

Summary Proof of Evidence: Planning

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, G N Wright, M M Wood, M J Wood and J D Wood

Date: May 2025 | Pegasus Ref: P23-1714PL

LPA Ref: 2024/0122

Appeal Ref: APP/R4408/W/25/3359917

Author: Gary Lees

1. Introduction

- 1.1. The appeal follows the decision of Barnsley Metropolitan Borough Council to refuse an application for outline planning permission (LPA ref: 2024/0122) 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.”

Witness Background and Particulars

- 1.2. My name is Gary Robert Lees. I hold a Bachelor of Arts Degree with Honours in Urban and Regional Planning, together with a Diploma in Town Planning, both from Lanchester Polytechnic. I am a member of the Royal Town Planning Institute and a Director of GRL Planning Ltd. GRL Planning Ltd was formed in July 2024 following my retirement as Chairman of Pegasus Group. I am retained as a consultant for Pegasus Group on various projects.
- 1.3. I have over 30 years’ experience working in a variety of planning roles in Local Government and planning consultancies. I joined Pegasus Group in 2004 and have over those years advised a range of clients in relation to the promotion of land through the development plan process and the submission of planning applications. I have appeared at development plan examination hearings and planning appeal inquiries as a witness, including in relation to housing need and supply matters.
- 1.4. The evidence I have prepared and provide to this Inquiry on behalf of Hargreaves Land Ltd is true and given in accordance with the code of conduct of the Royal Town Planning Institute. I confirm that the opinions expressed are my true and professional opinions.

2. Context and Background

- 2.1. The Appeal site comprises 6.78 hectares of land to the north east of Hemingfield Road and north of Briery Meadows. The proposed development is set entirely within the development limits of the settlement of Hemingfield, which itself forms part of the wider Hoyland Principal Town. Principal Towns along with Urban Barnsley are identified in the Spatial Strategy section of the Barnsley Local Plan (BLP **CD5.1A**) as being *'the main local focus for housing, employment, shopping, leisure, education, health and cultural activities and facilities, and their roles as accessible and vibrant places to live should be enhanced'*¹. The BLP goes on to state that *'We want Hoyland to grow in housing and employment terms taking advantage of its accessible location and utilising strategic transport links'*.²
- 2.2. The site is located within a sustainable settlement which is in the second tier of the settlement hierarchy. The LPA has confirmed in the SoCG that it is considered to be sufficiently accessible and suitable for housing in principle. In the Officer's Report to Committee [**CD 2.1**] it states that the *'application [site] is in a sustainable area'* and the Council's Highway's Department consultation response [**CD 4.19A**] confirms that there is *'a proliferation of sustainable transport routes within and adjacent to the site'*³.
- 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. The site is located entirely within Flood Zone 1 and is at a low risk of flooding from all sources. The site is not subject to any local or national designations for ecology, landscape, or heritage.

¹ BLP paragraph 5.16

² BLP paragraph 5.45

³ Further details are provided in the SoCG and the Appellants SoC (paragraphs 2.8 to 2.10)

3. The Development Plan and National Policy

- 3.1. The National Planning Policy Framework (“NPPF”) does not purport to change the statutory framework or displace the primacy of the development plan; rather, it is a material consideration for the purposes of sections 70(2) of the TCPA 1990 and section 38(6) of the PCPA 2004. The NPPF represents up-to-date government policy⁴ and is, therefore, an important material consideration that must be taken into account where it is relevant to a planning application/appeal.
- 3.2. At the heart of the NPPF is a presumption in favour of sustainable development, where Paragraph 11 sets out the policy for decision making. Paragraphs 11(c) and 11(d) set out how this should be done, with 11(d) referred to as the ‘tilted balance’.
- 3.3. The Council now agree that the tilted balance is engaged in relation to this proposal⁵.
- 3.4. As a consequence of the BLP failing to deliver the housing it said it would when it was adopted back in 2019, this is a change in circumstance since the plan was adopted and further renders policies that restrict the supply of housing out of date. The lack of any housing delivery action plan (as required by the Council in only achieving 84% of its Housing Delivery Test (HDT) requirement) along with no prospect of an updated local plan any time soon, only serve to compound the out of date status of Policy GB6 in particular; a policy that specifically restricts the supply of housing.

