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| <b>Application reference number</b> | 2026/0080 |
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| <b>Application Type</b> | Full |
|-------------------------|------|

|                              |                                                               |
|------------------------------|---------------------------------------------------------------|
| <b>Proposal Description:</b> | Formation of dropped kerb to allow improved access onto drive |
| <b>Location:</b>             | Hollybank, 37 Cone Lane, Silkstone Common, Barnsley, S75 4PX  |

|                                   |               |                |                     |
|-----------------------------------|---------------|----------------|---------------------|
| <b>Applicant</b>                  | Mr Sean Hager |                |                     |
| <b>Number of Third Party Reps</b> | 0             | <b>Parish:</b> | Silkstone           |
|                                   |               | <b>Ward:</b>   | Penistone East Ward |

## SUMMARY

The application seeks full planning permission for the formation of a dropped kerb to allow improved access onto drive.

The site lies within a residential area, and the dropped kerb gives access to Cone Lane which is a classified road.

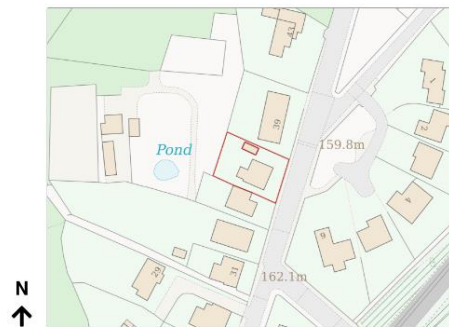
There are no outstanding consultee objections or concerns.

The application is to widen an existing dropped kerb, highways have assessed the proposal and have no objections, the application is therefore acceptable.

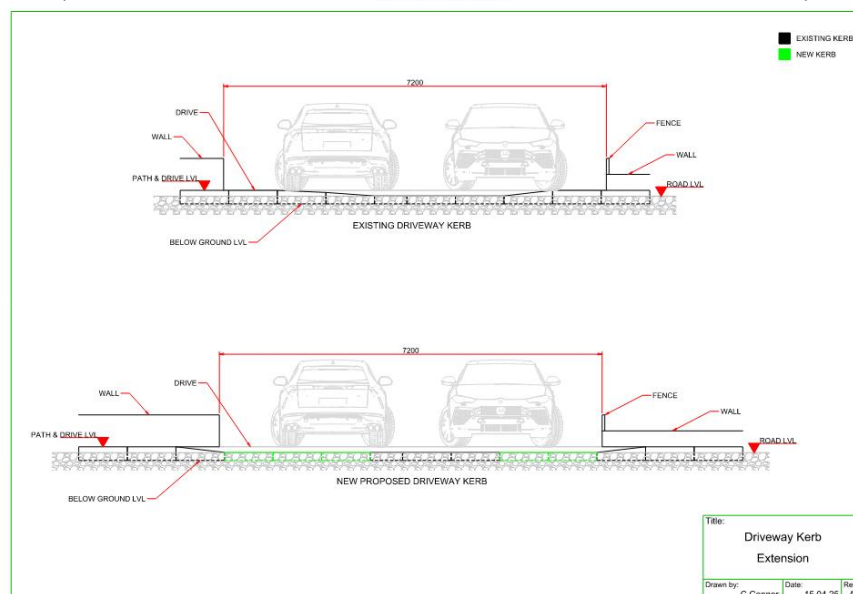
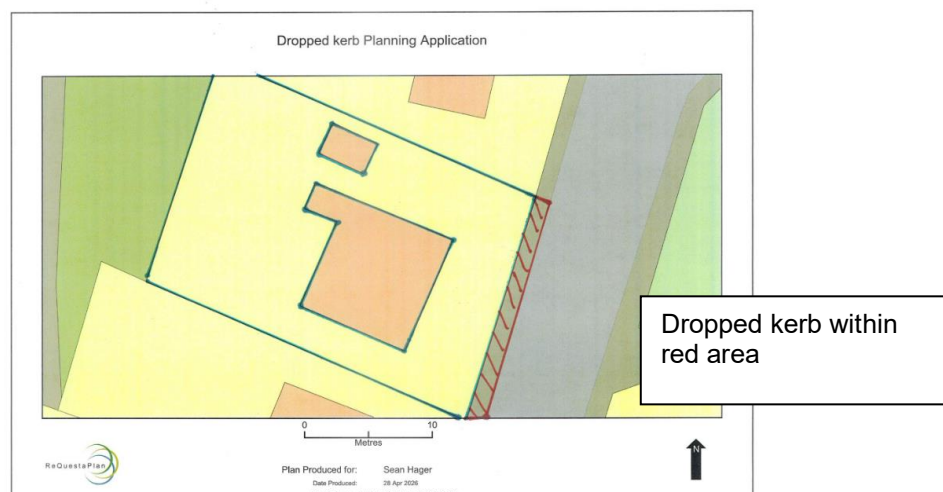
The proposal will have no adverse impact on highway safety, residential or visual amenity and is considered to be acceptable in policy terms. The proposal is therefore considered to be an acceptable and sustainable form of development in line with paragraphs 7 and 8 of the National Planning Policy Framework (NPPF, 2026).

Recommendation: **GRANT Planning Permission subject to conditions**

## Location Plan



## Proposed site plan



## Site Description

The site is located within the outskirts of Silkstone Common on Cone Lane. Cone Lane has a gentle downward gradient from the railway station. The site is flanked by residential properties, with open Green Belt located beyond the rear garden. There are hedgerows, close boarded fences, and mature shrubs on the boundaries with the neighbouring dwellings.

