

Application Reference Number:	2025/0472		
Application Type:	Full.		
Proposal Description:	<i>Retrospective permission for temporary siting of static caravan for residential uses (3-year period).</i>		
Location:	<i>2 The Walk, Birdwell, Barnsley, S70 5UA.</i>		
Applicant:	<i>A Robinson Architect.</i>		
Third-party representations:	<i>None.</i>	Parish:	
		Ward:	<i>Rockingham.</i>

Summary:

The applicant is seeking retrospective planning permission for the siting of a static caravan to provide residential accommodation for a 3-year period whilst renovation works are undertaken at 2 The Walk.

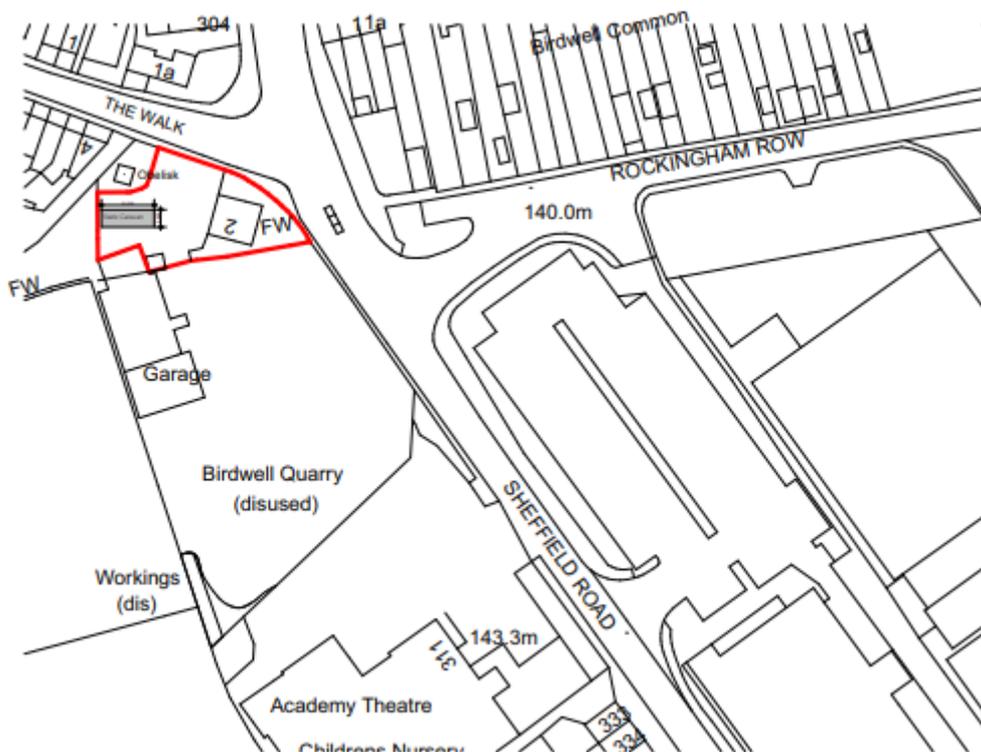
The siting of new residential structures and buildings are acceptable in principle if proposals would not adversely affect residential amenity, highway safety, and where satisfactory standards of design are achieved that would conserve and enhance the significance and setting of the borough's heritage assets. Proposals will also be expected to demonstrate that they are not likely to result, directly or indirectly, in an increase in pollution which could unacceptably affect or cause nuisance to the natural and built environment or to people.

Whilst the retrospective development does introduce some minor less than substantial harm to the setting of the grade II-listed Birdwell Obelisk, this is considered to be outweighed by the prospect of public benefits from historic setting improvements in the future by way of the removal of the static caravan and associated development from the site, which will be secured by condition. The proposal therefore complies with the relevant local and national planning policies and guidance on balance, and planning permission should be granted for a temporary 3-year period subject to necessary conditions. 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

This application relates to a hard surfaced area located to the west of 2 The Walk. To the north-west of the development site is the grade II-listed Birdwell Obelisk and to the west is a public right of way. Residential properties are to the north, east and west. An ALDI supermarket is located to the south-east. To the south is a commercial premises for transport and goods freight handling. Access is off The Walk near to the junction with Sheffield Road. The development site comprises a static caravan enclosed by light grey fencing which appears to replace three previous garages. Existing detached buildings constructed of brick remain to the south-west corner within the development site and timber vehicular and pedestrian gates have been installed to the access off The Walk alongside new fencing atop the existing stone boundary wall.



Planning History

There is no planning history associated with the development site.

Proposed Development

The applicant is seeking retrospective planning permission for the siting of a static caravan to provide residential accommodation for a 3-year period whilst renovation works are undertaken at 2 The Walk.

Relevant Policies

The Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires development 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 a full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering on 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, which is due to take place in 2027, or earlier, if circumstances require it.