The Most Important Policies

- 3.5. The most important policies for determining application are agreed in the SoCG; those being Policy GD1: General Development and Policy GB6: Safeguarded Land.
- 3.6. 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 5 of my evidence.
- 3.7. 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.
- 3.8. As directed by NPPF paragraph 11 and as a consequence of BLP continually failing to deliver sufficient housing to meet its requirements since the plan was adopted⁶, the most important policies are out-of-date and should be attributed reduced weight as a consequence, as should any conflict with such policies.
- 3.9. Whilst Policies GD1 and GB6 are considered the most important, all relevant policies, along with the strategic direction and evolution of the BLP, are important material considerations and I seek to deal with those aspects below.

⁴ Planning Practice Guidance, Paragraph 006 Reference ID: 21b-006-20190315

⁵ LPA Statement of Case, paragraph 6.3 [CD 9.2]

⁶ See Table 4.1 below

Barnsley Local Plan

- 3.10. The BLP was adopted on 3rd January 2019 following extensive consultation dating back to 2012. The BLP was reviewed by the Council in 2022.
- 3.11. 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."*
- 3.12. 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 growth⁷.
- 3.13. The appeal site was released from the Green Belt and designated as Safeguarded Land as part of the BLP, as a consequence it is now located within the identified development limits of Hoyland (as shown in figure 3.1 below).

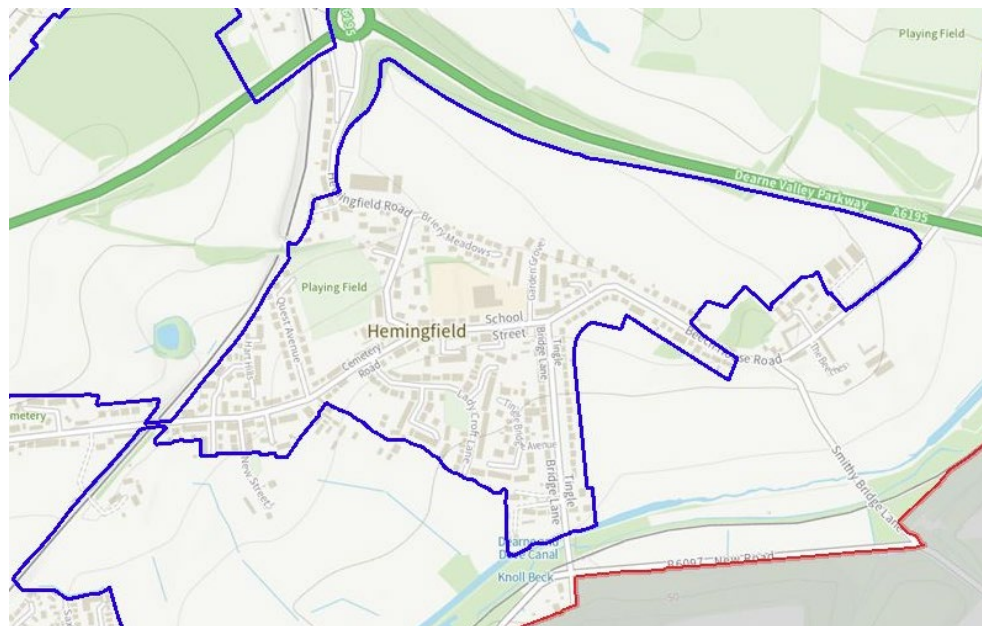


Figure 3.1: Hoyland Settlement Limits (source: extract from Barnsley Council Local Plan Map)

- 3.14. 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.
- 3.15. With the above definition and role of a Principal Town in mind, the proposed development is considered to be 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

⁷ BLP paragraph 5.16



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.

