employment Sites Selection Methodology.
- 5.20. This resultant parcel was WOM5a which is now identified as the safeguarded land designation SL6 WOM5a was considered to offer a new defensible boundary to the Green Belt which has a strong functional relationship with the existing built form of Wombwell.

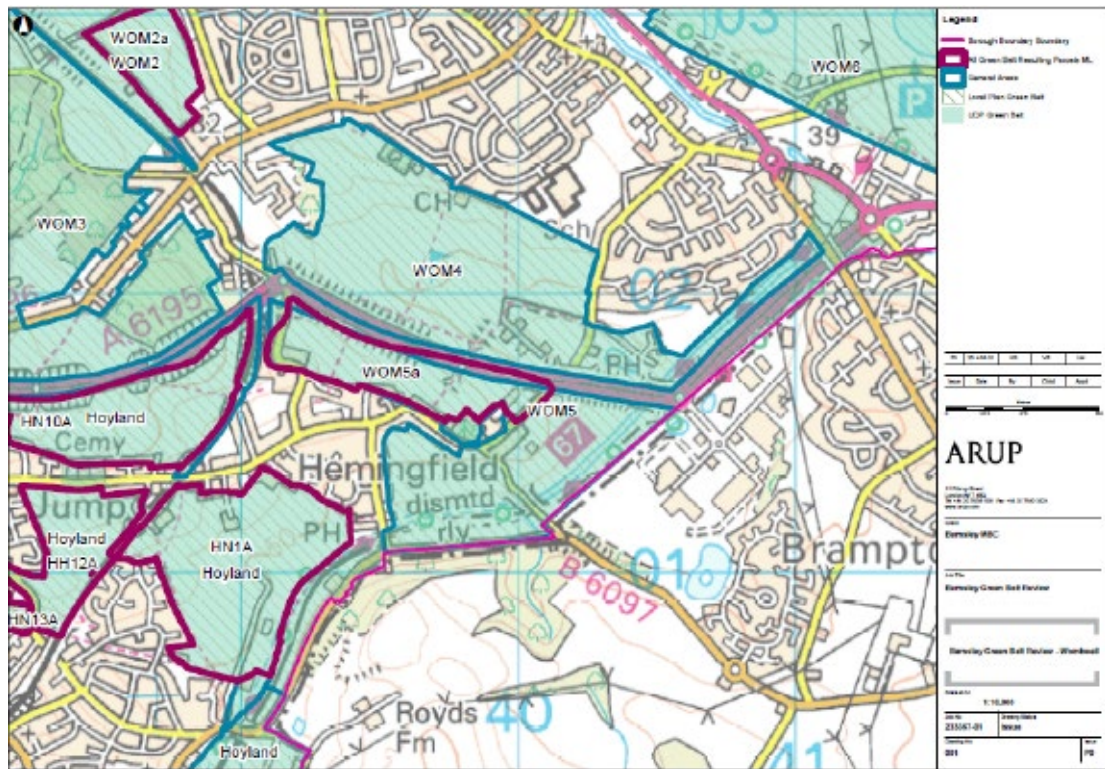


Figure 5.2: WOM5a Resultant Land Parcel (source Arup, 2014)

- 5.21. In removing the site from the Green Belt the Council acknowledged that it performed poorly when considered against the five purposes of Green Belt. It also did not identify any technical constraints to development. The Inspector of the Local Plan within their report (CD 5.1B) agreed that Exceptional Circumstances had been demonstrated to remove the site from the Green Belt for future development (paragraph 238).
- 5.22. The site was identified within the 2014 Local Plan Consultation Draft of the Barnsley Local Plan as draft allocation H85 Land North East of Hemingfield. This site was identified as being sequentially preferable due to its location within the settlement hierarchy.
- 5.23. The Council therefore clearly considers the site to be sustainably located, is in conformity with the Council's development strategy, and that there were no deliverability issues identified which would prevent it from coming forward within the plan period.

Supplementary Planning Documents (SPD)

- 5.24. The following SPDs, which have been adopted by the Council, are of relevance to this Appeal:
 - Biodiversity and Geodiversity (March 2024);
 - Design of Housing Development (July 2023);
 - Sustainable Construction and Climate Change Adaptation (July 2023);
 - Sustainable Travel (July 2022);

- Affordable Housing (July 2022);
- Parking (November 2019);
- Trees and Hedgerows (May 2019);
- Heritage Impact Assessment (May 2019);
- Open Space Provision on Housing Developments (May 2019); and,
- Planning Obligations (November 2019).

Other Documents

- South Yorkshire Residential Design Guide (2011).

National Policy

- 5.25. The shortage of housing delivery across the UK over many decades has led to spiralling house prices and worsening affordability. Across England the affordability of housing has worsened by 39% over the last 20-years. Within the borough of Barnsley, the position has been even more acute with a 53% worsening of affordability in the same period.
- 5.26. The provision of decent and affordable homes is fundamental to our health and well-being. The National Housing Federation (NHF) (September 2023) identified that if we don't act to solve the current crisis:
- The number of children living in temporary accommodation will rise from 131,000 to 310,000 by 2045;
 - Social housing waiting lists will grow to 1.8 million households by 2045 – an increase of more than 50%;
 - By 2045, 5.7 million households will be paying a third of their income on housing costs; and,
 - Demand for homes frequently outstrips supply and the cost of construction has increased significantly. These factors, coupled with household costs rising across the board, mean that homelessness is set to accelerate unless a housing plan is introduced. The amount of people experiencing homelessness could more than double, reaching 620,000 by 2045.
- 5.27. The Government has clearly set out its ambition to boost housebuilding across the country and expects local planning authorities to meet their housing need in full with the aim to deliver 1.5 million new homes in the term of the current Parliament. The Government announced this was required to tackle the most acute housing crisis in living memory and attempt to avert the issues highlighted by the NHF. To provide the correct foundations for this scale of housebuilding, the Government proposed an overhaul of the planning system introducing a raft of new policy initiatives including the identification and prioritisation of 'grey belt' land. This includes land on the edge of existing settlements or roads, as well as old petrol stations and car parks; all within the Green Belt.

- 5.28. Within the press release delivered alongside the publication of the consultation upon revisions to the NPPF the Government stated¹ that:

“Where local authorities do not have up-to-date plans in place or enable sufficient housing to come forward to meet local targets, homebuilders can bring forward proposals on grey belt land. In all cases, land that is safeguarded for environmental reasons will continue to be protected.”

- 5.29. Within this statement of case we provide clear evidence that the Council’s non-examined (by an independent Inspector) review of its local plan was undertaken utilising an evidence base which was not up to date or accurate and therefore the Council is clearly failing to deliver a sufficient number of homes to meet the local need for market and affordable housing. It is clear that the Council agree that they cannot demonstrate a five year deliverable supply of land for housing and that the position is substantially less than five years. This poor delivery will only exacerbate existing problems for those struggling to find a decent home within the borough of Barnsley. To date, the Council has made no indication that it intends to update its local plan to address this issue by bringing forward sustainable sites for development. Should the Council do this, it would be sequentially preferable for them to consider the release of Safeguarded Land ahead of further Green Belt releases (including Green Belt land considered to fall within the definition of Grey Belt).
- 5.30. The Government’s first clear step towards its ambition to boost housebuilding across the country culminated in the publication of the updated National Planning Policy Framework (NPPF) on 12th December 2024.

National Planning Policy Framework (December 2024)

- 5.31. The National Planning Policy Framework (NPPF) was last updated on 12th December 2024 and became a material consideration for decision-making upon the day of its publication. The NPPF provides the relevant national policy for the determination of the proposed development.
- 5.32. The application was determined on the 11th December 2024 against the superseded 2023 version of the NPPF.
- 5.33. Paragraph 8 of the NPPF establishes that the achievement of sustainable development means that the planning system has three overarching objectives. These three dimensions comprise social, economic and environmental sustainability.
- 5.34. Paragraph 11 identifies that plans and decisions should apply a presumption in favour of sustainable development. For decision-making, this means that where the policies which are most important for determining the application are out-of-date, permission should be granted unless:
- i. the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

¹ <https://www.gov.uk/government/news/housing-targets-increased-to-get-britain-building-again>

- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

- 5.35. Paragraph 33 of the NPPF requires that the preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take account of relevant market signals.
- 5.36. Paragraph 39 is clear that decision-makers at every level should seek to approve applications for sustainable development where possible.
- 5.37. Paragraph 61 sets out the Government's objective of significantly boosting the supply of homes. Recognising that it is important that a sufficient amount and variety of land can come forward where it is needed and that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 5.38. Paragraph 78 places a requirement upon local authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old, unless they have been reviewed and found not to require updating (footnote 39).
- 5.39. The five-years' worth of housing must also include a buffer of either 5% or 20%. A 20% buffer is currently only required in cases where there has been significant under-delivery of housing (measured against the Housing Delivery Test) over the previous three years.
- 5.40. As per Paragraph 79(b) of the NPPF, where an authority has failed to deliver at least 85% of their housing requirement over the previous three years, the authority should include a 20% buffer to the identified supply of specific deliverable sites (requiring them in effect to identify six years' supply). Barnsley's Housing Delivery Test result for 2023 (covering the three year period from 2020 to 2023) stands at 84%.

National Planning Practice Guidance

- 5.41. First published in March 2014, the National Planning Practice Guidance (PPG) supplements the NPPF in that it provides guidance upon the application of national planning policy. The PPG is a material consideration in the determination of planning applications and appeals and, as established by recent case law², it holds the same status as the NPPF.
- 5.42. The PPG (ID: 61-062-20190315) is clear that to be effective plans need to be kept up-to-date and that reviews should take place at least once every five years and updated as necessary. It identifies that such reviews should be proportionate to the issues in hand and anticipates that most plans are likely to require updating in whole or in part at least every

² Mead Realisations Ltd v The Secretary of State for Levelling Up, Housing and Communities & Anor [2024] EWHC 279 (Admin) (12 February 2024)

five years. The PPG (ID: 61-065-20190723) identifies several key issues which should be considered when determining whether a plan or policies should be updated. These include:

- whether the authority can demonstrate a five-year supply of deliverable sites for housing;
- whether issues have arisen that may impact on the deliverability of key site allocations;
- their appeals performance;
- success of policies against indicators in the Development Plan as set out in their Authority Monitoring Report; and,
- plan-making activity by other authorities, such as whether they have identified that they are unable to meet all their housing need.

5.43. All of the above issues are considered relevant in the case of Barnsley.

5.44. Section 68 of the PPG deals with housing supply and delivery. It identifies that the purpose of the five-year housing land supply is to provide an indication of whether there are sufficient sites available to meet the housing requirement set out in adopted strategic policies for the next five-years. Where strategic policies are more than five years old, or have been reviewed and found in need of updating, local housing need calculated using the standard method should be used in place of the housing requirement. (ID: 68-003-20190722).

5.45. The PPG provides clear guidance as to what constitutes a 'deliverable' housing site and requires clear evidence for major sites without detailed permission to be included within the assessment (ID: 68-007-20190722). In decision-taking the PPG (ID: 68-008-20190722) advises that where an authority cannot demonstrate a five-year housing land supply, including the appropriate buffer, the presumption in favour of sustainable development as set out in paragraph 11d of the NPPF is applied.