The development site is allocated as urban fabric within the adopted Local Plan which has no specific allocation. The grade II-listed Birdwell Obelisk is located immediately to the north-west. The following Local Plan policies are therefore relevant in this case:

- *Policy SD1: Presumption in favour of Sustainable Development.*
- *Policy D1: High quality design and place making.*
- *Policy HE1: The Historic Environment.*
- *Policy HE3: Developments affecting Historic Buildings.*
- *Policy GD1: General Development.*
- *Policy POLL1: Pollution Control and Protection.*
- *Policy T4: New Development and Transport Safety.*

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

In December 2024, the Government published a revised NPPF which is the most recent revision of the original Framework, first published in 2012 and updated several times, providing the overarching planning framework for England. The NPPF 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. The 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 (paragraph 10) and plans and decisions should apply this presumption in favour of sustainable development (paragraph 11). There are three dimensions to sustainable development: economic, social and environmental; each of these aspects are mutually dependent. The following NPPF sections are relevant in this case:

- *Section 2: Achieving sustainable development.*
- *Section 4: Decision-making.*
- *Section 12: Achieving well designed places.*
- *Section 16: Conserving and enhancing the historic environment.*

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 this guidance into account when taking decisions.

Planning (Listed Buildings and Conservation Areas) Act 1990

- *Section 16: Decision on application.*
- *Section 66: General duty as respects listed buildings in exercise of planning functions.*

Supplementary Planning Guidance

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

- *Residential amenity and the siting of buildings (Adopted May 2019).*
- *Walls and fences (Adopted May 2019).*
- *Parking (November 2019).*

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

Consultations

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

A site notice was placed nearby, expiring 30th August 2025, and the application has been advertised on the Council website. A press notice was also used, expiring 30th August 2025. One objection was received with concerns raised regarding visual amenity and the impact upon a historic monument.

Conservation Officer	<i>No objection.</i>
Historic England	<i>No comments.</i>
Highways Development Control	<i>No objection.</i>
Pollution Control	<i>No objection subject to informative(s).</i>
Public Rights of Way	<i>No objection subject to informative(s).</i>
Tankersley Parish Council	<i>No comments received.</i>
Local Ward Councillors	<i>No comments received.</i>

Planning Assessment

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

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

Principle of Development

The siting of new residential structures and buildings are acceptable in principle if proposals would not adversely affect residential amenity, highway safety, and where satisfactory standards of design are achieved that would conserve and enhance the significance and setting of the borough's heritage assets. Proposals will also be expected to demonstrate that they are not likely to result, directly or indirectly, in an increase in pollution which could unacceptably affect or cause nuisance to the natural and built environment or to people.

Impact on Design, Heritage and Visual Amenity

During the application process, concerns were raised regarding visual appearance and impact upon the adjacent grade II-listed Birdwell Obelisk.

Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

The grade II-listed Birdwell Obelisk is located immediately to the north-west of the development site. As such, Historic England and the Council's Conservation Officer were consulted.

Historic England provided a response stating that it was not necessary to notify or consult the body on this application under the relevant statutory provisions in this instance and therefore, no detailed comments were made.

The Council's Conservation Officer stated that the Birdwell Obelisk is a commemorative monument to the Second Earl of Strafford, dated 1775. Setting is an important consideration, and the monument was intended to be seen from the public realm. However, this has radically changed since its erection and prior to the siting of the caravan, the presence of modern garages and buildings and backdrop of a large portal framed shed and modern arched building have eroded the setting substantially, and from a historic environment perspective, whilst the presence of the caravan with its modern materials and incongruent form and design does introduce a degree of harm, this part of the setting has been altered significantly and currently contributes little to the significance of the historic building. As such, a temporary permission would only likely cause minimal less than substantial harm, and if compared to the pre-existing garages, any harm would be on a like-for-like basis with an overall slight change. A temporary permission would also retain the prospect of an improved setting in the future.

Considering the above, the Council's Conservation Officer raised no objections. It should be noted that this based upon a temporary permission only and subject to the removal of the static caravan and all associated development from the site once no longer required, including the vehicular access gate and boundary fencing atop the high stone boundary walls, to improve the setting of the Birdwell Obelisk. The Council's Conservation Officer would object strongly to any permanent permission for a static caravan in this location. The local planning authority (LPA) has no reason to disagree with the professional opinions of the Council's Conservation Officer in this instance, and on balance, the retrospective proposal is considered acceptable on a temporary basis. Whilst the anticipated less than substantial harm is attributed great weight in accordance with paragraph 212 of the NPPF, the prospect of public benefits from historic setting improvements in the future is considered to outweigh this short-term temporary harm. Consideration has also been given to the development justification which is stated to provide residential accommodation while renovation works are undertaken at 2 The Walk. This is considered reasonable justification on a temporary basis.

Considering the above, and subject to necessary conditions, this is considered to weigh moderately in favour of the proposal.