4. Housing Delivery Failure

- 4.1. Since coming into Office, the emphasis on housing delivery by the present Government has changed, with the Government driving forward reforms including the publication of the revised NPPF to boost the delivery of new housing. The Government have identified a need for 1.5 million new homes in this parliament.

Housing Delivery in Barnsley

- 4.2. I refer to the evidence produced by Mr Good and agree with his findings which I summarise here. The Council has failed to deliver their housing requirement set in the adopted BLP (Policy H1). 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.
- 4.3. A total shortfall of 3,604 dwellings had been accrued up to 1st April 2024. Delivery over the plan period represents less than 70% of the BLP housing requirement to date.

Year	Requirement	Net Completions ⁸	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 ⁹	-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 ¹⁰

Table 4.1: Dwelling completions – Barnsley (Source: Barnsley Metropolitan Borough Council, 2024)

⁸ 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

⁹ Figure taken from AMR 2022–23

¹⁰ 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.

- 4.4. Mr Good's evidence demonstrates that the overall deliverable housing land supply is reduced to just 2.02-years. The chronic and acute under-delivery over the plan period to date is likely to continue into the foreseeable future. The Council need to address this issue as a matter of urgency.

Affordable Housing Delivery in Barnsley

- 4.5. The Barnsley Housing Strategy 2024-2028 [CD 5.12] sets out the Council's strategic priorities in relation to housing. It correctly identifies (page 3) that:

"Living in good quality, affordable housing supports our health and wellbeing and is something every resident in Barnsley should have access to. Having this foundation helps people support their family, be part of their community and contribute to our economy."

- 4.6. The 2021 SHMA identified that the area with the greatest affordable housing need is the Hoyland, Wombwell and Darfield sub-area with a total net need of 314 affordable dwellings per annum. The Proposed Development is sited within this area of greatest need.
- 4.7. Within the Hoyland Milton ward, within which the proposed development is set, there has been just 30 (gross) affordable housing completions in 2019/20 with no further affordable completions after this date despite continued housing delivery.
- 4.8. Total affordable housing delivery in Barnsley, taking account of Right to Buy (RtB) sales, has actually only increased by just **35 dwellings**, since 2019/20; that is an average net increase of less than 7 affordable dwellings per year. This is a shortfall of 183 affordable homes per annum against the need identified within the 2021 SHMA and 285 affordable homes per annum against the examined need from the 2017 SHMA. There is also a massive waiting list for affordable housing and huge levels of competition between those in need of such housing.
- 4.9. The provision of circa 18 affordable dwellings as part of the appeal proposals should be afforded **substantial positive weight** in the determination of this appeal. This position is supported by numerous appeal and Secretary of State decisions.

The Delivery of the Appeal Scheme

- 4.10. The appeal proposal is expected to deliver in the region of 165 to 180 dwellings, 10% of which will be affordable (policy compliant). I have been made aware that several housebuilders have expressed their interest in developing the site. I understand that the site can be brought to the market swiftly should the appeal be allowed to enable reserved matters applications to be submitted and approved next year, with commencement on site the following year (2027).
- 4.11. At an estimated build out of 40 dwellings per annum (including the affordable), this would deliver circa 100 dwellings in the next five years to 1st April 2030, the development being completed by 2032. This represents a significant contribution to the Council's FYHLS.