6. Other Material Considerations

Housing Delivery

Overall Net Delivery

- 6.1. The Council has failed to deliver their housing requirement set in the adopted Barnsley Local Plan (BLP) (Policy H1). Indeed, the housing requirement has not been met on any occasion during the 9 years of the plan period resulting in a significant shortfall in delivery over the plan period to date.
- 6.2. A total shortfall of 3,604 dwellings has been accrued up to 1st April 2024. Delivery over the plan period represents less than 70% of the BLP housing requirement to date. Of this shortfall, a substantial portion (2,034 dwellings) has accrued in the past four years which highlights a worsening picture of housing delivery within the borough.

Year	Requirement	Net Completions ³	Surplus / Deficit	Cumulative Plan Period Surplus / Deficit
2014/15	1,134	622	-512	-512
2015/16	1,134	706	-428	-940
2016/17	1,134	856	-278	-1,218
2017/18	1,134	1,008	-126	-1,344
2018/19	1,134	988	-146	-1,490
2019/20	1,134	1,054 ⁴	-80	-1,570
2020/21	1,134	588	-546	-2,116
2021/22	1,134	594	-540	-2,656
2022/23	1,134	685	-449	-3,105
2023/24	1,134	635	-499	-3,604 ⁵

Table 3.1: Dwelling completions – Barnsley (Source: Barnsley Metropolitan Borough Council, 2024)

³ Data sourced from 2022/23, 2021/22: Data from FOI request, 2019/20 – 2020/21 Barnsley Authority Monitoring Report (1st April 2021 – 31st March 2022), 2014/15 – 2018/19 Barnsley Five Year Deliverable Housing Land Supply Report April 2021 – March 2026

⁴ Figure taken from AMR 2022–23

⁵ This varies from the Council's identified accrued under-delivery of 3,611 dwellings. As the net completions per annum are consistent between both parties this is considered to be an error on the Council's behalf.

Affordable Housing Delivery

- 6.3. In terms of affordable housing delivery, the Council's Authority Monitoring Report (AMR) (CD 5.7A-D) only considers delivery from the date of adoption of the Local Plan, rather than the base date of 2014. The Local Plan monitoring framework identifies an annual delivery target of 150 affordable homes per annum.
- 6.4. The affordable homes delivery target stands significantly below the net affordable housing need of 292dpa identified in the 2017 Strategic Housing Market Assessment (SHMA) (CD 5.5A) which informed the Local Plan examination, as agreed by the examining Inspector (paragraph 49, inspector's report). A subsequent update to the SHMA was provided in 2021 to inform the Local Plan Review (CD 5.5B). This unexamined report identifies a net annual affordable housing need of 190dpa. While this is a significant reduction it remains 40dpa above the Local Plan target. This will be explored further in the evidence presented at the inquiry.
- 6.5. Table 6.2 below clearly indicates that since the AMR began to present monitoring data for affordable housing delivery in 2019/20 the levels of delivery have fallen significantly short of the identified need established by the SHMA and the Council's own targets in all but one year.
- 6.6. The continued failure to meet needs will create additional pressures on the housing market within the borough of Barnsley. It should be noted that the SHMA and monitoring data is, however, only one part of the story. A review of the Local Authority Housing Statistics data identifies that 6,725 households were on the Barnsley social housing waiting list in 2023⁶.

Year	Delivery	Delivery against target / identified need		
		Target (150)	2021 SHMA (190)	2017 SHMA (292)
2019/20	203	+53	+13	-89
2020/21	128	-12	-62	-164
2021/22	39	-111	-151	-253
2022/23	69	-81	-121	-223
Cumulative	439	-161	-321	-729

Table 3.2: Barnsley Affordable Housing Delivery (source: Barnsley Metropolitan Borough Council)

- 6.7. Further evidence regarding affordable housing need, supply, and delivery will be provided within the Appellant's Proof of Evidence.

⁶ Gov.uk Local Authority Housing Statistics dataset, England 2022-23

Local Plan Review

- 6.8. The Barnsley Local Plan was reviewed by the Council on 24th November 2022 (CD 5.3A). The review process was an internal exercise undertaken by Council officers using existing evidence (such as annual monitoring data) and the Planning Advisory Service (PAS) Toolkit.
- 6.9. Planning Officer Society (POS) Enterprises were appointed as a critical friend to advise on the Local Plan Review (CD 5.3C), using the PAS toolkit as a basis for their advice (CD 5.3B). The POS Enterprises response did not seek to verify the Council's response to the PAS Toolkit, rather it is stated that the critical friend 'has not sought to verify each answer, but worked on the assumption that the answers given are well founded in the evidence' (paragraph 4.2).
- 6.10. No consultation was undertaken as part of the review. Despite the lack of consultation, the Appellant is aware that submissions were made by Johnson Mowat, a planning consultancy which acts of behalf of developers and promoters in the borough of Barnsley, on behalf of several developers relating to the robustness of the Council's evidence in relation to five-year housing land supply and the review process (**Appendix 11**).
- 6.11. The Council's internal review determined that the plan should be retained in its current form without modification. Paragraph 32 of the NPPF requires the preparation and review of all policies to be underpinned by relevant and up-to-date evidence.
- 6.12. While a Five-Year Deliverable Housing Land Supply Report was produced to support this review, this was published in December 2021, nearly a year prior to the point that the decision was taken by Council that an update to the plan is not required (November 2022). Furthermore, the base date for the five-year supply assessment was 1st April 2021, 17 months prior to the review. Given the fluid nature of housing land supply this is not considered to be up to date evidence. At the time that the Council reviewed the plan, the NPPF allowed for an authority to fix its five year housing land supply position through the production of an Annual Position Statement (Paragraph 75, NPPF 2021) which would be examined by a Planning Inspector. The Council did not seek to have their position tested and independently verified.
- 6.13. No further additional evidence was produced by the Council to inform the review.

The Council's Five-Year Deliverable Housing Land Supply Report (December 2021)

- 6.14. The Five-Year Deliverable Housing Land Supply Report produced in 2021 claimed that BMBC could demonstrate 5.6-years' supply of deliverable housing land for the period from 1 April 2021 to 31 March 2026.
- 6.15. This has been disputed in the Appellant's Five Year Housing Land Supply Assessment (February 2024) which accompanied the original application. Within the same report the Appellant also provided an update for the period up to the 1st April 2023 which demonstrates that the Council's supply of deliverable land for housing has significantly worsened over time. This is discussed in greater detail within section 8 of this statement.
- 6.16. To date, the Council has not identified when their Five Year Housing Land Supply assessment will be formally updated. The Officer's Report which accompanied the decision notice for the Proposed Development noted that *"...at present the Council is currently*

reviewing the five year housing land supply position and this work has not yet been completed...”.

- 6.17. Despite this assertion in the Officer’s Report, the Council did provide an updated assessment of its five-year supply for a recent appeal (ref: APP/R4408/W/24/3341097). In evidence provided by the Council it claimed 3.64 years’ supply on 1st April 2024 and agreed with the appellant that significant weight should be afforded to the delivery of housing. Therefore, despite the assertion in the Officer’s Report, this work undertaken by the Council clearly represents the Council’s most up-to-date assessment of its five-year supply.
- 6.18. In addition, within the ‘live’ appeal at land to rear of Greenland Cottage, High Hoyland Lane, High Hoyland (ref: APP/R4408/W/24/3347461) the Council has agreed that it cannot demonstrate a five-year housing land supply. The Council has acknowledged that its supply has deteriorated to just 3.1-years due to the requirement to include a 20% buffer.

7. Evidence

- 7.1. On the basis that the Planning Inspectorate agrees to the appeal being determined at a public inquiry, the Appellant will prepare written proofs of evidence to meet the reason for refusal determined by the Council.
- 7.2. The evidence will also consider any other material planning issues raised by third party objectors or by statutory consultees.
- 7.3. At this stage it is anticipated, based on the reason for refusal, that evidence will be presented as follows:

Housing Land Supply and Planning Policy and the Planning Balance

- Matthew Good MA MRTPI MIED – Pegasus Group
- 7.4. Given the lack of objection from statutory consultees the Appellant does not consider that further formal presentation of evidence will be required. However, summary written statements of the other key issues identified in the determination of the application will be provided and appended to the Planning Policy and the Planning Balance Proof of Evidence.
- 7.5. This Statement of Case is supported by submissions made on behalf of the Appellants in relation to site specific matters. The reasons for refusal raise no technical issues. However, it is unclear what substantive concern is raised by the second reason for refusal. Subject to the Council clarifying what harm or impacts are alleged, the Appellant reserves the right to introduce additional submissions and call witnesses as necessary to address any other issues that may be raised by the Council and/or any Third Parties.

8. Case for the Appellant

- 8.1. It is submitted on behalf of the Appellant that planning permission should be granted without delay and that the Council's reasons for refusal cannot be sustained. The Proposed Development is consistent with the vision and spatial strategy of the plan and would deliver appropriate development in a suitably located sustainable location and it has been satisfactorily demonstrated that the site is free from technical constraints which cannot be addressed via suitable mitigation. There are no reasons for refusal relating to any technical issues on the site.
- 8.2. The only inconsistency with Local Plan policy relates to Policy GB6 and the timing of the development proposal. Having been designated as safeguarded land, the general principle of the site's suitability to be developed has been previously established through the local plan process. Further site specific considerations such as technical matters have been satisfactorily addressed through the planning application process. The residual issues relate to whether or not it is appropriate to grant planning permission at this time, in advance of a formal and examined local plan review; and, consideration of any harm or prejudice the development of the appeal site would have on the balance of the safeguarded land.
- 8.3. As explained in greater detail below, there are several material considerations that weigh significantly in the balance to justify the granting of the Proposed Development now. These include the substantial lack of a five-year housing land supply, and the chronic and acute under-delivery of market and affordable homes over the plan period to date.
- 8.4. There is no new local plan (nor has a draft been published) to cure the failure to deliver sufficient market and affordable housing to meet local needs. The Council's position is that they have reviewed their existing Local Plan and consequently do not need to advance a new version. The Officer's Report highlights that the next review of the Local Plan is due to take place in 2027 or earlier if circumstances require it. However, to date no clear timetable for such a review or update to the Local Plan has been published. There remains, therefore, no remedy to the clear inadequacies of the extant plan, which is simply not delivering an adequate supply of market and affordable housing to meet local needs.
- 8.5. The appellant considers that the review of the Local Plan was based on a claimed five year housing land supply position which did not exist. In any event, the Council's evidential position is clearly that they are unable now to demonstrate a sufficient supply of land.
- 8.6. While it is acknowledged that the Proposed Development is contrary to Policy GB6, the determination must be in accordance with the plan overall, taking account of other material factors. As noted in the case of *R v Rochdale Metropolitan Borough Council, ex parte Milne*⁷ (CD 7.2) it is not unusual for relevant policies to pull in different directions, but the judgement requires the decision-maker to determine whether a proposal accords with the plan as a whole, bearing in mind the relative importance of the policies at play and the extent of the compliance or breach.

