

Application Reference Number:	2025/0001
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Application Type:	Outline
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Proposal Description:	Outline application for the erection of 1 custom/self build dwelling with access considered at this stage
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Location:	Hawthorne House 2A Darton Lane Darton Barnsley S75 5AH
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Applicant:	Mr Philip Joyce
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Third-party representations:	Four	Parish:	None
		Ward:	Darton East

Summary:

This planning application seeks outline planning permission for the erection of 1 custom/self build dwelling with access considered at this stage and all other matters reserved.

The site falls within Housing Allocation HS2 (Land South of Darton Road) as allocated by the adopted Local Plan. Development comprising the erection of a new dwelling is considered acceptable in principle if proposals would not significantly adversely affect residential amenity, highway safety, and where satisfactory standards of design are achieved.

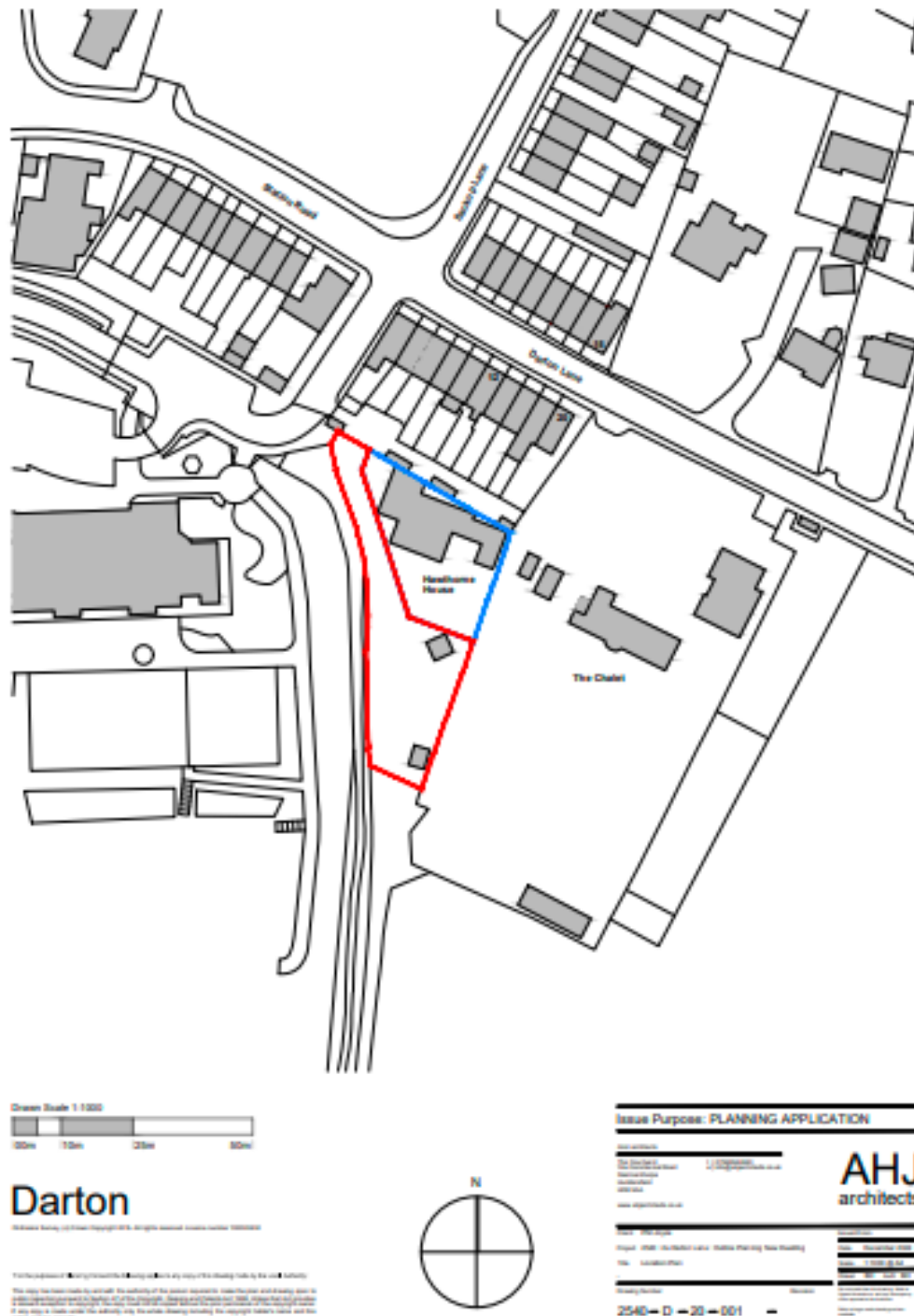
The proposal is outline with only access being considered and it is deemed the proposal would have no adverse impact on highway safety and is considered acceptable in policy terms. The proposal is therefore considered to be an acceptable and sustainable form of development in accordance with Section 2 of the National Planning Policy Framework (NPPF, 2024).