5. The Main Issues

Main Issue 2 and Reasons for Refusal 1 in relation to Safeguarded Land

- 5.1. Main Issue 2 is the whether the development would be contrary to local and national policies in relation to safeguarded land and if so the weight to be given to such conflict.
- 5.2. The appeal proposals are agreed to be in conflict with Local Plan Policy GB6, being designated as Safeguarded Land and the policy stating that *"The permanent development of safeguarded land will only be permitted following a review of the Local Plan which proposes such development"*.
- 5.3. Whilst there is agreed conflict with Policy GB6, the key issue is the degree of weight to be applied to it in the context of the tilted balance. I have set out why Policy GB6 is out-of-date in Section 3 above; it is a policy that restricts the supply of housing where there is an urgent need (as demonstrated by the really poor performance in delivery of both market and affordable housing and the acknowledged lack of deliverable housing land, with an accepted significant FYHLS shortfall), and it is a policy that was clearly formulated on the basis of the BLP delivering housing in accordance with the trajectory in the adopted plan. The expected delivery since the plan was adopted has failed and this is an unexpected change in circumstance, not anticipated by the BLP at adoption that renders Policy GB6 out-of-date in its own right. In addition, Policy GB6 is inarguably out-of-date as it is agreed to be a most important policy that is out of date as a consequence of the failure of the Council to maintain a five year supply of deliverable housing sites (NPPF Footnote 8).
- 5.4. Policy GB6 is a policy that restricts the supply of housing and without the relaxation of such of policies there is no apparent remedy to the dire housing land delivery problem and supply shortage in Barnsley for the foreseeable future.
- 5.5. With regard to NPPF paragraph 149, I agree that Policy GB6, when drafted and adopted displays conformity with this plan making policy. However, it is important to emphasise that paragraph 149 is a plan making policy in providing guidance to LPAs when they are defining Green Belt boundaries, and should be read in that context. At the time of adoption of the BLP in 2019, Policy GB6 was in conformity with the NPPF and doing what it was intended to do – hold back development of Safeguarded Land to allow the allocated sites to deliver the plan's housing requirements. The failure of the majority of the plan's allocated housing sites to come forward for development, despite having been allocated for over 5 years (and in a submission draft allocation for over 7 years) means the continued application of Policy GB6 to continue to hold back development no longer serves a valid planning purposes. Indeed its strict application frustrates the key housing delivery objective¹¹ of the NPPF of significantly boosting the supply of homes and¹² maintaining a 5 year land supply. This is particularly so in light of the Government's policy to build 1.5 million new homes over their term in office..

¹¹ NPPF paragraph 61

¹² NPPF paragraph 78

- 5.6. As NPPF paragraph 11d) directs, the tilted balance is to be “assessed against the policies in this 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” (my emphasis). No emphasis is placed on Safeguarded Land policies at paragraph 11d).
- 5.7. The NPPF does not ascribe more weight to the protection of safeguarded land compared to Green Belt and the recent relaxation of Green Belt policy where there are urgent housing needs is a key change in the December 2024 version of the NPPF.

What adverse effects of release now?

- 5.8. As already identified, the appeal site is an acceptable site for housing. No material harm has been identified beyond that the subject of Main Issue 2, that I turn to below.
- 5.9. In the Land South of Selby Road, Garforth appeal that was allowed on 11th February 2019 (Appeal Ref: APP/N4720/W/18/3198312CD 7.16) the Inspector identifies the Leeds safeguarded land policy’s (Policy N34 referred to as Protected Area of Search, or PAS land) conformity with national policy at paragraph 12: *‘the principle of safeguarding land outside of the Green Belt to meet longer-term development needs is consistent with paragraph 139 (c) and (d) of the Framework’* (my emphasis).. But, he identifies at paragraph 15 that: *‘The PAS land was safeguarded to meet future development needs. In my view, the current situation at a time beyond the relevant plan period, where housing needs are not being met, and where there is no alternative plan in place to accommodate needs, is the time to make use of such land. After all, the PAS land has been identified as suitable for development in principle and specifically removed from the Green Belt accordingly. To restrict much needed development due to a conflict with Policy N34 would serve no useful or logical purpose, it would simply frustrate development. For this reason, I attach very limited weight to the conflict with Policy N34 in this case’ (my emphasis).*
- 5.10. The Inspector in this case also dealt with the alleged conflict with national policy on safeguarded land, which was then at NPPF paragraph 139, at paragraph 16 of his decision: *‘The Council suggests that the appeal should fail having regard to paragraph 139(d) of the Framework alone. However, this is not a restrictive policy of the Framework contained in the closed list footnoted to paragraph 11 and which seeks to protect areas or assets of importance. Furthermore, paragraph 139 is clearly framed with reference to plan-making as opposed to decision-taking. It is nonetheless a material consideration to which I have had regard in reaching the above conclusion. For the reasons I have set out, it would not be appropriate to withhold planning permission in this case pending an update to a plan. The Council’s point is, in essence, a point about prematurity, a matter that I will come to later in this decision’.*
- 5.11. That appeal also dealt with the potential issue of prematurity, noting that there was an emerging site allocations development plan at the time of the decision that had reached examination – a completely different scenario to the present appeal. Even with an emerging plan at examination and an appeal scheme for 290 dwellings, the Inspector concluded on prematurity at paragraph 32: *‘It has not been demonstrated how the plan-making process would be prejudiced. Furthermore, for the reasons I have set out, the SAP is not at a sufficiently advanced stage at the present time to be relied upon’.* The appeal was duly allowed.