⁷ *R v Rochdale Metropolitan Borough Council, ex parte Milne* [2000] EWHC 650 (Admin)

8.7. As discussed, the Proposed Development accords with the Local Plan in all circumstances other than timing. In light of the 'tilted-balance' (NPPF, paragraph 11d) being engaged, through the lack of a five-year supply and the chronic and acute under-delivery of market and affordable homes over the plan period, the Proposed Development should be approved.

8.8. Evidence will be presented on behalf of the Appellant to address the reasons for refusal. Article 35(1)(b) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 states that where planning permission is refused, the notice must state clearly and precisely the LPA's full reasons for the refusal, specifying all policies and proposals in the Development Plan which are relevant to the decision.

Reasons for Refusal

8.9. The Appellant considers that the Council's Reason for Refusal raises the following main issues:

- The proposed development is being brought forward too soon and should only be considered following the preparation of a Local Plan which proposes the release of the site for development;
- The proposed development is considered as piecemeal and would have a 'potential impact' on the future comprehensive development of the wider safeguarded site.

8.10. The reason for refusal can be broken down into the following component points for analysis:

- a) Whether the proposed development would be brought forward too soon given its status as Safeguarded Land;
- b) Whether the proposed development prejudices comprehensive development on the wider area of Safeguarded Land;
- c) Whether BMBC currently have an accurate 5 Year Housing Land Supply figure; and,
- d) Whether the most important policies for determining the application are out of date.

8.11. The main policy and other material considerations to be addressed are:

Barnsley Local Plan (2019)

- Policy GD1 – General Development; and,
- Policy GB6 and SL6 – Safeguarded Land.

Analysis of Reasons for Refusal

- a) Whether the proposed development would be brought forward too soon given its Safeguarded status.

8.12. The Appeal site forms part of a wider parcel of land that is designated as Safeguarded Land within the adopted Barnsley Local Plan under reference SL6. In assessing the site's suitability for future development, the Council clearly acknowledged that it performed a

poor Green Belt function and was suitable for consideration as a housing site (see section 5 above).

- 8.13. Paragraph 149 of the NPPF identifies that plans should: *“make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development.”*
- 8.14. This paragraph is drafted on the assumption that a plan is delivering against its aims, vision and objectives. However, as discussed within section 6 of this statement there are significantly changed circumstances. The plan is significantly failing to deliver sufficient market and affordable housing to meet the local needs and there is a chronic and acute lack of a five-year housing land supply which has continued to worsen in recent years. In such circumstances the plan should be considered to be failing and less weight should be attributed to Policy GB6 because it is a policy affecting the supply of housing which is clearly out of date.
- 8.15. Barnsley Metropolitan Borough Council has not indicated its intention to begin preparing a new draft Local Plan to remedy this situation. That said, the Council undertook an internal review of its Local Plan in 2022. At that time Councillors determined that the plan remained fit for purpose and as such no update was undertaken. This was based on the assumption that a five year housing land supply existed. The appellant considers that was not a correct assumption. The position was not independently tested. As such it was assumed, incorrectly, that there was no need to update any housing policies or provide further allocations. Therefore, an update to the Local Plan was not pursued and consequently no Safeguarded Land under Policy GB6 was considered for release in order to help deliver much needed housing to meet local needs. That position remains the case, even though the Council have now acknowledged they are unable to demonstrate a five year housing land supply and that the shortfall in supply is significant.
- 8.16. The Appellant considers that the outcome of the ‘review’ was flawed and that an update to the plan should have been undertaken. The flaw in the review relates to housing supply and delivery. At the time of the review the Council’s own Authority Monitoring Report (AMR) identified that the Council was failing to meet the adopted plan’s housing requirement by a significant margin. The Council’s monitoring data is presented in Table 3.1. Furthermore, the Housing Delivery Test results for 2023 (published 12 December 2024) identifies the significant under-delivery of new homes in the borough of Barnsley.
- 8.17. By the 1st April 2022 the Council had already accrued a deficit of 2,116 homes (see table 3.1 above) against its plan requirement, representing over 25% of the cumulative requirement. This clear failure in terms delivery was not discussed within the Council’s report to Cabinet on the Local Plan Review on 2nd November 2022 (**Appendix 8**) nor within the POS Enterprises Draft review of the local plan – appraisal, dated 10 July 2022 (CD 5.3C). The decision to not update the local plan was therefore undertaken on an evidence base which was not sufficiently informed and robust.
- 8.18. The deficit of housing delivery has continued to grow and worsen over the intervening two years since the review of the Local Plan. On 1st April 2024 it stood at 3,604 dwellings equivalent to more than 3-years’ supply and represents delivery of less than 70% of the Local Plan housing requirement to date. The failure to deliver sufficient housing over the plan period to date has created a chronic and acute shortfall of housing within Barnsley.

- 8.19. In relation to affordable housing delivery, the Council's Authority Monitoring Report (AMR) only considers delivery from the date of adoption of the Local Plan. The monitoring framework identifies an annual delivery target of 150 affordable homes per annum.
- 8.20. The affordable homes target stands significantly below the net affordable housing need of 292dpa identified in the 2017 Strategic Housing Market Assessment (SHMA) which informed the Local Plan examination, as agreed by the examining Inspector (paragraph 49, inspectors report). A subsequent update to the SHMA was provided in 2021 to inform the review of the Local Plan. This unexamined report identifies a net annual affordable housing need of 190dpa. While this is a significant reduction it remains 40dpa above the BLP target. As discussed within section 7, the Council has fallen significantly short of this need, delivering just 439 affordable dwellings since 2019, some 27% less than its own target and 42% less than the need identified in the 2021 SHMA update.
- 8.21. In terms of supply the review of the Local Plan was predicated upon the Council's claimed 5.6-years' supply of deliverable housing land on 1st April 2021. This report was over 17-months old at the time of the review of the Local Plan and due to the fluidity of housing land supply calculations should not be considered up to date. Furthermore, the Appellant submitted a Five-Year Housing Land Supply Assessment alongside the planning application for the Proposed Development which clearly demonstrates that the Council's assessment was flawed and indeed the actual level of supply at 1st April 2021 was just 2.9-years. The Appellant's assessment identified clear flaws in the Council's supply assessment, particularly in relation to its interpretation of a deliverable site.
- 8.22. The NPPF, at paragraph 78, identifies that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies. Annex 2 of the NPPF provides a definition of 'deliverable'. In the case of major sites without detailed permission part b of the definition identifies that these should only be considered deliverable where there is clear evidence that housing completions will begin on a site within five years. Despite this definition the Council included over 3,100 dwellings for which they failed to provide the clear evidence necessary for their inclusion, thereby over-inflating their claimed supply. The majority of the Council's claimed supply was based upon delivery from Local Plan allocations which had no approved or pending applications at the base date of the five-year supply assessment.
- 8.23. It should be noted that the POS Enterprises review of the Council's PAS Local Plan Toolkit response assumed that the evidence presented was fit-for-purpose. Clearly due to the aged nature of the assessment and the inaccuracies within the assessment this was a flawed assumption.
- 8.24. The Appellant's assessment also updated the housing land supply analysis to 1st April 2023. This demonstrated a worsening of the housing supply to just 2.5years. This assessment utilised evidence provided by a Freedom of Information request to the Council, due to its failure to update its five-year housing land supply assessment since 2021. Once again, the assessment found that many of the Local Plan allocations had failed to progress with many still having no approved or pending application.
- 8.25. Both the POS appraisal (paragraph 6.2) and the Council's report to cabinet on the Local Plan Review (paragraph 2.10) articulated the need for the Council to keep its five-year housing land supply evidence up to date. Despite this, and the clear requirement within the

NPPF at paragraph 78, the Council has failed to publish a five-year housing land supply assessment since 2021.

- 8.26. The Appellant considers that the Council's failure to undertake an adequate review of its Local Plan necessitated by clear supply and delivery failures has led to the current chronic and acute housing supply issues within the area. The Council had previously assessed the appeal site to be suitable for development and removed it from the Green Belt. In order to remedy the acute and chronic failure of the plan in relation to both supply and delivery the Council should have considered allocating further sites and assessed safeguarded land sites as an initial priority to avoid further losses of Green Belt land.

	2021	2023	2024	
			Carlton Appeal	High Hoyland Appeal
Barnsley Council's position (years' supply)	5.6	N/A	3.64	3.1
Appellant's position (years' supply)	2.9	2.5	To Follow	

Table 8.1: Comparative housing land supply positions

- 8.27. The Appellant will provide further evidence upon the inadequacy of the review and the impact this is having upon housing supply and delivery within its Planning Proof of Evidence. As shown in Table 8.1 even by the Council's own admission their five year housing land supply position is clearly worsening.

b) Whether the proposed development prejudices comprehensive development on the wider safeguarded site.

- 8.28. As is mentioned repeatedly throughout this Statement, the Proposed Development will not prejudice the future development of the wider area of safeguarded land. The Officer's Report does not provide any explanation upon what the 'potential impact on the comprehensive development of the wider site' would be, what harm would arise from this site coming forward on its own, or how it would conflict with policy GD1.

- 8.29. Reason for Refusal 2 refers to an unspecified potential harm. It refers to a 'potential impact upon the comprehensive development of the wider site' but fails to clarify what the potential impact is. It should be noted also that the use of the word potential suggests that the Council is unable to substantiate this Reason for Refusal, given that they are unable to clearly articulate what the impact would be. As discussed above the Officer's Report does nothing to substantiate what this 'potential impact' comprises nor what harm would be caused by the proposal. Given the lack of specificity there is no clear reason to refuse the application on this basis. Indeed, the Officer's Report makes clear that all relevant impacts of the proposed development have been assessed and none would create unacceptable harm.

- 8.30. Reason for Refusal 2 relates to a single policy, that being Policy GD1: General Development. This is a 'catch-all' development management policy which sets out over-arching reasons as to why a proposal should be approved. The third paragraph is considered the most relevant to this Appeal. This states that; *"Proposals for development will be approved*

if....They will not adversely affect the potential development of a wider area of land which could otherwise be available for development and safeguards access to adjacent land...".

- 8.31. The third paragraph is therefore implicit that the balance of SL6 should be 'available for development'. The Appellant has demonstrated throughout the application process that due consideration has been given to the wider site when preparing all aspects including (but not limited to) the access strategy, the landscaping strategy, and the parameters plan that supplemented the application. Indeed, the access strategy was tested at application stage based on an indicative capacity for the whole area of safeguarded land of up to 430 dwellings (inclusive of up to 180 dwellings from this site). This demonstrated that the local highways network including the new site access junction would continue to operate well within capacity now and in the future and that there would not be a detrimental impact caused by development of the site or the wider area of safeguarded land. The Council's highways officers agreed with this position.

- 8.32. The Appellant has voluntarily undertaken a further sensitivity test based on 520 dwellings. This capacity was based upon a rounding up of the 518 dwellings identified in the SHLAA and represents a 'worst case' scenario for the whole safeguarded land site. The evidence clearly demonstrates that even with this level of growth (and assuming the unlikely scenario that another access point to the site is not provided to the east) that the impact on the local highways network is minimal and that junctions will continue to operate well within capacity now and in the future. By modelling this further scenario, the Appellant has demonstrated their commitment to ensuring the deliverability of the wider safeguarded site from the outset.

- 8.33. During the course of the determination of the planning application (including the pre-application discussions), the Council did not request that any other information be provided, which relates to the development of the residual safeguarded land.