Recommendation:

Approve subject to conditions

Site Description

The application site is in relation to an existing residential curtilage of Hawthorne House (2a Darton Lane) in Darton. The proposal is to be set to the south of the existing dwelling and accessed by the private drive which serves Hawthorne House. The surrounding area is characterised by residential properties with the addition of Darton Primary Academy.



Planning History

There is no planning history associated with the land only the permission for the dwelling that the land is in the curtilage of. This is the first application for a separation of such.

Proposed Development

The applicant is seeking outline approval for the erection of a detached dwelling with all matters reserved except for access. The dwelling will be accessed from an existing private drive off Darton Lane, with a parking area formed to the north of the proposed dwelling. The site plan shows the dwelling to be detached, located to the rear of the plot and south Hawthorne House (2a Darton Lane). There is a distance of 10 metres from the proposed dwelling to the rear boundary line.



Relevant Policies

The Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Barnsley consists of the Barnsley Local Plan (adopted January 2019). The Local Plan review was approved at the full Council meeting on 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.

Local Plan Allocation – Housing Allocation HS2 (Land South of Darton Road)

To the extent that development plan policies are material to an application for planning permission the decision on the application must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004). In reference to this application, the following policies are relevant:

Policy SD1: Presumption in favour of Sustainable Development – States that proposals for development will be approved where there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents. Development will be expected to be compatible with neighbouring land and will not significantly prejudice the current or future use of neighbouring land. Policy GD1 below will be applied to all development.

Policy GD1: General Development – Development will be approved if there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents. Development will be expected to be compatible with neighbouring land and will not significantly prejudice the current or future use of neighbouring land.

Policy D1: High quality design and place making – Development is expected to be of a high-quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and other features of Barnsley.

Policy H6: Housing Mix and Efficient use of land – Housing proposals will be expected to include a broad mix of house size, type and tenure to help create mixed and balanced communities. Homes must be suitable for different types of households and be capable of being adapted to meet the changing needs of the population. Proposals to change the size and type of existing housing stock must maintain an appropriate mix of homes to meet local needs.

Policy BIO1: Biodiversity and Geodiversity – Development will be expected to conserve and enhance the biodiversity and geological features of the borough.

Policy Poll1: Pollution Control and Protection – Development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air, surface water and groundwater, noise, smell, dust, vibration, light or other pollution which would unacceptably affect or cause a nuisance to the natural and built environment or to people.

Policy T3: New Development and Sustainable Travel – New Development will be expected to:

- Be located and designed to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians and cyclists.
- Provide at least the minimum levels of parking for cycles, motorbikes, scooters, mopeds and disabled people set out in the relevant Supplementary Planning Document.

Policy T4: New Development and Transport Safety – New development will be expected to be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement.