5.12.

Conclusions

- 5.13. In light of the above, I do not consider that Safeguarded Land should be treated any different to other policies that stand in the way of housing delivery when the tilted balance is engaged. Whilst there is policy conflict with GB6 in this case, beyond that issue of conflict itself, there is no identifiable substantive harm that would arise from this development proceeding. Indeed, not allowing such sites to come forward when they are desperately needed for the delivery of market and affordable housing is what would actually result in harm.
- 5.14. In relation to NPPF paragraph 149 itself, as it isn't a decision making policy and instead sets out what policies in plans should say at the date the plan is created and the Green Belt boundary set, there is no opportunity for there to be conflict with it in decision making. The appeal scheme does not conflict with NPPF paragraph 149 and for the reasons set out above, NPPF paragraph 149 does not lend weight or support to Policy GB6 given the change in circumstances from when Policy GB6 was included in the adopted plan.

Main Issue 3 and Reasons for Refusal 2: Whether the development would prejudice 'comprehensive' delivery on the wider site

- 5.15. No explanation is provided as to how the development would have a 'potential impact' upon the comprehensive development of the wider site; it fails to clarify what the potential impact might be.
- 5.16. The concern appears to be that the appeal scheme would have a 'potential' impact on the comprehensive development of the wider site. To avoid concerns of this nature it is not necessary for all of this safeguarded land to be subject to a single planning application or to be brought forward at the same time. That is clearly the position with Policy GD1 a sit actually anticipates and provides for subsequent applications to follow; the requirement of the policy is to not significantly prejudice or adversely affect their subsequent development. Policy GD1 does not require such land to be 'comprehensively' developed.
- 5.17. The Council's Statement of Case [CD 9.2] still fails to substantiate the reason for refusal, but now asserts that the wider safeguarded land should be masterplanned. This is the first time this has been raised and I do not agree with that assertion. There is no requirement for the wider site to be masterplanned and the lack of a masterplan for the wider site cannot therefore constitute a reason for refusal. No part of Policy GD1 says there needs to a masterplan. The Council haven't advanced any reason why there should be a masterplan for this site or the harms that may flow if not.
- 5.18. The point of Safeguarded Land is to make sure it will be available in the future when it will be needed to meet development needs. The release of the appeal site is being put forward for development now to meet an urgent housing need; the fact that it does not extend to the wider Safeguarded Land now should not count against it, providing it does not prejudice/adversely affect the remaining Safeguarded land from coming forward at some point in the future.
- 5.19. Whilst the Council has failed to produce any evidence of how the appeal scheme could prejudice, or adversely affect, the future delivery of the remaining Safeguarded Land, the



appellant has nonetheless considered this matter and attached as **Appendix 4** to my Main Proof is a high level report looking at how the delivery of the remaining Safeguarded Land would actually be facilitated by the appeal scheme, as opposed to being prejudiced by it.