- 8.34. Within the submitted evidence for the application and subsequently for this Appeal, the Appellant has demonstrated throughout that comments from consultees have been addressed to ensure the proposed development is deemed acceptable, which is clearly the case given no consultees have objected to the proposed development. This is acknowledged by the Council in their commentary on each technical matter in the Officer's Report.

- 8.35. The Appellant's proposals clearly would not adversely affect the potential development of the wider area of safeguarded land and the proposals show how access would be safeguarded to the wider site (including internal loops so that in the unlikely event that an access is not provided from the east the remaining area would not be compromised) and as such the proposal is in conformity with paragraph 3 of policy GD1. For completeness we have provided analysis of each criterion in GD1 to show how the Proposed Development conforms with its requirements.

Table 8.1: Assessment of Proposed Development against Policy GD1 criterion.

Policy GD1	Analysis of Appellant's Adherence
Proposals for development will be approved if:	
There will be no significant adverse effect on the living conditions and residential amenity of existing and future residents;	<p>It is acknowledged in the Officer's Report that neighbouring residential amenity can be adequately addressed at Reserved Matters stage. Residents will also be able to make further representations at Reserved Matters stage. Furthermore, the Council's Urban Design Officer did not raise objections to the Proposed Parameters Plan and strongly supported the proposal to 'create a landscape led public realm'.</p> <p>The Council's Pollution Control team who considered the submitted Noise Impact Assessment have not raised an objection. It has been demonstrated that suitable mitigation can be secured to ensure that the amenity of future residents is satisfactorily protected. Any disturbance during the construction phase can also be mitigated and this can be secured by appropriately worded planning conditions.</p>
They are compatible with neighbouring land and will not significantly prejudice the current or future use of the neighbouring land;	<p>The Appellant submitted a number of plans demonstrating that relationship between the proposed development and the wider safeguarded site has been considered and can be satisfactorily provided. These plans are documented in the Core Documents list submitted with the Appeal, along with those listed at Appendix 3. The wider safeguarded site has been considered when assessing the suitability of the access to the site. It has been designed to accommodate the development of the whole area of safeguarded land. Furthermore, access (within the site) and layout remain reserved matters, and the nature of an internal loop system can be secured at the reserved matters stage to ensure that the development of the site would not compromise the delivery of the remaining area of land in the unlikely event that remaining land does not deliver an access point to the east. In addition, the access and wider local highways network has been tested on</p>
They will not adversely affect the potential development of a wider area of land which could otherwise be available for development and safeguards access to adjacent land;	

	<p>a 'worst case scenario' capacity of 520⁸ dwellings (inclusive of 180 dwellings from this site).</p> <p>The 2016 SHELAA confirms that the site has no bad neighbours and as such would be compatible with neighbouring uses.</p>
<p>They include landscaping to provide a high quality setting for buildings, incorporating existing landscape features and ensuring that plant species and the way they are planted, hard surfaces, boundary treatments and other features appropriately reflect, protect and improve the character of the local landscape;</p>	<p>The Officer's Report confirms that as the application is in outline form with all matters reserved apart from access into the site, landscaping remains a reserved matter and the Appellant has not provided full detailed planning and boundary treatment specifications at this stage. The Appellant did submit an indicative Landscape Masterplan which demonstrates how the site can deliver a landscape-led proposal incorporating species rich planting. The submitted Parameters Plan clearly reflects the principles of retaining and enhancing key natural assets. Tree and hedgerow removal has been minimised as far as possible and replacement planting would be provided where there are losses. The indicative Landscape Masterplan shows that the site has undergone a landscape-led design process, which is sympathetic to the visual character of the wider area and acknowledges the importance of the public rights of way, which are kept on their existing alignment and enhanced. The relationship between the Proposed Development and the wider landscape has been considered in the submitted Landscape and Visual Assessment, and it is understood that any impact upon the local landscape can be mitigated through the detailed design and landscaping that would be secured at reserved matters stage.</p>
<p>Any adverse impact on the environment, natural resources, waste and pollution is minimised and mitigated;</p>	<p>As confirmed in the Officer's Report, the Appellant has demonstrated that the proposed development will have a minimal adverse impact upon the environment, natural resources, waste and pollution. No objections were received from any of the statutory consultees on these issues.</p>

⁸ Based upon the identified capacity of 518 dwellings within the Council's 2016 SHLAA (rounded up).

	<p>This has been demonstrated within the following submitted documents:</p> <ul style="list-style-type: none"> • Air Quality Assessment <p>The Air Quality Assessment concluded that any air quality impacts caused by the construction or operational phase of the proposed development are considered as not significant.</p> <ul style="list-style-type: none"> • Noise Impact Assessment <p>The Noise Impact Assessment concludes that, subject to proposed mitigation, a good level of residential amenity can be achieved for the proposed dwellings on the site, and as such noise is not considered an impediment to the proposed development. This is agreed by the statutory consultee.</p> <ul style="list-style-type: none"> • Ecological Appraisal <p>An Ecological Appraisal and full up to date suite of additional surveys have been submitted with the planning application. These identify that there will be no significant constraints to the proposed development and that no protected species were identified on the site, nor will the proposed development cause any adverse impacts that cannot be addressed through appropriate mitigation measures. Furthermore, it has been demonstrated that the proposals would deliver a net gain in biodiversity despite the application being validated prior to the statutory requirement. The development of the site will therefore not have an adverse impact on the local environment. The Council's ecologist has agreed with this position.</p> <ul style="list-style-type: none"> • Landscape and Visual Assessment <p>The submitted Landscape and Visual Assessment highlighted that due to the nature of the proposals and the urbanised context in which they sit, any short term effects on the surrounding landscape would be limited and restricted in extent. The Council's Urban Design Officer has raised no objection to the proposals and was strongly supportive of the proposal to create a landscape led public realm.</p>
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<p>Adequate access and internal road layouts are provided to allow the complete development of the entire site for residential purposes, and to provide appropriate vehicular and pedestrian links throughout the site and into adjacent areas;</p>	<p>A comprehensive access strategy has been provided and agreed by the Highways Authority in relation to the indicative capacity of development site. The expected worst-case capacity of the full extent of safeguarded land has also been modelled to ensure that the access is fit for purpose for any future development across the wider site. It has also been demonstrated that there will not be a detrimental impact on the operation of the local highways network. The detailed access arrangements are supported by tracking information for refuse vehicles and a Stage 1 Road Safety Audit was produced and agreed with the Council who returned a signed copy of the Designer's Response confirming their satisfaction.</p> <p>The Appellant also proposes to retain and enhance existing public rights of way as well as enhancing other pedestrian links.</p> <p>The submitted illustrative Masterplan shows how movement through the Appeal site is expected, and how this relates to individual plots within the site will be determined at Reserved Matters stage. These plans can be found in the Core Documents list submitted with this Appeal, and are listed at Appendix 3.</p>
<p>Any drains, culverts and other surface water bodies that may cross the site are considered;</p>	<p>As confirmed in the Officer's Report, the Drainage Officer and Yorkshire Water raise no objections to the proposed development, subject to appropriately worded conditions.</p> <p>The foul sewer (and associated easement) crossing the site is reflected in the Parameters Plan.</p>
<p>Appropriate landscaped boundaries are provided where sites are adjacent to open countryside;</p>	<p>The site is generally well enclosed by built development and the highway network. It does not border open countryside, however, boundary treatments will be agreed at Reserved Matters stage.</p>
<p>Any pylons are considered in the layout; and</p>	<p>No pylons are located within the site's boundary.</p>

Existing trees that are to remain on site are considered in the layout in order to avoid overshadowing.	<p>The submitted Arboricultural Survey stated that all trees recorded within the site area were found to be of average value, providing little impact to the site area. It was also recommended that all Category B trees are retained where possible.</p> <p>The proposed development has been deemed acceptable by the Tree Officer, subject to the submission of full plans at Reserved Matters stage, including a full landscaping scheme with replacement tree planting, a Method Statement and tree protection details.</p>
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c) Whether BMBC currently have an accurate 5 Year Housing Land Supply figure.

- 8.36. The Appellant's Five Year Housing Land Supply Assessment has already evidenced that the Council could not demonstrate a five-year housing land supply on either 1st April 2021 or 1st April 2023. Indeed, our evidence shows that the housing land supply within BMBC has been deteriorating over several years.
- 8.37. It has also been established in a recent appeal decision at Carlton (ref: APP/R4408/W/24/3341097) that BMBC cannot demonstrate that they have a five-year supply of housing land. The Council's own evidence that was presented to the inquiry demonstrate just 3.64-years' supply. The Council therefore agreed with the appellant in this recent case that significant weight should be applied to the delivery of housing. Within the 'live' appeal at High Hoyland the Council has acknowledged that its housing land supply now stands at 3.1-years (ref: APP/R4408/W/24/3347461).
- 8.38. Despite the evidence provided by the Appellant and the recent appeal decision and agreement by the Council that it could not demonstrate a five-year supply at the 1st April 2024 the Officer's Report regarding the Proposed Development fails to acknowledge this or apply the 'tilted balance'. The Officer's Report simply states that the Council is currently reviewing its five year housing land supply position and this work has not yet been completed.
- 8.39. The Appellant considers that paragraph 11 d) of the NPPF should have been invoked within the decision upon the Proposed Development. In cases such as this where the policies which are most important for determining the application are out-of-date (which includes, for applications for the provision of housing instances where the local planning authority cannot demonstrate a five-year supply of deliverable land for housing) the NPPF requires planning permission to be granted unless:
- i. the application of policies in the Framework that protect areas or assets of particular importance (defined in footnote 7) provides a strong reason for refusing the development proposed; or,
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations,

making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

- 8.40. The site does not relate to any footnote 7 policies or areas. Furthermore, given the acute and chronic under-delivery of market and affordable housing the benefits of the Proposed Development outweigh any adverse impacts. Indeed, as has been demonstrated (and discussed within the technical summary in this statement and the associated appendices) there are limited and minimal adverse impacts to development all of which can be addressed via standard mitigation measures which can be secured via planning conditions and obligations. This conclusion is reached within the Officer's Report which clearly states that the application is in a 'sustainable area' and there are no objections from statutory consultees.
- 8.41. Furthermore, the Appellant contends that the actual level of deliverable housing land supply at the 1st April 2024 is considerably lower than either the 3.64-years or 3.1-years identified by the Council. The Appellant will provide additional evidence within its Housing Land Supply Proof of Evidence which robustly demonstrates that the Council's deliverable housing land supply position is substantially below 3 years' supply at the 1st April 2024 base date. This will include an up-to-date analysis of all sites the Council consider to fulfil the NPPF definition of a deliverable site. It will also include the requirement for the Council to apply a 20% buffer in conformity with paragraph 78 of the NPPF⁹.
- 8.42. The lack of a deliverable five-year supply should be considered in the context of the Government's attempts to bolster housing delivery. This includes initiatives such as the new 'grey belt' definition within the NPPF which would seek to release areas of land within the green belt which perform poorly against the green belt purposes. The Appellant's proposed development is located within the settlement limits of a Principal Town on land without constraint which is not designated as green belt. The development of this site would be clearly more preferable to the release of grey belt land.
- d) Whether the most important policies for determining the application are out of date.
- 8.43. This Statement of Case, the Appellant's Five Year Housing Land Supply Assessment and the Carlton appeal have already demonstrated that a five-year supply of deliverable housing land cannot be demonstrated within Barnsley. This is a point the Council acknowledged in the Carlton appeal. In accordance with paragraph 11 d and footnote 8 of the NPPF the most important policies for determining the application should be considered out of date. These policies being GD1, GB6 and SL6. This is a key consideration which weighs in favour of the appeal.

