

BFSGC

**Saga Ct, Unit 3 Sibleys Rise,
South Heath, Bucks, HP16 9QQ**



DESIGN AND ACCESS STATEMENT

LPA:

Barnsley Metropolitan Borough Council

Client's:

Mr and Mrs Rogers

Application Site Address:

Land South of Barnsley Rd
Barnsley Rd,
Brierley,
Barnsley,
S72 9JU

Date: 30th May 2026

Application Proposal:

"Permission is sort for change of use of land to residential, for one Romani family. The site to contain 1 Static Caravan, 1 Touring Caravan, a Dayroom/Utility Block, Parking for 2 vehicles, hardstanding and associated development. This application is retrospective."

1.0 Brief, History & Design

1.01 The applicants seek planning permission for the proposal as described in the application description.

The proposed development would be for the residential use of the Mr and Mrs S. Rogers and his immediate family.

This application is retrospective.

1.02 There has been a barn on the site for a considerable period of time. The barn is clearly on view from June 2016.

Policy

Section 1 of the Caravans sites and control of Development Act 1960 gives us a definition of a caravan site, which is as follows:

"land on which a caravan site is stationed for the purposes of human habitation and land which is used in conjunction with land on which a caravan is so stationed"

Previous Development and applications

The site has been used for grazing over many years and the barn was originally erected in connection with that.

The application site has an established highway access.

Documents submitted with this application:

- Block Plan: BP-01-2026
- Location Plan: LP-01-2026
- Dayroom/Utility: Block UB-02-2026
- Drainage Info: DP-01-2026
- 2026 Design and Access Statement – S Rogers (This)
- BNG Exemption Statement - Barnsley Rd - May 2026
- Flood Risk Info
- Form_1_cil_additional_information

Flood Risk Info

- Flood Risk Info
- Flood-Map-Planning-2026-05-29T23_47_54.352Z

Location and Layout

1.02 The proposed development lies to the south of Barnsley Rd, just outside of Brierley, and not far from other residential properties, and services. The location is sustainable.

1.03 In consultation with the client a site layout has been put together to meet the applicant's requirements going forward. The design and layout is resubmitted by way of block plan BP-01-2026.

1.04 The proposed layout comprises 1 static caravan and 1 touring caravan, with associated parking for 2 cars, and hardstanding.

1.05 Caravans (mobile Homes) will conform to the definitions within Section 29 (1) the Caravan Sites & Control of Development Act 1960, also Section 13 (1) of the Caravan Sites Act 1968, as such plans and elevations of individual units are not required.

1.06 The site is in close proximity to the mains electricity supply, and water with sufficient capacity to support the proposed development.

1.07 There are no mains sewers available (within 100 meters of the site) for disposal of foul/grey water. A water treatment plant is the proposed alternative.

1.08 The proposed development is modest and appropriate in scale.

1.09. An area for the separate storage and collection of waste and recyclable waste has been allocated on the block plan, not far from the site entrance, see block plan BP-01-2026.

2.0 Other Supporting Information

2.01 The family, are part of an established well known Romani family, and the proposed site residents are:

2.02 Mr and Mrs Rogers with their Children (3 children).

One of the children has significant health issues (more info to be provided).

3-0 Access and Appearance & Other Issues

3.0 The access to the proposed site comes from the existing highway access, which is and has been in use for many years.

An established access, with ongoing use.

Hardstanding – Is proposed to be Gravel/Shingle.

3.01 There is some existing screening along the access boundary of the site, which will improve with time, and additional landscaping will be carried out.

Long range views into the site are limited.

Visual impact is limited.

If needed a landscaping scheme can be consulted on and implemented, and the applicant plans to add to planting as required, which would further offset visual impact of the proposed development.

3.02 The land is well screened along the highway boundary on two sides (established trees and bushes) and a fence could be erected (set back from the Highway) which (together with landscaping) would further limit views from the road, and once established views into the site from the road would be limited.

3.03 No existing trees will be impacted by the proposed development going forward,

3.04 There would be no commercial activity on the site.

3.05. The site is not remote, or away from development, such as local villages, and the location is a good option for this type of development.

3.06 Any new development such as this application in the area is most likely to be in the countryside, a rural, or semi rural location, Greenbelt, or AONB, due to the high cost of development land elsewhere, and the high percentage of land with restrictions brought about by various policy and land based constraints

3.07 This application is made by Mr and Mrs Rogers and family, and it is important that this family has a stable culturally appropriate place to live, so the family can thrive and maintain good health.

3.08 It is important that this family has a stable place to live so they can access consistent health care and education for their children.

3.09 The applicant (and proposed residents) are members of the Romani community and have Gypsy Status for planning purposes.

3.10

The environment agency flood maps have been consulted and there are no flooding issues relating to rivers, sea or surface water on the land pertaining to the proposed site.

4. Need

4.01

There is a significant unmet need for more sites (or capacity) in the area
The need has been examined and its been determined by more than one
Planning Inspector at recent planning appeals.

4.02

Appeal Decision Ref: APP/R4408/W/24/3357259

Land on Northwest side of Barnsley Road-2025-GB-Allowed

Paragraph 23.

Given the above, I conclude that the 2015 GTAA is out of date, the Council cannot demonstrate a deliverable five-year supply and there is an unmet need in the Borough.
24. The appellant brought my attention to three recent appeal decisions² in Barnsley where the respective Inspectors all came to the same conclusions. This reinforces my findings.