In conclusion on Main Issue 3, the report at **Appendix 4** demonstrates that the appeal scheme will not significantly prejudice or adversely affect the future development potential of the wider safeguarded land. This is entirely consistent with Policy GD1. There is no requirement for the wider site to be masterplanned; nonetheless, existing national and development plan policies are in place to ensure that a high quality and complementary development is secured across the wider safeguarded land.

6. Matters Raised by Third Parties

- 6.1. I have also had regard to whether any issues raised by third parties are material considerations. No statutory consultees have objected to the Appeal proposals.
- 6.2. During the application process 48 objections were submitted by third parties. The majority of the matters raised by third parties are already addressed in my evidence and that of other witnesses.
- 6.3. No additional issues are raised by third parties that would cause me to reach a different conclusion in respect of this appeal.

7. Conditions and Obligations

- 7.1. A draft Section 106 agreement will be submitted to the inquiry and will reflect the obligations as set out in Section 10 of the agreed Statement of Common Ground.
- 7.2. The S106 will confirm that, if the Inspector decided to allow the appeal, then the obligations identified would be necessary to make the development acceptable in planning terms.
- 7.3. I am yet to have sight of the Council's CIL compliance statement, but the S106 Head of Terms Section 10 of the Council's SoC (**CD 9.2**), sets out the Council's expectations. At this stage the Appellant confirms agreement that all of the requested contributions accord with CIL Regulation 122, with the exception of the requests for education contributions; the evidence of Mr Hunter demonstrates the spare capacity that exists in local schools such that the request is not considered compliant with CVIL Regulation 122,
- 7.4. **Planning Conditions** are presently being agreed, as far as possible, between the appellant and the Council and an updated schedule will be provided in advance of the inquiry opening.

8. Planning Balance and Conclusions

Benefits of Development

Social Benefits

- 8.1. To support the Government's objective of significantly boosting the supply of homes, 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.¹³
- 8.2. The Council cannot demonstrate a five-year supply of deliverable housing land. Indeed, the Council's position is stated at 3.1 years and the Appellant's at 2.02 years, both of which represent a significant shortfall.
- 8.3. The consequences of failing to meet housing needs have significant, detrimental impacts on those people unable secure suitable accommodation. The appeal scheme will make a positive contribution in helping to meet the needs of those people in Barnsley presently living in unsuitable accommodation, As a result of the significant shortfall in housing delivery and, in the context of the Council's chronic failure to deliver housing, **very substantial positive weight** should be attached to the delivery of up to 180 new dwellings
- 8.4. The provision of 10% affordable housing is, in its own right, a significant benefit of the scheme. The provision accords with NPPF Paragraph 66 with the tenure split and mix to be agreed at the reserved matters stage in line with the Council's identified needs at that time. Given the significant shortfall in the delivery of affordable housing over the past decade as detailed in Mr Good's evidence, on-site policy compliant affordable housing provision should attract **substantial positive weight**.
- 8.5. In terms. I attach **moderate positive weight** to the benefit of on-site open space provision, including an equipped children's play area that will be accessible to existing nearby residents and their children with new and improved pedestrian linkages.
- 8.6. The evidence of Mr Hunter at paragraph 5.24 identifies that the pupils that will be resident in the proposed new housing will actually be a net benefit to an area that is seeing falling rolls, as schools are funded on the basis of the number of pupils they have on the roll. Therefore, from an education and sustainability perspective, the development should be looked upon positively. I attach **moderate positive weight** to this benefit,

8.7. **Economic Benefits**

- 8.8. Paragraph 85 of the Framework sets out that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 8.9. The appellant has quantified a number of economic benefits that will flow from the proposals, as set out in the Infographic at **Appendix 3** to which I give **moderate positive weight**.

¹³ Paragraph 61 of the National Planning Policy Framework (2024).