Other Material Considerations

- 8.44. The Appellant would like to emphasise that no objections have been received by statutory consultees, which is acknowledged in the Officer's Report (CD 2.1). The responses from the statutory consultees are detailed in Core Documents list submitted with this Appeal (CD 4.1-4.19)

⁹ Based upon the latest Housing Delivery Test result of 84% for Barnsley

- 8.45. In addition to the significant weight which should be attached to the delivery of market and affordable housing, within section 3 of this statement we outline several other benefits the scheme will provide which weigh positively in favour of this appeal. These can be summarised as follows:

Highways and Transport

- Road improvements along Hemingfield Road;
- Provision of a 2 metre wide footway on the site side of Hemingfield Road and pedestrian crossing points;
- Creation of a development platform for the relocated southbound bus stop on Hemingfield Road, enabling the installation of a waiting shelter and associated paving and marking improvements;
- Raised kerbs, tactile paving and Bus Stop Clearway markings for Bus Stop ID 50031A also on Hemingfield Road; and,
- Existing public rights of way to be retained and enhanced and additional pedestrian linkages provided.

Economic benefits

- Job creation during construction phase, secondary economic benefits that will arise through construction workers contributing to local economy through using shops;
- Economic benefits of more residents using local services; and,
- Policy compliant affordable housing (10%) which is expected to deliver between 16 to 18 much needed affordable homes to a tenure and mix reflective of local needs and the exact number will be confirmed at reserved matters stage.

Ecological benefits

- The on site- delivery of a net gain in biodiversity both habitat units and hedgerow units; and,
- The provision of ecological mitigation (no protected species were identified on site) to support several species of bird (including skylark mitigation) and bats; and,
- Trees and hedgerows to be retained and enhanced where possible.

Landscaping benefits

- To be detailed at the reserved matters stage, but significant planting along boundaries is proposed, along with the policy compliant provision of Public Open Space underpinning design philosophy. Public open space has been positioned on the site in locations adjacent to existing public rights of way to increase accessibility for new and existing residents in the locality. The provision would include an equipped play area and would enhance local walking routes.

8.46. In addition, the Heads of Terms highlights the Appellants commitment to provide the following financial contributions:

- Offsite Skylark Mitigation – £1,320.00.
- Management and Monitoring Plan of Habitats Proposed.
- Infrastructure improvements and bus service contribution – £90,000.00.

Matters Raised by Third Parties

8.47. The below matters raised by third parties are referenced within the Officer's Report. The Officer's Report also acknowledges that no concerns are raised by statutory consultees regarding these material considerations. The Appellant anticipates that the below matters will be agreed with the LPA within the Statement of Common Ground as not being issues for the determination of this Appeal:

- Ecology;
- Air quality;
- Noise pollution;
- Drainage of surface and groundwater;
- Traffic impacts;
- Impact on local services;
- Impact on agricultural land; and,
- Amenity impacts on neighbouring residential properties.

8.48. As per the analysis of Policy GD1 in Table 8.1, the Appellant considers that the proposed development accords with this policy and therefore addresses the matters raised by third parties.

Conclusions

8.49. The proposed development is located within the settlement limits of the Principal Town of Hoyland which the Local Plan is seeking to grow in housing and employment terms taking advantage of its accessible location and utilising strategic transport links. It is, therefore, fully compliant with the spatial strategy of the Local Plan.

8.50. The Appellant has worked pro-actively alongside the Council to the provide a policy compliant scheme. This has culminated in a proposed development which has not attracted technical objections from any of the statutory consultees or the Council. The only policy which the proposal does not fully accord relates to the designation of the site as safeguarded land.

8.51. The technical evidence provided alongside the application and with this appeal clearly demonstrate that the delivery of the proposed development would not represent

piecemeal development and indeed would assist in facilitating the future development of the remaining safeguarded land.

- 8.52. The Council is unable to demonstrate a five-year supply of deliverable housing land. Our evidence provided alongside the application clearly demonstrates that the deliverable supply of housing land has deteriorated over a number of years. The Council has latterly agreed in the appeals at Carlton and High Hoyland that it cannot demonstrate a five-year supply of deliverable housing land and in the case of the Carlton appeal the Council agreed with the appellant that significant weight should be applied to the delivery of housing.
- 8.53. The review of the Barnsley Local Plan was supported by inadequate evidence in relation to housing land supply. The lack of an update to the plan limits the Council's ability to address the current lack of a five-year supply in the near future. This create a chronic and acute housing land supply position within Barnsley at a time when central government is actively seeking to increase housing delivery.
- 8.54. In conclusion, the Appellant considers that the evidence presented above, which will be supplemented through further Proofs of Evidence, clearly demonstrates that planning permission should be granted without delay and that the Council's reason for refusal cannot be sustained.
- 8.55. The Proposed Development is in general conformity with the plan when taken as a whole and as far as it remains up to date. The only policy to which the Proposed Development is contrary to is GB6 relating to the timing of the release of the land. Since the plan was adopted, there has been a significant change in circumstances. The borough of Barnsley is suffering from an acute and chronic shortfall in housing delivery, and a worsening picture of supply. Therefore, significant weight should be attached to the delivery of much needed market and affordable housing. It has been clearly demonstrated that the benefits of granting planning permission significantly and demonstrably outweigh the policy conflict with GB6 (which should be considered out of date).

9. List of Documents

9.1. A set of Core Documents will be agreed with the LPA in advance of the Public Inquiry.

9.2. In addition to the application documents, planning history and consultation responses, and those documents referred to in Sections 6 and 7 above, it is anticipated that the following additional documents will be referred to during the Inquiry:

9.3. **National Documents**

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

9.4. **Development Plan**

- Barnsley Local Plan (adopted January 2019)

9.5. **Supplementary Planning Documents (SPDs)**

- Trees and hedgerows (2019)
- Residential amenity and the siting of buildings (2019)
- Design of housing development (2023)
- Open space provision on new housing developments (2019)
- Affordable housing (2022)
- Planning obligations (2019)
- Parking (2019)

9.6. **Relevant Appeal Decisions and Case Law**

- Land north of Shaw Lane, Carlton, Barnsley (ref: APP/R4408/W/24/3341097)
- R v Rochdale Metropolitan Borough Council, ex parte Milne

10. Planning Conditions and Obligations

Planning Conditions

- 10.1. It is expected that an agreed set of conditions will be provided to the Inspector prior to the commencement of the Public Inquiry. It is acknowledged that no conditions were suggested on the Decision Notice as the application was refused on a delegated basis.

Planning Obligations

- 10.2. A legal agreement will be provided to the Inspector prior to the commencement of the Public Inquiry.



Appendix 1: Notice of Decision for 2024/0122



REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2024/0122

To Johnson Mowat Planning Ltd.
Coronet House
Queen Street
Leeds
West Yorkshire
LS1 2TW

Proposal Outline planning application for demolition of existing structures and erection of residential dwellings with associated infrastructure and open space. All matters reserved apart from access into the site

At Land north of Hemingfield Road, Hemingfield, Barnsley

Permission is **refused** for the proposals which were the subject of the Application and Plans registered by the Council on 22/02/2024 and described above.

The reason(s) for the Council's decision to refuse planning permission is/are:

- 1 The application site forms part of site SL6, Land North East of Hemingfield and is allocated as Safeguarded Land within the Local Plan. The site is not allocated for development at the present time and planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development. The proposal is therefore contrary to the NPPF and Local Plan Policy GB6.
- 2 In the opinion of the Local Planning Authority, the proposal would constitute piecemeal development. The site forms part of a wider safeguarded site SL6, Land North East of Hemingfield, therefore the development this site would have a potential impact on the comprehensive development of the wider site, contrary to policy GD1 of the Local Plan.

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended), the Local Planning Authority have, where possible, made a pre-application advice service available, and otherwise actively engaged with the applicant in dealing with the application in a positive and proactive manner.

Please be aware that the Council monitors construction sites and open land within the vicinity of such sites in an attempt to prevent fly tipping (i.e. unauthorised deposit of waste on land), which is illegal under the Environmental Protection Act 1990. The penalties for fly-tipping can include:

- a fine of up to £50,000 and
- up to six months imprisonment on conviction.

Therefore, if necessary, please ensure that all demolition waste and waste associated with the construction of any development is disposed of via approved methods and that documents are retained to prove this.

Signed:

Dated: 11 December 2024

A handwritten signature in black ink, consisting of a stylized 'G' and 'H' followed by a horizontal line.

Garry Hildersley

Head of Planning, Policy & Building Control
Growth & Sustainability Directorate

NOTES:-

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision, then you must do so within six months of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate> If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Purchase Notices

If either the Local Planning Authority or the Secretary of State for the Environment, Transport and Regions refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of part VI of the Town and Country Planning Act 1990.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference to the application to him. These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.



Appendix 2: Officer's Report for 2024/0122

2024/0122

Hargreaves Land Limited

Outline planning application for demolition of existing structures and erection of residential dwellings with associated infrastructure and open space. All matters reserved apart from access into the site

Land north of Hemingfield Road, Hemingfield, Barnsley

Background

2007/1024 - Use of part of agricultural building as a farm shop - Approve with Conditions

B/74/0241/WW - Residential development – Refused

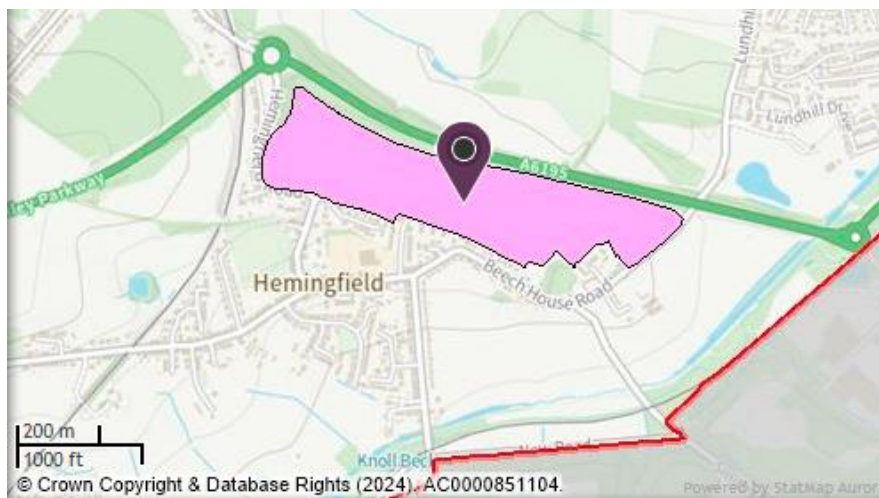
B/74/0244/WW - Erection of dwellings - Refused

Description

The site comprises a rectangular parcel of land, located to the north of the village of Hemingfield. The site slopes downwards towards the northern edge. Hemingfield Road forms part of the western boundary and a large portion of the southern edge. The site is designated, along with further land to the immediate east, as Safeguarded Land in the adopted Barnsley Local Plan under reference SL6, Land North East of Hemingfield. It is located at the western end of the land designated as Safeguarded Land, and it adjoins Hemingfield Road.