The proposal is therefore considered to conserve or enhance the character and appearance of the nearby listed buildings in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and would comply with Local Plan Policies D1: High Quality Design and Placemaking, HE1: The Historic Environment, and HE3: Developments affecting historic buildings, and is considered acceptable regarding visual amenity.

Impact on Residential Amenity

The caravan is positioned to the west within the development site where an adjacent public right of way separates the development site and adjacent neighbouring residential properties. The potential

impacts of the retrospective development were assessed during a site visit undertaken on 8th August 2025. It is not considered that the retrospective development contributes to significantly increased overshadowing, overlooking and loss of privacy, or reduced outlook, and in any case, it is anticipated that the retrospective development would only be in situ on a temporary basis while renovation works are undertaken at 2 The Walk. This will be secured by condition to prevent the permanent siting of the static caravan for residential accommodation.

Whilst the proposal is unlikely to contribute to a significant detrimental impact on the existing amenity levels of people living and/or working in the locality, there could be some temporary disruption and nuisance caused during works, particularly when being removed from site when no longer required and before the expiration of any grant of temporary permission. As such, a condition could be used to control construction hours.

Considering the above, this is considered to weigh modestly in favour of the proposal.

The proposal is therefore considered to comply with Local Plan Policy GD1: General Development and Local Plan Policy POLL1: Pollution Control and Protection and is considered acceptable regarding residential amenity.

Impact on Highways

The proposed development is not considered to be prejudicial to highway safety as existing parking arrangements within the development site have not been significantly impacted. Moreover, as only temporary permission is being sought in this instance, the retrospective development would have no long-term highway implications. The static caravan is also essentially serving as a temporary annexe accommodation to 2 The Walk and therefore, there is no requirement for additional parking spaces to be provided in this instance.

Considering the above, this is considered to weigh moderately in favour of the proposal.

The proposal is therefore considered to comply with Local Plan Policy T4: New Development and Transport Safety and is considered acceptable regarding highway safety.

Planning Balance and Conclusion

In accordance with the provision of paragraph 11 of the NPPF (2024), the proposal is considered in the context of the presumption in favour of sustainable development and therefore, for the reasons given above, and taking all other matters into consideration, whilst the retrospective development does introduce some minor less than substantial harm to the setting of the grade II-listed Birdwell Obelisk, this is considered to be outweighed by the prospect of public benefits from historic setting improvements in the future by way of the removal of the static caravan and associated development from the site, which will be secured by condition. The proposal therefore complies with the relevant local and national planning policies and guidance on balance, and planning permission should be granted for a temporary 3-year period subject to necessary conditions.

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 this 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 representations, 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.

Conditions:

1. The development hereby permitted shall be for a limited period of 3-years from the date of this decision. At the end of 3-years the development hereby permitted shall cease and the static caravan along with associated development, including the vehicular access gate and fencing atop the stone boundary walls, shall be removed from the site and the land restored to its pre-existing condition.

Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policies D1 High Quality Design and Place Making and HE1 The Historic Environment.

2. The development hereby approved shall be carried out strictly in accordance with the plans:

Site Plan S1 Rev. A

and specifications as approved unless required by any other conditions in this permission.

Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policies D1 High Quality Design and Place Making and HE1 The Historic Environment.

3. Construction or demolition-related activity shall only take place between the hours of 08:00am – 18:00pm Monday to Fridays, 09:00am – 14:00pm Saturdays and at no time on Sundays and Bank Holidays.

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

Informative(s):

1. The granting of planning permission does not in any way infer that consent of the landowner is given. Therefore, the consent of all relevant landowners is required before proceeding with any development, including that of the Council as landowner.

If it should transpire that the applicant does not own any of the land included in this consent, then it is the responsibility of the applicant to seek all necessary consents and approvals of the landowner.

2. A public right of way (Worsbrough FP 41) runs alongside the proposed development site. Safe public access on the right of way should always remain available, with no obstruction of or encroachment onto the width of the path and no building debris, storage of materials or parked vehicles limiting access at any time. Appropriate measures should be taken to protect the public, including fencing if necessary. If safe public access is not possible at any time, then a temporary closure must be arranged, providing at least 4 weeks' notice and details of how public access will be managed. For further information contact publicrightsofway@barnsley.gov.uk.
3. It is recommended that measures are taken to prevent a nuisance/ or effect the quality of life of local residents. Please note that the Council's Pollution Control Team have a legal duty to investigate any complaints about noise, smoke or dust. No waste should be burnt. If a statutory nuisance is found to exist, they must serve an Abatement Notice under the Environmental Protection Act 1990. Failure to comply with the requirements of an Abatement Notice may result in a fine of up to £20,000 upon conviction in Magistrates' Court. It is therefore, recommended that you give serious consideration to the steps that may be required to prevent a noise, dust or smoke nuisance from being created.