8.10. Environmental Benefits

- 8.11. The proposal would generate a host of environmental benefits, notably through delivering housing in a sustainable location. In the context of national planning policy, the appellant has maximised opportunities for sustainable transport in accordance with NPPF Paragraph 110.
- 8.12. The appeal site is considered to be in a sustainable location, as evidenced by Mr Wilkins who concludes at paragraph 4.34 that *"There are numerous opportunities for sustainable travel to and from the proposed development site, which is in accordance with the objectives of local and national transport planning policy"*. I agree with that conclusion.
- 8.13. These factors weigh in favour of the scheme and should attract **moderate positive weight**.
- 8.14. In the present case, as a matter of fact, the statutory BNG requirement does not apply. The BNG metric submitted with the application [CD 3.7] identifies that the appeal proposals are able to achieve net gains in biodiversity values equalling 14.83% for habitats and 122.08% net gain for hedgerows. Having regard to paragraph 187 of the Framework and the significant extent of net gains, this benefit should attract **moderate positive weight**.
- 8.15. The design of the development has been carefully considered and seeks to make effective use of the land as per the requirements of NPPF Paragraph 129. The proposals are for predominantly family housing with gardens that is reflective of the character of Hemingfield.
- 8.16. In accordance with NPPF Paragraph 11 d(ii), it is considered that this proposal is capable of securing a development that makes effective use of land and secures a well-designed place. This factor weighs in favour of the scheme and should attract **moderate positive weight**.
- 8.17. A benefit also arises from the appeal scheme's drainage proposals, as identified in the technical note on flood risk and drainage prepared by Mr Tilford of Weetwood at **Appendix 2** of my evidence. At paragraphs 18 & 19 this notes that *'By intercepting and redirecting surface water runoff generated in the southeast corner of the Appeal Site, and conveying it to the north, the Appeal Scheme would not increase off-site flood risk and would actually reduce the risk of flooding to existing residential properties from surface water runoff.'* (my emphasis).
- 8.18. I attach **moderate positive weight** to this impact of the appeal proposals.

Adverse Impacts

- 8.19. The development proposals conflict with Policy GB6 by proposing residential development on a safeguarded site. The weight to be attributed to this policy conflict is however very limited due to the policy being out of date alongside the inability to deliver a key objective of the NPPF in significantly boosting the supply of homes¹⁴ if that policy which restricts the supply of housing is applied with full force. Safeguarded land has already been identified to be suitable for housing and it is contended that no actual harm arises as a consequence of bringing forward the appeal site for development at the present time when there is a

¹⁴ NPPF paragraph 61

significant housing shortage in Barnsley. The policy conflict is considered to be of **very limited weight**. As set out above there is no conflict with NPPF paragraph 149.

8.20. The appeal proposals are not considered premature as there is no emerging development plan that may help fix the land supply and delivery problem and no harm arises as a consequence of the delivery of the site now. The delivery of the appeal will not prejudice the future delivery of the remaining safeguarded land to the north of Hemingfield. In fact, by delivering a new junction, improvements to bus services and bus stop infrastructure as part of this proposal, and access links up to the adjoining land, the appeal scheme will actually help facilitate the delivery of the remaining safeguarded land.

8.21. Whilst not a point that is raised against the appeal proposal by the LPA, and notwithstanding the site lies within defined settlement limits and will thus not result in the loss of countryside, the scheme will result in the loss of undeveloped land, as assessed in the Landscape & Visual Appraisal submitted with the application [CD 3.17]. As a consequence I attach **very limited negative weight** to this impact.

Overall Conclusion

8.22. The appeal proposal is within the urban area of Hoyland, a designated Principal Town where the spatial strategy of the BLP directs growth. Being within a Principal Town it is in a sustainable location for new housing growth.

8.23. We are in an acknowledged housing crisis where needs are far outstripping supply, nationally and in Barnsley. In addition to helping to meet those acute and urgent needs, the appeal proposals deliver additional significant economic, social and environmental benefits with no significant material adverse impacts.

8.24. In the circumstances of this appeal, paragraph 11 (d) of the NPPF is engaged where I conclude that it is the benefits of this scheme that significantly and demonstrably outweigh the very limited adverse impacts..

8.25. The appeal proposal represents sustainable development in accordance with the NPPF as a whole and should therefore be allowed.

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

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