Existing farm buildings are set within a large area of hardstanding to the southern edge of the site. The agricultural buildings are in a general state of disrepair and maintenance and are to be demolished as part of this proposal. The yard area and buildings are bound by a stone wall to Hemingfield Road.

There are a number of trees within and around the site, mostly located on the site boundaries which would be retained. Two public rights of way cross the site. Barnsley's Definitive Map identifies these as Footpath Number 17 and Footpath Number 18.



Site SL6, Land North East of Hemingfield

Proposed Development

The application is in outline and proposes the demolition of existing structures on the site and erection of residential dwellings with associated infrastructure and open space. All matters are reserved for future consideration, apart from access into the site.

An indicative masterplan and parameters plan has been submitted which shows how the development proposal could be designed on the site. The proposal includes a primary vehicular entrance from Hemingfield Road subject to approval (proposed access arrangement plan – Rev E), a surface water attenuation basin, Public Rights of Way 18 and 17 retained, public open space, potential accesses to the remainder of the designated Safeguarded Land, a retained hedgerow along the eastern boundary and a potential proposed equipped play area.

A Planning Statement and a Five Year Housing Land Supply Statement has been submitted by the applicant in support of the application. The planning statement indicates that the site has the potential to accommodate 165 – 180 dwellings.

Other submitted reports include

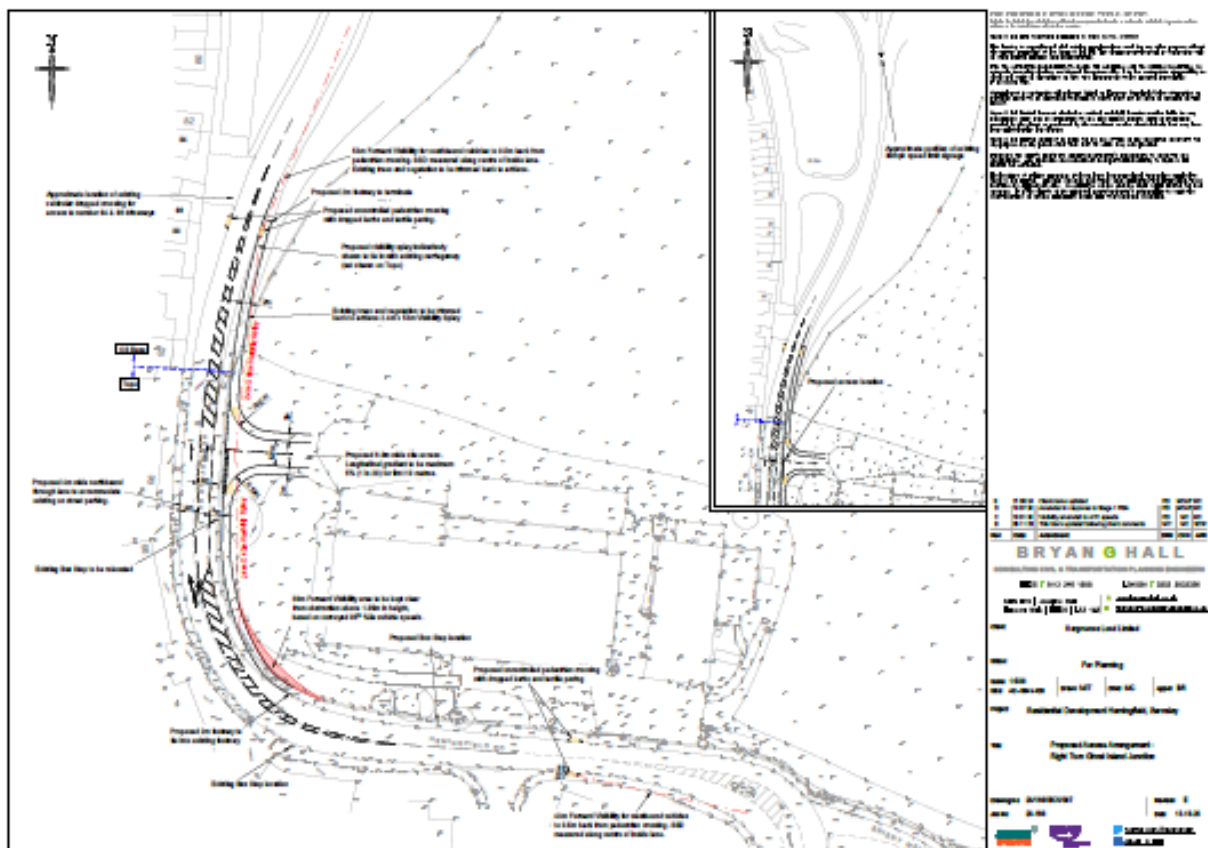
- Air Quality Assessment
- Arboricultural Survey and Tree Constraints Plan
- Archaeology and Heritage Desk Based Assessment
- Design and access statement
- Ecological Appraisal
- Energy and Sustainability Statement
- Flood Risk and Drainage Assessment
- Geoenvironmental Preliminary Appraisal Report – incorporating Coal Mining Risk Assessment and Contaminated Land Assessment
- Health Impact Assessment
- Landscape and Visual Assessment
- Noise Impact Assessment
- Statement of Community Involvement
- Transport Assessment
- Travel Plan



Illustrative landscape Masterplan



Parameters Plan



Proposed Access Arrangement

Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the 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 also now 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 and 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.

Site Allocation: Safeguarded Land – Site SL6 Land North East of Hemingfield

- SD1 Presumption in Favour of Sustainable Development
- GD1 General Development
- LG2 The Location of Growth
- H1 The Number of New Homes to be Built
- H2 Distribution of New Homes
- H6 Housing Mix and Efficient Use of Land
- H7 Affordable Housing
- T3 New Development and Sustainable Travel
- T4 New Development and Transport Safety

D1 High Quality Design and Place Making
HE1 Historic Environment
HE6 Archaeology
GS1 Green Space
GS2 Green Ways and Public Rights of Way
GB6 Safeguarded Land
BIO1 Biodiversity and Geodiversity
CC1 Climate Change
CC2 Sustainable Design and Construction
CC3 Flood Risk
CC4 Sustainable Urban Drainage
CL1 Contaminated and Unstable Land
Poll1 Pollution Control and Protection
PI1 Infrastructure and Planning Obligations

SPD's

- Design of Housing Development
- Parking
- Open Space Provision on New Housing Developments
- Sustainable Travel
- Financial Contributions for Schools
- Trees and Hedgerows
- Affordable Housing
- Biodiversity and Geodiversity
- Planning Obligations

Other

South Yorkshire Residential Design Guide

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.

Paragraph 148 is of particular relevance to this application which is proposed on safeguarded land:-

When defining Green Belt boundaries, plans should:

- (a) ensure consistency with the development plan's strategy for meeting identified requirements for sustainable development;
- (b) not include land which it is unnecessary to keep permanently open;
- (c) where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;
- (d) make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development;
- (e) be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period; and
- (f) define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

Consultations

Active Travel - Active Travel England has determined that standing advice should be issued

Affordable Housing – No objections

Coal Authority – No objection subject to condition

Conservation Officer – No objections

Drainage – No objection subject to conditions

Demolition - A S80 demolition notice will be required

Ecology – No objections subject to conditions

Education – Education contributions would be required

Highways – No objections subject to conditions

Natural England – No comments

NHS Primary Care - We do have some concerns regarding the number of developments in the area and implications for access to Primary Care. Although this is not a large-scale development, other large-scale developments have already been agreed across Hoyland, Wombwell and Darfield and therefore this development has the potential to further increase the pressures that GP practices within those localities will be under as a result of the other developments.

Pollution Control – No objections subject to conditions

Rotherham Metropolitan Borough Council – No comments to make with regard to land use, any future TA submission should be made available to the highways team for further comment

Superfast South Yorkshire – Provides comments to be taken into consideration as reserved matters stage

SYMAS – No objection subject to condition

SYAS – Should the scheme gain consent, features of archaeological interest will be harmed or destroyed by any groundworks. As such, a scheme of archaeological work is required as mitigation and SYAS advise that the required work be secured by condition

SYMCA - SYMCA has requested a financial contribution towards public transport enhancements

Tree Officer – No objection subject to conditions

Urban Design – Offers comments on layout and design

Ward Members – Cllr Shepherd 'I object to the plan as it is Safeguarded land under Barnsley's Local Plan in line with Policy planning permission should be rejected.'

Yorkshire Water – No objections subject to conditions

Representations

A site notice was posted adjacent to the site and neighbouring dwellings have been consulted. The following representations have been received as a result of these consultations:-

48 separate comments/objections have been received, some addresses have more than one comment registered from different residents:-

- Impact on value of home
- Loss of agricultural land and farm. There are crops and animals grazing on the land
- There is scrub land available for development which should be developed instead
- Impact on peace and enjoyment of home
- Impact on wildlife and habitats
- Increased pollution
- Noise pollution and disturbance from the development
- Impact during construction, vehicles, noise
- Loss of green area for exercise, dog walking, running cycling
- Barnsley Health and Wellbeing strategy for 2021-2030 is to enable everyone to live a healthy and active life, especially children.
- Overall impact on the village
- Traffic and congestion
- Parking issues
- Impact on sewerage system and flooding
- There are already large developments in the area
- Impact on amenities, doctors, schools, shops and dentists
- This is safeguarded land until 2030
- The land was previously Green Belt
- Impact on adjacent Briery Meadows estate
- Loss of outlook
- Impact on privacy
- Barnsley Health and Wellbeing strategy for 2021-2030 is to enable everyone to live a healthy and active life, especially children.
- Impact on drainage
- Concerns regarding location of the entrance
- Suggestions regarding the style and type of development, including materials
- Concerns regarding the demolition of farm buildings
- Impact on trees
- No evidenced attempt to follow up to concerns / suggested improvements to proposals made by local residents in response to the initial 'consultation' event.
- The development would be out of character
- The proposed playground will attract young people to gather
- The proposal is contrary to the NPPF and Local Plan
- Applications for dwellings on the site have been previously rejected
- Concerns regarding proposed road layout
- It is unclear how the proposed development will address current concerns regarding anti-social behavior on the identified footpaths
- The development is too large for the area
- Concerns regarding the type of properties to be built, bungalow are required
- Concerns regarding social housing
- It is suggested the reason for removing from safeguarding is because the council have failed to meet its own targets for house building adopted in January 2019 and reviewed in July 2022, these targets were set to achieve economic growth over a period of 5 years. However, the suggestion that the council is failing to meet its targets does not take into account the effects of Covid on both the population and the local economy alongside material and labour availability during and after lockdowns. Can we see the evidence that this particular planning application would lead to the improvement of the economy in and around Hemingfield

Assessment

The site forms part of Local Plan safeguarded land allocation SL6, Land North East of Hemingfield. The main issue is whether the proposal would be acceptable in principle on this safeguarded land having regard to relevant local development plan policies contained within the Local Plan and the National Planning Policy Framework (NPPF).