Site HS2 Land south of Darton Lane, Staincross Indicative number of dwellings 86 – The development will be expected retain species-rich grassland meadows at the west of the site. A buffer strip of vegetation should also be retained adjacent to the disused railway line at the south.

Archaeological remains may be present on this site therefore proposals must be accompanied by an appropriate archaeological assessment (including a field evaluation if necessary) that must include the following:

- Information identifying the likely location and extent of the remains, and the nature of the remains;
- An assessment of the significance of the remains; and
- Consideration of how the remains would be affected by the proposed development.

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

In December 2024, The Government published a revised National Planning Policy Framework ("NPPF") which is the most recent revision of the original Framework, published first in 2012 and updated a number of times, providing the overarching planning framework for England. It sets out the Government's planning policies for England and how they are expected to be applied.

The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions. This revised document has replaced the earlier planning policy statements, planning policy guidance and various policy letters and circulars, which are now cancelled.

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

The most relevant sections are:

- Section 2 - Achieving sustainable development
- Section 4 - Decision making
- Section 9 - Promoting sustainable transport
- Section 12 - Achieving well-designed places

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

Supplementary Planning Documents:

In line with the Town and Country Planning (Local Planning) (England) Regulations 2012, Barnsley has adopted twenty eight Supplementary Planning Documents (SPDs) following the adoption of the Local Plan in January 2019.

The most pertinent SPD's in this case are:

- Biodiversity

- Design of Housing Development
- Parking
- Sustainable Travel

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

Other Guidance

- South Yorkshire Residential Design Guide

Consultations

Darton East Ward Councillors were consulted and raised no objections.

The LPA's Forestry Officer was consulted and raised no objections subject to conditions.

Highways Development Control (DC) were consulted and raised no objections subject to conditions.

Highways Drainage were consulted and raised no objections.

The Mining Remediation Authority were consulted and raised no objections subject to conditions.

Pollution Control were consulted and raised no objections subject to conditions.

Public Rights of Way were consulted and raised no objections subject to an informative.

The South Yorkshire Mining Advisory Service were consulted and raised no objections subject to conditions.

Representations

The application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015. Neighbour notification letters were sent to surrounding properties, and a site notice erected at the site, four objections were received and in summary raised the following material planning considerations.

- Drainage overload
- Impact on highway
- Loss of green space
- Loss of privacy
- Noise pollution
- Overlooking
- Parking
- Traffic

Furthermore, other points were raised that are not material planning considerations and are summarised below.

- Construction disruption
- Land disputes
- Neighbours not notified
- Previous applications refused

With regards the previously refused applications to the rear of The Chalet, if these were on Green Belt grounds, the land has since changed its allocation in the Local Plan. Furthermore, every application is judged on its own merits.

Ownership disputes are a private matter and an informative shall be placed on any decision notice regarding this.

Neighbour notification letters were sent and a site notice erected. This is the required publication for this application. Furthermore, after receiving comments regarding this, further letters were sent.

Assessment

The main issues for consideration are as follows:

- The acceptability of residential development
- The impact on the highway network and highways standards

Other Matters to be reserved but still accounted for below are

- The impact on the character of the area
- The impact on neighbouring residential properties
- The impact on biodiversity and trees
- The impact on drainage
- Coal Mining

For the purposes of considering the balance in this application the following planning weight is referred to in this report using the following scale:

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

Principle of Development

The site is located within an allocated housing site where Local Plan Policy GD1 'General Development' applies. This requires that development should be compatible with its surroundings. In this case the street scene features residential uses and the site is currently residential curtilage as such the use of this site for residential uses would be in keeping with the locality.

The site forms a small part of an allocated housing site (HS2). The majority of the allocation has been granted planning permission for residential development of 46 homes under planning applications 2019/1244 and 2024/0260. This site and another area to the immediate west of the site were not included in the application as they formed part of rear garden areas to existing houses. The allocation includes these rear garden areas. The principle of residential development at this site has been established with the allocation.

