BARNSLEY
Metropolitan Borough Council

PLANNING CONSULTATION RESPONSE

Application No	2026/0765
Proposal	Discharge of conditions 3 (Fence Height), 5 (Coal Mining), 6 (Highways - Post Completion Management), 7 (Drainage) and 8 (Bird and Bat Boxes) of application 2026/0355: (RETROSPECTIVE) Variation of condition 2 (Approved Plans) and Condition 3 (Biodiversity Net Gain) of application 2024/0699: Demolition of existing buildings and erection of 5no. bungalows, formation of new access and associated works.
Address	Royston Working Mens Club, 52 Church Street, Royston, Barnsley, S71 4QU
Date of Consultation Reply	3rd November 2026
Consultee	Highways DC

Consultation Assessment and Justification

[2nd response]

Condition 6 (Highways - Post Completion Management):
With reference to the submitted TP1 form, it can be seen in Clause 12.3(a) that the property owners are granted a right of way over the shared access (private drive), but there does not appear to be a positive covenant in the document that requires the property owners to contribute to the cost of maintaining, repairing, or resurfacing the private drive.
In this regard, it is essential that the future maintenance is legally secured via a shared maintenance covenant embedded within the transfer deeds of all five plots, binding the Transferee and their successors in title to a maintenance schedule in perpetuity.
The maintenance covenant must include robust measures to handle instances where an owner refuses to contribute to necessary maintenance or repair works, providing the remaining owners with direct legal recourse to demand and recover payment.
To satisfy the planning condition, the applicant/agent must submit an amended copy of the Property Transfer Deeds or a specific legal covenant confirming:
• Proportionate Liability: All relevant plots hold a perpetual obligation to jointly maintain, repair, and replace any shared private drive, any shared drainage system and any shared refuse collection point.
• Equal Cost Splitting: Financial liability is equally split between the five plots.
• Right of Access: Each property deed grants reciprocal legal rights of entry and access over the private drive for the purpose of maintaining or repairing the drive and any shared underground infrastructure.

	Defer for amends/further information	

Consultation Suggested Conditions:

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Consultation Informative(s):

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Planning Obligations required:

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