Safeguarded land is land between the urban area and the Green Belt safeguarded to meet longer term development needs stretching well beyond the plan period.

Policy GB6 (Safeguarded Land) of the Barnsley Local Plan and the NPPF (para 148) together indicate that planning permission for the permanent development of safeguarded land will only be permitted following review of the Local Plan which proposes such development.

Para 148 of the NPPF points c and d, state that:

‘(c) where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;

(d) make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development’

Policy GB6 of the Local Plan states that ‘The permanent development of safeguarded land will only be permitted following review of the Local Plan which proposes such development.’

In line with the above, the principle for the proposed development of this safeguarded site SL6, Land North East of Hemingfield, is contrary to national and local policy. The suitability of the site as an allocation for development will be considered in a future review of the Local Plan. Any review of the Local Plan which includes assessment of the suitability of safeguarded land for development will include the normal planning considerations of the sustainability and suitability of sites for development.

A report has been submitted with the application which suggests the Council does not have a five year housing land supply, however at present the Council is currently reviewing the five year housing land supply position and this work has not yet been completed. In addition, the Local Plan was adopted in January 2019 and subsequently reviewed recently in 2022. This review concluded that the Local plan remains fit for purpose and is adequately delivering its objectives. No updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review. A further review will take place in 2027 or earlier if circumstances, including fundamental changes to the Local Plan system, require it.

Further to the conflict with national and local safeguarded land policy, the proposed development also constitutes piecemeal development, comprising part of a wider safeguarded site, which raises concerns as to the potential impact on the comprehensive development of the wider site, contrary to policy GD1 of the Local Plan, which would be considered in more detail as and when the plan’s allocations are reviewed and reconsidered.

In conclusion, the proposed residential development of this safeguarded land is therefore contrary to national policy contained within the NPPF and local planning policy GB6. The proposal would also constitute piecemeal development of a wider safeguarded site, therefore the development this site would have a potential impact on the comprehensive development of the wider site, contrary to policy GD1 of the Local Plan.

Other material considerations are assessed below.

Visual amenity and layout

As the application is in outline with all matters reserved there is no detailed design information or plans at this stage, limiting any assessment of the impact on visual amenity. Nevertheless, there will undoubtedly be an impact upon visual amenity, given the green and open nature of the site currently. This impact can be mitigated in part through the detailed design and landscaping which would be agreed at reserved matters stage.

The Urban Design Officer has been consulted and does not have any objections to this application but has made some observations for any future reserved matters application. In terms of the illustrative masterplan, the Urban Design Officer supports the proposal to 'create a landscape led public realm,' as stated in the design and access statement and notes the splitting up of open space across the site, with a 'gateway' open space located by Hemingfield Road, and another large space by the drainage basin at the north eastern corner of the site. The masterplan indicates a banding of soft landscaping is proposed to link the two through the development and is welcomed, however as stated previously this will need to be demonstrated in any reserved matters submission. The planning application also seeks permission for the demolition of existing structures. The loss of these structures is not considered to be significant, given the buildings are in a poor condition. As such the proposal could be acceptable in visual amenity terms, subject to detailed plans and landscaping schemes to be submitted at reserved matters stage, in compliance with Local Plan Policy D1.

Residential Amenity

The application is in outline and there has been a significant number of objections which relate to a loss of outlook, privacy and disturbance. The detailed housing layout will need to accord with the separation distances as set out in the Design of Housing Development SPD and South Yorkshire Residential Design Guidance, so that all required separation distances are met, in order to reduce impacts in terms of overlooking, overshadowing or loss of outlook. In terms of required room sizes and garden areas and this can be assessed in full at the reserved matters stage.

Concerns have also been raised with regard to disturbance during construction, however this can be mitigated via appropriate planning conditions. Concerns have also been raised with regard to a loss of view and impact upon the value of existing properties, however unfortunately these are not material considerations which can be taken into account when assessing the planning application. As this is an outline application with detailed plans to remain a reserved matter, the neighbouring residents will be offered another opportunity to comment on the proposed layout and design at reserved matters stage.

Greenspace

The existing site is private land, and whilst there are public rights of way which run through the site, it is not public Greenspace. It is not on Council's Greenspace register and is allocated as safeguarded land. Whilst it is accepted that the site has a value as an open and green area of land, it is not possible to refuse planning permission on this basis.

The illustrative and parameters plan shows on site Greenspace provision, but the application is currently in outline form with only the access to be agreed at this stage. There would be a

requirement for a contribution towards formal greenspace and play provision improvements off site in accordance with Local Plan Policy GS1 and would need to be secured via a Section 106 agreement and calculated with the formulas set within the SPD Open Space Provision on New Housing Developments.

Highways and Public Rights of Way

The application is in outline, however, access is under consideration. The proposal includes a primary vehicular entrance from Hemingfield Road (proposed access arrangement plan – Rev E). The proposed point of access and improvements to the existing highway off Hemingfield Road have been assessed by the Highways Team and are considered safe and Highways do not raise objections to the scheme.

Concerns have been raised from objectors with regard to the impact upon the highway network, highway safety, parking and traffic in the area. The Highways Officer has confirmed that a detailed Transport Assessment taking into account the whole of the safeguarded land site has been provided by the applicant and this satisfactorily demonstrates that a residential scheme of this size and nature can be accommodated on the existing public highway network without need for mitigating works. It is noted that as a percentage increase, the additional traffic is not considered so significant as to cause an affect greater than present daily fluctuations once it meets the Dearne Valley Parkway. This road has the capacity to accommodate the additional movements without issue.

At the reserved matters stage the Highways Officer has requested that the applicant should complete the Active Travel England (ATE) planning assessment toolkit. Although a Transport Assessment has been submitted, the information should be updated and augmented at the reserved matters stage. A travel plan is also required to be submitted with any forthcoming application. Whilst further information regarding off-plot highway improvements and ensuring layout of the scheme complies with design guidance will be required when applying for the reserved matters conditions have also been recommended. Given the above, the proposal has been judged to be acceptable in accordance with Local Plan Policy T4.

With regards to Policy T3, sustainable transport. The application is in a sustainable area within the Accessibility Improvement Zone. A S106 would be required for the requirement to pay the Sustainable Travel SPD payment, which will be calculated based on the final layout agreed.

In terms of Public Rights of Way (PROW), there are two public footpaths which run through the site and therefore Public Footpaths 17 and 18 will potentially be affected by the proposed development. The PROW Officer has been consulted and the applicant will need to include details of any works or proposals with regard to the footpaths with any reserved matters submission, including how access is to be managed during development. The footpaths crossing the site should remain open as often as possible during construction. However, a temporary closure order will also be required, at cost, during any periods when either of the public footpaths are closed for safety reasons during construction. The PROW Officer has requested that footpath 18 is kept open and available for public use of long as possible. The applicant has also indicated proposed walking routes through the site, however as these are not recorded Public Rights of Way the Council will not be responsible for the maintenance and upkeep of these routes, further details of which will need to be included at reserved matters stage.

Heritage and Archaeology

The site is not set within a Conservation Area nor are there any Listed Buildings close to the site. The Conservation Officer has been consulted and states that, there are listed buildings at Lundhill Farm Mews approximately 500m to the east. However, views of the site are not possible due to modern dwellings to the north and screening by mature trees. Consequently,

the site contributes little to the significance of these listed buildings and development will not introduce any harm to the setting. There are highly graded (II*) buildings and a local list building at Hemingfield Colliery, but these are 700m to the southwest and there is no intervisibility between the sites. In summary the impacts are slight to nothing and fall well below the threshold for harm for above ground asset in accordance with Policy HE1 of the Local Plan.

In terms of archaeology, the South Yorkshire Archaeology Service have been consulted. A desk-based assessment has been submitted with the application. The report identifies evidence held by the South Yorkshire HER regarding archaeological activity in the vicinity of the site. This includes the results of previous archaeological investigation off School Street, Hemingfield which recorded a series of pits, gullies and a ditch. Although undated, the features were similar to others of Iron Age/ Romano-British date in the area. Other investigations nearby at Roebuck Hill, Jump and during the construction of the Dearne Valley Parkway have also recorded evidence for prehistoric and Romano-British settlement as well as post-medieval industrial activity. To the north of the site, prehistoric earthworks, some of which are designated heritage assets, are recorded within Wombell Wood. Mesolithic, Neolithic and Iron Age remains were also recorded ahead of open cast works to the west of Wombwell Wood. The possibility that the site may contain features related to early mining activity can not be discounted.

This evidence establishes a pattern of occupation and settlement within this area over several millennia and the potential for currently unrecorded heritage assets with archaeological interest to exist within the application area cannot, therefore, be excluded on the basis of current information. A programme of trial trenching has been carried out and a WSI has now been submitted and agreed by the SYAS Archaeologist. The geophysical survey identified many anomalies with a possible archaeological origin including a feature interpreted as a trackway, elements of a field system and discrete features-possibly storage or waste pits. The trial trenching sampled many of these anomalies in order to characterise their nature. Several trenches sampled the 'trackway' feature. This consisted of 2 parallel ditches circa 5m apart, one very shallow, one deeper- occasionally greater than 1.2m deep. It is certainly of archaeological origin. Other archaeological features were identified, predominantly to the south of the parallel ditches. To the north, anomalies appeared more geological in origin or clearly modern containing 20th century material such as plastic. Rather than interpreting the parallel ditches as a trackway, an alternative view characterising them as enclosing the area around the hill top seems more fitting. Unfortunately, no dating evidence was recovered from any of these features although their character could place them within a period from the Iron Age (c. 800 BC) to the early medieval (c. 500 AD).

Should the scheme gain consent, features of archaeological interest will be harmed or destroyed by any groundworks. As such, a scheme of archaeological work is required as mitigation and SYAS advise that the required work be secured by condition. The proposal is therefore considered acceptable in terms of archaeological impacts subject to conditions.

Drainage and Flood Risk

Concerns have been raised by residents in terms of the proposals potential impact upon drainage and flood risk, however the Drainage Officer and Yorkshire Water raise no objections to this application subject to conditions.

In terms of flood risk, the site is set within Flood Zone 1, which has a low probability of flooding which is acceptable. The proposed is therefore acceptable with regards to flood risk and drainage considerations in accordance with Local Plan Policies CC3 and CC4.

Ecology

Concerns have been raised with regard to the impact of the proposal upon wildlife and habitats. Ecology Reports submitted with the application and the Ecology Officer has considered these reports and has no objections to the proposal, subject to conditions. The Ecology Officer has stated that the illustrative landscaping proposed on site is considered to provide significant on-site net gains to biodiversity and has requested that this should be secured by a Section 106 agreement. The Ecology Officer has requested a Habitat Management and Monitoring Plan (HMMP) is secured by a S106 agreement and completed by a suitably qualified ecologist for a minimum period of 30 years should be submitted and approved prior to the commencement of works on site.

The Ecology Officer has also requested that a sensitive lighting scheme is designed and submitted prior to first occupation of the site

In addition to the above, no development shall take place on the site until a Construction Environmental Management Plan - Biodiversity (CEMP-B) has been submitted to and approved by the local planning authority.