Usually, we would be looking for the whole allocation to come forward as a comprehensive development. However, as the rear garden areas were not able to be gained as part of the adjoining proposal, planning permission was subsequently granted for the 46 homes and work has already started on site.

This therefore lessens the impact of the site that forms part of this current application being considered as piecemeal development as the majority of the site has planning permission and has

been developed. It would also not prevent the remaining section of the allocation being potentially developed. The principle of residential development would therefore be acceptable on the site

The site is accessed via a narrow private drive which serves the immediately adjacent dwelling to the north (Hawthorne House), and the application site is considered to be backland development. The SPD for design of housing development has a dedicated section relating to backland development which reads the following:

As well as the general criteria, including the external spacing standards, backland development should aim to comply with the following:

- Tandem development, with one dwelling directly in front or behind another sharing the same access, will almost always be resisted.*
- Piecemeal development, which could prejudice the potential comprehensive development of a larger area of land, should be avoided.*
- Backland development is most effective where it includes a number of dwellings served by an adopted highway, which is capable of being used by refuse and other servicing vehicles. Long, narrow private drives (typically in excess of 30m), which would result in excessive 'man carry distances' should be avoided.*
- Backland development may be more acceptable in circumstances where there is an existing use at the rear of dwellings and where residential development would benefit the amenity of existing residents and the character and appearance of the locality.*

Siting and layout are not considered as part of this application. However, the applicant has provided an indicative drawing of where the dwelling could be positioned which is to the southern part of the site. This is the only realistic position of the dwelling given the constraints of the site and so it is useful to assess the implications of the indicative siting.

From the indicative siting the proposed development does not comply fully with the above policy as it would have a long private drive which is excessive in length (45 metres) when measured from the start of the access track to the end of it adjacent the proposed dwelling. However, the driveway is existing and already serves a residential property as well as the parking area for said property (Hawthorne House). The extension of the driveway is not deemed harmful and the indicative drawing shows bin collection points for both the proposed and existing dwelling at the front of the site. Highways have also raised no objections to the scheme

Additionally, whilst the indicative drawing shows the proposed dwelling is set directly behind Hawthorne House the required separation distance between facing habitable rooms is maintained. Furthermore, each dwelling will retain over 50sqm of private amenity space. Also, although the site is residential curtilage, it is allocated housing land under allocation HS2.

Given the extent of the allocation is to the back building line of the existing property this proposal would potentially provide the opportunity for a house to be on site that provides a better relationship with the host dwelling and neighbouring dwellings than would be achieved if the full allocation was utilised for residential development. On balance, given the particular circumstances of this case, and the allocation of the land the proposal would be considered acceptable in principle.

Given the application is an outline permission with only means of access under consideration, the access/highways considerations are the main material element apart from the principle of development that is under consideration and will be assessed below.

Highway Safety

There will be little impact upon highway safety. This is an outline application with all matters reserved except for access. The indicative drawing shows the proposed new dwelling would be built within

the amenity space of Hawthorne House, 2a Darton Lane. At this outline stage there are no details of the internal floorplan of the property, but the indicative drawing shows two off-street parking spaces could be accommodated for a four-bedroomed dwelling should it be acceptable for a dwelling constructed on the indicated footprint.

The driveway is initially to be shared by both dwellings. The access at this point is of suitable width and is therefore acceptable to serve more than one property. Access and turning provision for a fire appliance has also been demonstrated.

Details of bin storage or collection points are shown for both the proposed and host dwelling along with suitable off-street parking retention for 2a Darton Lane. Highways DC have been consulted on the application and raised no objections, and the proposal is deemed acceptable regarding highways safety. This weighs significantly in favour of the proposal.

Design, and Visual Amenity

The proposed development is an outline permission, with no floor plans or elevation drawings provided at this stage. As such, a full assessment has not been taken as to the design/visual amenity of the development however an indicative site plan has been submitted which shows a dwelling which is located centrally to the rear of the plot in order to maintain separation distances and is of a size which is proportional to the site and is acceptable in terms of overall layout and shape.