4.03

Appeal Decision–2025 -Worsbrough Equestrian-GB-Allowed

Paragraph 54.

While the appellants are clearly aware that the 2021 appeal decision granted a time limited permission, they still need an alternative site which they could move onto. They have pointed to a lack of site availability, that sites are full and overcrowded and this has even stretched to sites outside of the Council area. There is not compelling evidence to the contrary. A bricks and mortar dwelling is also not a practical alternative as it would compromise cultural traditions. There is clearly a lack of available, suitable and affordable sites. On this basis, there are no obvious alternative sites that the appellants and their dependents could occupy

4,04

Appeal A Ref: APP/R4408/C/24/3344454

Jimboy Stables off Mackey Lane, Brierley, Barnsley, S72 9LD

Paragraph 26

For these reasons, and in the absence of any kind of credible argument being made by the Council, I consider that the Council has not shown an adequate supply of pitches, and as such there is a demonstrable unmet need for gypsy and traveller development as set out in paragraph 155(b). This unmet need is further demonstrated by this appeal, and the other appeals highlighted by the appellant.

5. BNG

Biodiversity net gain is a legal requirement for planning permission introduced on 12 February 2024. All applications are required to either provide detailed information proving there will be a biodiversity increase; or explain why the requirement does not apply to the development.

The planning application is retrospective. The change of use and operational development is detailed in the Design and Access statement.
the proposed Dayroom/Utility Block would be self build.

6. Sustainability

The site is in line with the three pillars of sustainability, being the environmental, social, and economic dimensions, and we make the following points:

- The site has good and safe access to primary and other main roads and to the principle and major urban areas in this part of the county, which is important for several reasons including the delivery options which are available at ever increasing levels, and speak to the site sustainability.
- The site is in reach of all necessary services including shops, schools and Medicare.
- The site has access a water supply.
- Mains electricity is available on site.
- The foul sewage (grey water) would be dealt with via the main sewers.
- Surface water would be disposed of via natural percolation, and an element of water harvesting introduced..
- The site is not far from an existing regular bus route that provides a regular service to local villages and towns.
- There is screening on the site along the boundaries, and new screening can be included to improve screening if required (the applicant is happy to do further planting).
- The site is affordable (all costs at the expense of the site residents) and would have no financial impact of the local authority or the Council's tax payers, while at the same time it would reduce the need for Gypsy sites which the LA should make provision for.
- The NPPF makes it clear that there is a presumption in favour of sustainable development, and that presumption is a material consideration that adds weight to this application.
- An area for the storage of waste and recyclables is provided on hardstanding of the existing development.

7. Rights and Considerations

6.01 The Human Rights act is engaged in this situation, and any decision needs to be considered with a view to the HR Act Article 8 particularly



Article 2. Right to Education

Article 2 of Protocol No. 1 – Right to education “No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.”

The Right to Adequate Housing – General Comment No. 4. (Art 11. (1))

Adequate housing was recognized as part of the right to an adequate standard of living in the 1948 Universal Declaration of Human Rights and in the 1966 International Covenant on Economic, Social and Cultural Rights. Other international human rights treaties have since recognized or referred to the right to adequate housing or some elements of it, such as the protection of one’s home and privacy.

General Comment No. 4 - The Right to Adequate Housing

Pursuant to article 11 (1) of the Covenant, States parties “recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions”.

The human right to adequate housing, which is thus derived from the right to an adequate standard of living, is of central importance for the enjoyment of all economic, social and cultural rights.

Article 8 Respect for private and family life

Article 8 encompasses the right to respect for private and family life, home and correspondence.

In general, the Court has defined the scope of Article 8 broadly, even when a specific right is not set out in the Article.

The primacy of the child is a paramount consideration.

Equality Act 2010

The public sector equality duty contained in the Equality Act 2010 applies to decisions that relate to the occupiers of the site as they are Travellers, and thus have a “protected characteristic”.

Local authorities need to have due regard to the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not, a positive recommendation in this instance would assist with those duties

See The Chapman v UK Appeal Decision. ECHR
Application No. 27238/95

See also HC Decision, AZ v SoS 0 CLG South Gloucester
Case No. CO/55/2011

8. Conclusion

- There is a lack of available sites in the area, the county and this part of the country. The undersupply of sites in the area carries significant weight in favour of the application.
- Where there is a lack of a five year supply of land for Gypsy site provision that adds significant weight to a planning application.
- The need of the families to be able to access regular health care and education in and from an appropriate setting. The applicant and families need to maintain a stable place to live to access consistent healthcare and education.
- The families qualify for Gypsy status, see also the Lisa Smith v SoSFLU High Court Decision, and revised PPTS Dec 2024.
- The Chapman Decision maintains the right of Gypsies and Travellers to be able to live in culturally appropriate accommodation. The Human Rights of the applicants add weight to the application.

Together the various aspects outweigh potential harm caused by the proposed development and in policy terms there isn't anything that isn't out weighed by the personal circumstances, potential policy failure or other aspects.

In our opinion special circumstances (or VSC's) and need exist, and have been demonstrated to justify the granting of planning permission.

This site is Available, Suitable, Affordable and Acceptable and together with the fact that a need exists we contend that the justification to grant consent exists, and we invite the Council to grant planning permission (if not permanent then a temporary consent would be accepted).

Joseph G Jones, BFSGC

Email: joseph@jones.tf - Tel: 07756 917937 (12:00 – 17:00)

29 May 2026

