

**Application Reference: 2025/0740**

**Site Address:** 38 Hoyle Mill Road, Stairfoot, Barnsley, S70 3EL

**Introduction:**

This application seeks full planning permission for the erection of detached summer house in rear garden (retrospective)

**Relevant Site Characteristics**

The application site is an end terrace on a modern estate. The terrace is built of red brick and grey tile. The surrounding area is wholly residential with predominantly stone frontages. The house has a frontage onto Hoyle Mill Road and backs onto Rosedene Close. The Rosedene Close frontage is partly enclosed by a two metre fence and partly by a mature hedge and trees well in excess of 2 metres in height.

**Site History**

<b>Application Reference</b>	<b>Description</b>	<b>Status (Approved/Refused)</b>
2006/0285	Residential development of 43 dwellings and one 4-storey block of 24 apartments (Outline)	Granted
2007/0677	Erection of 46 dwellings and 28 apartments (Reserved Matters)	Granted

**Detailed description of Proposed Works**

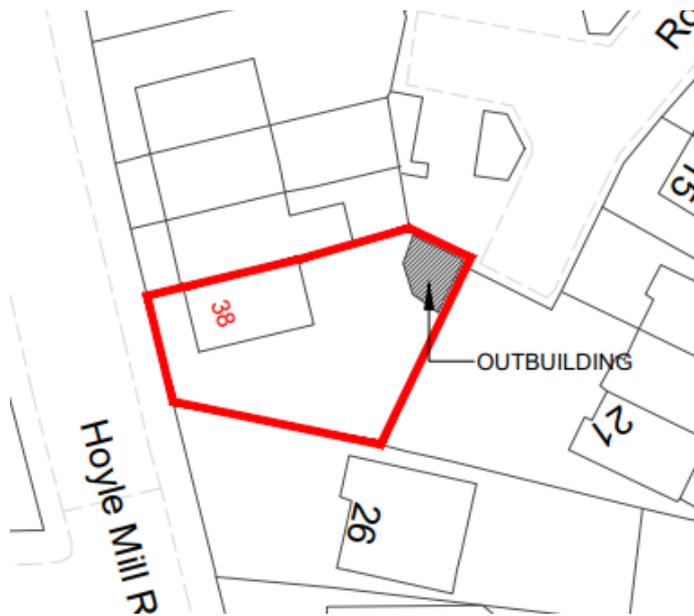
The application proposes the erection of a detached summer house the in rear garden of the house. As the summer house has already been erected, the application is retrospective.

The summer house has wooden cladding walls on two elevations and an open aspect otherwise; and a felted roof.

The application form indicates that the summer house aligned with the set limits that wouldn't require planning permission described on the gov website. It also indicates that a pre application enquiry confirmed that planning permission is required because permitted development rights have been removed.

The summer house measures 2.59 metres to the eaves and 3.1 metres to the top of the monopitch roof. It has an irregular footprint with an area of 18.1 square metres.

## Proposed Block Plan



## Proposed elevations, section and 3D view



## Relevant policies

### The Development Plan

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

The Local Plan review was approved at the full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering its objectives. This means, no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review. The next review is due to take place in 2027, or earlier, if circumstances require it.

The following Local Plan policies are relevant in this case:

- Policy SD1: Presumption in favour of Sustainable Development.
- Policy D1: High Quality Design and Place Making.
- Policy GD1: General Development.
- Policy T4: New Development and Transport Safety
- Policy UT2: Utilities safeguarding

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

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

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

Section 2 - Achieving sustainable development

Section 4 - Decision making

Section 12 - Achieving well-designed places

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

### Supplementary Planning Guidance

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

- House extensions and other domestic alterations

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

### **Consultations**

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

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

No representations have been received.

Yorkshire Water – Object as the submitted layout indicates that the building is sited over the public sewer

Highway Drainage – No objection

### **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 unless the NPPF establishes a specific weight:

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

### **Principle**

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

#### Impact on the public sewer

The summer house has been built over a public sewer. When reserved matters was approved for the housing estate in 2007, it was subject to two conditions that removed permitted development rights. Condition 10 removed permitted development rights for buildings or structures within 3 metres of any sewer or culverted watercourse. (There is a similar condition on the outline planning permission, condition 14).

Yorkshire Water comments on this application are clear that the construction of the building over the sewer could seriously jeopardise Yorkshire Water's ability to maintain the public sewerage network and that the development and its foundations may have already had an adverse impact on the public sewer.

Yorkshire Water comments invite the applicant to submit a drawing showing the site-surveyed position of the public sewer and amended siting of the summer house showing the required stand-off from the public sewer of 3.5 metres and with no raising/lowering of ground levels or any restriction to access to existing manholes on the sewer. Since this is a retrospective application to retain the existing summer house as built, any such amended scheme would have to be subject to a separate planning application.

The proposal is considered to be contrary to Local Plan policies GD1 which states that development proposals will be approved if (amongst a list of criteria) any drains, culverts and other surface water bodies that may cross the site are considered; and UT2 which states that existing services and utilities will be protected from development that will detrimentally affect them.

The harm to the public sewerage network carries significant weight against the application.

### Scale, Design and Impact on the Character

The summer house is located in the back garden of the house in question. With a height to eaves of 2.59 metres it slightly exceeds in advice in the House extensions and other domestic alterations SPD that the eaves height of outbuildings 'should not normally exceed 2.5 metres from ground level'. As the house backs on to Rosedene Close, no more than 0.5 metre of the summer house is visible above the 2 metre high fencing that screens the rear garden from Rosedene Close. The summer house is clad with wood and does not have an adverse impact on the character of the area. The proposal is considered to be of an appropriate character, design and siting in the street scene and to be in compliance with Local Plan policy D1, and as such carries moderate weight in favour of the application.

### Impact on Neighbouring Amenity

The summer house is located at the bottom of the back garden of the house in question. It is similar in height to outbuildings in the garden of the adjoining house which together with a two metre high fence between the gardens, mean that the summer house will have limited if any impact on the residential amenity of the adjoining house to the north. The neighbouring house to the south is detached and sited such that there will be no view of the summer house from the secondary windows in the gable facing the application site. The nearest houses to the east will have visibility of no more than 0.5 metre of the summer house that is visible above the 2 metre high fencing that screens the rear garden from Rosedene Close. As there is over 12 metres between the front main wall of these houses and the summer house, it is considered that the summer house will have limited if any impact on the residential amenity of these houses.

It is concluded that the proposal will not result in any material harm to the amenity of neighbouring properties and is in compliance with Local Plan policy GD1. This carries moderate weight in favour of the application.

### Planning Balance and Conclusion

For the reasons given above, and taking all other matters into consideration, the proposal does not comply with the relevant plan policies and there are no material considerations that outweigh this conflict. It is concluded that planning permission should be refused.

### **RECOMMENDATION: Refuse**

The summer house has been built over a public sewer. The development and its foundations may have caused damage to the existing sewer and will seriously jeopardise Yorkshire Water's ability to maintain the public sewerage network. This is contrary to Local Plan policies GD1 and UT2 which indicate that development must consider any drains that cross the site, and seek to protect services and utilities from development that will detrimentally affect them.

### **Justification**

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

**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.**

1. Refusal

*In dealing with the application referred to above, despite the Local Planning Authority wanting to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application, in this instance this has not been possible due to the reasons mentioned above.*

**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.**