Landscaping, boundary treatments and external materials will be covered through conditions and at the reserved matters stage. This weighs modestly in favour of the proposal. The proposed development is in compliance with Local Plan Policy D1: High Quality Design and Place Making, the SPD for Design of Housing Development and is acceptable in terms of visual amenity and design, based on the information currently presented at this outline stage.

Residential Amenity

Only the means of access are being considered at this stage, with an indicative site plan showing the presence of a detached dwelling located towards the rear of the plot. No elevation drawings have been submitted which indicate the height of the dwelling in storeys; however, the indicative site plan shows separation distances in relation to neighbouring properties.

The rear elevation of the dwelling is 10 metres from the rear boundary which is in line with the SPD for Design of Housing Development for the distance expected from first floor habitable room windows and rear boundary lines. This weighs significantly in favour of the proposal. It is noted there is a further 23 metre distance to the new development to the south.

The proposed dwelling will likely be set to south of the two adjacent properties (Hawthorne House and The Chalet both on Darton Lane). The indicative plans show that a dwelling could be sited with approximately 23 metres maintained from the front elevation of the proposed dwelling to the south principal elevation of Hawthorne House and 28 metres to the front elevation of the proposed dwelling to the rear elevation of The Chalet. The indicative plans show a proposal could be designed that is acceptable with regards to separation distances. This weighs significantly in favour of the proposal.

The siting, scale and design of the development would need to be considered at reserved matters stage but the indicative plan shows that it is possible for a proposed dwelling to be designed to prevent any significant overshadowing or overbearing to any neighbouring dwelling, even though it is likely to be set directly to the south of neighbouring dwellings due to the separation distances.

Impact upon Biodiversity

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

enhancements. Biodiversity Net Gain (BNG) became mandatory for all applications in April 2024 except where one of the exemptions (as set out in the PPG) are met.

The PPG states that self-build and custom self-build applications are exempt and therefore a +10% net gain in biodiversity is not required in this instance. However, the mandatory BNG conditions still apply, and the onus is on the applicant to appropriately discharge these conditions and demonstrate which exemption is met.

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

Drainage

The application is in outline form at this stage. However, the Council's Drainage Section were consulted and raised no objections to the principle of a dwelling at this site and were happy for the details to be checked by building control.

Impact on Trees

The tree survey provided demonstrates that the trees on this site are generally relatively small somewhat insignificant specimens. All the trees have been allocated category C, however many are only relatively young and lack prominence and as such could well make better higher value specimens longer term.

Given that the trees are currently of a size, age and quality which means they do not pose a constraint, there are no objections to the development of the site in principle or the access which is being considered in full. At the reserved matters stage care should be taken to retain trees wherever possible as part of the final scheme put forward. This weighs modestly in favour of the proposal.

The trees which will be retained during the construction of the access which is part of this application and as part of any reserved matters application will require protection during any works. As such an arboricultural method statement will be required to deal with the protection of the trees and any specialist construction techniques which may be required. Likewise, the removal of some trees is inevitable and again suitable replacement planting as part of a landscaping scheme will be required.

Coal Mining

The application site falls within the 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.

Both The Mining Remediation Authority and The South Yorkshire Mining Advisory Service raised no objections subject to conditions. The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site. This information has been used to inform a Coal Mining Risk Assessment to accompany the planning application. Coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development.

Planning Balance and Conclusion

For the reasons given above, and taking all other matters into consideration, the proposal complies with the relevant plan policies and planning permission should be granted subject to necessary conditions. Under the provisions of the NPPF, the application is considered to be a sustainable form of development and is therefore recommended for approval.

Recommendation

Approve subject to conditions

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

It has not been necessary to make contact with the applicant to request amendments to the proposal during the consideration of the application, as it was deemed acceptable.

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