The site comprises a brick built bungalow with attached garage located at the side of the property. The property benefits from a large double driveway in front of the garage, however the dropped kerb serving the driveway is only wide enough for a single car entry. The property is set back from the road and bound by a low stone wall along the frontage.

## Relevant Site History

| <i>Application Reference</i> | <i>Application description</i>                                  | <i>Status</i> |
|------------------------------|-----------------------------------------------------------------|---------------|
| 2022/0227                    | Side and rear extensions and raising height of roof of dwelling | Approve       |
| B/86/1156/PR                 | Erection of private garage                                      |               |

## Detailed Description of Proposal

The applicant seeks permission to extend the existing dropped kerb across the double driveway to allow full access onto the drive.

## Policy Context

### 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 was adopted in January 2019 and is accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment, and mixed-use sites). In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies which are a material consideration in the decision-making process.

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

### Local Plan

The site is identified as Southern Fringe District within the Local Plan and as such the following policies are considered to be relevant to this application:

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

#### Adopted 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:

- House extensions and other domestic alterations
- Parking

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

#### National Planning Policy Framework (NPPF) (2026)

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework 2026 sets out the overarching planning framework for England. It has replaced the previous version published in December 2024 and introduced a revised structure comprising national decision-making policies organised by policy code rather than paragraph number. Paragraph 1 confirms that the NPPF is a material consideration of critical importance for making decisions on development proposals in England.

Paragraph 15 confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, and NPPF Policy S3 sets out a presumption in favour of sustainable development, with paragraph 17 setting out the three overarching objectives of sustainable development: economic, social and environmental. Relevant policies have been taken into account throughout the assessment of this application according to the issues raised by the proposal.

The most relevant sections are:-

- Section 3 - Decision making policies
- Section 4 - Achieving sustainable development
- Section 14- Achieving well designed places
- Section 15 – Promoting sustainable transport

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.

#### **Relevant Consultations:**

**Highways DC** – No objections

**Local Councillors** – No comments received

**Parish Council** – No comments received

### **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 3 surrounding properties, no representations were received.

### **Assessment**

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that: 'Where in making any determination under the planning acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise'.

The NPPF (2026) at paragraph 3 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF must be taken into account in preparing the development plan and is a material consideration in planning decisions.

The main issues for consideration are as follows:

- The principle of the development
- The impact on the character of the area
- The impact on the highway network and highways standards
- The impact on neighbouring residential properties

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 Urban Fabric, planning permission is required for access onto and development upon a classified highway and permission will be granted where such development does not impinge upon highway safety.

Local Plan Policy states that 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. Policy TR6 of the NPPF states that development should be refused on highway grounds if there would be an unacceptable impact on highway safety.

Whilst the formation of a vehicular driveway can be implemented under permitted development rights provided that all the relevant criteria and conditions are complied with, planning

permission is required for an access onto a classified highway. It is unlawful to drive over a pavement to access a driveway without a dropped kerb.

As such the principle of development is considered acceptable subject to the assessment against other relevant policies below.

#### Impact upon Character and Appearance of Surrounding Area

There is an existing dropped kerb at the front of the property serving the existing driveway. This proposal will see the expansion of this dropped kerb across the entirety of the double driveway. As the dropped kerb is to extend the existing with no other alterations, the proposal is unlikely to have a negative impact within the surroundings.

Overall, it is considered that the proposed alterations would have a neutral impact on the character of the area and as such is in compliance with Local Plan Policy D1; this carries significant weight in favour of the application.

#### Highway Safety

The application seeks approval to extend the existing dropped kerb. The original single-vehicle width driveway was widened to a double width driveway within recent years, however, the single-vehicle width dropped kerb still remains in place. It is now proposed to widen the dropped kerb in order to facilitate vehicular access/egress to/from the frontage parking area.

The Highways Department has assessed the proposal stating that the vehicular access has a width of 7.2m which allows for the required 2m x 2m pedestrian intervisibility splays to be achieved from both parking spaces. Given that Cone Lane is classified (C270) there is ordinarily a requirement for vehicles to enter and exit in a forward gear in the interests of highway safety; however, within the vicinity of the site the majority of properties have off-street parking provision with no turning facilities.

The Council's Highways Officer highlights that accident data shows that there have been no recorded personal injury accidents anywhere along Cone Lane during the last 5 year period.

Based on the above assessment it is considered that the proposed development would not have a detrimental impact on the highway network or the safe and free flow of traffic and as such is in compliance with Local Plan Policies BTC11 and T4; this carries significant weight in favour of the application.

#### Residential Amenity

The proposal is to extend the existing dropped kerb in front of the host property only, therefore the proposal is not expected to impact residential properties within this location.

As a result of the above, it is not considered that the development proposed would significantly impact the amenity of the residents, this carries limited weight in favour of the application.

#### Biodiversity

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

This application is exempt from the requirement to provide BNG as it meets the de minimis exemption where no more than 25 square metres of habitat will be affected.

## **PLANNING BALANCE & CONCLUSION**

In accordance with National decision making policy S3 of the NPPF (2026) the proposal is considered in the context of the presumption in favour of sustainable development.

The proposal is considered to be located within a sustainable location and would not impact on the character of the area, highway safety, or upon residential amenity, and this weighs considerably in favour of the application.

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

The proposal is therefore, on balance, recommended for approval.

## **RECOMMENDATION Approve with conditions**

### **Justification**

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

The LPA have worked proactively with the applicant to make the necessary amendments to ensure the development is compliant with the development plan.

**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.**