In terms of additional biodiversity mitigation and enhancement measures, the Ecology Officer has recommended:-

- Integrated bat roosting boxes, integrated swift boxes and swallow boxes to be installed in suitable locations within 100% of the dwellings on site.
- Hedgehog highways to be installed in all boundary fencing, including fences between dwellings. The hedgehog highways will be signposted to prevent residents blocking the gaps.
- No mitigation measures have been proposed for ground nesting birds, specifically skylark. However, the Ecology Officer accepts that mitigation for ground nesting birds is difficult to secure and therefore BMBC can accept a contribution to ensure offsite mitigation for the species, or the applicant can choose to secure this themselves with a third party provider. A single skylark territory will be lost to accommodate the proposals. The Council costs for skylark mitigation are calculated as: the average territory of a single pair of nesting skylarks is between 0.25-2ha (Wilson *et al* 1997). One pair of nesting skylark were recorded during the breeding bird survey undertaken. Grants are available under the governments Countryside Stewardship Scheme to create skylark plots; payments are £11 per plot, with a minimum of 2 plots per ha required. On the basis of one pair of nesting skylark requiring 2ha of land to breed, the following payment from the applicant (if a suitable on-site/off-site option is not proposed) is suggested: £11.00/plot x 4 = £44.00 x 30 years (including an annual inflation rate of 2%). As such a contribution of £1320.00 will be secured via Section 106 to ensure offsite mitigation for skylark can be undertaken.

Subject to the above being secured via conditions and a S106 Agreement, the proposal complies with policy BIO1 of the Local Plan.

Impact on Trees

A tree survey has been submitted with the application and the Tree Officer has been consulted as part of the proposal. The Tree Officer states that: 'The vast majority of the site is clear of trees, however there are sporadic specimens in and around the yard and a field boundary hedge running through the site adjacent to an access track. The remainder of the trees and hedges are located on the boundaries of the site and from the illustrative masterplan it appears as though they will remain unaffected. It should be noted at this stage that when the layout is considered at the reserved matters stage it is expected that those trees and hedges on the

boundaries are retained with sufficient room to avoid conflicts and future pressures and that these be bolstered and enhanced as part of any proposed landscaping wherever possible. The hedge crossing the site will be broken through by access roads in order to utilise the full area within the red line boundary, it will need to be ensured that any break through the hedge is kept to a minimum so that as much of the hedge as possible is retained.'

The access into the site is very close to a Red Horse Chestnut tree, however the tree is classed as a category C tree within the Tree Report which means that it would be considered to be either an unremarkable tree of very limited merit or in an impaired condition, therefore there are no objections to its removal if it is required. Subject to the submission of full plans at reserved matters stage, including a full landscaping scheme with replacement planting, a method statement and Tree Protection Details, the proposal is considered to be acceptable in terms of policy BIO1 of the Local Plan.

Mining Legacy Issues

The application site falls within a defined Development High Risk Area, therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The Coal Authority records indicate that the site is underlain by recorded shallow coal workings and lies within a Surface Coal Resource Zone. A Coal Mining Risk Assessment has been submitted with the application. The report states that, 'The Coal Authority records that shallow mine workings in the Meltonfield Coal are present in the north-east of the site. Furthermore, review of geological mapping indicates that the Meltonfield Coal could underlie the whole site at shallow depth, and therefore, it is possible that there are also unrecorded shallow coal mine workings beneath the site. The risk to surface stability from recorded and unrecorded shallow coal mine workings should be investigated further prior to development'.

The intrusive site investigations should be designed and undertaken by competent persons and should be appropriate to assess the ground conditions on the site in order to establish the coal-mining legacy present and the risks it may pose to the development and inform any remedial works and/or mitigation measures that may be necessary. SYMAS and the Coal Authority have been consulted and have no objections to the proposal subject to conditions requiring further investigation works.

S106 Agreement

A S106 agreement is required with this application for the contributions listed below.

Affordable Housing – Policy H7 of the Local Plan sets out that: 30% affordable housing will be expected in Penistone and Dodworth and Rural West, 20% in Darton and Barugh, 10% in Bolton, Goldthorpe, Thurnscoe, Hoyland, Wombwell, Darfield, North Barnsley and Royston, South Barnsley and Worsbrough and Rural East.

The site is in the Hoyland, Wombwell and Darfield sub-market area, therefore we would expect the proposed scheme to deliver 10% affordable homes. The Planning Statement suggests the site could accommodate between 165 and 180 properties. Although the Planning Statement references the requirement for 10% affordable housing and tenure percentages, it does not include details of the type of affordable housing to be provided.

On a scheme of 165 to 180 dwellings, there would be a minimum requirement for 17 affordable housing units. Assuming a provision of 17 affordable units, this equates to 10 for Affordable Rent, 3 for Affordable Home Ownership and 4 First Homes.

The SHMA suggests highest affordable need in the sub-market area is for:

- 3 bed houses
- 1 and 2 bed houses
- 1 and 2 bedroom bungalows
- 2 and 3 bedroom flats

The type of affordable housing provision required would depend on the affordable housing needs at the time of any reserved matters application. The requirement would be informed by the latest SHMA, Affordable Housing SPD, First Homes Technical Note and Choice-Based Lettings Data available at the time of determining the planning application. An Affordable Housing Statement will also be required as part of the reserved matters submission. Further design advice has also been provided to the applicant.

Education – The Education Officer has confirmed that there is a requirement for a contribution towards school places.

The planning statement refers to between 165 and 180 dwellings for this development. Education have provided the required contribution levels for both Primary and Secondary, based on both figures, however the final contribution amount will need to be calculated based on the number of units put forward at reserved matters stage.

The Education Officer has provided the applicant with pupil forecasts for Primary and Secondary schools. The location of the proposed development site is on the very edge of the Hoyland primary planning area and brings Wombwell schools into the equation when calculating pupil need. The Section 106 Agreement will detail the formulas to be used for calculating the number of spaces and contributions required, set with the SPD Financial Contributions to School Places.

Greenspace – The illustrative plan shows on site Greenspace provision, but the application is currently in outline form with only the access to be agreed at this stage. Therefore, there is a requirement for a contribution towards formal greenspace and play provision improvements off site in accordance with Local Plan Policy GS1 and the formulas set within the SPD Open Space Provision on New Housing Developments should be included within the Section 106 Agreement.

Sustainable Travel – Local Plan Policy T3 requires financial contributions towards improvements to sustainable travel, where levels of accessibility through public transport, cycling and walking are unacceptable. Contributions will be sought on developments of 10 dwellings or more. In accordance with the adopted Sustainable Travel SPD, there is a requirement for the applicant to provide a contribution towards sustainable transport and active travel measures. The formula within the SPD should be used to calculate the contribution and given the site is set within the AIZ (Accessibility Improvement Zone) a 25% reduction is allowed, which will depend on the number of units at reserved matters stage. EV charging points will be required through Building Control and cycle storage shall be provided.

In addition to the above, SYMCA has requested a financial contribution towards public transport enhancements. This includes the supply and installation of bus waiting shelters and R-T PID at 2 no. bus stops. Also platform works and accessible pavement works should be undertaken by applicant at a cost of £45,626. A Bus service contribution is requested at a proportionate share of the costs towards service 21a (or equivalent) for a period of 3 years of £44,374. Total Cost £90,000.

Biodiversity – As stated previously, a single skylark territory will be lost to accommodate the proposals. As such a contribution of £1320.00 should be secured via Section 106 to ensure offsite mitigation for skylark can be undertaken.

Concerns have been raised by objectors in terms of impact upon local infrastructure, however subject to these S106 obligations and conditions, the proposal is compliant with the requirements of Policy I1 Infrastructure and Planning Obligations which states that development must contribute as necessary to meet all onsite and off-site infrastructure requirements to enable development to take place satisfactorily.

Conclusion

The application site forms part of site SL6, Land North East of Hemingfield and is allocated as Safeguarded Land within the Local Plan. The site is not allocated for development at the present time and planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development. The proposal is therefore contrary to the NPPF and Local Plan Policy GB6.

In the opinion of the Local Planning Authority, the proposal would constitute piecemeal development. The site forms part of a wider safeguarded site SL6, Land North East of Hemingfield, therefore the development of this site would have a potential impact on the comprehensive development of the wider site, contrary to policy GD1 of the Local Plan.

Recommendation: Refuse

Appendix 3: Schedule of Plans and Documents for Determination of Appeal

Document/Plan	Reference
Application Form – February 2024	-
Updated Application Form – September 2024	-
Air Quality Assessment – February 2024	7348r3
Arboricultural Survey and Tree Constraints Plan – February 2024	1870.1 Rev 2
Archaeology and Heritage Desk Based Assessment – February 2024	MAP 5.39.23
Baseline Habitat Plan – February 2024	1835.01 Hemingfield
Biodiversity Metric – February 2024	-
Design and Access Statement – February 2024	-
Ecological Appraisal – February 2024	1835.01 Report IS
Additional Ecological Surveys Report – July 2024	1835.02 Hemingfield Additional Surveys Report IS
Energy and Sustainability Statement – February 2024	11117 EN01 RvO
Flood Risk and Drainage Assessment – February 2024	6041/FRDA/Final/v1.2/2024-02-06
Five Year Housing Land Supply Assessment – January 2024	P23-1714PL
Geoenvironmental Preliminary Appraisal Report (Desktop Study) incorporating Coal Mining Risk Assessment and Contaminated Land Assessment – February 2024	REPORT C9756
Geophysical Survey – September 2024	MSSE1837 – Geophysical Survey Report

Written Scheme of Investigation – October 2024	MAP Site Code 05-39-23 Version A-250924
Health Impact Assessment – February 2024	P23-1714 R004v2
Illustrative Masterplan – December 2024	2344.01 Rev D
Landscape and Visual Appraisal inc. Appendices – February 2024	P23-0749 R001v2
Landscape Masterplan – December 2024	P23-0749_EN_008F
On-site Proposed Habitats – February 2024	1835.01 Hemingfield
Parameters Plan – December 2024	2344.PP.01 Rev A
Planning Statement – February 2024	-
Site Location Plan – February 2024	2344.03 Rev A
Statement of Community Involvement – February 2024	-
Transport Assessment inc. Appendices – February 2024	23-160-001.03
Travel Plan – February 2024	23-160-002.04
Transport Technical Note (Response to Highways) – August 2024	23-160-004.04
Stage 1 RSA Access with Hemingfield Road with Appendices – August 2024	23-160-005.01
Stage 1 RSA Designer's Response with Appendices – August 2024	23-160-006.03
Stage 1 RSA Designer's Response Barnsley Signed – October 2024	23-160-006.03
Swept Path Analysis of Hemingfield Road Southbound – November 2024	23/160/ATR/003



Proposed Access Arrangement (RTGI Junction) – November 2024	23/160/SKH/007 Rev E
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Appendix 4: Landscape Statement

Appendix 5: Ecology and Biodiversity Statement



Appendix 6: Highways Statement



Appendix 7: Noise Statement



Appendix 8: Flood Risk and Drainage Statement

Appendix 9: Archaeology and Heritage Statement

Appendix 10: BMBC Cabinet Paper – November 2022

Appendix 11: Representations made by Johnson Mowat to BMBC for the Local Plan Review

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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